CONSTITUTION

ISSUE 9 – August 2018

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### Issue 9 August 2018 – Revision Table

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| 1               | November 2018    | Updates to Part 6, Sections 1, 2, 4, & 8 (as agreed by Full Council 12.09.18)  
                |                  | Updates to Part 3 (as agreed at Full Council 07.11.18) |
| 2               | March 2019       | Updates to Part 4, Sections 3 (as agreed by Full Council 13.03.19) & Section 4 (consequential changes).  
                |                  | Deletion of Part 8, Section 5 (as agreed by Full Council 09.01.19) |
| 3               | June 2018        | Updates to Part 3; Part 4, Section 3; and Part 8 as consequential changes. |
| 4               | November 2019    | Updates to Part 3 and Part 4, Sections 2 & 3, and consequential changes to Part 3, Section 3;  
                |                  | and consequential changes to Part 9 - as agreed at Full Council on 17.07.19. |
                |                  | Revisions to Part 3 (Responsibility for Functions) and Part 5 (Council Procedure Rules) to reflect motion 3 as carried at Full Council on 18.09.19. |
                |                  | Addition of new Section at Part 5 re special meetings to confer title of Honorary Alderman – as agreed at Full Council on 18.09.19. |
                |                  | Revisions to replace Part 6 (Officer Employment Rules) and consequential amendments to Article 4; Part 4, Section 3; and Part 3 – as agreed at Full Council on 18.09.19. |
                |                  | Amendment to Part 9 (Members Allowance Scheme) re addition of guidance document – as agreed at Full Council on 18.09.19. |
| 5               | April 2020       | Addition of Part 5, Section 5 re Virtual Meetings |

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Addition of Part 5, Section 5 re Virtual Meetings
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PART 1 – SUMMARY AND EXPLANATION
1.0 THE COUNCIL’S CONSTITUTION

Arun District Council has a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 Articles which set out the basic rules governing the Council’s business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document. Article 1 of the Constitution commits the Council to provide clear leadership in the community in partnership with residents, business and other organisations; efficient, effective and accountable decision making with the active involvement of residents; effective representation by Councillors of their constituents; and continuous improvements in service delivery.

Articles 2-16 explain the rights of residents and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Residents and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny (Article 6)
- The Cabinet (Article 7)
- Regulatory and other Committees (Article 8)
- Standards Committee (Article 9)
- Joint Area Committees (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)
- Decision Making (Article 13)
- Finance, Contracts and Legal Matters (Article 14)
- Review and Revision of the Constitution (Article 15)
- Suspension, Interpretation and Publication of the Constitution (Article 16)

2.0 HOW THE COUNCIL OPERATES

The Council is composed of 54 Councillors elected every 4 years.

Councillors are democratically accountable to residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.
PART 1 – SUMMARY & EXPLANATION

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council’s overall policies and set the budget each year. The Council holds to account the Cabinet and other committees and panels. It is responsible for changes to the Constitution of the Council and the various codes and protocols contained in it.

3.0 HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most decisions. The Cabinet is made up of the Leader of the Council, the Deputy Leader, and 6 other councillors appointed by the Leader. When major decisions are to be discussed or made, these are published in the Forward Plan as far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for members of the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council’s overall policies and budget. If it wishes to make a decision which is outside of the budget or policy framework, this must be referred to the Council as a whole to decide.

4.0 OVERVIEW AND SCRUTINY

There is one Overview Select Committee, the functions of which are those of a scrutiny committee. The Committee supports the work of the Cabinet and the Council as a whole. It allows residents to have a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery. The Overview Select Committee also monitors the decisions of the Cabinet. It can consider a ‘call-in’ of a decision which has been made by the Cabinet or an Individual Cabinet Member but not yet implemented. This enables the Committee to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

5.0 THE COUNCIL’S STAFF

The Council has members of staff (called ‘officers’) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationship between Officers and Members of the Council.
6.0 RESIDENTS’ RIGHTS

Residents have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council’s own processes.

Where members of the public use specific Council services they have additional rights. These are not covered in the Constitution.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- view a copy of the Constitution;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- submit petitions at meetings of the Council;
- petition to request a referendum for a change of governance arrangements, e.g. a mayoral form of executive;
- participate in the Council’s question time;
- find out, from the Forward Plan, what major decisions are to be discussed by the Cabinet or the Council;
- attend meetings of the Cabinet where key decisions are being discussed or decided, except where, for example, personal or confidential matters are being discussed;
- see reports and background papers specified and any record of decisions made by the Council and Cabinet;
- complain to the Council about the standard of service provided and any action or lack of action by the Council and its officers in accordance with its complaints procedure;
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they may only do this after using the Council’s own complaints procedure;
- complain to the Council’s Monitoring Officer if they have evidence which shows that a Councillor has not followed the Council’s Code of Conduct; and
- inspect the Council’s accounts and make their views known to the external auditor.

The Council welcomes participation by its residents in its work.
PART 2 - ARTICLES OF THE CONSTITUTION
ARTICLE 1 – THE CONSTITUTION

1.0 POWERS OF THE COUNCIL

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

2.0 THE CONSTITUTION

This Constitution, and all its sections, is the Constitution of Arun District Council.

3.0 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

(i) enable the Council to provide clear leadership to the community in partnership with residents, businesses and other organisations;
(ii) support the active involvement of residents in the process of local authority decision making;
(iii) help Councillors represent their constituents more effectively;
(iv) enable decisions to be taken efficiently and effectively;
(v) create a powerful and effective means of holding decision-makers to public account;
(vi) ensure that no one will review or scrutinise a decision in which they were directly involved;
(vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
(viii) provide a means of improving the delivery of services to the community.

4.0 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 15.
ARTICLE 2 – MEMBERS OF THE COUNCIL

1.0 COMPOSITION AND ELIGIBILITY

(a) Composition

The Council will comprise 54 members otherwise called Councillors. Between two and three Councillors will be elected by the voters of each ward in accordance with the scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the Arun District or those living or working here will be eligible to stand for the office of Councillor.

2.0 ELECTION AND TERMS OF COUNCILLORS

The regular election of Councillors will be held on the first Thursday in May every four years. The next Council election will be in May 2019. The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the election four years later.

3.0 ROLES AND FUNCTIONS OF ALL COUNCILLORS

Key roles – All Councillors will

(i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

(ii) contribute to the good governance of the area and actively encourage community participation and residents involvement in decision making;

(iii) effectively represent the interests of the Council’s area with special responsibility to the residents in their Ward;

(iv) respond to constituents’ enquiries and representations, fairly and impartially;

(v) participate in the governance and management of the Council; and

(vi) maintain the highest standards of conduct and ethics.
Rights and Duties – All Councillors will

(i) have rights of access to only such documents, information, land and buildings of the Council as are necessary for the discharge of their functions and in accordance with the law;

(ii) not make public information which is confidential or exempt without the written consent of the Council, Chief Executive or Group Head of Council Advice & Monitoring Officer; or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. Confidential and exempt information is defined in the Access to Information Rules at Part 6 of this Constitution.

4.0 CONDUCT

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 8 of this Constitution.

5.0 ALLOWANCES

Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme set out in Part 9 of this Constitution.
ARTICLE 3 – RESIDENTS AND THE COUNCIL

1.0 RESIDENTS’ RIGHTS

Residents have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 6 of this Constitution.

(a) Voting and Petitions

Those on the electoral register may sign a petition to request a referendum for a different form of governance in accordance with the timetable as prescribed under legislation, and to vote in any local referendum in respect of an increase in the local authority’s precept.

(b) Information

Residents have the right to:-

(i) attend, record and report on meetings of the Council and its Cabinet, committees and panels except where confidential or exempt information is likely to be disclosed and the meeting, or part of the meeting, is therefore held in private;
(ii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
(iii) see reports and background papers and any records of decisions made by the Council and the Cabinet;
(iv) inspect the Council’s accounts and make their views known to the external auditor; and
(v) submit petitions at a meeting of the Council.

(c) Participation

Residents are able to participate in Public Question Time in Council and Cabinet meetings and may be invited by the Overview Select Committee to participate in their investigations.

(d) Complaints

Residents have the right to complain to the:

(i) Council itself under its complaints scheme;
(ii) Local Government and Social Care Ombudsman after using the Council’s own complaints scheme;
(iii) Standards Committee about a breach of the Members’ Code of Conduct; and
(iv) Standards Committee about a breach of their respective Members’ Code of Conduct of any town and parish councillor in Arun.

2.0 RESIDENTS’ RESPONSIBILITIES

Residents must not be violent, abusive or threatening to councillors or officers, and must not wilfully cause damage to any property owned by the Council, Councillors or officers.
ARTICLE 4 – THE FULL COUNCIL

1.0 MEANINGS

(a) **Policy Framework** – the policy framework means the following plans and strategies:

- Corporate Plan
- Plans and alterations which together comprise the Local Plan
- Leisure Strategy
- Asset Management Plan
- Capital Strategy
- Arun Priorities and Vision 2020
- Housing Revenue Account (HRA) Business Plan
- Property Investment Strategy
- Crime and Disorder Reduction Strategy
- Budget – this includes:
  - the allocation of financial resources to different services and projects;
  - proposed contingency funds;
  - setting the Council Tax;
  - decisions relating to the control of the Council’s borrowing requirements, investments and capital expenditure; and
  - the setting of virement limits.

2.0 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions:-

(a) Approving Settlement Agreements of more than £95,000.

(b) Adopting and changing the Constitution, other than allowed by a Responsibility for Function, as set out at Part 3 of this Constitution, and any changes the Group Head of Council Advice & Monitoring Officer makes to the Constitution to reflect changes in legislation and changes of fact.

(c) Appointing for the municipal year, or remainder of a municipal year, the Chairman and Vice-Chairman of the Council on receipt of not more than one nomination from each political group.
(d) Approving or adopting the policy framework and budget and any application to the Secretary of State in respect of any Housing Land Transfer.

(e) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 6 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.

(f) Appointing the Leader and Deputy Leader.

(g) Receiving and noting the Leader’s report of who he/she has appointed as Cabinet Members, Deputies to Cabinet Members and the allocation of Portfolios to each Cabinet Member.

(h) Appointing the Chairmen and Vice-Chairmen of committees, sub-committees, working groups and panels.

(i) Agreeing the membership of the Council committees, sub-committees, working groups and panels.

(j) Appointing the Council’s representatives to Outside Bodies unless the appointment is an executive function or has been delegated by the Council.

(k) Conferring the title of Honorary Alderman.

(l) Appointing independent persons to the Standards Committee.

(m) Adopting and changing the Members Allowances Scheme.

(n) Changing the name of the District, changing governance arrangements (the Council’s form of executive) and the passing of a resolution to change the electoral scheme (the electoral cycle).

(o) Confirming the appointment of the Head of Paid Service (Chief Executive).

(p) Approving the dismissal of the Head of Paid Service (Chief Executive), Directors, Section 151 Officer and Monitoring
Officer based on a recommendation from the Statutory Officers’ Investigatory and Disciplinary Committee.

(q) Approving terminations of service of the Head of Paid Service (Chief Executive) and Directors in respect of early/flexible retirement and/or redundancy within the framework of restructuring proposals.

(r) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills.

(s) Debating petitions that contain more than 1,500 signatures in accordance with the Council’s Petitions Scheme set out in Part 8 of this Constitution.

(t) Receiving a direct report requesting approval to a supplementary estimate outside of the budget when referral via Cabinet would cause an unreasonable delay to a project.

(u) The functions described in Article 11 - Joint Arrangements and Delegations to another Local Authority.

(v) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and

(w) All other matters which, by law, must be reserved to the Council.

3.0 COUNCIL MEETINGS

There are four types of Council meeting:-

(a) the annual meeting;
(b) ordinary meetings;
(c) special meetings; and
(d) extraordinary meetings.

They will be conducted in accordance with the Council Procedure Rules in Part 5 of this Constitution.

4.0 RESPONSIBILITY FOR FUNCTIONS
The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.
ARTICLE 5 – CHAIRING THE COUNCIL

1.0 ROLE AND FUNCTION OF THE CHAIRMAN

The Chairman will be appointed by the Council annually in accordance with Article 4 of this Constitution. The Chairman of the Council and, in his/her absence, the Vice-Chairman of the Council has the role of acting as the leading citizen in Arun; chairing Council meetings; and representing the Council at various functions of a civic nature which the Council might host or at which it might be represented.
ARTICLE 6 – OVERVIEW AND SCRUTINY

1.0 TERMS OF REFERENCE OF OVERVIEW SELECT COMMITTEE

The Council will appoint the Overview Select Committee to discharge its scrutiny function.

2.0 GENERAL ROLE

Within its terms of reference, the Overview Select Committee will:

   (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;

   (ii) make reports and/or recommendations to the Full Council and/or the Cabinet and/or any joint committee in connection with the discharge of any functions;

   (iii) review the performance of the Council and the achievement of performance indicators and targets;

   (iv) consider any other matter affecting the District or its residents; and

   (v) consider any decisions called in, but not yet implemented, made by the Cabinet or an individual Cabinet Member.
ARTICLE 7 – THE CABINET

1.0 THE CABINET

The Cabinet is responsible for the discharge of all of the Council’s functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

2.0 FORM AND COMPOSITION

The Cabinet will consist of the Leader and Deputy Leader, together with at least two, but not more than eight, Councillors appointed by the Leader.

3.0 LEADER

The Leader will be appointed at the annual meeting of the Council. The Leader will hold office from the date of his/her appointment to that position until:-

   (a) the first annual meeting after the Leader’s normal day of retirement as a Councillor;
   (b) he/she resigns from the office; or
   (c) he/she is no longer a Councillor; or
   (d) he/she is removed from office by a resolution of the Council.

4.0 DEPUTY LEADER

The Deputy Leader will be appointed at the annual meeting of the Council. The Deputy Leader will hold office until:-

   (a) he/she resigns from the office; or
   (b) he/she is no longer a Councillor; or
   (c) he/she is removed from office by the Council.

5.0 OTHER CABINET MEMBERS

The Leader will appoint Cabinet Members who will hold office until the day that:-

   (a) they resign from office; or
   (b) they are no longer Councillors; or
   (c) they are removed from office, either individually or collectively, by the Leader.
6.0 DEPUTIES TO CABINET MEMBERS

The Leader may appoint deputies to Cabinet Members who will hold office until the day that:-

(a) they resign from office; or
(b) they are no longer Councillors; or
(c) they are removed from office, either individually or collectively, by the Leader.

7.0 CASUAL VACANCIES

Any vacancy in the position of Leader or Deputy Leader shall be filled by the Council at the meeting that they cease to hold office or at a subsequent meeting. Any vacancy in the position of Cabinet Member or deputy to a Cabinet Member will be filled by the Leader and reported to the Council for noting. The person(s) appointed shall be subject to the term of office described in the paragraphs above.

8.0 PROCEEDINGS OF THE CABINET

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 5 of this Constitution.

9.0 RESPONSIBILITY FOR FUNCTIONS

(a) Parts 3 and 4 of this Constitution set out which individual Cabinet Members, Committees, officers or joint arrangements are responsible for the exercise of a particular executive function and which are reserved to the full Cabinet.

(b) The Leader may allocate or re-allocate the responsibilities for executive functions set out in Part 3 of this Constitution between Cabinet Members. The Leader will provide written notice to the Group Head of Council Advice & Monitoring Officer of such changes and these will be reported to the next Council meeting with the dates they will be effective from. The Group Head of Council Advice & Monitoring Officer will make the necessary consequential changes to this Constitution.

(c) If for any reason the Leader is unable to act or that office is vacant, the Deputy Leader will act in his/her place. If for any reason both the Leader and Deputy Leader are unable to act or those offices are vacant, the Cabinet will act in place of the Leader or will arrange for a Cabinet Member to do so.
ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

1.0 REGULATORY AND OTHER COMMITTEES, SUB-COMMITTEES, WORKING GROUPS AND PANELS

The Council will constitute the Committees, Sub-Committees, Working Groups and Panels it sees fit, as set out in Part 3 of this Constitution.

No Councillor can sit on a Regulatory Committee unless all the required training has been undertaken, as confirmed in Part 3 of this Constitution.
ARTICLE 9 – STANDARDS COMMITTEE

1.0 STANDARDS COMMITTEE

The Council will appoint a Standards Committee. Its composition shall be governed by proportionality and it shall be subject to the same requirements on confidential and exempt information as any other Committee.

The composition and functions of the Standards Committee and its Panels are set out in Part 3 of this Constitution.
ARTICLE 10 – AREA COMMITTEES

1.0 JOINT AREA COMMITTEES

The Council may appoint Joint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of more efficient, transparent and accountable decision-making.

The Council will consult with the County Council and relevant Parish and Town Councils and the Chairmen of relevant Parish Meetings when considering whether and how to establish Joint Area Committees.

2.0 COMPOSITION

<table>
<thead>
<tr>
<th>Name of Committee</th>
<th>Composition</th>
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<tr>
<td>Joint Eastern Arun Area Committee (JEAAC)</td>
<td>1 member from each of the following Parish Councils/Parish Meetings: Angmering, Arundel, Burpham, Clapham, Patching, East Preston, Ferring, Findon, Houghton, Kingston, Littlehampton, Lymminster &amp; Crossbush, Poling, Rustington, South Stoke and Warningcamp.</td>
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<td>1 member from each of the following District Wards:</td>
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<td>• Angmering &amp; Findon</td>
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<td></td>
<td>• Arundel &amp; Walberton</td>
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<td>• East Preston</td>
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<td>• Ferring</td>
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<td>• Littlehampton</td>
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<td>• Rustington</td>
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<td>6 West Sussex County Councillors.</td>
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<tr>
<td>Joint Western Arun Area Committee (JWAAC)</td>
<td>1 member from each of the following Parish Councils/Parish Meetings: Aldingbourne, Aldwick, Barnham, Bersted, Bognor Regis, Climping, Eastergate, Felpham, Ford, Madehurst, Middleton on Sea, Pagham, Slindon, Walberton and Yapton.</td>
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<tr>
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<td>1 member from each of the following District Wards:</td>
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<td>• Aldwick</td>
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<td></td>
<td>• Arundel &amp; Walberton</td>
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<td>• Felpham</td>
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<td>• Middleton</td>
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3.0 **FUNCTIONS AND VOTING RIGHTS**

The functions and voting rights delegated to the Joint Eastern Arun Area Committee and the Joint Western Arun Area Committee are set out in Part 3 of this Constitution.

4.0 **CONFLICT OF INTEREST**

If the Overview Select Committee is scrutinising specific decisions or proposals in relation to the business of a Joint Area Committee of which a Councillor sitting on the Overview Select Committee is a Member, then the Councillor should declare the interest and not speak or vote on the matter unless a dispensation has been given by the Standards Committee. The Councillor may remain in the meeting.

5.0 **GENERAL POLICY REVIEWS**

Where the Overview Select Committee is reviewing Joint Area Committee policy generally, the Member must declare his/her interest before the relevant Agenda Item is reached. He/she may remain in the meeting and speak and vote on the matter.

6.0 **ACCESS TO INFORMATION**

Joint Area Committees will comply with the Access to Information Rules in Part 6 of this Constitution.

7.0 **CABINET MEMBERS ON JOINT AREAS COMMITTEES**

A Member of the Cabinet may serve on a Joint Area Committee if otherwise eligible to do so as a Councillor.

8.0 **REPORTING**

The minutes from Joint Area Committees shall be reported to the Cabinet.
ARTICLE 11 – JOINT ARRANGEMENTS

1.0 JOINT ARRANGEMENTS

(a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.

(b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of a joint committee with these other local authorities.

(c) Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

(d) The Cabinet may appoint Members to a joint committee from outside the Cabinet in the following circumstances:

- the joint committee has functions for only part of the area of the authority and that area is smaller than two fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for an electoral ward which is wholly or partly contained within the area;
- the joint committee is between a County Council and the District Council and relates to functions of the executive of the County Council. In such cases, the executive of the County Council may appoint to the joint committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area.

(e) Details of any joint arrangements including any delegations to joint committees will be found in Part 3 of this Constitution.

2.0 DELEGATIONS TO ANOTHER LOCAL AUTHORITY

(a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

(b) The Council may, upon a proposal by the Cabinet, delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
3.0 **CONTRACTING OUT**

The Council (for those functions that are not executive functions), and the Cabinet (in respect of executive functions), 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 Deregulation and Contracting Out Act 1994; or under contracting arrangements where the contractor acts as the Council’s agent under usual contracting principles, provided there is no delegation of the Council’s discretionary decision making.
ARTICLE 12 – OFFICERS

1.0 TERMINOLOGY

In this Article, use of the word “officers” means all employees and staff engaged by the Council to carry out its functions and includes those engaged under short-term, agency or other non-employed situations.

2.0 MANAGEMENT STRUCTURE

(a) General – the Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) Chief Executive and Directors – the Council appoints persons for the following posts who will together form the Corporate Management Team:

<table>
<thead>
<tr>
<th>Post</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>• Overall corporate management and strategic responsibility (including overall management responsibility for all officers)</td>
</tr>
<tr>
<td></td>
<td>• Represents the Council on partnership and external bodies (as required by statute or the Council)</td>
</tr>
<tr>
<td></td>
<td>• Provides direction for the Corporate Support Directorate as set out in Part 7 of this Constitution</td>
</tr>
<tr>
<td></td>
<td>• Acts as Returning Officer and Electoral Registration Officer</td>
</tr>
<tr>
<td>Director of Place</td>
<td>• Provides direction for the Place Directorate as set out in Part 7 of this Constitution</td>
</tr>
<tr>
<td>Director of Services</td>
<td>• Provides direction for the Services Directorate as set out in Part 7 of this Constitution</td>
</tr>
</tbody>
</table>

(c) Head of Paid Service, Monitoring Officer and Chief Financial Officer - the Council will designate the following posts with the functions described below:

<table>
<thead>
<tr>
<th>Post</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Head of Paid Service</td>
</tr>
<tr>
<td>Group Head of Council Advice &amp; Monitoring Officer</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Group Head of Corporate Support</td>
<td>Chief Financial Officer and Section 151 Officer</td>
</tr>
</tbody>
</table>
(d) **Structure** – the Head of Paid Service will determine and publicise a description of the overall directorate structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of this Constitution.

### 3.0 FUNCTIONS OF THE HEAD OF PAID SERVICE

(a) **Discharge of functions by the Council** – the Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions, and the organisation of officers.

(b) **Restrictions on functions** – the Head of Paid Service may not be the Chief Financial Officer or Monitoring Officer.

### 4.0 FUNCTIONS OF THE MONITORING OFFICER

(a) **Maintaining the Constitution** – the Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, officers and the public.

(b) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Council or to the Cabinet in relation to an executive function if he/she considers that any proposal, 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 Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Advising whether executive decisions are within the Budget and Policy Framework** – the Monitoring Officer and/or the Chief Financial Officer will advise whether executive decisions are in accordance with the budget and policy framework.

(e) **Providing advice** – the Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and budget and policy framework issues to all Councillors; and will support and advise Councillors and officers in their respective roles.
(f) **Restrictions on posts** – the Monitoring Officer may not be the Chief Financial Officer or the Head of Paid Service.

5.0 **FUNCTIONS OF THE CHIEF FINANCIAL OFFICER**

(a) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer, will report to the Council or to the Cabinet in relation to an executive function if he/she considers that any proposal, 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.

(b) **Administration of Financial Affairs** – the Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to the Corporate Management Team** – the Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice** – the Chief Financial 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.

(e) **Give financial information** – the Chief Financial Officer will provide financial information to the media, members of the public and the community.

(f) **Restrictions on posts** – the Chief Financial Officer may not be the Monitoring Officer or the Head of Paid Service.

6.0 **DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

The Council will provide the Head of Paid Service, Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

7.0 **CONDUCT**

Officers will comply with the Protocol on Member/Officer Relations set out in Part 8 of this Constitution.
8.0 EMPLOYMENT

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 6 of this Constitution.
ARTICLE 13 – DECISION MAKING

1.0 RESPONSIBILITY FOR DECISION MAKING

The Council will issue and keep up-to-date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. The record is set out in Parts 3 and 4 of this Constitution.

2.0 PRINCIPLES OF DECISION MAKING

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

(a) proportionality (i.e. the action must be proportionate to the desired outcome);
(b) due consultation and the taking of professional advice from officers;
(c) respect for human rights;
(d) a presumption in favour of openness;
(e) clarity of aims and desired outcomes;
(f) the consideration of alternative options; and
(g) an explanation of the reasons for the decision.

3.0 TYPES OF DECISION

(a) Decisions Reserved to Full Council

Decisions relating to the functions in Article 4 will be made by the Full Council and not delegated.

(b) Key Decisions

A ‘key decision’ means an executive decision taken by the Cabinet which is likely –

(i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
(ii) to be significant in terms of its effects on communities living or working in the area comprising two or more wards;

In determining the meaning of ‘significant’, regard shall be had of any guidance for the time being issued by the Secretary of State. A key decision is any decision which would, if implemented, fall in any of the following categories –
- it is not in accordance with a policy, plan or strategy which forms part of the policy framework approved by the Council;
- it may result in the adoption of any additional policy, plan or strategy by the Council;
- it is not in accordance with the budget approved by the Council;
- it may increase financial commitments in future years above existing budgetary approvals;
- it will result in any of the following:
  - the appointment of additional permanent staff for which there is no budget provision;
  - the acquisition or disposal of land or property with a value in excess of £500,000;
  - the initiation of local legislation or byelaws;
  - if it is likely to be of significance in the opinion of the decision taker.

Any decision to incur expenditure or savings or realignment of expenditure in excess of £500,000 shall be treated as significant for these purposes.

The decision taker shall inform the Monitoring Officer of all decisions (including those with a financial value below £500,000) about which he/she has any doubt as to whether the decision may or may not be significant for the purposes of this paragraph and the Monitoring Officer may determine this as a key decision.

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 5 of this Constitution.

4.0 DECISION MAKING BY THE FULL COUNCIL

The Council meeting will follow the Council Procedure Rules set out in Part 5 of this Constitution when considering any matter.

5.0 DECISION MAKING BY THE CABINET

The Cabinet will follow the Cabinet Procedure Rules set out in Part 5 of this Constitution when considering any matter.

6.0 DECISION MAKING BY THE OVERVIEW SELECT COMMITTEE

The Overview Select Committee will follow the Committee Procedure Rules set out in Part 5 and the Scrutiny Procedure Rules set out in Part 6 of this Constitution when considering any matter.
7.0 DECISION MAKING BY OTHER COMMITTEES AND WORKING GROUPS ESTABLISHED BY THE COUNCIL

Other Council committees and working groups will follow the Committee Procedure Rules set out in Part 5 of this Constitution as they apply to them.
ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

1.0 FINANCIAL MANAGEMENT

The management of the Council’s financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 6 of this Constitution.

2.0 CONTRACTS

Every contract made by the Council will comply with the Purchasing, Procurement, Contracts and Disposals Rules set out in Part 6 of this Constitution.

3.0 LEGAL PROCEEDINGS

The Group Head of Corporate Support or his/her nominated representative 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 in any case where he/she considers that such action is necessary to protect the Council’s interests and in particular, to ensure that all procedural and evidential requirements are carried out in connection therewith.

4.0 COMMON SEAL OF THE COUNCIL

The Common Seal of the Council shall be kept in a safe place in the custody of the Group Head of Corporate Support or his/her nominated representative.

The Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or the Cabinet, individual Cabinet Member, or committee or sub-committee to which the Council have delegated their powers in this behalf; or by a decision of an officer to which the Council, committee or panel similarly have delegated their powers.

The Group Head of Corporate Support or his/her nominated representatives shall attest every document which is being sealed and any entry of the sealing of every document to which the Common Seal has been attached shall be made and consecutively numbered in a record provided for that purpose and each entry duly attested. The record shall be open for inspection by every member of the Council.

5.0 AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Group Head of Corporate Support or his/her nominated representative unless any enactment otherwise requires or
authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.
ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

1.0 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

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

2.0 CHANGES TO THE CONSTITUTION

The Council has delegated authority to:

(i) the Development Control Committee to consider changes to the Scheme of Delegation for development control services which are the responsibility of the Director of Place and Group Head of Planning;
(ii) the Licensing Committee to consider changes to the Scheme of Delegation for environmental and licensing services which are the responsibility of the Director of Services and Group Head of Technical Services;
(iii) the Group Head of Council Advice & Monitoring Officer to make consequential changes as a result of the modification or re-enactment of legislation or express changes consequential to an agreed decision of Full Council; and
(iv) the Chief Executive, in consultation with the Chairman of the Constitution Working Party, to agree that for any other reason the proposed change be put direct to Full Council for consideration and decision.
ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

1.0 SUSPENSION OF THE CONSTITUTION

(a) Limit to Suspension – the Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council to the extent permitted within those Rules and the law.

(b) Procedure to Suspend – a motion to suspend any Rules will not be moved without notice unless at least half of the total number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) Rules capable of Suspension – the Council Procedure Rules may be suspended in accordance with this Article.

2.0 INTERPRETATION

The ruling of the Chairman of the Council, after consultation with the Monitoring Officer or his/her nominee as to the construction or application of the Constitution or as to any proceedings of the Council, should not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution set out in Article 1.

3.0 PUBLICATION

Copies of this Constitution will be available:

- for inspection at Council offices
- to view online at http://www.arun.gov.uk/constitution
- for purchase by members of the local press and the public on payment of a reasonable fee; and
- to Town and Parish Councils electronically at their request.
PART 3 - RESPONSIBILITY FOR FUNCTIONS
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1.0 GENERAL PRINCIPLES ............................................................. 3
2.0 THE CABINET ............................................................................. 4
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5.0 SUB-COMMITTEES .................................................................. 24
6.0 WORKING GROUPS ................................................................. 28
7.0 WORKING PARTIES ................................................................. 29
8.0 PANELS .................................................................................... 30
9.0 CHIEF EXECUTIVE COMMITTEES AND PANELS ................. 34
10.0 STATUTORY OFFICERS’ COMMITTEES AND PANELS ............ 36
11.0 JOINT AREA COMMITTEES ..................................................... 38
12.0 PARTNERSHIPS ....................................................................... 40
1.0 GENERAL PRINCIPLES

1.1 The Council is required by the Local Government Act 2000 and regulations made under it to confirm how it has arranged for its functions to be carried out. This is explained in this part of the Constitution and also in Part 4, which sets out the Officer Scheme of Delegation.

1.2 Functions which are not the responsibility of Full Council, a Committee or Sub-Committee, a Joint Area Committee or officers will be exercised by the Cabinet.

1.3 The following sections explain the hierarchy of the Council’s decision making process which is based on:

- **Full Council** - exercising the functions set out in Article 4 of this Constitution
- **Cabinet and Individual Cabinet Members** – exercising the executive functions as set out in sections 2 and 3 of this part of the Constitution
- **Committees and Sub-Committees** – responsible for non-executive functions as set out in their terms of reference at sections 4 and 5 of this part of the Constitution
- **Working Groups and Working Parties** – working to terms of reference set out in sections 6 and 7 of this part of the Constitution
- **Panels** – working to terms of reference set out in section 8, 9 and 10 of this part of the Constitution
- **Joint Arun Committees** – working to terms of reference set out in section 11 of this part of the Constitution
- **Partnerships** – confirming the key partner organisations and who they will report into, as set out in section 12 of this part of the Constitution
- **Officers** – working to the Officer Scheme of Delegation at Part 4 of this Constitution.

1.4 Full Council, the Cabinet, a Committee or Sub-Committee may delegate further functions or specific responsibilities to officers and when this occurs, it will be recorded in the minutes of the meeting; and the Officer Scheme of Delegation at Part 4 of this Constitution will be amended where required.
## 2.0 THE CABINET

<table>
<thead>
<tr>
<th>Committee/Panel and Membership</th>
<th>Functions</th>
<th>Delegations of Functions</th>
</tr>
</thead>
</table>
| **Cabinet** | 2.1. The Cabinet will exercise those functions which are not the responsibility of:  
a. Full Council;  
b. Committees, Sub-Committees and Panels of the Council;  
c. Joint Area Committees; or  
d. Officers  
**Allocation of Functions to the Cabinet**  
2.2. The Cabinet collectively will exercise the following functions:  
- To determine key decisions as defined in Article 13 of this Constitution.  
- To consider and implement matters relating to the major plans, strategies and policies of the Council.  
- To recommend budgetary frameworks and processes that support the Council’s priorities, plans, strategies and policies.  
- To review key areas of the Council’s performance through the Corporate Plan and Service Delivery Plan.  
- To consider reports from the Overview Select Committee and the Environment & Leisure and Housing & Customer Services Working Groups.  
- To determine matters relating to the acquisition and disposal of land and assets where the value exceeds £250,000 (other than commercial properties which will be dealt with through the Property Investment Strategy).  
- To review and scrutinise the operation of any Council owned companies.  
- To approve expenditure of monies received through the terms of any agreement made under Section 106 Town and Country Planning Act 1990 which exceed the financial limit delegated to the relevant individual Cabinet Member as listed in Part 6, Financial Procedure Rules  
- To consider requests for supplementary estimates outside of the budget and make recommendations to Full Council based on the financial limits listed as listed in Part 6, Financial Procedure Rules.  
- To approve the drawing down of funds as listed in Part 6, Financial Procedure Rules.  
- To award contracts in accordance with Part 6, Purchasing, Procurement, Contracts and Disposals Rules. | See Part 4 – Officer Scheme of Delegation |
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- To consider all other matters requiring an executive decision pursuant to Section 13 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations 2000 as amended from time to time, where the responsibility in question is not allocated to any other body within the Council or Cabinet.
- To approve the repayment of money paid to the Council under Planning Obligations in these circumstances:
  - where the money is unallocated for any project
  - where the money cannot be spent on the previously identified project because the project folds or fails
  - where the money is paid subject to a condition that it be spent on a specified project within a specified time. Such clauses are usually avoided by the Council but some developers insist that they be included in Planning Obligations.
- To provide leadership in the promotion and improvement of the District’s economic, social and environmental well-being.
- To encourage fair and appropriate levels of community engagement in the Council’s business.
- To identify issues to which the Council should attach priority and ensure that those priorities are given proper effect.
- To provide the Council’s representation on major partnership bodies.
- To provide a focus for national, regional and sub-regional networking.
- To clarify the Council’s position on issues of importance through appropriate internal and external communications.
- To respond to issues raised by the Council’s Chief Executive in terms of the structure, culture and general well-being of the organisation.
- To receive annual reports from the Arun Improvement Programme.

Urgent Decisions by Cabinet

2.3. Where the requirements of the Access to Information Rules, as set out in Part 6 of this Constitution requiring access to reports five clear days before the meeting cannot be applied, the Cabinet may consider items of an urgent nature on functions falling within their responsibilities where special circumstances apply, providing that the reasons for accepting the urgency are announced in public session and

See Part 3, Section 3 – Cabinet Member Responsibilities
recorded in the minutes. In addition, where the item relates to a key decision, the agreement of the Chairman of the Overview Select Committee must be sought on both the subject of the decision and the reasons for the urgency. Such decisions shall not be subject to the call-in procedure as set out in the Scrutiny Procedure Rules at Part 6 of this Constitution.

**Allocation of Functions to Cabinet Members**

2.4. The Leader will allocate responsibilities for executive functions or re-allocate such responsibilities in accordance with Article 7.

2.5. Where a function is allocated to a Cabinet Member, the Leader may determine that it is to be carried out by the Cabinet instead.

2.6. A Cabinet Member may refer a function allocated to him/her to the Cabinet for a decision.

2.7. Where a Cabinet Member is not able to make a decision in respect of an item which is delegated to him/her, the Leader or in his/her absence the Deputy Leader, may exercise the delegation.

**Deputies to Cabinet Members**

2.8. Deputies to Cabinet Members are to deputise for the Cabinet Member in his/her absence for any function except Decision Making.
### 3.0 CABINET MEMBER RESPONSIBILITIES:

<table>
<thead>
<tr>
<th>Cabinet Portfolio</th>
<th>Functions</th>
</tr>
</thead>
</table>
| Leader of the Council and Economy | **General Responsibilities**  
All functions of the Council which are not the responsibility of any other part of the Council as defined in the Constitution relating to: |
|                   | • Economic policy & research  
• Town centre management  
• Business development  
• Economic partnerships  
• Tourism  
• Corporate policy  
• Corporate performance  
• Communications/web management/ marketing  
• National partnerships  
• Local partner liaison  
• Committees (until March 2018)  
• Transformation (from 2018) |
## Specific Responsibilities

1. To chair meetings of the Cabinet and to present recommendations to the Council.
2. To represent the Council at county, regional and national level.
3. To liaise with Town and Parish Councils and Parish Meetings where not on specific issues covered by another portfolio.
4. To review the performance of the responsibilities within the portfolio through approval and monitoring of the Corporate Plan and Service Delivery Plans.
5. To monitor and consider Ombudsman investigation reports and other complaints made within the responsibilities of the portfolio.
6. In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed in Part 6, Financial Procedure Rules.
7. To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.
8. To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.
9. To approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.
10. To consider reports from the Council’s representatives on outside bodies and report any issues to the Cabinet as relevant.
11. To represent the Council’s views where relevant to outside bodies and at other relevant meetings; and
12. To consider and award compensation in excess of £5000 in the event that a complaint investigation within his/her portfolio finds in a complainant’s favour.
### Deputy Leader of the Council and Corporate Support

**General Responsibilities**

All functions of the Council which are not the responsibility of any other part of the Council as defined in the Constitution relating to:

- Scrutiny Support
- Postal Services
- Design
- Print
- Information Management and support including FOI, Data Protection, Customers of Concern & official complaints
- Legal advice to the Council
- Monitoring Officer
- Standards Committee
- Finance
- Audit
- Procurement
- S151 Officer
- Payroll
- Human Resources
- Legal Services
- ICT and the digital agenda (from 2018)
- Elections
- Committees (from April 2018)
- Transformation (until 2018)
- Accommodation strategy
- The digital agenda
- ICT
- Revenues & Benefits (until 2018)
- Customer Services including Arun Direct (until 2018)
<table>
<thead>
<tr>
<th>Specific Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To make decisions on enforcement of legislation relating to Housing Benefits and Council Tax Benefit by all lawful means, including prosecution (until 2018).</td>
</tr>
<tr>
<td>2. To make decisions on the enforcement of legislation within the powers of the Council where this is not specifically delegated to another Cabinet Member, the Licensing Committee or the Development Control Committee.</td>
</tr>
<tr>
<td>3. Amendment to the Treasury Management Strategy between its annual review, in consultation with the Head of Corporate Support.</td>
</tr>
<tr>
<td>4. To act as lead member on the Staff Consultation Panel.</td>
</tr>
<tr>
<td>5. To review the performance of the responsibilities within the portfolio through approval and monitoring of the Corporate Plan and Service Delivery Plans.</td>
</tr>
<tr>
<td>6. To monitor and consider Ombudsman investigation reports and other complaints made within the responsibilities of the portfolio.</td>
</tr>
<tr>
<td>7. In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed in Part 6, Financial Procedure Rules.</td>
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<tr>
<td>8. To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.</td>
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<td>9. To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.</td>
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<tr>
<td>10. To approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.</td>
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<tr>
<td>11. To consider reports from the Council’s representatives on outside bodies and report any issues to the Cabinet as relevant.</td>
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<td>12. To represent the Council’s views where relevant to outside bodies and at other relevant meetings; and</td>
</tr>
<tr>
<td>13. To consider and award compensation in excess of £5000 in the event that a complaint investigation within his/her portfolio finds in a complainant’s favour.</td>
</tr>
</tbody>
</table>
### Community Wellbeing

#### General Responsibilities

All functions of the Council which are not the responsibility of any other part of the Council as defined in the Constitution relating to:

- Leisure & Culture
- Foreshores
- Wellbeing
- Voluntary and community sector and Citizens Advice
- Safeguarding
- Activities for the elderly
- Think Family
- Telecare (Lifeline)
- Community Safety including Anti-social Behaviour Team
- Youth Council (from April 2018)

#### Specific Responsibilities

1. Policy decisions relating to the provision and management of sporting, recreational, arts, entertainment and cultural events; and the use of buildings or land (whether or not owned by the Council) for such purposes.
2. To approve variations to the terms and conditions of the Dual Use Agreement relating to the Arun Leisure Centre between the Council and West Sussex County Council to reflect the asset responsibility matrix submitted as part of the leisure operating contract.
3. Policy decisions relating to the management and operation of the Council’s foreshores.
4. All policy matters and liaison with West Sussex County Council Health, Adult, Children and Young People Services.
5. To establish and maintain partnerships and initiatives with a focus on improving health and wellbeing.
6. Policy decisions relating to the Council’s Lifeline Service and policies, expenditure, liaison and partnerships with Telecare and Telehealth Services.
7. Policy decisions relating to the Council’s Community Safety policies, expenditure and liaison.
9. To review the performance of the responsibilities within the portfolio through approval and monitoring of the Corporate Plan and Service Delivery Plans.
10. To monitor and consider Ombudsman investigation reports and other complaints made within the responsibilities of the portfolio.
11. In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to
<p>| | |</p>
<table>
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<tbody>
<tr>
<td><strong>PART 3 – RESPONSIBILITY FOR FUNCTIONS</strong></td>
<td>the financial limit listed in Part 6, Financial Procedure Rules.</td>
</tr>
<tr>
<td>12.</td>
<td>To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.</td>
</tr>
<tr>
<td>13.</td>
<td>To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.</td>
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<tr>
<td>14.</td>
<td>To approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.</td>
</tr>
<tr>
<td>15.</td>
<td>To consider reports from the Council’s representatives on outside bodies and report any issues to the Cabinet as relevant.</td>
</tr>
<tr>
<td>16.</td>
<td>To represent the Council’s views where relevant to outside bodies and at other relevant meetings; and</td>
</tr>
<tr>
<td>17.</td>
<td>To consider and award compensation in excess of £5000 in the event that a complaint investigation within his/her portfolio finds in a complainant’s favour.</td>
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</tbody>
</table>
## PART 3 – RESPONSIBILITY FOR FUNCTIONS

| Residential Services | **General Responsibilities**  
<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>All functions of the Council which are not the responsibility of any other part of the Council as defined in the Constitution relating to:</td>
</tr>
</tbody>
</table>
|                      | - Strategy & Enabling  
|                      | - Registered providers and social landlords  
|                      | - Homelessness  
|                      | - Housing and HRA  
|                      | - Revenues and Benefits (from 2018)  
|                      | **Specific Responsibilities**  
|                      | 1. To exercise nomination right agreements for letting of Registered Social Landlord dwellings.  
|                      | 2. Policy decisions relating to homelessness in accordance with relevant legislation.  
|                      | 3. To make decisions on enforcement of legislation relating to Housing Benefits and Council Tax Benefit by all lawful means, including prosecution (from 2018).  
|                      | 4. In agreement with the Director of Services, to acquire 250 houses over the 10 year period of the Housing Revenue Account (HRA) Business Plan 2017-2027 based on the three year capital funding programme in consultation with the S151 Officer with updates on spend to be reported to Cabinet via the Budget Variation Report.  
|                      | 5. Where appropriate, and in agreement with the Director of Services, to approve the use of specialist legal advisors in connection with property acquisitions under the HRA Business Plan 2017-2027 in consultation with the S151 Officer.  
|                      | 6. In agreement with the Director of Services, to authorise the disposal of all HRA assets (land and property), outside of Right to Buy, in consultation with the Group Head of Technical Services and Group Head of Corporate Support, and that the sale proceeds be reinvested back into the HRA account on all occasions.  
|                      | 7. To review the performance of the responsibilities within the portfolio through approval and monitoring of the Corporate Plan and Service Delivery Plans.  
|                      | 8. To monitor and consider Ombudsman investigation reports and other complaints made within the responsibilities of the portfolio.  
|                      | 9. In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed in Part 6, Financial Procedure Rules.  
|                      | 10. To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.  
|                      | 11. To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.  
<p>|                      | 12. To approve the award of grants to organisations, including discretionary rate relief, within the responsibilities |</p>
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<tr>
<td>of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.</td>
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<tr>
<td>13. To consider reports from the Council’s representatives on outside bodies and report any issues to the Cabinet as relevant.</td>
<td></td>
</tr>
<tr>
<td>14. To represent the Council’s views where relevant to outside bodies and at other relevant meetings; and</td>
<td></td>
</tr>
<tr>
<td>15. To consider and award compensation in excess of £5000 in the event that a complaint investigation within his/her portfolio finds in a complainant’s favour.</td>
<td></td>
</tr>
</tbody>
</table>
### Neighbourhood Services

#### General Responsibilities

All functions of the Council which are not the responsibility of any other part of the Council as defined in the Constitution relating to:

- Car Parking
- Parks
- Cleansing
- Cemeteries
- Emergency Planning
- Youth Council (until March 2018)
- Customer Services including Arun Direct (from 2018)

#### Specific Responsibilities

1. Policy decisions relating to the management and operation of the Council’s car parks, including setting the annual fees and charges.
2. Policy decisions relating to the provision and management of parks, playing fields, recreation grounds, woodland and open spaces, together with the encouragement of community action in these areas with the exception of play areas.
3. Policy decisions relating to the provision of public seats.
4. Policy decisions relating to nature conservation and the encouragement of access to the countryside.
5. Policy decisions relating to the provision and management of children’s play areas.
6. Policy decisions relating to the collection of domestic, commercial, industrial and clinical wastes under relevant legislation.
7. Policy decisions relating to street sweeping and litter collection under the relevant legislation, including the provision and maintenance of litter bins.
8. Policy decisions relating to investigation and implementation of waste minimisation and recycling schemes/policies, including bottle banks and recycling of domestic waste.
9. Policy decisions relating to the provision and maintenance of public conveniences.
10. Liaison with West Sussex Council on refuse disposal, recycling, fire prevention and consumer protection, and similar issues.
11. Policy decisions relating to the removal of abandoned vehicles both on public and private land.
12. Policy decisions relating to the provision and management of cemeteries and enforcement under relevant legislation.
13. All policies arising from the exercise by the Council of its functions and powers relating to Emergency Response and Standby.
14. To review the performance of the responsibilities within the portfolio through approval and monitoring of the Corporate Plan and Service Delivery Plans.
15. To monitor and consider Ombudsman investigation reports and other complaints made within the responsibilities of the portfolio.
16. In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed in Part 6, Financial Procedure Rules.
17. To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.
18. To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.
19. To approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.
20. To consider reports from the Council’s representatives on outside bodies and report any issues to the Cabinet as relevant.
21. To represent the Council’s views where relevant to outside bodies and at other relevant meetings; and
22. To consider and award compensation in excess of £5000 in the event that a complaint investigation within his/her portfolio finds in a complainant’s favour.
### General Responsibilities

All functions of the Council which are not the responsibility of any other part of the Council as defined in the Constitution relating to:

- Development control
- Local Plan & policy
- Strategic Development Team
- Technical administration support

### Specific Responsibilities

1. To consider and monitor the effectiveness of the Council's land use policies in respect of the District’s towns, villages and countryside as expressed through the Local Plan and related Land Use Policy documents.
2. Liaison with all outside bodies, agencies and organisations responsible for matters relating to land use, planning, highways and public footpaths.
3. To take action under relevant legislation in respect of the protection, enhancement and preservation of the physical and natural environment, save where powers have been delegated to the Development Control Committee in respect of:
   a. Building preservation (particularly those designated as being of special architectural or historic interest)
   b. Designation and enhancement of Conservation Areas
   c. Preservation of trees and woodlands
4. To review the performance of the responsibilities within the portfolio through approval and monitoring of the Corporate Plan and Service Delivery Plans.
5. To monitor and consider Ombudsman investigation reports and other complaints made within the responsibilities of the portfolio.
6. In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed in Part 6, Financial Procedure Rules.
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10. To consider reports from the Council’s representatives on outside bodies and report any issues to the Cabinet as relevant.
11. To represent the Council’s views where relevant to outside bodies and at other relevant meetings; and
| 12. To consider and award compensation in excess of £5000 in the event that a complaint investigation within his/her portfolio finds in a complainant’s favour. |
### General Responsibilities

All functions of the Council which are not the responsibility of any other part of the Council as defined in the Constitution relating to:

- Street name and numbering
- Local land charges
- Engineering
- Property & Estates
- Facilities management
- Environmental Health including private sector housing
- Building Control

### Specific Responsibilities

1. To act as lead member on the Staff Safety Panel
2. To act as lead member on the Assets of Community Value Compensation Panel.
3. Policy decisions relating to Building Control.
4. Policy decisions on Land Charges and street naming and numbering.
5. Policy decisions relating to land drainage.
6. Policy decisions on coastal defence and management functions and powers.
7. All matters relating to the acquisition and disposal of land, including any buildings or structures thereon or any interest therein, up to a value of £250,000 in each case, subject to prior consultation with the relevant Cabinet Member with responsibility for the intended use of the property.
8. To act as the Members' Health and Safety representative at Cabinet.
9. Policy decisions relating to Food Safety and infectious disease control.
11. Policy decisions relating to environmental protection matters.
12. Policy decisions relating to port health and the control of imported food.
13. Policy decisions relating to private sector housing and pest control.
14. To review the performance of the responsibilities within the portfolio through approval and monitoring of the Corporate Plan and Service Delivery Plans.
15. To monitor and consider Ombudsman investigation reports and other complaints made within the responsibilities of the portfolio.
16. In accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990 the approval of expenditure of monies received for purposes within the responsibilities of the portfolio up to the financial limit listed in Part 6, Financial Procedure Rules.
17. To approve virements of expenditure within the budgets and responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.
<p>| | |</p>
<table>
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<tbody>
<tr>
<td>18.</td>
<td>To approve the drawing down of funds within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.</td>
</tr>
<tr>
<td>19.</td>
<td>To approve the award of grants to organisations, including discretionary rate relief, within the responsibilities of the portfolio in accordance with the financial limits listed in Part 6, Financial Procedure Rules.</td>
</tr>
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<td>20.</td>
<td>To consider reports from the Council’s representatives on outside bodies and report any issues to the Cabinet as relevant.</td>
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<tr>
<td>21.</td>
<td>To represent the Council’s views where relevant to outside bodies and at other relevant meetings; and</td>
</tr>
<tr>
<td>22.</td>
<td>To consider and award compensation in excess of £5000 in the event that a complaint investigation within his/her portfolio finds in a complainant’s favour.</td>
</tr>
</tbody>
</table>
### 4.0 COMMITTEES OF FULL COUNCIL

<table>
<thead>
<tr>
<th>Committee/Panel and Membership</th>
<th>Functions</th>
<th>Delegations of Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.1 Audit &amp; Governance Committee</strong></td>
<td>Key Responsibilities: 1. Provide an independent assurance of the adequacy of the governance and risk management frameworks and the associated control environment so as to best protect the Council’s reputation. 2. Provide 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. 3. Oversee the financial reporting process. 4. Oversee the work of internal and external audit and receive periodic reports on the work of the authority’s Governance and Risk Group. 5. Review and consider Member Allowances based on reports from the Independent Remuneration Panel and to make recommendations to Full Council.</td>
<td>Part 4 – Officer Scheme of Delegation and Part 6 – Financial Procedure Rules</td>
</tr>
<tr>
<td>10 Members of the Council (Cabinet Members are not eligible for appointment)</td>
<td>Specific Functions: 1. To advise the Council on:- • Appropriate arrangements for internal audit activity, in line with published standards • The arrangements for the provision of external audit services • The effectiveness of anti-fraud measures • The arrangements for an appropriate Regulatory framework • Corporate Governance including approval of the Annual Governance Statement • Compliance with contract and financial procedure rules of the Constitution • Matters arising from the review and approval of the Annual Statement of Accounts by the Committee • The Authority’s Treasury Management Strategy and results • The policy regarding provisions of the Regulation of Investigatory Powers Act 2010 (RIPA) and the use of such powers by the Council 2. To oversee the work of the Independent Remuneration Panel in its periodic consideration of Member Allowances. 3. To review and scrutinise the operation of any Council owned companies and Cabinet’s role in overseeing this activity through monitoring reports submitted on at least an annual basis or as reported by the S.151 officer</td>
<td></td>
</tr>
</tbody>
</table>

| **4.2 Development Control Committee** | 1. Functions relating to Town and Country Planning and Development Control as specified in Schedule 1 of the Town & Country Planning Act 1990 (as amended) and the | See Part 4 – Officer Scheme of Delegation |
| 15 Members of the Council | | |

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Group Head of Corporate Support, in consultation with the Cabinet Member for Corporate Support, has been undertaken.
PART 3 – RESPONSIBILITY FOR FUNCTIONS

<table>
<thead>
<tr>
<th>PART 3 – RESPONSIBILITY FOR FUNCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. To determine all applications/notifications and related planning enforcement matters.</td>
</tr>
<tr>
<td>3. To determine matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the creation extinguishment or diversion of public highways affected by development and decisions on high hedges.</td>
</tr>
<tr>
<td>4. To make amendments to the Officer Scheme of Delegation insofar as they relate to the Director of Place as confirmed in Article 15 in this Constitution.</td>
</tr>
<tr>
<td>5. To receive reports from the Site Inspection Panel.</td>
</tr>
<tr>
<td>6. To appoint Briefing Panels and Site Inspection Panels and determine their membership, Terms of Reference and procedures.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.3 Licensing Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 10 but no more than 15 Members of the Council</td>
</tr>
<tr>
<td>No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Cabinet Member for Planning has been undertaken.</td>
</tr>
<tr>
<td>1. All functions of the licensing authority for the Council under the Licensing Act 2003 and Gambling Act 2005 and those relating to Licensing Authorisation and Registration as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, including the power to delegate such functions as permitted by law or the Council’s Licensing Scheme of Delegations to Sub-Committees and officers of the Council.</td>
</tr>
<tr>
<td>2. Power to consider reports from Council officers upon proposed enforcement action where the circumstances of a particular case are considered, in the discretion of the Enforcement Review Panel, to make it desirable for the Licensing Committee to do so.</td>
</tr>
<tr>
<td>3. To make amendments to the Officer Scheme of Delegation insofar as they relate to the functions falling within the remit of the Committee.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.4 Overview Select Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Members of the Council (Cabinet Members are not eligible for appointment)</td>
</tr>
<tr>
<td>Key Responsibilities:</td>
</tr>
<tr>
<td>a) Policy development and review</td>
</tr>
<tr>
<td>b) Publicly holding the Cabinet to account</td>
</tr>
<tr>
<td>c) Reviewing the deliverability of local services [whether provided by the Council or external organisations]</td>
</tr>
<tr>
<td>d) Examining matters of wider local concern</td>
</tr>
<tr>
<td>e) Supporting the development of the Forward Plan</td>
</tr>
<tr>
<td>General Role:</td>
</tr>
<tr>
<td>1. Making reports and/or recommendations to Full Council and/or the Cabinet in connection with the discharge of its functions.</td>
</tr>
<tr>
<td>2. Reviewing and/or scrutinising decisions made or actions taken in connection with the</td>
</tr>
</tbody>
</table>

See Part 4 – Licensing Scheme of Delegation

CONSTITUTION v9.4, PART 3 PAGE 22
discharge of any of the Council’s functions.

3. Exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet or an Individual Cabinet Member as set out in the Scrutiny Procedure Rules in Part 6 of this Constitution.

4. Considering reports and recommendations received from the West Sussex Joint Scrutiny Steering Group and/or any group set up to carry out a joint scrutiny review.

5. Considering Petitions in accordance with the Petitions Scheme set out in Part 8 of this Constitution.

Specific Functions:

1. **Budget Development and Review** – assisting the Council and the Cabinet in the annual preparation of the Budget against the Council’s priorities

2. **Scrutiny**
   a) Reviewing, scrutinising and questioning the decisions made or actions taken by:
      - Full Council and Cabinet (policy objectives, performance targets, service areas)
      - Individual Cabinet Members
      - Committees
      - Council Officers (Directors/Group Heads)
      - The Council’s main contractors (performance and outcomes to be scrutinised at least once every two years)
      - Other public bodies (inviting reports and requesting them to address the Committee if appropriate)
   b) Questioning and gathering evidence from any person (with their consent)

3. **Work Programme** – report annually to Full Council on its future work programme and amended working methods if appropriate

---

### 4.5 Standards Committee

- **9 Members of the Council** (to include no more than one Cabinet member and shall not include the Leader or Deputy Leader)
- **3 Independent Persons**
- **Quorum - 3 members**
- No Member can serve on this Committee in any

1. To promote and maintain high standards of conduct by District Councillors, Town and Parish Councillors and co-opted Members.
2. To advise the Council and Town and Parish Councils on the adoption or revision of the Members Code of Conduct.
3. To monitor the operation of the Local Assessment Procedure and recommend any revisions to the Council.
4. Where not covered by the Local Assessment Procedure, to determine the action to be taken on any failure of a District Councillor, Town or Parish Councillor or co-opted Member to comply with the relevant authority’s Code of Conduct following a report from the Group Head of Council Advice & Monitoring Officer.
5. To determine any review made under the Local Assessment Procedure following a report from the Group Head of Council Advice & Monitoring Officer.
6. To advise and support the Group Head of Council Advice & Monitoring Officer in the See Part 3 – Assessment Panel and Dispensation Panel
capacity unless all of the required training determined to be necessary by the Group Head of Council Advice & Monitoring Officer, in consultation with the Cabinet Member for Corporate Support, has been undertaken.

delivery of training on the Members Code of Conduct to District Councillors, Town and Parish Councillors and co-opted Members.

7. To consider membership and recruitment of Independent Persons to the Committee and make recommendations for appointments to Full Council.

8. All other functions relating to standards of conduct of District Councillors, Town and Parish Councillors and co-opted Members under the Localism Act 2011 or Regulations made under it.

**Role of Independent Persons**

a) They will have a consultative role when the Standards Committee or Assessment Panel makes decisions on complaints made against councillors.

b) They will be invited to meetings of the Standards Committee and may remain in meetings for all items to be considered unless they have a conflict of interest. Where they do, the Chairman and Vice-Chairman will have authority to decide if they may take part in the debate or request that they leave the meeting.

c) They will not be entitled to vote at meetings or chair meetings.

---

**5.0 SUB-COMMITTEES**

<table>
<thead>
<tr>
<th>Committee/Panel and Membership</th>
<th>Functions</th>
<th>Delegations of Functions</th>
</tr>
</thead>
</table>
| **5.1 Bognor Regis Sub-Committee** | 1. To make recommendations to Full Council in relation to all major regeneration projects affecting the environs of the town.  
2. To make recommendations to Full Council on matters relating to land and property in the Council’s ownership and on the matter of allocating resources so that projects can be completed to agreed timescales.  
3. To have delegated authority for decisions in terms of:  
   i. recruitment and engagement of consultants  
   ii. agreement to consult on certain stages of plans/proposals  
   iii. monitoring of progress against agreed action plans and any necessary actions to address problems etc.  
   iv. approving the drawing down of funds within the responsibilities of the Sub-Committee as listed in Part 6, Financial Procedure Rules. | See Part 4 – Officer Scheme of Delegation |
### Note
The Sub-Committee will not encroach on any of the responsibilities of the Development Control Committee, Licensing Committee or the Local Plan Sub-Committee.

### 5.2 Littlehampton Regeneration Sub-Committee

| Members of the Council | 1. To make recommendations to Full Council in relation to all major regeneration projects affecting the environs of the town.  
|                        | 2. To make recommendations to Full Council on matters relating to land and property in the Council’s ownership and on the matter of allocating resources so that projects can be completed to agreed timescales.  
|                        | 3. To have delegated authority for decisions in terms of:  
|                        |   i. recruitment and engagement of consultants  
|                        |   ii. agreement to consult on certain stages of plans/proposals  
|                        |   iii. monitoring of progress against agreed action plans and any necessary actions to address problems etc.  
|                        |   iv. approving the drawing down of funds within the responsibilities of the Sub-Committee as listed in Part 6, Section 5 of the Constitution.  
|                        | See Part 4 – Officer Scheme of Delegation |

### Note
The Sub-Committee will not encroach on any of the responsibilities of the Development Control Committee, Licensing Committee or the Local Plan Sub-Committee.

### 5.3 Planning Policy Sub-Committee

| Members of the Council | 1. To consider draft Planning Policy and CIL documents and review them.  
|                        | 2. To authorise public consultation on draft Planning Policy and CIL documents and material produced for public consultation reports  
|                        | 3. To consider responses from public consultation and amend reports accordingly  
|                        | 4. To make recommendations to Full Council for approval of Planning Policy, CIL documents and Infrastructure Funding Statements.  
|                        | 5. The Sub-Committee has delegated authority for decisions in terms of:  
|                        |   i. Approving any expenditure within agreed budgets or public consultation  
|                        |   ii. Agreement to consult on certain stages of plans/proposals/the CIL Charging Schedule  
|                        | See Part 4 – Officer Scheme of Delegation |
### PART 3 – RESPONSIBILITY FOR FUNCTIONS

| iii. Agreement on Supplementary Planning Documents and background evidence base documents |
| iv. Approving consultation responses |
| v. Monitoring of progress against agreed action plans and any necessary actions to address problems pursuant to paragraph 1 above |

6. The Sub-Committee can invite such other bodies as it requires in order to consider specific issues (e.g. a representative from the Environment Agency to talk about flooding issues) to attend and make presentations on planning policy and CIL matters.

7. To make recommendations to Full Council for approval of the implementation and governance of the CIL charging schedule.

**Note**
The Sub-Committee will meet on an ad hoc basis.

#### 5.4 Electoral Review Sub-Committee

<table>
<thead>
<tr>
<th>8 Members of the Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To review and consider electoral matters and make recommendations to the Returning Officer/Electoral Registration Officer and/or the Council as appropriate.</td>
</tr>
<tr>
<td>2. To consider and recommend to the Council proposals by the Chief Executive/Returning Officer for polling districts and polling places within the Arun District as required by the Review of Polling Districts and Polling Places [Parliamentary Elections] Regulations 2006.</td>
</tr>
<tr>
<td>3. To consider reports from the Chief Executive/Returning Officer on the ongoing review of polling stations, as required.</td>
</tr>
<tr>
<td>4. To consider reports from the Returning Officer on reviews of elections held and registration matters.</td>
</tr>
<tr>
<td>5. To consider and recommend to the Council any proposals for an electoral review of Arun District Council.</td>
</tr>
<tr>
<td>6. To review and recommend to the Council any proposals from the Local Government Boundary Commission for England on electoral reviews of Arun District Council, West Sussex County Council and the Town/Parish Councils within the Arun District.</td>
</tr>
<tr>
<td>7. To review and submit comments on behalf of the Council on any proposals from the Boundary Commission.</td>
</tr>
</tbody>
</table>

See Part 4 – Officer Scheme of Delegation
### Commission for England on a review of Parliamentary constituency boundaries affecting the Arun District.

8. To undertake community governance reviews in accordance with the Local Government and Public Involvement in Health Act 2007 and recommend any proposals for change to the Council.

9. To consider and agree a response to consultation documents on electoral matters.

### Licensing Sub-Committee

3 Members of the Council drawn from the Licensing Committee (it is not required to be politically balanced)

<table>
<thead>
<tr>
<th>Commission for England on a review of Parliamentary constituency boundaries affecting the Arun District.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. To undertake community governance reviews in accordance with the Local Government and Public Involvement in Health Act 2007 and recommend any proposals for change to the Council.</td>
</tr>
<tr>
<td>9. To consider and agree a response to consultation documents on electoral matters.</td>
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</table>

<table>
<thead>
<tr>
<th>5.5 Licensing Sub-Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> Subject to all the provisions applying to delegations, the Licensing Sub-Committee shall have all the Council’s powers and duties for:</td>
</tr>
<tr>
<td>a. Deciding applications for all licenses, permissions and associated matters, under the Licensing Act 2003, Gambling Act 2005 and all functions of the licensing authority relating to Licensing Authorisation and Registration as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, where representations or objections have been received but which cannot be resolved by mediation or any other way permitted by law and where any decision has not been delegated to an officer by the Licensing Scheme of Delegations, statute or otherwise.</td>
</tr>
<tr>
<td>b. Deciding applications for the variation, suspension or revocation of all such licenses, permissions and associated matters, under the legislation mentioned in the paragraph above save those which can be resolved by mediation or any other way permitted by law or by delegation to an officer by the Licensing Scheme of Delegations, statute or otherwise.</td>
</tr>
</tbody>
</table>

**Note**

The Sub-Committee reports to the Licensing Committee. It will meet as and when convened by the Licensing Team Manager or other officer acting on his or her behalf.

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<table>
<thead>
<tr>
<th>See Part 4 – Officer Scheme of Delegation</th>
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</table>

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6.0 WORKING GROUPS

Working Groups in operation at December 2017 are:

<table>
<thead>
<tr>
<th>Name of the Working Group</th>
<th>Reporting to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing and Customer Services</td>
<td>Full Council</td>
</tr>
<tr>
<td>Environment and Leisure</td>
<td>Full Council</td>
</tr>
</tbody>
</table>

Committee/Panel and Membership

**Working Groups**

Not less than 6 Members of the Council made up of volunteers (Cabinet Members shall not sit on a Working Group)

Quorum - one third of the whole number of Members on the Working Group

<table>
<thead>
<tr>
<th>Committee/Panel and Membership</th>
<th>Functions</th>
<th>Delegations of Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Working Groups</strong></td>
<td>1. Full Council has established Working Groups who will:</td>
<td>See Part 4 – Officer Scheme of Delegation</td>
</tr>
<tr>
<td></td>
<td>i. Review their individual terms of reference annually and recommend any changes for approval to Full Council.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Undertake work as and when requested by Full Council, Cabinet and the Overview Select Committee and any work decided upon by the majority of the members on the Working Group.</td>
<td></td>
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<tr>
<td></td>
<td>iii. Draw up a work programme on an annual basis and recommend this for approval to Full Council.</td>
<td></td>
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<tr>
<td></td>
<td>iv. Make recommendations on the outcomes of their work to Cabinet, the Overview Select Committee and Full Council.</td>
<td></td>
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<tr>
<td></td>
<td>v. Meet in public unless the majority of the members present at the meeting vote for the matter under consideration to be dealt with in exempt business in accordance with the Access to Information Rules at Part 6 of the Constitution.</td>
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<tr>
<td></td>
<td>vi. Work to the Meeting Procedure Rules set out in Part 5, Section 2 of this Constitution.</td>
<td></td>
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</table>

**Note**

Working Groups are not required to be politically balanced and will not have a maximum number of Members.
7.0 WORKING PARTIES

Working Parties in operation at December 2017 are:

<table>
<thead>
<tr>
<th>Name of the Working Party</th>
<th>Reporting to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arun Leisure Centre Dual Use Officer Group</td>
<td>Overview Select Committee</td>
</tr>
<tr>
<td>Constitution Working Party</td>
<td>Full Council</td>
</tr>
<tr>
<td>Members IT Working Party</td>
<td>Full Council</td>
</tr>
<tr>
<td>Arun Improvement Programme</td>
<td>Cabinet</td>
</tr>
</tbody>
</table>

Membership will vary dependent on the terms of reference of the Working Party.

Quorum – one third of the of the whole number of Members on the Working Party.

### Committee/Panel and Membership

<table>
<thead>
<tr>
<th>Working Parties</th>
<th>Membership will vary dependent on the terms of reference of the Working Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quorum – one third of the of the whole number of Members on the Working Party</td>
</tr>
</tbody>
</table>

#### Functions

1. The Council, Cabinet, Overview Select Committee and Audit and Governance Committee may establish Working Parties with responsibility for specific functions or tasks based on the following terms:
   a. An agreed terms of reference, or if that is not practical the scope of the function/task to be undertaken
   b. The size of the membership of the Working Party
   c. How membership will be agreed, either nominated at the time the Working Party is established or through nomination by the Group Leaders
   d. Proposals for the allocation of seats if vacancies occur, or whether to leave seats vacant
   e. The timescale for the work to be undertaken
2. Working Parties will then:
   a. Review their terms of reference and recommend any changes for approval to their parent body (Full Council, Cabinet, Overview Select Committee or Audit and Governance Committee).
   b. Make recommendations and report back to their parent body on the outcomes of their work.
   c. Meet in private, unless the Working Party agrees that a future meeting should be held in public and proper notice is given in accordance with the requirements of the Meeting Procedure Rules at Part 5, Section 2 of this Constitution.

**Note**

Once established, the Chairman and Vice-Chairman of the Working Party will be appointed at the Annual Council meeting each year in accordance with Article 2.0 of this Constitution.

See Part 4 – Officer Scheme of Delegation
### 8.0 PANELS

<table>
<thead>
<tr>
<th>Committee/Panel and Membership</th>
<th>Functions</th>
<th>Delegations of Functions</th>
</tr>
</thead>
</table>
| **8.1 Assessment Panel**       | 1. To meet as and when convened by the Group Head of Council Advice & Monitoring Officer to assess written complaints made against a Councillor or co-opted Member of Arun District Council or a Town and Parish Council within the Arun District in respect of an alleged breach of the relevant authority’s Code of Conduct.  
2. To conduct hearings, take decisions and determine sanctions in accordance with the Local Assessment Procedure.  
3. To report the outcome of their assessments to the Standards Committee. | See Part 4 – Officer Scheme of Delegation |
| 3 Members of the Standards Committee | 1 Independent Person | Quorum - 3 members |
| **8.2 Dispensation Panel**     | 1. To meet as and when convened by the Group Head of Council Advice & Monitoring Officer to consider applications from members of the Council for a dispensation to allow them to participate in the consideration, discussion or voting upon business before the Council where they have a pecuniary interest under the Members Code of Conduct.  
2. To grant a dispensation on the following criteria:  
a. without the dispensation, the proportion of the Council who would be prohibited from participating would impede the Council’s transaction of that business; or  
b. without the dispensation, the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote; or  
c. the granting of the dispensation is in the interests of people living in the Arun District; or  
d. without the dispensation, each individual Cabinet Member would be prohibited from participating in the business; or  
e. it is otherwise appropriate to grant a dispensation.  
3. To determine the period for the dispensation to be granted.  
4. To report the outcome of any dispensations granted to the Standards Committee. | See Part 4 – Officer Scheme of Delegation |
| 3 Members of the Standards Committee | Quorum - 3 members |
| **8.3 Enforcement Review Panel** | 1. To receive and consider reports of cases where formal legal action is considered to be an appropriate course of action in accordance with the Council’s Enforcement Policy for Environmental Health (including Private Sector Housing) and Cleansing, as may be amended. To consider what, if any, action is appropriate and to provide authority for any such action  
2. To refer such decisions to the Licensing Committee for approval where the Enforcement Review Panel considers such action appropriate. | See Part 4 – Licensing Scheme of Delegation |
| Membership of the Enforcement Review Panel shall be in accordance with the Council’s Enforcement Policy for Environmental Health (including Private Sector Housing) and Cleansing, as may be amended. | |
Private Sector Housing) and Cleansing, as may be amended from time to time.

8.4 Housing Appeals Panel

9 Members of the Council

The Group Head of Residential Services or the Housing Services Manager has authority to call hearings of the Panel as and when required and shall select, in rotation, 3 Members to sit at a hearing of the Panel

1. Housing Register Applications - to act as the Council's final level of appeal to determine appeals against delegated decisions made by officers of the Council on Housing Register Application matters in accordance with the Council's existing policies and procedures.

2. Housing and Transfer Applications and Allocations – to approve immediate re-housing in special or urgent cases where an appeal in respect of an officer decision is made.

3. Shared Ownership Properties – in consultation with the Cabinet Member for Residential Services to review and determine:
   a. Revaluations
   b. Cases of hardship
   c. Whether the properties should be sold based on current market value

4. Introductory Tenancies and Demoted Tenancies – acting as a Review Panel in consultation with the Cabinet Member for Residential Services to undertake reviews of decisions to end or extend Introductory Tenancies and Demoted Tenancies.

5. Introductory Tenancies – the Chairman of the Panel in consultation with the Cabinet Member for Residential Services and Director of Services to grant additional rights over and above those laid down in statute to introductory tenants.

6. No Member shall take any part in the proceedings of a Housing Appeals Panel where he/she has taken any part in the decision, which is under appeal.

8.5 Staff Consultation Panel

Council representatives
Cabinet Member for Corporate Support and one other Member nominated by the Leader of the Council

Staff representatives
Two members of the Unison Branch Executive

Management representatives
Chief Executive and

Objectives
1. To facilitate consultation between the Council and its employees and to maintain and improve relations between both sides. It is not an executive body but may make recommendations, where appropriate, to Full Council.

Role
2. To establish a regular method of negotiation and consultation between the Council and its staff in order to provide for the health, safety and welfare of staff and ensure an effective working environment.

3. To introduce changes to Human Resources Policy into the decision making system for formal adoption by the Council.

4. To examine problems arising from the operation of agreed procedures and conditions and assisting in the prevention of

See Part 4 – Officer Scheme of Delegation
5. To ensure that employee representatives are well informed about the current and proposed strategy and activities of the Council and their proposals for the future and to address any issues relating to staff that arise from this.

6. To address any other staff related issues which it is agreed by all Panel members fit within the objectives of the Panel.

7. To receive Reports/Minutes from the Staff Safety Panel to be noted or action agreed.

8. No matter about an individual shall be within the scope of the Panel.

Attendance at meetings and quorum

9. For a meeting to be quorate all of the members must be present, however, any of the Members are able to be substituted if necessary by an appropriate Elected Member, Unison Member or Manager. Substitutes will have the same powers as appointees.

10. A full quorum is only required if a decision is to be referred to Full Council, otherwise a meeting may proceed if only one Elected Member, one Unison representative and one Manager are present. In these circumstances a decision may be deferred to a future meeting.

11. Some decisions may be agreed outside of the formal meeting if e-mail consultation has taken place. Decisions made in this way will be recorded at the next formal meeting.

12. The Safety Coordinator and his/or her representative will attend meetings of the Panel to provide advice and guidance if required, as well as present reports for discussion.

13. It may be appropriate for parties other than those set out in the Constitution to attend formal meetings for specific agenda items. This to be agreed in advance by all Panel members.

Regulations

14. A Chairman will be appointed by the Panel at its first meeting in each Council year.

15. If a vote is required, members of the Panel who are entitled to vote will be the Council’s elected representatives and the Unison representatives.

16. Meetings of the Panel will be held approximately every quarter, but with additional meetings arranged if necessary to discuss significant issues and ensure good communication. Meetings will be held in closed session in view of the confidential nature of the business to be discussed.

17. The agenda shall be agreed in advance of the meeting and sent to each member of the Panel at least five working days before any meeting. This is a minimum timescale and in
the interests of encouraging clarity and constructive debate at the meeting, members of the Panel are encouraged to provide items for consideration in writing and with more notice than five days if items are complicated or controversial.

18. As a general rule, matters brought before the Panel will have been formally raised with the appropriate Director previously.

19. No business other than that appearing on the agenda shall be transacted at any meeting unless both sides agree to its introduction.

20. Minutes will be agreed by members of the Panel in attendance, prior to being published on the staff Intranet.

21. It is anticipated that from time to time there will be a need to make recommendations to Full Council where significant and/or wide ranging policy changes or new policies are proposed, or where there is a failure to reach agreement between the Employer and Unison. This will normally be by way of an officer report.

8.6 Staff Appeals Panel

8 Members of the Council

The Group Head of Corporate Support or his/her nominated representative has authority to call hearings of the Panel as and when required and shall select, in rotation, 3 Members to sit at a hearing of the Panel.

1. To act as the final level of appeal to determine appeals against decisions of the Council on employment matters, including those under the Disciplinary Procedure and the Grievance Procedure and to authorise the terms to settle any employment related dispute with the Council including:

- any final financial settlement up to a limit of £25,000 for an individual claim to a compensatory payment. All financial claims relating to a regrading claim require a decision of Full Council where a supplementary estimate is needed
- the non-financial terms for a settlement agreement or compromise agreement to settle a matter
- making a recommendation to Full Council in all other cases
- authorising the serving of relevant legal and other Notices by the Council arising out of any matter referred to an Employment Tribunal.

2. To operate within the Council's existing policies and procedures for hearing and determining Disciplinary and Grievance matters. In respect of all other matters coming before the Staff Appeals Panel, the procedure shall be determined by the Group Head of Corporate Support or his/her nominated representative.

3. No Member shall take any part in the proceedings of a Staff Appeals Panel where he/she has taken any part in the decision, which is under appeal.

See Part 4 – Officer Scheme of Delegation
### 9.0 CHIEF EXECUTIVE COMMITTEES AND PANELS

<table>
<thead>
<tr>
<th>Committee/Panel and Membership</th>
<th>Functions</th>
<th>Delegations of Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9.1 Chief Executive’s Appraisal Panel</strong></td>
<td>Purpose</td>
<td>None</td>
</tr>
<tr>
<td>The Leader of the Council, Deputy Leader of the Council and Leader of the Opposition (or majority opposition group)</td>
<td>1. To annually review the performance of the Chief Executive against previously agreed objectives and timescales as agreed as part of his/her contract of employment.</td>
<td></td>
</tr>
<tr>
<td>The appointed Members of the Appraisal Panel shall not also be appointed to the Chief Executive’s Remuneration Committee</td>
<td>2. To have as its Proper Officer the Group Head of Corporate Support.</td>
<td></td>
</tr>
<tr>
<td>Quorum – two Members</td>
<td>3. To meet in private. No one other than the Chief Executive, Members of the Panel or relevant third party will attend the meeting without the agreement of all members of the Panel, the Chief Executive or alternatively, without the agreement of Full Council.</td>
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<tr>
<td></td>
<td>4. To refer any appeal about any action or outcome arising out of the work of the Appraisal Panel to the Staff Appeals Panel.</td>
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<td></td>
<td>5. To work to the Terms of Reference set out below and where not expressly listed to follow the JNC Model Conditions.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Terms of Reference</strong></td>
<td></td>
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<tr>
<td></td>
<td>6. To measure the performance of the Chief Executive against what is expected of him/her in the post from previously identified targets.</td>
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<tr>
<td></td>
<td>7. To measure achievement and identify any continuing development needs which if met would maintain a high level of performance.</td>
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<td></td>
<td>8. To report to the Chief Executive’s Remuneration Committee on the outcome of the appraisal.</td>
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<tr>
<td></td>
<td><strong>Role</strong></td>
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<tr>
<td></td>
<td>9. To set clear objectives, which are relevant and challenging but achievable for the Chief Executive. These objectives to be agreed with the post holder.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10. To review the Chief Executive’s performance against agreed objectives and timescales that were set for the preceding year or period.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11. To discuss any continuing development needs for the Chief Executive which if met would maintain a high level of performance and/or meet anticipated future requirements in the context of the Council’s changing priorities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. To ensure that the process for the Appraisal follows the JNC Model Conditions or other best practice as agreed from time to time.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13. To openly discuss the working relationship between leading Members and the Chief Executive and to adjust working approaches if necessary.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14. To report to the other Chief Executive's</td>
<td></td>
</tr>
</tbody>
</table>
Committees and Panels as appropriate and/or necessary concerned with the role of Chief Executive on any positive or negative matters.

**Casting Vote**
15. The Leader of the Council shall have a second and casting vote. In the absence of the Leader of the Council, the Deputy Leader of the Council shall have a second and casting vote.

### 9.2 Chief Executive’s Remuneration Committee

**Purpose**
1. To consider the remuneration to be paid for the post of Chief Executive that takes into account the report of the Chief Executive’s Recruitment and Selection Panel or the Chief Executive’s Appraisal Panel and make recommendations to Full Council.

2. To have as its Proper Officer the Group Head of Corporate Support or his/her representative.

3. To refer any appeal about any action or outcome arising out of the work of the Remuneration Committee to the Staff Appeals Panel.

4. To work to the Terms of Reference set out below and where not expressly listed to follow the JNC Model Conditions.

**Terms of Reference**
5. To look at all elements of the remuneration package, which are not set nationally (e.g. pensions) or by overall Council Policy, including fixed salary, variable pay elements and any additional benefits.

6. To ensure that such decisions are taken in a transparent manner and made available publicly in a suitable format.

**Role**
7. To undertake periodic reviews of the pay and remuneration of the Chief Executive.

8. To meet at least annually.

9. To receive from time to time, a report relating to relevant pay data from the Group Head of Corporate Support or his/her representative in relation to pay and remuneration schemes for Chief Executives.

### 9.3 Chief Executive’s Recruitment and Selection Panel

**Purpose**
1. To undertake all processes leading to the recruitment and selection of a new Chief Executive.

2. To have as its Proper Officer the Group Head of Corporate Support or his/her representative.

3. To work to the Terms of Reference set out below and where not expressly listed to follow the JNC Model Conditions.

None
by the Leader of the Council, in consultation with the other Group Leaders

Quorum – three Members

Terms of Reference
4. To be familiar with current views as to the important elements of the job of Chief Executive and to come to a view as to the essential elements of the job description, job skills and key attributes. It is likely that the Committee would seek internal and external advice throughout the process.

5. To report to the Chief Executive’s Remuneration Committee on the outcome of the review of the remuneration package to be paid to a new Chief Executive.

6. To undertake all work necessary to recruit and select a Chief Executive and make recommendations to Full Council to confirm the appointment as required by Article 4 in this Constitution.

10.0 STATUTORY OFFICERS’ COMMITTEES AND PANELS

<table>
<thead>
<tr>
<th>Committee/Panel and Membership</th>
<th>Functions</th>
<th>Delegations of Functions</th>
</tr>
</thead>
</table>
| **10.1 Statutory Officers’ Investigatory and Disciplinary Committee** | Purpose 1. To deal with matters relating to the conduct and/or capability of the following statutory officers:  
- Chief Executive;  
- Director of Place;  
- Director of Services;  
- Section 151 Officer; and  
- the Monitoring Officer.  
2. To have as its Proper Officer the Human Resources Manager.  
3. To work to the Terms of Reference set out below | See Part 4 – Officer Scheme of Delegation |
| | Terms of Reference 4. To consider allegations and take disciplinary action, as appropriate, relating to the conduct and/or capability of the statutory officers including:  
- To screen potential disciplinary/dismissal issues to consider whether they require investigation and whether the relevant officer should be suspended. This includes informing the statutory officer concerned of the allegations, allowing him/her to respond and to consider whether further investigation is needed.  
- To organise the investigation, including if appropriate instructing the Human Resources Manager to appoint a Designated Independent Person (who should make recommendations on whether and what disciplinary action might be | |
| | | |
appropriate) and consider what disciplinary action it wishes to recommend, after hearing the views of the statutory officer concerned.

- Where the recommendation of the Committee is for dismissal, to refer the matter to the Investigatory and Disciplinary Panel for its views.

- If, after taking the views of the Investigatory and Disciplinary Panel into account, the Committee’s recommendation is for dismissal, the requirements of the Officer Employment Rules as set out in Part 6, Section 7 of this Constitution will be followed.

- If, following this, dismissal is still considered appropriate, to recommend to Full Council that the statutory officer be dismissed as required by Article 4 in this Constitution.

- Where the Committee decides that action short of dismissal, or no disciplinary action at all is appropriate, to inform the statutory officer concerned of that decision and any associated actions, without reference to the Investigatory and Disciplinary Panel or the Council.

| 10.2 Statutory Officers’ Investigatory and Disciplinary Panel |
| Purpose |
| 3 Independent Persons from the Standards Committee or any other local authority |
| Quorum – three Members |

| Purpose |
| 1. To meet as and when convened by the Human Resources Manager in order to carry out an independent review of the investigation and recommendations of the Statutory Officers’ Investigatory and Disciplinary Committee where dismissal of one of the statutory officers is recommended. |
| 2. To report the results of its independent review to the Statutory Officers’ Investigatory and Disciplinary Committee. |

| None |
11.0 JOINT AREA COMMITTEES

Joint Area Committees in operation at December 2017 are:

<table>
<thead>
<tr>
<th>Name of the Committee</th>
<th>Reporting to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Eastern Arun Area Committee</td>
<td>Cabinet</td>
</tr>
<tr>
<td>Joint Western Arun Area Committee</td>
<td>Cabinet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committee/Panel and Membership</th>
<th>Functions</th>
<th>Delegations of Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11.1 Joint Arun Area Committee</strong></td>
<td>Delegation of functions to Joint Area Committees</td>
<td></td>
</tr>
<tr>
<td>Membership is confirmed at Article 10 of this Constitution</td>
<td>1. The functions delegated to the Joint Eastern Arun Area Committee and the Joint Western Arun Area Committee are set below and these include reference to those functions which are the responsibility of the Cabinet and which are not:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• relevant budgets and</td>
<td></td>
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<tr>
<td></td>
<td>• limitations upon delegation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. The County Council’s delegation to the Joint Arun Area Committees can be viewed from <a href="http://www2.westsussex.gov.uk/ds/constitution/part3.pdf">http://www2.westsussex.gov.uk/ds/constitution/part3.pdf</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. The District Council has agreed to delegate the following functions to the Joint Area Committees:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i. The promotion of the environmental, social &amp; economic well-being of the rural area.</td>
<td></td>
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<tr>
<td></td>
<td>ii. To advise on matters relating to farming and other rural activities, including the impact of Council services on such activities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii. To develop and maintain partnerships within the two areas.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iv. The implementation and management of new facilities in the form of play areas, public seats, concessions, kick-about areas, car parks, toilets, bus shelters, litter and recycling facilities, street nameplates, drains and sewers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>v. The disposal of facilities of the kind referred to in the Paragraph above in accordance with Council policies.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>vi. Recommend to the Cabinet/Council the provision of new facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>vii. The granting of the temporary use of Council facilities.</td>
<td></td>
</tr>
</tbody>
</table>

Voting Rights of members of the Joint Area Committees

4. The District Council has agreed to extend indefinitely, or until the Council determines otherwise three tier voting on the Joint Western Arun Area Committee and the Joint Eastern Arun Area Committee, with respect to items relating to Arun District Council functions as
listed in paragraph 9.4 above.

5. Voting rights on those matters are given to members of the District Council, County Council, and Parish and Town Councils appointed by their respective Councils onto the Committee.

6. All Members may vote on items/matters where a recommendation is being made by the Area Committee to the District Council and on resolutions where:
   • the item is for information purposes only;
   • the item relates to the election of key members of the Committee or confirmation of the Minutes of the Area Committee; or
   • when the Committee is acting in a purely advisory capacity. This applies to all three Joint Area Committees.
12.0 PARTNERSHIPS

12.1 The Council is involved in a number of multi-agency partnerships where the nominated representative will be required to report back on the outcome of meetings attended and any recommended actions for consideration.

12.2 The nominated representative will generally be appointed by the Leader of the Council or the relevant Committee, unless the terms of reference of the partnership require otherwise.

12.3 The Council cannot impose the requirements of its own Constitution on partnerships. However, where the Council is acting as the accountable body, handling funds on behalf of a partnership, then compliance with the Financial Procedure Rules at Part 6 of this Constitution will be expected.

12.4 Partnerships in operation at December 2017 are:

<table>
<thead>
<tr>
<th>Partnership</th>
<th>Representative</th>
<th>Reporting to</th>
<th>Terms of Reference can be found:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sussex Police &amp; Crime Panel</td>
<td>Cabinet Member for Neighbourhood Services</td>
<td>Overview Select Committee</td>
<td>Sussex Police &amp; Crime Panel</td>
</tr>
<tr>
<td>Health and Adult Social Care Select Committee</td>
<td>One Councillor nominated by the Overview Select Committee</td>
<td>Overview Select Committee</td>
<td>Health &amp; Adult Social Care Select Committee</td>
</tr>
<tr>
<td>West Sussex Joint Scrutiny Steering Group</td>
<td>Chairman of the Overview Select Committee</td>
<td>Overview Select Committee</td>
<td>Joint Scrutiny Steering Group</td>
</tr>
<tr>
<td>Arun Wellbeing and Health Partnership</td>
<td>Two Councillors appointed by the Leader of the Council</td>
<td>Cabinet</td>
<td>Arun Wellbeing &amp; Health Partnership (AWHP)</td>
</tr>
<tr>
<td>Safer Arun Partnership</td>
<td>Cabinet Member for Community Wellbeing plus one other Councillor appointed by the Leader of the Council</td>
<td>Cabinet via the Environment &amp; Leisure Working Group who monitor the partnership on behalf of the Overview Select Committee</td>
<td>Safer Arun Partnership</td>
</tr>
<tr>
<td>Coast to Capital Local Enterprise Partnership Joint Committee</td>
<td>Leader of the Council</td>
<td>Full Council</td>
<td>Coast to Capital</td>
</tr>
<tr>
<td>West Sussex &amp; Greater Brighton Strategic Planning Board</td>
<td>Cabinet Member for Planning</td>
<td>Group Head of Planning</td>
<td>Coastal West Sussex &amp; Greater Brighton Strategic Planning Board</td>
</tr>
</tbody>
</table>
PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 1 – GENERAL PRINCIPLES)
Part 4 is set out in four sections as follows:

Section 1: General Principles
Section 2: Chief Executive and Directors
Section 3: Group Heads
Section 4: Functions

Introductory Note:

All functions that are not specifically reserved by law or under this Constitution to Council, a Committee, the Cabinet, a Cabinet Member, or Officers, are delegated to the Cabinet.
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<td>8</td>
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<tr>
<td>7.0</td>
<td>PROPER OFFICERS</td>
<td>8</td>
</tr>
</tbody>
</table>
1.0 GENERAL PRINCIPLES

1.1 All functions that are not specifically reserved by law or under this Constitution to Council, a Committee, the Cabinet, a Cabinet Member, or Officers, are delegated to the Cabinet.

1.2 Subject to the above, the Council’s functions delegated to Officers are set out in Sections 2 and 3 of this Part of the Constitution.

1.3 This scheme is made by the Council under section 101(1) (a) of the Local Government Act 1972 and in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 or any amendments to them (the “Regulations”).

1.4 The scheme is made in accordance with section 151 of the Local Government Act 1972, and all other provisions relating to functions held by the Council; and shall be construed in accordance with any legislation amending, or substituted for, any of those provisions, or any legislation having a similar purpose or made for similar purposes.

1.5 This scheme does not delegate to officers:

- any matter reserved to full Council,
- any matter which by law may not be delegated to an officer,
- any matter expressly reserved to a Committee, the Cabinet or a Cabinet Member by this Constitution,
- any power to change concession policies,
- any power to make a decision on permanent savings in a budget,
- any power to make an order for the compulsory acquisition of land,
- any power to acquire land in advance of requirements,
- any power to confirm any order, or to issue or grant any permission, consent, licence or other determination, which is the subject of a statutory right of objection that has been duly exercised.

1.6 In respect of any matter falling within the parameters of this scheme, the Chief Executive may in writing make such detailed delegations to Directors concerning functions and activities within their areas of responsibility as he considers appropriate.

1.7 This scheme delegates powers and duties within broad functional descriptions. It includes powers and duties under all legislation, byelaws present and future, and common law provisions, within those descriptions, and all powers and duties incidental to that legislation including the institution and conduct of proceedings. The powers and duties shall be exercised in accordance with the Constitution and the policies and objectives of the Council relevant to the matter upon which action is to be taken.

1.8 This scheme includes an obligation on officers to keep Members of the Council properly informed of activity arising within the scope of these delegations.
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 1 – GENERAL PRINCIPLES

1.9 Group Heads and above have the power, in an emergency, to take such action as is necessary within the law to protect life, health and safety, the economic, social or environmental well-being of the District, and to preserve property belonging to the Council or others.

1.10 These general principles and any amendment of or addition to them made by the Council shall apply to the delegation of functions in the Constitution.

2.0 GENERAL LIMITATIONS

2.1 An officer, in exercising delegated powers, shall consult other appropriate officers and shall have regard to any advice received.

2.2 Any exercise of delegated powers shall be subject to any policy framework approved by the Council, including the authority’s employment policies and disciplinary procedures, equal opportunities policies, and any service delivery policies; and shall be guided by relevant Codes of Conduct or protocols produced or adopted by the Council (including any Code or protocol which has been included within the Council’s Constitution) and the Corporate Plan.

2.3 Any exercise of delegated powers shall be subject to:

- any statutory restrictions
- the Council’s Procedure Rules relating to Purchasing, Procurement, Contracts and Disposals
- the Council’s Financial Procedure Rules
- Article 14 of the Constitution (Finance, Contracts and Legal Matters)
- the provisions generally of this Part of the Constitution

2.4 In exercising delegated powers, officers shall not go beyond the provision made in the revenue or capital budgets for their service, except to the extent permitted by the Council’s Financial Procedure Rules or the Procedure Rules relating to Purchasing, Procurement, Contracts and Disposals.

2.5 Any matters relating to the making and/or alteration of Council policy shall be referred to Council or Cabinet.

2.6 The delegation of authority to deal with any matter shall not override the power of the Council to call for a report on any decision or action taken or to require any such matter under consideration to be referred to the Council or to the appropriate Committee, the Cabinet or a Cabinet Member for decision.

2.7 The Chief Executive, a Director or Group Head may, after consultation with any officer concerned, refer to the Council, the appropriate Committee, the Cabinet or a Cabinet Member for decision any matter which has been brought to his/her notice and which in his/her opinion, because of special difficulty or otherwise, warrants such reference.

2.8 It shall always be open to an officer to whom authority is delegated to consult the appropriate Chairman of a Committee, or other appropriate Member, on the exercise of a delegated function, or not to exercise a
delegated function but to refer the matter back to the Council, the appropriate Committee, the Cabinet or a Cabinet Member for decision.

2.9 Where a delegation requires the agreement of, or consultation with or other action by a Cabinet Member or Committee Chairman, such delegation shall allow for the substitution of another Member in the absence of the specified Member. In the case of a Cabinet Member this shall be the Leader or Deputy Leader. In the case of a Committee Chairman it shall mean the Vice-Chairman or in his/her absence, another member of the Committee.

2.10 An officer to whom authority is delegated shall have power to undertake all work to give full effect to any decision of the Council, its Committees, the Cabinet or a Cabinet Member.

3.0 DELEGATIONS TO OFFICERS

3.1 The functions or activities listed in Sections 2 and 3 of this Part of the Constitution and varied from time to time are delegated to the officers in the posts named in Sections 2 and 3.

3.2 Limitations of delegations - The powers delegated to officers under this scheme do not include any power to take a decision which is properly a matter for the Council, Cabinet, a Cabinet Member or a Committee or Sub-Committee. Officers are, in the context of this scheme, responsible for the management of their services, the provision of advice to the Council and Members, and the implementation of Council policies and decisions. A decision which an officer takes, under a delegation made by or under this scheme, must:

- implement a policy previously approved or decision previously taken by the Council, Cabinet, a Cabinet Member or a Committee or Sub-Committee; or
- facilitate, or be conducive or incidental to, the implementation of a policy or decision previously approved;
- be recorded in accordance with paragraphs 5.1 and 5.2 below

3.3 Any officer exercising powers or duties in pursuance of full sub-delegation will be politically restricted under section 2(1) (g) of the Local Government and Housing Act 1989.

4.0 FURTHER PROVISIONS

4.1 Continuation of existing delegations - A delegation to an officer which existed at the date of the introduction of this scheme shall, to any extent that it remains unaltered by (and is not inconsistent with) any delegation (or variation to a delegation) made by or under this scheme, shall continue to have effect.

4.2 Deemed delegations - Where in respect of a given function or activity, no delegation is in effect, and an officer has a management responsibility in relation to the exercise of that function or activity, the exercise of any delegated authority necessary to carry out the function or activity effectively
shall be deemed to have been delegated to that post holder.

4.3 In this scheme, “officer” means the holder of any post to which a function or activity, or powers and duties in relation to such a function or activity, may be delegated.

4.4 Where a function or activity has been specifically delegated by or under this scheme to an officer, and where the officer to whom the delegation was made is absent or otherwise unavailable, that function or activity shall not be exercised by another officer without the consent of the Chief Executive.

4.5 An authority delegated to officers includes management of the human and material resources made available for the service/portfolio areas and any function concerned, within the limitations of this scheme, and subject to any specific delegations made by or in accordance with this scheme to another officer.

4.6 In each case, a delegated authority excludes any determination of policy, any exception to policy, or of any budget by the officer concerned.

5.0 RECORDS OF DECISIONS MADE BY OFFICERS WITH DELEGATED RESPONSIBILITIES

5.1 It is the responsibility of every officer exercising a delegated responsibility to maintain a paper or electronic record of all decisions made and actions decided upon for a period of six years or such other period as required by statute or regulation in a manner that meets the overall responsibility of the Council arising from that decision, including the needs of officers from all services who will action the decision as well as the officers who are responsible for the governance of the Council.

5.2 Where a decision delegated to an officer would otherwise have been taken by the Council, Cabinet, a Cabinet Member, a Committee, Sub-Committee or Joint Committee either:

a) under a specific express authorisation; or

b) under a general authorisation to officers to take such decisions and, the effect of the decision is to -

- grant a permission or licence;
- affect the rights of an individual; or
- award a contract or incur expenditure which, in either case, materially affects the Council’s financial position

The decision-making officer must produce and retain for a period of six years a written record of the decision as soon as practicable containing the following information:

i. the date the decision was taken;

ii. a record of the decision and the reasons for the decision;

iii. details of alternative options, if any, considered and rejected; and
iv. where the decision falls under paragraph 5.2 a) above, the names of any member of the Council who has declared a conflict of interest in relation to the decision.

6.0 WRITTEN RECORD OF THE DECISION

6.1 For decision made under Paragraph 5.2 above, the written record must, as soon as reasonably practicable after the decision is made, be available:
   a) For inspection at Council Officers during normal working hours; and
   b) To view online

7.0 PROPER OFFICERS

7.1 The Local Government Act 1972 introduced a requirement that the officer required to perform specified duties should be the "Proper Officer" appointed by the Council for that purpose. The Council has designated the undermentioned officers in the following table as the ‘Proper Officers’ for the sections and schedules indicated.

<table>
<thead>
<tr>
<th>Legislation Title (in alphabetical order)</th>
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<th>Proper Officer</th>
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<tbody>
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<td>Local Authorities (Referendums) (England) Regulations 2011</td>
<td>Petitions and Referendums</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 Regulation 15</td>
<td>Access to Information</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Local Government Act 1972: •Schedule12 - para 4(2)(b)</td>
<td>Signing of Council summons to attend a meeting</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>•Schedule14 para 25(7)</td>
<td>Certification of resolutions passed by the Council</td>
<td>Chief Executive and Directors</td>
</tr>
<tr>
<td>•S. 13(3)</td>
<td>Parish Trustee (In a parish not having a separate parish council)</td>
<td></td>
</tr>
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</tr>
<tr>
<td>-----------------------------------------</td>
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</tr>
<tr>
<td>S. 83(1)</td>
<td>Declarations of acceptance of office</td>
<td></td>
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<td>Notice of casual councillor vacancy</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>S. 100A – 100K</td>
<td>Access to Information</td>
<td></td>
</tr>
<tr>
<td>S. 115(2)</td>
<td>Payment of money due</td>
<td></td>
</tr>
<tr>
<td>S. 146(1)(a)</td>
<td>Securities – statutory declaration</td>
<td></td>
</tr>
<tr>
<td>S. 146(1)(b)</td>
<td>Securities – certificate</td>
<td></td>
</tr>
<tr>
<td>S. 151</td>
<td>Financial administration</td>
<td></td>
</tr>
<tr>
<td>S. 191</td>
<td>Ordnance Survey applications</td>
<td>Director of Place</td>
</tr>
<tr>
<td>S.s 210(6) and (7)</td>
<td>Charities</td>
<td>Group Head of Corporate Support</td>
</tr>
<tr>
<td>S. 225(1)</td>
<td>Deposit of documents</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>S. 229(5)</td>
<td>Certification of photocopies (other than accounts)</td>
<td>Group Head of Council Advice &amp; Monitoring Officer</td>
</tr>
<tr>
<td>S.s 234(1) and (2)</td>
<td>Authentication of documents</td>
<td>Chief Executive, Directors and Group Heads</td>
</tr>
<tr>
<td>S.s 236(9)</td>
<td>Distribution of Byelaws</td>
<td>Group Head of Corporate Support</td>
</tr>
<tr>
<td>S. 238</td>
<td>Provide certified copies of Byelaws</td>
<td></td>
</tr>
<tr>
<td>Local Government Finance Act 1988 – S.114</td>
<td>Proper administration of financial affairs</td>
<td>Group Head of Corporate Support</td>
</tr>
<tr>
<td>Local Government (Miscellaneous Provisions) Act 1976 – S.41</td>
<td>Evidence of resolutions and minutes of proceedings</td>
<td>Group Head of Corporate Support</td>
</tr>
<tr>
<td>Local Government Act 2000 – S.s 49 to 81 (insofar as the same are still in force)</td>
<td>Conduct of Members</td>
<td>Group Head of Council Advice &amp; Monitoring Officer</td>
</tr>
<tr>
<td>Local Government &amp; Housing Act 1989 – S. 4</td>
<td>Head of the Paid Service</td>
<td>Chief Executive</td>
</tr>
</tbody>
</table>
PART 4 – OFFICER SCHEME OF DELEGATION  
SECTION 1 – GENERAL PRINCIPLES

<table>
<thead>
<tr>
<th>Legislation Title (in alphabetical order)</th>
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</tr>
</thead>
<tbody>
<tr>
<td>§. 5</td>
<td>Monitoring Officer</td>
<td>Group Head of Council Advice &amp; Monitoring Officer</td>
</tr>
<tr>
<td>Public Health (Control of Disease) 1984 §. 1</td>
<td>Duty to execute this Act</td>
<td>The Council has appointed Public Health England to act as Proper Officer when dealing with these powers</td>
</tr>
<tr>
<td>§. 61</td>
<td>Power to enter premises</td>
<td></td>
</tr>
<tr>
<td>Neighbourhood Planning (Referendums) Regulations 2012</td>
<td>Counting Officer</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Representation of the People Act 1983: §. 8</td>
<td>Registration of Parliamentary and Local Government Electors – Electoral Registration Officer</td>
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<td>§. 28</td>
<td>Conduct of Parliamentary Elections – Discharge of Returning Officer’s functions</td>
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<td>Electoral Administration Act 2006</td>
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<tr>
<td>Police Reform and Social Responsibility Act 2011</td>
<td>Police and Crime Commissioner Elections</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Planning (Listed Buildings and Conservation Areas) Act 1990 – §. 2</td>
<td>Deposit of lists of buildings of special architectural or historic interest</td>
<td>Director of Place</td>
</tr>
</tbody>
</table>

7.2 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, a reference to a specified officer of the Council shall be deemed to be a reference to the Director of the Department of the Council in which the function of the specified officer is now vested, or in appropriate cases to Public Health England.

7.3 Where written evidence of any such appointment as aforesaid is required, the Chief Executive or his/her nominated deputy shall issue it.

7.4 Officers responsible for the Governance of the Council are:
Finance – Group Head of Corporate Support
Internal Audit - Chief Internal Auditor
Scrutiny – Group Head of Policy
Committee Services and Information Management – Group Head of Council Advice & Monitoring Officer
PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 4 - FUNCTIONS)
Part 4 is set out in four sections as follows:

Section 1: General Principles
Section 2: Chief Executive and Directors
Section 3: Group Heads
Section 4: Functions

Introductory Note:

All functions that are not specifically reserved by law or under this Constitution to Council, a Committee, the Cabinet, a Cabinet Member, or Officers, are delegated to the Cabinet.
Contents
1.0 LICENSING SCHEME OF DELEGATION............................................................... 4
1.0 **LICENSING SCHEME OF DELEGATION**

Pursuant to Paragraphs 4.3.1 (Licensing Committee) and 5.5 (Licensing Committee) of Part 3 of the Constitution:

1.1 Subject to Paragraph 1.3 below, an authorised officer may determine all applications, renewals, variations, transfers and other matters in respect of any licenses, permissions, registrations and approvals under, and so far as is required or permitted by any legislation, policy or scheme of delegations of the Council.

1.2 The legislation referred to above shall include, but not exhaustively:
   - The Licensing Act 2003
   - The Gambling Act 2005

1.3 Where:
   - The Council receives any objection, adverse representation or information concerning any of the above mentioned matters, and
   - Such objection, representation or other matter cannot be resolved in such a way as is permitted by law, Council policy or scheme of delegations the matter will be referred to the Licensing Sub-Committee for determination.

1.4 An authorised officer may refuse to renew, or may suspend, revoke or take any other such action against any license, permission, registration or approval as permitted by law or such Council policy as is consistent with law.

1.5 Without prejudice to the generality of the afore-going provision, an authorised officer may refuse to renew, suspend or revoke a Hackney Carriage or Private Hire Vehicle Driver’s License, save that the determination of any such action will be referred to the Licensing Sub-Committee where:
   - That action is likely to present a departure from any Hackney Carriage or Private Hire Vehicle Licensing Policy adopted by the Council, or
   - The officer deems it proper to do so for any other reason.
PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 2 – CHIEF EXECUTIVE & DIRECTORS)
Part 4 is set out in four sections as follows:

Section 1: General Principles
Section 2: Chief Executive and Directors
Section 3: Group Heads
Section 4: Functions

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Contents
1.0 CHIEF EXECUTIVE, DIRECTORS AND GROUP HEADS ......................... 4
2.0 CHIEF EXECUTIVE .............................................................................. 5
3.0 DIRECTOR OF SERVICES ................................................................. 10
4.0 DIRECTOR OF PLACE....................................................................... 13
1.0 **CHIEF EXECUTIVE, DIRECTORS AND GROUP HEADS**

1.1 With the exception of Proper Officer powers and those powers delegated to:
   a) the Council Advice Group Head & Monitoring Officer when acting as Monitoring Officer
   b) the Group Head of Corporate Support when acting as Section 151 Officer

the Chief Executive, Directors and Group Heads have the power to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy, and to comply with and undertake all statutory obligations, duties, functions and powers within his or her area of responsibility and within approved budget.

1.2 Further to the above provisions, and those set out at Section 1 of this Part of the Constitution, the Chief Executive, Directors and Group Heads may allocate or delegate responsibility for exercising particular powers to any officer of the Council as he or she thinks fit. All such delegations are to be recorded in writing by the delegating officer and retained for the duration of the delegation which shall not exceed a specified period exceeding six months and shall set out the description of the powers to be exercised by the officer of the Council and state the post held by the officer, in accordance with the Local Government Act 2000 (Constitutions) (England) Direction 2000.

1.3 For the purposes of the above provisions, the statutory obligations, duties, etc. referred to shall include, but not exhaustively, those contained within the legislation set out in a matrix of statutes held by the delegating officer in respect of their service area, a copy of which shall be provided to the Monitoring Officer together with all amendments.

1.4 The Monitoring Officer will maintain a central record of all delegations received from the delegating officers as are established under Paragraph 1.2 of this Part of the Constitution and will make them available for public inspection pursuant to section 100G of the Local Government Act 1972.
2.0 CHIEF EXECUTIVE

The Chief Executive is responsible for Corporate Support including:

- **Corporate Support Group** consisting of:
  - Finance
  - Audit
  - Payroll
  - Procurement
  - s151 Officer/Accountancy
  - Human Resources
  - ICT and the digital agenda
  - Legal Services

- **Council Advice Group & Monitoring Officer** consisting of:
  - Information Management
    - Customers of Concern
    - Data Protection
    - FOI
    - Official Complaints
  - Legal Advice to the Council
  - Monitoring Officer
  - Standards
  - Committee Services

- **Policy Group** consisting of:
  - Communications/web management/marketing
  - Corporate Performance
  - Corporate Policy
  - Design
  - Electoral Services
  - Local Partner Liaison
  - National Partnerships (LGA, DCN, CWS, CtC)
  - Postal Services
  - Print
  - Scrutiny Support
  - Transformation

In addition to those delegated powers in Part 4 Section 2 Paragraphs 1.0 and 2.0 of this Constitution, the Chief Executive has the following delegated powers:
Proper Officer Powers

2.1 The Chief Executive has the following Proper Officer powers as laid out below:

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<td>Police Reform and Social Responsibility Act 2011</td>
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</tr>
</tbody>
</table>

2.2 To confirm the appointment of members to the Independent Remuneration Panel, in consultation and agreement with Group Leaders and the Chairman of the Audit & Governance Committee.

2.3 Should the Chief Executive consider that the appointment of any Independent Person on the Standards Committee or of any member on the Independent Remuneration Panel should be changed or terminated, the Chief Executive will consult with the Group Leaders and Chairman of the Audit & Governance Committee.
Committee who will make their recommendations to Full Council on whether any such appointment should be changed or terminated.

2.4 To keep under review polling districts and polling places under the District (taking into consideration any recommended proposals for Polling Stations by the Electoral Review Sub-Committee) and to make such urgent changes to polling stations for use at any local and national election as is necessary to ensure that the election process is not delayed.

2.5 Complaints Procedure – To award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant's favour (along with the Council Advice Group Head and Monitoring Officer).

2.6 Director/Group Head Annual Appraisal – Having conducted an Annual Appraisal for a Director or Group Head, to decide whether or not to agree a progression up the existing pay scale for the post. Any appeal by the member of staff is to the Staff Appeals Panel.

2.7 Special responsibility one-off payments to Members – On the advice of the Group Head of Corporate Support authorise special responsibility one-off payments to Members, on an outline basis of £50 per half day for one-off intensive projects

2.8 Appointment of deputy Electoral Registration Officers – To appoint deputy Electoral Registration Officers.

2.9 Approval of the Local Election Fees and Charges Scheme – To approve the Local Election Fees and Charges Scheme recommended by the Returning Officer for West Sussex County Council.

2.10 Enter into partnerships and related memoranda of understanding in consultation with the relevant Cabinet Member, with details being retrospectively reported to Cabinet at the earliest opportunity.

2.11 Incur expenditure for meeting the purposes of Local Government Act 1972 – S. 138 – in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of Cabinet.

2.12 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).

2.13 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

The Chief Executive, as Proper Officer, or his nominated deputy shall:

- be authorised to include in all agendas for meetings of the Council, its Committees and the Cabinet, where necessary or appropriate, a motion to exclude the press and public where either confidential and/or exempt information is to be discussed within the terms of the Act or the Regulations.
- be authorised to prepare lists of information as required by the Local Government (Access to Information) Act 1985 and the Regulations.
- be authorised to determine the fees to be charged for the inspection and copying of documents under S. 100(H) of the Local Government Act 1972 and Regulation 22 of the Regulations (the Council Advice Group Head and Monitoring Officer or his/her nominated officer also has this power)
   - Designate Council officers to be responsible for the management of investigations and grant authorisations and to act as Senior Responsible Officer in accordance with Codes of Practice issued by the Home Office from time to time.

2.15 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council’s Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.

2.16 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council’s Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.


2.18 Approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

2.19 Approve supplementary estimates outside of budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

2.20 Approve the drawing down of funds based on the process and financial limits listed in Part 6 Section 5 of the Constitution.

2.21 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in Part 6 Section 5 of the Constitution.

2.22 Where delay in obtaining instructions of the appropriate Member or Member body would in his/her opinion prejudice the Council's position, the Chief Executive may authorise the institution or defending or settlement or general conduct of proceedings in the Courts or settlement of any dispute not the subject of court action, to safeguard the Council's interest. The Chief Executive will in such circumstances, endeavour to brief the Leader of the Council & other Group Leaders in advance of the Chief Executive exercising such delegation, but will in all cases inform them & subsequently the Council, of the action taken. In the absence of the Chief Executive this authority is delegated to the Directors.

2.23 Urgent Decisions
   To make a decision in the following circumstances, in consultation with the Group Head of Council Advice & Monitoring Officer:
   
   • where a decision usually made by an Individual Cabinet Member would be delayed solely by reason of the decision having to be made during the period from the fourth day after the date of a regular local election and the Annual meeting of the Full Council; and
   
   • in the opinion of the Chief Executive the decision should be made as a matter of urgency.

Subject to time allowing, the Chief Executive will, before making his decision, consult with the Member nominated with responsibility for the function in question by the person designated by the majority group as leader, or, if no
nomination has been made, the last appointed Cabinet Member for that function, if that member has been re-elected.

2.24 Closure Notices

Pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 power to issue Closure Notices for up to a maximum period of 48 hours and the power to delegate authority to other officers within the authority for the purpose of issuing Closure Notices for up to a maximum period of 48 hours. In the absence of the Chief Executive this authority is delegated to their nominees, these being members of the Senior Management Team [the Corporate Management Team and Group Heads].

2.25 To make consequential amendments to the Officer Scheme of Delegation, to reflect the re-designation of posts and the re-allocation of functions which affect the terms of the Scheme.

2.26 Settlement Agreements

i. To agree terms for Settlement Agreements up to a cost to the Council of £50,000 in consultation with the Section 151 Officer;

ii. To agree terms for Settlement Agreements up to a cost of £95,000 in consultation with the Leader of the Council, Leader of the Opposition, and Section 151 Officer;

iii. To submit a report to Full Council for consideration on settlements of more than £95,000.
3.0 **DIRECTOR OF SERVICES**

The Director of Services is responsible for:

- **Community Wellbeing Group** consisting of:
  - Activities for the Elderly
  - Community Safety (including ASB Team)
  - Foreshores
  - Leisure & Culture
  - Safeguarding
  - Telecare (Lifeline)
  - Think Family
  - Wellbeing
  - Youth Council

- **Neighbourhood Services Group** consisting of:
  - Car Parking
  - Cemeteries
  - Cleansing
  - Customer Services (including Arun Direct)
  - Emergency Planning
  - Parks:
    - landscape architecture
    - multi-skilled team & tree gang
    - planning advice & tree preservation orders

- **Residential Services Group** consisting of:
  - Benefits
  - Homelessness
  - Housing and Housing Revenue Account
  - Strategy & enabling
  - Registered Providers & Social Landlords
  - Revenues

**Proper Officer Responsibilities**

3.1 The Director of Services or his nominated officer has the following Proper Officer responsibilities as laid out in the table below:

<table>
<thead>
<tr>
<th>Local Government Act 1972</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>•S.s 234(1) and (2)</td>
<td>Authentication of documents</td>
</tr>
<tr>
<td>•Schedule14 para 25(7)</td>
<td>Certification of resolutions passed by the Council</td>
</tr>
</tbody>
</table>

3.2 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
3.3 **Council Tax and National Non-Domestic Rates** (from 1 April 2018) – to write-off irrecoverable amounts up to £750 subject to a subsequent report to the Cabinet Member for Residential Services of totals written off.

3.4 Approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

3.5 Approve supplementary estimates outside of budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

3.6 Approve the drawing down of funds based on the process and financial limits listed in Part 6 Section 5 of the Constitution.

3.7 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in Part 6 Section 5 of the Constitution.

3.8 Enter into partnerships and related memoranda of understanding in consultation with the relevant Cabinet Member, with details being retrospectively reported to Cabinet at the earliest opportunity.

3.9 Incur expenditure for meeting the purposes of Local Government Act 1972 – S. 138 – in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of Cabinet.

3.10 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).

3.11 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council’s Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.

3.12 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council’s Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.


3.14 Where a response from the Disclosure and Barring Service reveals convictions or information relating to a Member, officer or a person that the Council causes to come into contact with children and/or vulnerable adults, to carry out a risk assessment in consultation with the Group Head of Corporate Support.

**Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour**

3.15 To carry out a review of the Council’s decision to seek possession under the mandatory ground where there has been prescribed anti-social behaviour. In the absence of the Director of Services, this authority is delegated to the Group Head of Residential Services.

3.16 In agreement with the Cabinet Member for Residential Services to acquire 250 houses over the 10 year period of the Housing Revenue Account (HRA) Business Plan 2017-2027 based on the three year capital funding programme in consultation with the S151 Officer with updates on spend to be reported to Cabinet via the Budget Variation Report.
3.17 Where appropriate, and in agreement with the Cabinet Member for Residential Services, to approve the use of specialist legal advisors in connection with property acquisitions under the HRA Business Plan 2017-2027 in consultation with the S151 Officer.

3.18 In agreement with the Cabinet Member for Residential Services, to authorise the disposal of all HRA assets (land and property), outside of Right to Buy, in consultation with the Group Head of Technical Services and Group Head of Corporate Support, and that the sale proceeds be reinvested back into the HRA account on all occasions.
4.0 **DIRECTOR OF PLACE**

The Director of Place is responsible for:

- **Economy Group** consisting of:
  - Business Development
  - Economic Partnerships (e.g. the LEP, the Regeneration Board, Devolution etc)
  - Economic Policy & Research
  - Tourism
  - Town centres management

- **Planning Group** consisting of:
  - Development Control
  - Local Plan & Policy
  - Strategic Development
  - Technical Administration Support

- **Technical Services Group** consisting of:
  - Building Control
  - Engineering
  - Environmental Health (incl. Private Sector Housing)
  - Facilities Management
  - Land Charges
    - Assets of Community Value Register
  - Property & Estates
  - Street Name & Numbering

4.1 **Proper Officer Responsibilities**

The Director of Place or his nominated officer has the following Proper Officer responsibilities as laid out in the table below:

<table>
<thead>
<tr>
<th>Local Government Act 1972</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. 191</td>
<td>Ordnance Survey applications</td>
</tr>
<tr>
<td>S.s 234(1) and (2)</td>
<td>Authentication of documents</td>
</tr>
<tr>
<td>Schedule 14 para 25(7)</td>
<td>Certification of resolutions passed by the Council</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Deposit of lists of buildings of special architectural or historic interest</td>
<td></td>
</tr>
</tbody>
</table>
4.2 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

4.3 Approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

4.4 Approve supplementary estimates outside of budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

4.5 Approve the drawing down of funds based on the process and financial limits listed in Part 6 Section 5 of the Constitution.

4.6 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in Part 6 Section 5 of the Constitution.

4.7 Enter into partnerships and related memoranda of understanding in consultation with the relevant Cabinet Member, with details being retrospectively reported to Cabinet at the earliest opportunity.

4.8 Incur expenditure for meeting the purposes of Local Government Act 1972 – S. 138 – in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of Cabinet.

4.9 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).

4.10 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council’s Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.

4.11 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council’s Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.


4.13 Authority to approve the acquisition of commercial properties from the Property Investment Fund up to a maximum value of £750,000 per acquisition in consultation with the Cabinet Member for Technical Services and the Section 151 Officer, subject to a viable business case.

**ASSETS OF COMMUNITY VALUE**

4.14 Authority be delegated to the Director of Place and Group Head of Technical Services, or their nominated representative, in conjunction with the Cabinet Member for Technical Services, to validate, consider and determine nominations for property/land to be listed as an asset of community value under the Assets of Community Value Policy.
4.15 Compensation claims made under the Assets of Community Value Policy will be determined by the Assets of Community Value Compensation Panel led by the Cabinet Member for Technical Services, as confirmed in Part 3, Section 3 (Cabinet Member Responsibilities).

4.16 When an application for a Review is received, to appoint an officer of the Council to carry out the Review and to make the Review decision. Such officer to be of appropriate seniority and an officer who did not take part in making the original decision. (Localism Act 2011 Section 92 (6) (b))
PART 4 - OFFICER SCHEME OF DELEGATION
(SECTION 3 – GROUP HEADS)
Part 4 is set out in four sections as follows:

Section 1: General Principles
Section 2: Chief Executive and Directors
Section 3: Group Heads
Section 4: Functions

Introductory Note:

All functions that are not specifically reserved by law or under this Constitution to Council, a Committee, the Cabinet, a Cabinet Member, or Officers, are delegated to the Cabinet.
1.0 Proper Officer Responsibility applicable to all Group Heads:

<table>
<thead>
<tr>
<th>Local Government Act 1972</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>·Schedule 14 para 25(7)</td>
<td>Certification of resolutions passed by the Council</td>
</tr>
</tbody>
</table>

2.0 Subject to being:

- within the overall resources allocated by the Council, and
- in direct support of the Council’s objectives, and
- within approved budget

The following functions are delegated to the following officers by the Chief Executive:

2.1 Group Head of Corporate Support

2.1.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:
- Finance (including Audit, Procurement and Payroll),
- Human Resources,
- Legal Services,
- ICT and the digital agenda

2.1.1a To implement changes to employment legislation concerning termination payments and pensions within Arun District Council’s Pensions Discretions Policy.

2.1.2 Proper Officer Responsibilities

The Group Head of Corporate Support or his nominated officer has the following Proper Officer responsibilities as laid out in the table below:

<table>
<thead>
<tr>
<th>Local Government Act 1972</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>·S. 115(2)</td>
<td>Payment of money due</td>
</tr>
<tr>
<td>·S. 146(1)(a)</td>
<td>Securities – statutory declaration</td>
</tr>
<tr>
<td>·S. 146(1)(b)</td>
<td>Securities – certificate</td>
</tr>
<tr>
<td>·S. 151</td>
<td>Financial administration</td>
</tr>
<tr>
<td>·S.s 210(6) and (7)</td>
<td>Charities</td>
</tr>
<tr>
<td>·S. 236(9)</td>
<td>Distribution of Byelaws</td>
</tr>
<tr>
<td>·S.238</td>
<td>Provide certified copies of Byelaws</td>
</tr>
<tr>
<td>Local Government (Miscellaneous Provisions) Act 1976</td>
<td>Evidence of resolutions and minutes of proceedings</td>
</tr>
<tr>
<td>·S.41</td>
<td></td>
</tr>
<tr>
<td>Local Government Finance Act 1988</td>
<td>Proper administration of financial affairs</td>
</tr>
</tbody>
</table>
PART 4 – OFFICER SCHEME OF DELEGATION
SECTION 3 – GROUP HEADS

2.1.3 **Council Tax Base** – approval of the Council Tax Base, in consultation with the Cabinet Member for Corporate Support.

2.1.4 **National Non-Domestic Rates (NNDR)** – approval of the NNDR, in consultation with the Cabinet Member for Corporate Support.

2.1.5 **Virements** – approve virements of expenditure within budget up to the financial limits listed in Part 6 Section 5 of the Constitution.

2.1.6 **Settlement Agreements** - to agree terms for the settlement of Settlement Agreements up to a cost to the Council of £25,000 in consultation with the Chief Executive. Settlements of more than £25,000 may be considered by the Chief Executive or Full Council dependent on their value as confirmed in Part 4 (Officer Scheme of Delegation, Section 2 (Chief Executive and Directors) and Article 4 (Functions of Full Council).

2.1.7 **Sundry Debts** – to write-off irrecoverable amounts up to £2,000 subject to a subsequent report to the Cabinet Member for Corporate Support of the totals written off.

2.1.8 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Council or in respect of which the Council is entitled to possession, in consultation with one of the Council’s Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the Council.

2.1.9 **Senior Information Risk Owner (SIRO)** – to carry out the duties and responsibilities of the SIRO.

2.1.10 All lawyers in the employment of the Council have delegated authority to instruct external legal consultants.

2.2 **Group Head of Policy**

2.2.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to the delivery of:

- Corporate Policy,
- Corporate Performance,
- Communications/web management/marketing,
- Scrutiny Support,
- Electoral Services
- National Partnerships,
- Local Partner Liaison,
- Design,
- Print,
- Postal Services
- Transformation
2.2.2 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

2.2.3 **Deputy Counting Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.

2.2.4 **Deputy Electoral Registration Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.

2.2.5 In consultation with the Chief Executive, power to fix the fees payable to canvassers and election staff on the basis of the West Sussex Returning Officers Fee and Charges Schedule.

### 2.3 Group Head of Council Advice & Monitoring Officer

2.3.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:

- Standards,
- Legal Advice to the Council,
- Monitoring Officer,
- Information Management and Support (including data protection, freedom of information, customers of concern and official complaints)
- Committee Services

2.3.2 **Proper Officer Responsibilities**

The Group Head of Council Advice & Monitoring Officer or her nominated officer has the following Proper Officer responsibilities as laid out in the table below:

<table>
<thead>
<tr>
<th>Local Government Act 1972</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>• S.229(5)</td>
<td>Certification of photocopies (other than accounts)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local Government Act 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>• S.s 49 to 81 (insofar as the same are still in force)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local Government &amp; Housing Act 1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>• S. 5</td>
</tr>
</tbody>
</table>

2.3.3 **Corporate Complaints Procedure** – to award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant’s favour (the Chief Executive also has this power).

2.3.4 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
2.3.5 To make any necessary consequential changes to the Constitution as a result of any legislation referred to in the Constitution that is modified or re-enacted.

2.3.6 Where Full Council makes express changes to the Constitution, authority to make those changes and further changes that are consequential to the express changes that Full Council has agreed.

2.3.7 To carry out all functions relating to the role of Monitoring Officer and to appoint a Deputy Monitoring Officer to carry out all functions as directed.

2.3.8 **Data Protection Officer** – to carry out the duties and responsibilities of the DPO.

3.0 **Subject to being:**
- within the overall resources allocated by the Council, and
- in direct support of the Council’s objectives, and
- within approved budget

the following functions are delegated to the following officers by the Director (Place):

### 3.1 **Group Head of Planning**

3.1.1 Subject to the exceptions set out at paragraph 3.1.2 and 3.1.3 below, to act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:

- Development Control
- Local Plan and Policy
- Strategic Development
- Technical Administration Support

3.1.2 Where the following exceptions apply, the application or matter will be determined by the Development Control Committee:

i. Any Major or Minor application for planning permission which prior to its determination is subject to a written representation from the Parish Council, Town Council or formal Parish Meeting that the application site is within or one that immediately adjoins the application site, which is in conflict with the recommendation of Officers

ii. Any application for Full or Outline planning permission by or on behalf of the Council

iii. Any Major or Minor application as defined by the Ministry of Housing, Communities & Local Government which would be recommended for approval and would create a new access or egress via the A27, A29, A284, A259 and A280

iv. Any household application recommended for approval where the ward member has submitted a written request to the Chairman and/or Vice
Chairman of the Development Control Committee before the end of the statutory consultation period shall be referred to the Development Control Committee where it is on sound planning grounds.

3.1.3 Where an application is received from a Member or officer, such application is to be determined in consultation with the Chairman of Development Control Committee.

3.2 Group Head of Technical Services

3.2.1 To act on behalf of the Council in all matters related to the discharge of the Council's functions and responsibilities relating to:

- Street Naming and Numbering,
- Land Charges (incl. Assets of Community Value),
- Engineering,
- Property & Estates,
- Facilities Management,
- Environmental Health (incl. Private Sector Housing)
- Building Control.

3.2.2 To agree terms to the sale or purchase of any land, buildings or rights in land which are or will be under the control of the Council, subject to the approval of the Cabinet Member or Cabinet in accordance with Part 3 of this Constitution and in consultation with the S.151 Officer.

3.2.3 To agree terms for the acquisition and disposal of land (including any buildings and structures thereon) or any interest therein up to a value of £100,000 in each case subject to prior consultation with the Cabinet Member with responsibility for the current use or intended use of the property and in consultation with the S.151 Officer.

3.2.4 With the Residential Services Group Head, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the Cabinet Member for Technical Services and the Cabinet Member for Residential Services and in consultation with the S.151 Officer.

3.2.5 To agree terms to let, lease or license land or building or any interest in land or buildings which are or will be under the control of the Council where the rent does not exceed £100,000 per annum (exclusive of rates) and the term of letting, leasing or licensing does not exceed 25 years subject to prior consultation with the Group Head with the responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.

3.2.6 To accept surrenders or variations of leases and tenancies of land or buildings or any rights, including the release of covenants, where such would not be detrimental to the Council’s interest and where the capital...
value or the rent per annum does not exceed £50,000 subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.

3.2.7 In respect of paragraphs 3.2.2 to 3.2.6 above, to negotiate any of the matters therein referred to.

3.2.8 To agree terms for the grant or benefit of easements and other rights in respect of land including party wall matters affecting the Council as land owner or to agree to a request from a lessee for a licence to assign or sub-let where the value does not exceed £100,000 per annum and subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and in consultation with the S.151 Officer.

3.2.9 To authorise the taking of action, including legal proceedings, for possession and forfeiture in cases of non-payment of rent or other breaches of the terms of leases or licences where the rent of such lease or licence does not exceed £50,000 per annum.

3.2.10 To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.

3.2.11 To determine all applications, renewals, transfers, variations and other matters in respect of any licences, permissions, registrations and approvals in accordance with the Scrap Metal Dealers Policy and the Scrap Metal Dealers Act 2013.

3.2.12 To appoint a Proper Officer for the following purposes:-
- The Health Protection (Notification) Regulations 2010 regulations 2, 3, 6 and the Public Health (Control of Disease) Act 1984 section 48.

3.3 Group Head of Economy

3.3.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:
- Economic Policy and Research,
- Town centres management,
- Business Development,
- Economic Partnerships
- Tourism

4.0 Subject to being:

- within the overall resources allocated by the Council, and
- in direct support of the Council’s objectives, and
- within approved budget
the following functions are delegated to the following officers by the Director (Services):

4.1 **Group Head of Community Wellbeing**

4.1.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:
- Leisure and Culture,
- Foreshores,
- Wellbeing,
- Safeguarding,
- Activities for the Elderly,
- Think Family,
- Telecare (Lifeline)
- Community Safety (incl. Anti-social behaviour team)
- Youth Council

4.1.2 To appoint local Business Wardens that are accredited with the Community Safety Scheme as authorised persons for the purposes of Section 63(1) of the Antisocial Behaviour Crime and Policing Act 2014.

4.2 **Group Head of Residential Services**

4.2.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:
- Strategy and Enabling,
- Registered Providers and Social Landlords,
- Homelessness
- Housing and Housing Revenue Account
- Revenues
- Benefits

4.2.2 **Current tenant arrears** – to consider cases for write-off and make recommendations to the Cabinet Member for Residential Services where the current tenant arrears have accrued up to the point of bankruptcy being declared or arrears covered by an Administration Order.

4.2.3 To carry out the minimum works required to an adjoining house and/or garage in private ownership in order to achieve an effective repair or otherwise for the protection of the health and safety of occupants of a Council property, but subject in respect of each scheme to a maximum expenditure of £1,500 in excess of the Council’s responsibility (above which the matter is to be referred to the Cabinet Member for Residential Services for decision) even if the adjoining owner’s agreement to meeting
the cost of such repairs to his/her property cannot be obtained at the time the works are executed (the Cabinet Member for Residential Services also has this power).

4.2.4 **Write-offs of former tenant arrears, rent arrears and other debts** – the following table shows who has the delegated authority to write-off former tenant arrears, rent arrears and other debts:

<table>
<thead>
<tr>
<th>Amount Range</th>
<th>Delegated Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items up to £250</td>
<td>Finance &amp; Home Ownership Manager</td>
</tr>
<tr>
<td>Items £250 to £1000</td>
<td>Group Head of Residential Services</td>
</tr>
<tr>
<td>Items £1000 to £2000</td>
<td>Group Head of Residential Services in consultation with S.151 Officer</td>
</tr>
<tr>
<td>Items over £2000</td>
<td>Cabinet Member for Residential Services</td>
</tr>
</tbody>
</table>

4.2.5 **Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour** - In the absence of the Director of Services, to carry out a review of the Council’s decision to seek possession under the mandatory ground where there has been prescribed anti-social behaviour.

4.2.6 To make payments in connection with tenants' improvements, restricted to a sum based on the Council's assessment of the value of the improvements at the time of vacation, only in cases where the improvements will result in a higher rent being charged to the future tenants.

4.2.7 In consultation with the Section 151 Officer, to agree purchases of former council homes, private homes and new homes, in consultation with the Cabinet Member for Technical Services and the Cabinet Member for Residential Services.

4.2.8 In consultation with the Section 151 Officer, to make pro-rata contributions towards the capital cost of footway lighting schemes prepared by Parish Councils for Council estates where it can be demonstrated that the scheme would be in the Council’s interest as landlord, based on the number of properties owned.

4.2.9 In consultation with the Section 151 Officer, to deal with non-refundable credits to the Housing Revenue Account.

4.2.10 In consultation with the Section 151 Officer, to re-negotiate prices for individual items in the Corporate Reactive Maintenance Repairs Contract.

4.2.11 In consultation with the Cabinet Member for Residential Services, to approve terms for leasing of privately owned property to let to households accepted as homeless and in priority need.
4.2.12 **Council Tax and National Non-Domestic Rates**— to write-off irrecoverable amounts up to £2,000 subject to a subsequent report to the Cabinet Member for Residential Services of totals written off.


### 4.3 Group Head of Neighbourhood Services

4.3.1 To act on behalf of the Council in all matters related to the discharge of the Council’s functions and responsibilities relating to:
- Car Parking
- Parks (incl. landscape, architecture, multi-skilled team, tree gang, planning advice and tree preservation orders)
- Cleansing
- Cemeteries
- Emergency Planning
- Customer Services (including Arun Direct)

4.3.2 Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Council (in consultation with the Cabinet Member for Neighbourhood Services and the Group Head of Corporate Support).

4.3.3 Authority to spend up to £10,000 in each instance to deal with isolated incidents of seaweed problems on beaches where it is considered action is urgently necessary (in consultation with the Cabinet Member for Neighbourhood Services), such amount being subject to annual index linking.

4.3.4 Discretion to deal with the clearance of seaweed deposits at the time most suited to wind and weather conditions.

4.3.5 Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the Council (in consultation with the Cabinet Member for Neighbourhood Services).

4.3.6 To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.
PART 5 – RULES OF PROCEDURES (MEETINGS)
(SECTION 1 – COUNCIL PROCEDURE RULES)
Part 5 is set out in five sections as follows:

SECTION 1 – Council Procedure Rules
SECTION 2 – Cabinet Procedure Rules
SECTION 3 – Committee Procedure Rules
SECTION 4 – Public Speaking Rules
SECTION 5 – Virtual Meetings
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4. SPECIAL MEETINGS OF THE COUNCIL ................................................................. 5
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7. NOTICE OF AND SUMMONS TO MEETING ............................................................. 7
8. CANCELLATION, POSTPONEMENT OR ADJOURNMENT OF MEETINGS ............. 8
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1. SCOPE
These rules apply to meetings of the Council.

2. ANNUAL MEETING OF THE COUNCIL

2.1 Timing and Business
In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will be held in April or May.

The annual meeting will:

(i) appoint a person to preside if the Chairman of the Council is not present;
(ii) appoint the Chairman of the Council in accordance with Article 4 of this Constitution;
(iii) elect the Vice-Chairman of the Council in accordance with Article 4 of this Constitution;
(iv) approve the minutes of the last meeting;
(v) receive any declarations of interest from Members in accordance with the Members Code of Conduct;
(vi) receive any announcements from the Chairman;
(vii) appoint the Leader and Deputy Leader of the Council in accordance with Article 7;
(viii) note the appointment of Cabinet Members and Deputies to Cabinet Members as confirmed by the Leader of the Council in accordance with Article 7;
(ix) appoint members to the Overview Select Committee, Regulatory Committees, other Committees and the Standards Committee;
(x) appoint the Chairman and Vice-Chairman of all Regulatory and other Committees of the Council;
(xi) approve the list of Members to be appointed to outside bodies, as submitted by the Leader of the Council;
(xii) appoint the substantive and Councillor directors of the Council owned property company;
(xiii) consider any other business set out in the notice convening the meeting in the order which it appears in the Council summons, however that order may be varied at the discretion of the Chairman or by resolution of the Council.
3. **ORDINARY MEETINGS OF THE COUNCIL**

3.1 **Timing and Business**

Ordinary meetings of the Council will take place in accordance with the annual calendar of meetings. Ordinary meetings will:-

(i) appoint a person to preside if the Chairman or Vice-Chairman are not present;
(ii) receive any declarations of interest from Members in accordance with the Members Code of Conduct;
(iii) receive questions from members of the public;
(iv) receive questions from Members with pecuniary/prejudicial interests in accordance with Council Procedure Rule 12;
(v) consider and debate petitions received in accordance with the Petition’s Scheme at Part 8 of this Constitution;
(vi) approve the minutes of the last meeting;
(vii) receive any announcements from the Chairman;
(viii) consider any business not otherwise specified in the Council summons which, in the opinion of the Chairman of the Council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the Council;
(ix) receive reports from the Cabinet, the Overview Select Committee, Regulatory and Standards Committees, Working Parties, Working Groups and Panels; and consider any recommendations contained therein;
(x) consider motions;
(xi) consider general questions from Members in accordance with Council Procedure Rule 13;
(xii) receive and consider reports from officers of the Council;
(xiii) consider any other business set out in the notice convening the meeting, including consideration of proposals from the Cabinet in relation to the Council’s budget and policy framework and reports of the Overview Select Committee for debate, in the order in which it appears in the Council summons however that order may be varied at the discretion of the Chairman or by resolution of the Council.

4. **SPECIAL MEETINGS OF THE COUNCIL**

4.1 **Calling Special Meetings**

Special meetings of the Council may be called by the Chief Executive, in consultation with the Chairman of the Council and Political Group Leaders.
4.2 Business at Special Meetings

Special meetings will:

(i) appoint a person to preside if the Chairman or Vice-Chairman are not present;
(ii) receive any declarations of interest from Members in accordance with the Members Code of Conduct;
(iii) receive questions from members of the public;
(iv) receive questions from Members with pecuniary/prejudicial interests in accordance with Rule 12;
(v) approve the minutes of the last meeting;
(vi) receive any announcements from the Chairman;
(vii) consider any business not otherwise specified in the Council summons which, in the opinion of the Chairman of the Council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the Council;
(viii) consider any other business set out in the notice convening the meeting in the order which it appears in the Council summons however that order may be varied at the discretion of the Chairman or by resolution of the Council.

4.3 Procedure for Debates at Special Meetings

Where the meeting has been called to debate a specific topic or issue, the following procedure will apply:

(i) Introduction by the Chairman
(ii) Presentation by invited speaker(s) and/or officers
(iii) Questions to be responded to by invited speaker(s) and/or officers from:
(iv) Members; and
(v) any other persons permitted by the Chairman
(vi) Statements may then be made by:
(vii) Members; and
(viii) any other persons permitted by the Chairman
(ix) Debate upon any motions received in accordance with Council Procedure Rule 16 or based on a recommendation from an officer
(x) Chairman to conclude the debate

The procedure may be varied by a resolution of the Council.
4.4 Special Meetings to Confer the Title of Honorary Alderman

A Special Meeting of the Council may be called by the Chief Executive in consultation with the Chairman of the Council and Political Group Leaders to consider conferring the title of Honorary Alderman on a former Councillor who meets the Council’s agreed protocol.

At such meetings, the business to be followed will be:

i. Election of the Chairman/Vice Chairman [if not present]
ii. Declarations of Interest
iii. Conferment of the title of Honorary Alderman

As required by Section 249 of the Local Government Act 1972, no other business shall be conducted at such a meeting.

5. EXTRAORDINARY MEETINGS

5.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call an extraordinary Council meeting:

(i) the Council by resolution;
(ii) the Chairman of the Council;
(iii) the Monitoring Officer; and
(iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

5.2 Business at Extraordinary Meetings

The summons to an extraordinary meeting of the Council shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

6. TIME AND PLACE OF MEETINGS

Meetings of the Council will be held at 6pm in the Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF or at such other time or place as notified in the summons.

7. NOTICE OF AND SUMMONS TO MEETING

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at Part 6 of this
Constitution. At least five clear days before a meeting, the Chief Executive will send a summons to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

8. CANCELLATION, POSTPONEMENT OR ADJOURNMENT OF MEETINGS
The decision to cancel, postpone or adjourn any meeting of the Council shall be made by the Chairman, in consultation with the Chief Executive or his/her representative.

9. CHAIRMAN OF MEETING
The person presiding at the meeting may exercise any power or duty of the Chairman.

10. QUORUM
The quorum of a meeting will be one quarter of the whole number of Members. During any meeting, if the Chairman counts the number of Members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Council.

11. QUESTIONS BY MEMBERS OF THE PUBLIC

11.1 Submitting Questions
Members of the public may ask questions of Members of the Cabinet or the Chairman of the Overview Select Committee at meetings of the Council subject to written notice of the question being submitted to the Group Head of Council Advice & Monitoring Officer 5 working days prior to the meeting.

a) All questions:
• must confirm to whom the question is addressed;
• must be relevant to matters for which the Council has powers or duties;
• should be limited to obtaining information or pressing for action; and
• must not exceed one minute in duration.

b) Questions may be rejected by the Chief Executive/Chairman if they:
• are not relevant to matters for which the Council has responsibility or which affect the District; or
• may be defamatory, frivolous or offensive; or
• are substantially the same as a question put at a meeting in the past six months; or
• would divulge, or require to be divulged, confidential or exempt information.
11.2 Time Limit for Questions

The time limit for questions by the public will be 15 minutes, although the Chairman has discretion to extend this period.

11.3 Asking Questions at the Meeting

The Chairman will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chairman will have discretion to:

a) group together similar questions to be put to the Cabinet Member or Overview Select Committee Chairman; and
b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chairman has discretion to:

• ask the Group Head of Council Advice & Monitoring Officer to ask the question on their behalf;
• explain that a written reply will be given to the questioner; or
• decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

11.4 Supplementary Questions

If time permits, a questioner who has put a question in person may ask one supplementary question without notice to the Member who replied to his/her original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute’s duration.

11.5 Responses

Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided with 10 working days of the meeting and published to the Council’s website.
11.6 Records of Questions

A schedule of questions and answers will be maintained and published to the Council’s website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

12. QUESTIONS BY MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

A Member with a pecuniary or prejudicial interest may ask a question of Members of the Cabinet or the Chairman of the Overview Select Committee at meetings of the Council using the same criteria as questions by the public, as set out in Council Procedure Rules 11.

13. QUESTIONS/STATEMENTS BY MEMBERS

13.1 Oral Questions on Reports of the Cabinet and other Committees

A Member of the Council may ask the Leader, a Cabinet Member, or the Chairman of a Committee or Working Group any question, without notice, under an item of report of the Cabinet, Committee or Working Group when that item is being received or under consideration by the Council.

Each question shall be put and answered without discussion. The Member will have the right to ask a supplementary question which must arise directly out of the original question or the reply. A written answer will be provided if requested by the Member.

13.2 Statements by Members on Reports of the Cabinet and other Committees

A Member of the Council may make a statement, without notice, under an item of report of the Cabinet, Committee or Working Group when that item is being received or under consideration by the Council. The Leader, relevant Cabinet Member, or Chairman of a Committee or Working Group will have the right of reply. No statement or reply shall exceed 5 minutes in duration, except at the discretion of the Chairman.

In the case of statement made by the Leader, Cabinet Member or the Chairman of a Committee or Working Group, at the discretion of the Chairman, a debate may ensue.

13.3 General Questions

Thirty minutes will be allocated at each ordinary meeting of the Council for general questions by Members. The Chairman has discretion to extend the time allowed to sixty minutes if there is a need.

A Member of the Council may ask the Leader, a Cabinet Member or the Chairman of any Committee or Working Group a question, in writing, on any
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matter in relation to which the Council has powers or duties or which affects the District.

A Member may only ask a question under this Council Procedure Rule if, either:

(a) he/she has given notice in writing of the question to the Group Head of Council Advice & Monitoring Officer by 12 noon two days before the date of the meeting. or

(b) where a question relates to a matter of urgency, a Member must seek the agreement of the Chairman of the Council that he/she is prepared to accept the question. If agreement is forthcoming, the content of the question must be given in writing to the Group Head of Council Advice & Monitoring Officer not later than 11am on the day of the meeting.

Questions will be considered in the order they have been received. A Member may ask one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

Each question will be put and answered without discussion. The question and the written reply by the Member concerned shall be made available to Members of the Council and to the public at the meeting.

The Member will have the right to ask a supplementary question against each question put which must arise directly out of the original question or the reply. This may be responded to by the relevant Member.

Where a reply cannot be given at the meeting to a question put, a written answer will be provided with 10 working days to the Member and any other Members who request it.

14. NOTICES OF MOTION

14.1 Notice

Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by the Member(s) moving and seconding it, must be delivered to the Chief Executive at least eight clear days prior to the meeting. Clear days means days on which the Council offices are open for business and excludes both the day on which the motion is received and the day of the meeting at which the motion is to be presented.

Once received by the Chief Executive, notices of motion will be dated, numbered in the order in which they were received and published to the
14.2 Motions set out in agenda

The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such notice intimated in writing when giving it, that he proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

If notice is given of a motion which, in the opinion of the Chief Executive is out of order, illegal, irregular or improper, he/she shall submit it to the Chairman, and shall not insert it in the summons without his/her agreement. In the event of the motion being considered unacceptable, the Chief Executive shall so inform the Member(s) giving the notice and his/her ruling on this matter will be final.

If notice is given of a motion for a particular meeting and in the opinion of the Chief Executive the agenda for that meeting is already full, or the agenda for the meeting is subject specific and the motion received is not in his view urgent or related to that specific business, the Chief Executive shall submit it to the Chairman and shall not insert it in the summons without the Chairman’s agreement. The Chairman’s ruling on this matter will be final.

In the event of the Chairman deciding that the motion shall not be inserted in the summons for which it was submitted, the Chief Executive shall so inform the Member(s) who submitted the motion on notice of the date of the meeting to which their motion will be presented. For the avoidance of doubt any decision under this paragraph and the previous paragraph shall be made by the Chairman and his/her ruling will be final.

14.3 Scope

Every Motion shall be relevant to some matter of major significance in relation to which the Council has powers or duties or which affects the District.

14.4 Failure to Move

If a motion set out in the summons is not moved either by the Member who gave notice or by some other Member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

14.5 How motions will be dealt with

Upon a motion being moved and seconded:

(a) Motions to be considered by Council
If the subject of the motion is a matter that is in the province of the Council, is an urgent matter, or it relates to a district wide issue or multi-ward matter, it shall be dealt with by Council at that Council meeting.

b) **Motions to be referred to Cabinet or a Committee**
   If the subject of the motion comes within the province of the Cabinet or any Committee, it shall stand deferred without discussion to:
   - the Cabinet or relevant Committee; or
   - to such other Committee or Committees as the Council may determine for consideration and report. In the case of doubt, the Cabinet shall consider the motion.

15. **MOTIONS WITHOUT NOTICE**
   The following motions may be moved without notice:
   - to appoint a Chairman of the meeting at which the motion is moved;
   - in relation to the accuracy of the minutes;
   - to change the order of business in the agenda;
   - to refer something to an appropriate body or individual;
   - to appoint a Committee or Panel or Member arising from an item on the summons for the meeting;
   - to receive reports or adopt recommendations of the Cabinet, Overview Select Committee, other Committees, or officers and any subsequent motions and amendments arising;
   - to withdraw a motion;
   - to amend a motion;
   - to proceed to the next business;
   - that the question be now put;
   - to adjourn a debate;
   - to adjourn a meeting;
   - to suspend a particular Council Procedure Rule;
   - to amend the procedure for debate at Special Council meetings as set out in Council Procedure Rule 4;
   - to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution;
   - to not hear further a Member named under Council Procedure Rule 23; and
   - to give the consent of the Council where its consent is required by this Constitution.
16. RULES OF DEBATE

16.1 Standing to Speak

When a Member, officer or guest speaks at Full Council they must stand and address the meeting through the Chairman, unless alternative arrangements have been agreed with the Chairman. If more than one person stands, the Chairman will ask one person to speak and the other must sit. Other Members must remain seated whilst another person is speaking unless they wish to make a point of order or a point of personal explanation.

16.2 Chairman Standing

When the Chairman stands during a debate any Members, officers or guests speaking at the time must stop and sit down. This meeting must be silent.

16.3 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

16.4 Seconder’s Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

16.5 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes in length without the consent of the Chairman.

This Rule shall not apply when:

(i) the Leader or relevant Cabinet Member is presenting the annual budget statement and statutory and non-statutory plans to the Council; or
(ii) the mover of a motion or amendment is making their speech which shall not exceed 10 minutes.

16.6 When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:-

a) to speak once on an amendment moved by another Member;

b) to move a further amendment if the motion has been amended since he/she last spoke;
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c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

d) on a point of order; and

e) by way of personal explanation.

16.7 Amendments to Motions

a) An amendment to a motion must be relevant to a motion and will either be:-

   i. to refer a subject of debate to the Cabinet or a Committee for consideration or reconsideration;

   ii. to leave out words;

   iii. to leave out words and insert or add others; or

   iv. to insert or add words.

   as long as such omission, insertion or addition of words does not have the effect of negating the motion or recommendation before the Council.

b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

c) If an amendment is not carried, other amendments to the original motion may be moved.

d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

e) Any amendment, made without notice, which involves a variation in approved expenditure for which no financial report is available shall, at the discretion of the Chairman in consultation with the Chief Executive, stand referred to the Cabinet for consideration.

16.8 Alteration of Motion

a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting’s consent will be signified without discussion.

b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion.

c) Only alterations which could be made as an amendment may be made.
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16.9 Withdrawal of Motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

16.10 Right of Reply

a) The Leader or relevant Cabinet Member has a right of reply at the end of the debate in respect of a matter referred to the Council by Cabinet.

b) The relevant Committee Chairman has a right of reply at the end of the debate in respect of a matter referred to the Council by a Committee.

c) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

d) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

e) The mover of the amendment has no right of reply to the debate on his/her amendment.

16.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:-

a) to withdraw a motion;

b) to amend a motion;

c) to proceed to the next business;

d) that the question be now put;

e) to adjourn a debate;

f) to adjourn a meeting;

g) to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution; and

h) to not hear further a Member named or to exclude them from the meeting under Council Procedure Rule 23.

16.12 Closure Motions

a) A Member may move, without comment, the following motions at the end of a speech of another Member:-

i. to proceed to the next business;

ii. that the question be now put;

iii. to adjourn a debate; or

iv. to adjourn a meeting.
b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, the Chairman will give:

   i. the seconder the right to speak (if he/she reserved their right earlier);
   ii. the Leader, relevant Cabinet Member or Committee Chairman the right of reply; and
   iii. the mover of the original motion the right of reply before putting his/her motion to the vote.

d) If a motion to adjourn the debate is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

e) If a motion to adjourn the meeting is seconded and the Chairman thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover to any motion under discussion his/her right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.

16.13 Point of Order

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

16.14 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by a Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.
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17. PREVIOUS DECISIONS AND MOTIONS

17.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of the Council within the previous six months cannot be moved unless a notice of motion is submitted in accordance with Council Procedure Rule 14 and signed by at least five Members of the Council.

17.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the previous 6 months cannot be moved within a further period of 6 months.

18. VOTING

18.1 Voting on Motions/Recommendations in Part

Whilst it shall be normal practice to vote on a motion or recommendation in its entirety, the Chairman may use his/her discretion to allow a vote to be taken on each constituent part separately if a request is received from a Member.

18.2 Majority

All matters will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

18.3 Chairman’s Casting Vote

If there are equal numbers of votes for and against, the Chairman shall have a second or casting vote.

18.4 Show of Hands

Unless a recorded vote is demanded by legislation or a Member requests a recorded vote, the Chairman will take the vote by a show of hands.

18.5 Recorded Vote

A Member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes. Such a request will be allowed unless the Chairman considers the request frivolous or vexatious.
18.6 Recorded Vote at Council Budget Setting Meetings

At the Budget meeting(s) each year, voting on any motion or amendment relating to the Budget or setting of the Council Tax will be recorded to show whether each Member present voted for or against the motion or amendment or abstained from voting, and entered into the minutes.

18.7 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

18.8 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18.9 Voting on Appointing the Chairman and Vice-Chairman of the Council

The vote to appoint the Chairman and Vice-Chairman of the Council shall be by ballot.

19 MINUTES

19.1 Signing the Minutes

The Chairman will sign the minutes of the proceedings at the next meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

19.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

19.4 Minutes included in the Council Agenda

Once the Council agenda has been circulated, any minutes produced after this date will be presented to the next meeting of the Council, with the exception of matters which have been considered by Cabinet, the Overview Select Committee or other Committee that are considered urgent and cannot wait until the next meeting of the Council.

20. RECORD OF ATTENDANCE

All Members present during any official Council meeting shall sign their name in the Attendance Book before the conclusion of the meeting.

21. EXCLUSION OF THE PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 6 of this Constitution or Council Procedure Rule 24.

22 PHOTOGRAPHY, BROADCASTING AND RECORDING OF MEETINGS

The Council supports the principles of openness and transparency in its decision making and allows recording, filming and broadcasting at its meetings that are open to the public. These arrangements will operate in accordance with the Council’s Protocol on Filming and Recording of Council Meetings set out in Part 8 of this Constitution.

23 MEMBERS CONDUCT

23.1 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for a long as he/she thinks necessary. The Chairman's decision is final.

23.2 A Member shall comply with the adopted Members' Code of Conduct reproduced in Part 6 of this Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest.

23.3 Member not to be heard further

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may
move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

23.4 Member to leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

24 DISTURBANCE BY THE PUBLIC

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary. The Chairman’s decision is final.

24.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman may adjourn the meeting for as long as he/she thinks necessary and will order their removal from the meeting room. The Chairman’s decision is final.

24.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The Chairman may adjourn the meeting for as long as he/she thinks necessary while the room is cleared. The Chairman’s decision is final.

25 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

25.1 Suspension

All of these Council Procedure Rules except Rules 18.6 and 19 may be suspended by motion on notice, or without notice, if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

25.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
26 MEMBERSHIP OF COMMITTEES, SUB-COMMITTEES, WORKING PARTIES, WORKING GROUPS AND PANELS

26.1 Allocation of Seats

In accordance with the provisions of the Local Government and Housing Act 1989 or any regulations made thereunder, the Chief Executive shall determine the number of seats to be allocated to each Political Group on Committees, Sub-Committees, Working Parties, Working Groups and Panels. A schedule confirming this allocation of seats will be retained by the Group Head of Council Advice & Monitoring Officer and may be inspected on request.

The Leader of each Political Group shall at least 14 days before the Annual Council Meeting (or as soon as practicable in an election year) supply a list of his/her Group’s membership of each Committee, Sub-Committee, Working Party, Working Group and Panel. Appointments will then be confirmed by the Annual Council Meeting.

26.2 Changes to Memberships

If at any time following an election there is a change to the number of Members in each Political Group, the Chief Executive shall review the allocation of seats and inform the Leader of each Political Group of any changes required.

Permanent changes in the membership of Committees, Sub-Committees, Working Parties, Working Groups and Panels must be notified by the relevant Group Leader or their deputy, in writing, to the Group Head of Council Advice & Monitoring Officer at least 24 hours before the relevant meeting. Such changes will take immediate effect and then be reported to the next Council meeting for information.

26.3 Changes to Membership from a Vacancy on the Council

Where a vacancy occurs on the Council during the four year term of office, that seat shall not be filled by a substitute Member until an election has been held for the vacancy and any changes to the allocation of seats have been agreed.

Once the allocation of seats has been reviewed by the Chief Executive, any changes to memberships notified by the relevant Group Leader will take immediate effect and will then be reported to the next Council meeting for information.

27. SUBSTITUTION

Where a Member of a Committee, Sub-Committee, Working Party, Working Group or Panel is unable to attend a meeting, then the relevant Group Leader, or their deputy, may nominate a substitute Member provided that notice, in
writing, is made to the Group Head of Council Advice & Monitoring Officer by 10am on the day of the meeting. The substitute Member will cover that meeting only.

Where a Committee operates designated substitute arrangements, then the deadline for written notification by the relevant Group Leader or their deputy is prior to the start of the meeting.

Any substitution by a Group Leader on the Development Control Committee will replace a relevant Group Member.

28. REPRESENTATION ON OUTSIDE BODIES

28.1 Nominations to Outside Bodies

The Council acts as a representative on a number of outside bodies and each year the Chief Executive will provide a list of vacancies to the Leaders of all Political Groups so they can seek the views of their Members on which body they would wish to be nominated. All nominations received will be reported to the Leader of the Council.

The Leader of the Council shall, after consulting with the Leaders of all other Political Groups, be responsible for nominating Members to fill any vacancies on outside bodies. A list of the Members nominated shall be submitted to the Annual Council Meeting for approval.

28.2 Casual Vacancies on Outside Bodies

Any vacancies that occur during the municipal year will be reported to the Leader of the Council to make a nomination to the next ordinary meeting of the Council, following consultation with the Leaders of all other Political Groups.

29. SUBSTITUTION OF THE CHIEF EXECUTIVE

If the Chief Executive is unavailable or unable to act for the purpose of any of these Council Procedure Rules, then the Group Head of Council Advice & Monitoring Officer may substitute for him/her.
PART 5 – RULES OF PROCEDURES (MEETINGS)
(SECTION 2 – CABINET PROCEDURE RULES)
Part 5 is set out in five sections as follows:

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SECTION 2 – Cabinet Procedure Rules
SECTION 3 – Committee Procedure Rules
SECTION 4 – Public Speaking Rules
SECTION 5 – Virtual Meetings
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1. OPERATION OF THE CABINET

1.1 Who May Make Executive Decisions

The responsibilities of the Cabinet are set out in Article 7 and at Part 3 (Responsibility for Functions) of this Constitution. The Cabinet will act collectively to take decisions on the functions listed at Part 3; or as individual Cabinet Members with delegated authority as also confirmed in Part 3.

1.2 Cabinet Meetings - Frequency and Venue

The Cabinet will meet at least six times per year on the dates set out in the annual calendar of meetings approved by the Council. Meetings will take place at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF or another location specified in the summons to the meeting.

If the Leader considers that the day fixed for a meeting is no longer suitable for that purpose or if there is insufficient business to justify the holding of the meeting, they shall, after consultation with the Chief Executive, cancel that meeting and, if appropriate, fix an alternative day for the next meeting.

The Leader may call a special or extraordinary meeting of the Cabinet at any time.

1.3 Meetings of the Cabinet

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering meetings of the Cabinet.

2. CONDUCT OF CABINET MEETINGS

2.1 Chairman

If the Leader is present, he/she will preside at meetings of the Cabinet. In his/her absence then the Deputy Leader will preside.

In the absence of both the Leader and the Deputy Leader, the Cabinet shall as the first item of business appoint another Member to act as Chairman for that meeting.

2.2 Attendance

Members of the Cabinet shall sign their name in the Attendance Book to confirm their attendance at the meeting.

2.3 Quorum

The Quorum for a meeting will be three Members. During any meeting, if the Chairman counts the number of Members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining
PART 5 – RULES OF PROCEDURE (MEETINGS)  
SECTION 2 CABINET PROCEDURE RULES

business will be considered at the time and date fixed by the Leader or at the next ordinary meeting of the Cabinet.

2.4 Business

At each meeting of the Cabinet, the following business will be conducted:

i. consideration of the minutes of the last meeting;

ii. declarations of interest in accordance with the Members Code of Conduct;

iii. receive questions from members of the public;

iv. consideration of any business of such urgency as to require immediate attention of the Cabinet

v. any matters referred to the Cabinet by the Overview Select Committee for consideration in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 6 of this Constitution;

vi. consideration of reports from the Overview Select Committee and Working Groups; and

vii. any other matters set out in the agenda for the meeting and which shall indicate which are key decisions and which are not in accordance with Article 13 and the Access to Information Rules at Part 6 of this Constitution.

2.5 Consultation

All reports to the Cabinet from any Member of the Cabinet of an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and the Overview Select Committee or relevant Working Group and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

3. SUMMONS AND AGENDA FOR MEETINGS OF COMMITTEES

3.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at Part 6 of this Constitution. At least five clear days before a meeting, the Chief Executive will send a summons to every Member of the Cabinet. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

3.2 Where a special or extraordinary meeting is convened at shorter notice, the summons will be issued at the time the meeting is convened.

3.3 No business other than that specified in the summons and the agenda shall be transacted at the meeting of the Committee except urgent items.
4. CABINET AGENDA ITEMS

4.1 The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, an individual Cabinet Member or officer in respect of that matter. The Chief Executive will comply with the Executive Leader’s requests in that respect.

4.2 Any Member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request, the Chief Executive will comply.

4.3 The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview Select Committee or Working Group have resolved that an item be considered by the Cabinet.

4.4 Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration and, if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting and may speak so invited by the Leader.

4.5 The Group Head of Council Advice & Monitoring Officer and/or the Group Head of Corporate Support may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Group Head of Council Advice & Monitoring Officer and Group Head of Corporate Support are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be discussed.

5. MINUTES

5.1 Signing the Minutes

The Chairman will sign the minutes of the proceedings at the next meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.
5.2 **No requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting.**

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

5.3 **Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them in.

6. **VOTING**

6.1 Any question at any meeting of any Cabinet shall be determined by a show of hands by a majority of the Members present and voting.

6.2 A Member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes. Such a request will be allowed unless the Chairman considers the request frivolous or vexatious.

6.3 Where any Member requests it immediately after a vote is taken, their vote will be so recorded in the minutes to show whether the voted for or against the motion or recommendation or abstained from voting.

6.4 If there are equal numbers of votes for and against, the Chairman shall have a second or casting vote.

7. **ATTENDANCE BY OTHER MEMBERS OF THE COUNCIL**

7.1 A Member of the Council shall have the right to attend a meeting of the Cabinet of which he/she is not a member but he/she shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address a meeting of the Cabinet on a specified item or items of business with the permission of the Cabinet.

7.2 A Member of Council who has proposed a motion which has been referred by the Council to the Cabinet shall receive notice of the meeting at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of speaking to the motion.
8. RULES OF DEBATE FOR CABINET MEETINGS

8.1 Speaking at Cabinet Meetings
A Member wishing to speak will raise their hand. If two or more Members indicate that they wish to speak, the Chairman will call them in turn to speak.

8.2 Content of Speeches
A Member shall speak on the question under discussion or a personal explanation or to a point of order.

8.3 Motions and Amendments
A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

8.4 Seconder’s Speech
A Member when seconding a motion or amendment may reserve their speech until a later period of the debate.

8.5 Amendments to Motions
Every amendment shall be relevant to the motion on which it is moved and shall be:

   i. to leave out words; or
   ii. to leave out words and insert and add others; or
   iii. to insert or add words;

but such omission, insertion or addition or words shall not have the effect of negating the motion before the Committee.

8.6 Two or More Amendments
Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

8.7 Position if an Amendment is Lost or Carried
If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

8.8 Withdrawal of the Motion
A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no Member may speak upon it after it has been withdrawn.
8.9 Alteration of Motion

A Member may, with the consent of both the meeting and their seconder, alter a motion or amendment which they proposed or of which notice had been given. Only alterations which could have been moved as an amendment may be made.

8.10 Motions Which May be Moved During Debate

When a motion is under debate, no other motion shall be moved except the following procedural motions:

i. to withdraw a motion
ii. to amend a motion
iii. to proceed to the next business
iv. that the question be now put
v. to adjourn a debate
vi. to adjourn a meeting
vii. to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution; and
viii. to not hear further a Member named or to exclude them from the meeting under Committee Procedure Rule 9.

8.11 Closure Motions

a) A Member may move, without comment, the following motions at the end of a speech of another Member:

i. to proceed to the next business;
ii. that the question be now put;
iii. to adjourn a debate; or
iv. to adjourn a meeting.

b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the Chairman will give the mover of the original motion the right of reply before putting his/her motion to the vote.

d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
e) If a motion to adjourn the meeting is seconded and the Chairman thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover to any motion under discussion his/her right of reply. If a motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Committee.

8.12 **Resumption after Adjournment**

On resumption of an adjourned debate the Member who moved the adjournment is entitled to speak first.

8.13 **Point of Order**

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Cabinet Procedure Rules or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

8.14 **Personal Explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by a Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

8.15 **Officers of the Council**

At the request of the Chairman, an officer of the Council may speak during a debate at Cabinet meetings to respond to questions asked and statements made.

9. **MEMBERS CONDUCT**

9.1 **General Disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary. The Chairman’s decision is final.

A Member shall comply with the Members’ Code of Conduct as set out in Part 6 of this Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest.
9.2 Member not to be heard further
If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

9.3 Member to leave the Meeting
If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

10. DISTURBANCE BY THE PUBLIC

10.1 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary. The Chairman’s decision is final.

10.2 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman may adjourn the meeting for as long as he/she thinks necessary and will order their removal from the meeting room. The Chairman’s decision is final.

10.3 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The Chairman may adjourn the meeting for as long as he/she thinks necessary while the room is cleared. The Chairman’s decision is final.

11. PREVIOUS DECISIONS

11.1 No resolution taken at a previous meeting of a Cabinet shall be rescinded or varied within six months unless notice has been given through a motion submitted in accordance with Council Procedure Rule 17.

12. QUESTIONS BY MEMBERS OF THE PUBLIC

12.1 Submitting Questions
Members of the public may ask questions of Members of the Cabinet at its meetings subject to written notice of the question being submitted to the Group Head of Council Advice & Monitoring Officer 5 working days prior to the Meeting.

a) All questions:
   • must confirm to whom the question is addressed;
must be relevant to matters for which the Cabinet has powers or duties;
should be limited to obtaining information or pressing for action; and
must not exceed one minute in duration.

b) Questions may be rejected by the Chief Executive/Chairman if they:
• are not relevant to matters for which the Cabinet has responsibility or which affect the District; or
• may be defamatory, frivolous or offensive; or
• are substantially the same as a question put at a meeting in the past six months; or
• would divulge, or require to be divulged, confidential or exempt information.

12.2 Time Limit for Questions

The time limit for questions by the public will be 15 minutes, although the Chairman has discretion to extend this period.

12.3 Asking Questions at the Meeting

The Chairman will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chairman will have discretion to:

a) group together similar questions; and
b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chairman has discretion to:

• ask the Committee Manager to ask the question on their behalf;
• explain that a written reply will be given to the questioner; or
• decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

12.4 Supplementary Questions

If time permits, a questioner who has put a question in person may ask one supplementary question without notice to the Cabinet Member who replied to his/her original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute’s duration.
12.5 Responses

Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided with 10 working days of the meeting and published to the Council’s website.

12.6 Records of Questions

A schedule of questions and answers will be maintained and published to the Council’s website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.
PART 5 – RULES OF PROCEDURES (MEETINGS)
(SECTION 3 – COMMITTEE PROCEDURE RULES)
Part 5 is set out in five sections as follows:

SECTION 1 – Council Procedure Rules
SECTION 2 – Cabinet Procedure Rules
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1. **SCOPE**

1.1 These rules apply to meetings of the:

- Audit & Governance Committee
- Development Control Committee
- Licensing Committee
- Overview Select Committee
- Standards Committee
- Joint Area Committees

and all other Sub-Committees and Working Groups appointed by the Council.

1.2 All Committees, Sub-Committees and Working Groups will work within the responsibilities delegated to them as set out in Part 3 of this Constitution.

2. **MEETINGS OF COMMITTEES**

2.1 The meetings of Committees shall be held on the dates set out in the annual calendar of meetings approved by the Council.

2.2 If the Chairman of the Committee considers that the day fixed for a meeting is no longer suitable for that purpose or if there is insufficient business to justify the holding of the meeting, they shall, after consultation with the relevant lead officer, cancel that meeting and, if appropriate, fix an alternative day for the next meeting.

2.3 The Chairman of a Committee may call a special or extraordinary meeting of their Committee at any time.

3. **THE CHAIRMAN AND VICE CHAIRMAN OF COMMITTEES**

3.1 The Chairman of a Committee shall preside over meetings of that Committee.

3.2 Any powers and duties assigned to the Chairman under these Committee Procedure Rules shall, in the absence of the Chairman, be undertaken by the Vice-Chairman.

3.3 Where both the Chairman and Vice-Chairman are absent from a meeting, the Committee shall as the first item of business at that meeting appoint another Member of the Committee to act as Chairman for that meeting.
PART 5 – RULES OF PROCEDURE (MEETINGS)
SECTION 3 COMMITTEE PROCEDURE RULES

4. QUORUM
4.1 The quorum of a meeting will be one third of the whole number of Members of the Committee, with the exception of the Standards Committee which has a quorum of three.

4.2 During any meeting, if the Chairman counts the number of Members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee.

5. SUMMONS AND AGENDA FOR MEETINGS OF COMMITTEES
5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at Part 6 of this Constitution. At least five clear days before a meeting, the Chief Executive will send a summons to every Member of the Committee. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

5.2 Where a special or extraordinary meeting is convened at shorter notice, the summons will be issued at the time the meeting is convened.

5.3 No business other than that specified in the summons and the agenda shall be transacted at the meeting of the Committee except urgent items.

5.4 Committee Agenda Items
Any Member of the Council wishing to have an item placed on an agenda for a meeting of the Committee (other than by way of a Notice of Motion in accordance with Council Procedure Rule 14) shall contact the relevant Chairman requesting that an item be placed on the next available agenda and the decision of the Chairman, in consultation with the relevant Director/Group Head, shall be final as to whether that item falls within the terms of reference of the Committee and whether the item should be included on the agenda for a future meeting.

6. MINUTES

6.1 Signing the Minutes
The Chairman will sign the minutes of the proceedings at the next meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.
6.2 **No requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting.**

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

6.3 **Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them in.

7. **VOTING**

7.1 Any question at any meeting of any Committee shall be determined by a show of hands by a majority of the Members present and voting.

7.2 A Member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes. Such a request will be allowed unless the Chairman considers the request frivolous or vexatious.

7.3 Where any Member requests it immediately after a vote is taken, their vote will be so recorded in the minutes to show whether the voted for or against the motion or recommendation or abstained from voting.

7.4 If there are equal numbers of votes for and against, the Chairman shall have a second or casting vote.

7.5 **Voting at Development Control Committee**

Voting on an officer recommendation at the Development Control Committee will follow the procedure set out in the Planning Local Code of Conduct included at Part 8 of this Constitution. However, Committee Procedure Rules 7.2 to 7.4 relating to recorded votes and equality of voting will still apply.
8. **ATTENDANCE BY MEMBERS AT MEETINGS OF WHICH THEY ARE NOT MEMBERS**

8.1 **Addressing a Committee**

A Member of the Council shall have the right to attend a meeting of any Committee of the Council of which he/she is not a member but he/she shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address a meeting of a Committee on a specified item or items of business with the permission of the Committee.

8.2 **Acting as a Consultee**

A Committee may invite any Member of the Council who is not a member of the Committee to attend one or more of its meetings as a consultee to:

- provide verbal or written answers to the Committee’s questions; and/or
- make a verbal statement to the Committee; and/or
- provide a written statement to the Committee.

A Member attending a Committee as a consultee shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address the meeting with the permission of the Committee.

8.3 **Acting as a Proposer of a Motion**

A Member of Council who has proposed a motion which has been referred by the Council to a Committee shall receive notice of the meeting at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of speaking to the motion.

9. **RULES OF DEBATE**

9.1 The rules of debate in this Committee Procedure Rule shall apply to all the meetings of Committees and the references in the Committee Procedure Rule to “Member” shall also include co-opted Members.

10. **RULES OF DEBATE FOR COMMITTEE MEETINGS**

10.1 **Speaking at Committee Meetings**

A Member wishing to speak will raise their hand. If two or more Members indicate that they wish to speak, the Chairman will call them in turn to speak.
10.2 Content of Speeches
A Member shall speak on the question under discussion or a personal explanation or to a point of order.

10.3 Motions and Amendments
A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

10.4 Seconder’s Speech
A Member when seconding a motion or amendment may reserve their speech until a later period of the debate.

10.5 Amendments to Motions
Every amendment shall be relevant to the motion on which it is moved and shall be:

i. to leave out words; or
ii. to leave out words and insert and add others; or
iii. to insert or add words;

but such omission, insertion or addition or words shall not have the effect of negating the motion before the Committee.

10.6 Two or More Amendments
Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

10.7 Position if an Amendment is Lost or Carried
If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

10.8 Withdrawal of the Motion
A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no Member may speak upon it after it has been withdrawn.

10.9 Alteration of Motion
A Member may, with the consent of both the meeting and their seconder, alter a motion or amendment which they proposed or of which notice had been given. Only alterations which could have been moved as an amendment may be made.
10.10 Motions Which May be Moved During Debate

When a motion is under debate, no other motion shall be moved except the following procedural motions:

i. to withdraw a motion
ii. to amend a motion
iii. to proceed to the next business
iv. that the question be now put
v. to adjourn a debate
vi. to adjourn a meeting
vii. to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution; and
viii. to not hear further a Member named or to exclude them from the meeting under Committee Procedure Rule 11.

10.11 Closure Motions

a) A Member may move, without comment, the following motions at the end of a speech of another Member:
   i. to proceed to the next business;
   ii. that the question be now put;
   iii. to adjourn a debate; or
   iv. to adjourn a meeting.

b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the Chairman will give the mover of the original motion the right of reply before putting his/her motion to the vote.

d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
e) If a motion to adjourn the meeting is seconded and the Chairman thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover to any motion under discussion his/her right of reply. If a motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Committee.

10.12 Resumption after Adjournment

On resumption of an adjourned debate the Member who moved the adjournment is entitled to speak first.

10.13 Point of Order

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Committee Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

10.14 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by a Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

10.15 Officers of the Council

At the request of the Chairman, an officer of the Council may speak during a debate at the Committee meetings to respond to questions asked and statements made.

11. MEMBERS CONDUCT

11.1 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary. The Chairman’s decision is final.

A Member shall comply with the Members’ Code of Conduct as set out in Part 6 of this Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest.
11.2 **Member not to be heard further**

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

11.3 **Member to leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

12. **DISTURBANCE BY THE PUBLIC**

12.1 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary. The Chairman’s decision is final.

12.2 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman may adjourn the meeting for as long as he/she thinks necessary and will order their removal from the meeting room. The Chairman’s decision is final.

12.3 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The Chairman may adjourn the meeting for as long as he/she thinks necessary while the room is cleared. The Chairman’s decision is final.

13. **PREVIOUS DECISIONS**

No resolution taken at a previous meeting of a Committee shall be rescinded or varied within six months unless notice has been given through a motion submitted in accordance with Council Procedure Rule 17.

14. **URGENT MATTERS**

In the event of an urgent matter arising between meetings of a Committee, the Chairman and Vice-Chairman of the Committee concerned, in consultation with the relevant Cabinet Member and Director/Group Head, shall be authorised to take appropriate action on the matter. Such action shall then be reported to the next meeting of the Committee for information.
15. RECORD OF ATTENDANCES
Members of the Committee and any Co-opted Members shall sign their name in the Attendance Book to confirm their attendance at the meeting.

16. SUBSTITUTION
Where a Member is unable to attend a meeting, substitution arrangements will work to the requirements of Council Procedure Rule 27.
PART 5 – RULES OF PROCEDURES (MEETINGS)
(SECTION 4 – PUBLIC SPEAKING RULES)
Part 5 is set out in five sections as follows:

SECTION 1 – Council Procedure Rules
SECTION 2 – Cabinet Procedure Rules
SECTION 3 – Committee Procedure Rules
SECTION 4 – Public Speaking Rules
SECTION 5 – Virtual Meetings
PART 5 – RULES OF PROCEDURE (MEETINGS)
SECTION 4 PUBLIC SPEAKING RULES

1.0 BACKGROUND

Arun District Council has always encouraged public involvement in the planning process. In addition to all other means of obtaining interested parties views on the full range of planning issues, the public are able to speak at a Development Control Committee when items are being considered/decided.

2.0 TERMS OF REFERENCE

2.1 The right to speak at a Development Control Committee will apply to applicants and/or their agents as well as any interested party/organisation who have made written representations in respect of any item being considered by that Committee (except those items which are exempt by virtue of S. 12A of the Local Government Act 1972).

2.2 The visual presentation of material at Development Control Committee will be restricted to that information submitted as part of the application (and/or prepared by officers in respect of any other item) in accordance with the visual presentation procedures agreed by the former Planning Committee.

3.0 REGISTRATION OF INTEREST

3.1 Applicants/agents and all other parties/organisations who have made written representations regarding an application/item which falls to be considered by the Development Control Committee will be notified in writing of the date of the relevant Committee, their right to speak and the applicable procedures at the time that the recommendation is prepared by the relevant case officer.

3.2 Those wishing to speak must formally register their wish to speak by telephoning the dedicated number by 5pm on the day prior to the notified Committee date.

3.3 If for any reason the relevant application/item is no longer to be considered by that Development Control Committee the Council will endeavour to notify the interested party, but this cannot be guaranteed.

3.4 Speakers will be notified of the future Committee date when the consideration of items are deferred prior to Committee but will need to reregister their wish to speak in the manner previously set out. Where an application is deferred at Committee, if there has been provided an opportunity for the applicant or objectors to speak on that item and whether or not the applicant or objector chooses to speak, there is no right to speak when the matter comes back for reconsideration at the next meeting.

3.5 To avoid possible confusion, the Council regrets that it cannot accept the registration of speakers in any other manner and those invited to speak must first register their acceptance in the way prescribed as the Committee will not be able to hear any party who has not formally registered.

3.6 Some applications/items fall to be determined by officers under the Council’s approved Officer Scheme of Delegation and will not be put to the Development Control Committee for determination and it is not always possible to determine the decision method until the stage at which the case officer is formulating a recommendation. Therefore, it is not possible for the Council to accept “prior” or “holding” registrations.
4.0 COMMITTEE ARRANGEMENT FOR SPEAKING

4.1 Number/Order of Speakers Table

<table>
<thead>
<tr>
<th>Order</th>
<th>SPEAKER</th>
<th>TIME ALLOWED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Planning Officer to present and if necessary update the report, particularly regarding further written representations received.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Town or Parish Council/Meeting One Representative only</td>
<td>3 minutes</td>
</tr>
<tr>
<td>3.</td>
<td>Objectors to the Application Two Representatives only</td>
<td>3 minutes</td>
</tr>
<tr>
<td>4.</td>
<td>Applicants/Agents/Supporters Two Representatives only</td>
<td>3 minutes</td>
</tr>
<tr>
<td>5.</td>
<td>Ward Councillors</td>
<td>In the interest of fairness the Chairman will request Ward Councillors to limit their presentation to 3 minutes.</td>
</tr>
<tr>
<td>6.</td>
<td>Planning Officer to deal with any errors of fact which have arisen or any necessary clarification of policy or other issues</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Committee to debate and determine the application, involving officers as necessary</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>No Further Right for Public Speaking</td>
<td></td>
</tr>
</tbody>
</table>

4.2 NB: Arun District Council Members are entitled to address any Committee at the discretion of the Chairman in accordance with Council’s Constitution. Therefore, they are excluded from this process.

4.3 In the event that more than two speakers have registered to speak in categories 2, 3, or 4 the first two registered persons appearing on the register only will be allowed to speak. If one or both of the persons entitled to speak does not attend or confirms that they agree to the next registered person speaking in their place, then the next registered person will be allowed to speak in their place. Prior to the commencement of the meeting, attendance of those who have registered to speak will be listed. The Chairman’s discretion shall apply in the event of any dispute in the matter of which persons may speak.

4.4 The time allowed for those registered to speak at a Committee meeting will be as set out above controlled by the Chairman, striking the right balance between the opportunity for people to be heard and ensuring that applications are dealt with efficiently and fairly within a reasonable length of meeting.
PART 5 – RULES OF PROCEDURES (MEETINGS)
(SECTION 5 – VIRTUAL MEETING PROCEDURE RULES)

To be read in conjunction with Sections 1 to 5 at Part 5 of the Council’s Constitution

Approved 22 April 2020
Part 5 is set out in five sections as follows:

SECTION 1 – Council Procedure Rules
SECTION 2 – Cabinet Procedure Rules
SECTION 3 – Committee Procedure Rules
SECTION 4 – Public Speaking Rules
SECTION 5 – Virtual Meeting Rules
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2 Interpretation ...................................................................................................... 4
3 Attendance ......................................................................................................... 4
4 Public Access .................................................................................................... 4
5 Communications ............................................................................................... 4
6 Access to documents ........................................................................................ 4
7 Conduct of meetings ......................................................................................... 5
8 Interests .............................................................................................................. 5
9 Voting ................................................................................................................. 5
10 Substitution ..................................................................................................... 6
11 Attendance by other Members at Cabinet and Committees ....................... 6
12 Public Question Time ..................................................................................... 6
13 Public Speaking at the Development Control Committee ....................... 6
1. **Introduction**

1.1 Different meetings arrangements are in place for the period 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to allow formal, virtual meetings.

2. **Interpretation**

2.1 These Procedure Rules clarify the Council’s temporary legal powers to hold meetings via telephone audio conference, video conference or other electronic means to avoid convening public gathering during the public health emergency. In any instance where these Procedure Rules conflict with other Procedure Rules or other sections of the Constitution, these Procedure Rules prevail until 7 May 2021.

3. **Attendance**

3.1 All references to Members being ‘present’ at a meeting include participating through virtual methods, including audio conferencing or video conferencing.

3.2 All references to Members ‘attending’ a meeting include participating through virtual methods, including audio conferencing or video conferencing.

3.3 To qualify as a formal, virtual meeting, Members must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other Members in attendance at the meeting. All other members of the public must as a minimum be able to hear and (where practicable) see the meeting.

3.4 All references to meeting locations include an entirely virtual meeting by audio conference or video conference with no published fixed location.

4. **Public Access**

4.1 All formal meetings will be accessible to the public through live webcasting of the audio or video content, except where exempt or confidential items are being discussed.

5. **Communications**

5.1 All references to ‘nominating’, ‘writing down’ or ‘presenting’ can include by email, instant message or other electronic methods of communication.

6. **Access to documents**

6.1 All references to the ‘supply’ or ‘provision’ of documents or ‘inspection’ of documents at the ‘Arun Civic Centre’ or ‘council offices’ will be via electronic methods such as on the Council’s website in the first instance, or via email.
where permissible. Where practicable, hard copies of documents by post may be available on request for those who do not have internet provision.

7 Conduct of meetings

7.1 The Chairman of a virtual meeting will manage the meeting with clear instructions and requests to participants. The Chairman will introduce or ask each participant to identify themselves at the start of the meeting. Members will request to speak via electronic means.

7.2 Council Procedure rule 16.5 will apply to all virtual meetings which confirms that speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes in length without the consent of the Chairman.

7.3 If a question forms part of the speech, then the Member will have the right to ask a supplementary question which must arise directly out of the original question or reply. A written answer will be provided if requested by the Members.

7.4 If the Chairman speaks, any other Members shall stop speaking and will await instruction from the Chairman.

7.5 If a Member is asked to stop speaking and to no longer be heard in accordance with Council Procedure Rule 23, Cabinet Procedure Rule 9 and Committee Procedure Rule 11, the Chairman will stop all other speakers until that speaker has agreed to stop speaking or leaves the virtual meeting.

7.6 Requests to raise points of order or points of personal explanation as provided for in Council Procedure Rules 16.13 and 16.14; Cabinet Procedure Rules 8.13 and 8.14; and Committee Procedure Rules 10.13 and 10.14 must be communicated to the Chairman via electronic means and must be allowed as soon as practicable.

8 Interests

8.1 Council Procedure Rule 23.3; Cabinet Procedure Rule 9.1 and Committee Procedure Rule 11.1 continue to apply that Members will have regard to the Code of Conduct in any meeting. If a Member has a pecuniary or prejudicial interest in an item, they must leave the virtual meeting for the duration of that item, after which they will be invited to re-join the meeting.

9 Voting

9.1 At a virtual meeting, all votes called in accordance with Council Procedure Rule 18.4; Cabinet Procedure Rule 6.1; and Committee Procedure Rule 7.1 will be taken by the officer or a Chairman calling each member in turn to cast their vote verbally, or by electronic methods, and the Chairman will read out the result when it has been collated.
10 **Substitution**

10.1 Council Procedure Rule 27 will continue to apply, with the exception that the deadline for notification by the relevant Group Leader for all meetings will be 24 hours prior to the start of the meeting.

11 **Attendance by other Members at Cabinet and Committees**

11.1 Cabinet Procedure Rule 7 and Committee Procedure Rule 8 will continue to apply with the exception that the Member must register to speak at least 24 hours prior to the start of the meeting and any question to be asked must be submitted in advance by the same deadline.

11.2 If a question forms part of the speech, then the Member will have the right to ask a supplementary question which must arise directly out of the original question or reply. A written answer will be provided if requested by the Members.

11.3 This Rule will not apply to the Development Control Committee as confirmed in Rule 13.2 below.

12 **Public Question Time**

12.1 Council Procedure Rules 11.1 and 11.2 and Cabinet Procedure Rules 12.1 and 12.2 will continue to apply.

12.2 The provisions at Council Procedure Rules 11.3 and 11.4 and Cabinet Procedure Rules 12.3 and 12.4 which allow questions to be asked in person, are replaced with any questions submitted being read out by the Chairman or Committee Manager at the relevant point in the meeting. Responses will continue to be provided to questioners and published to the website as the existing Procedure Rules confirm.

12.3 As this provision removes the questioner’s right to a supplementary question at the meeting, such a question can be submitted to the relevant Cabinet Member for written response within 5 working days of the meeting. The question and answer given will be added to the list of questions published to the Council’s website.

13 **Public Speaking at the Development Control Committee**

13.1 The number and order of speakers confirmed at Public Speaking Rule 4.1 will continue to apply. However, the provisions to speak in person are replaced with statements not exceeding 3 minutes to be submitted 24 hours prior to the start of the meeting which will then be read out by the Chairman or Committee Manager at the relevant point in the meeting.

13.2 For fairness, these provisions will also apply to the Ward Member and any other Member seeking the Chairman’s discretion to speak in line with Public Speaking Rule 4.2.
PART 6 – PROCEDURE RULES (OTHER)
(SECTION 1 – DECISION NOTICES)
Part 6 is set out in eight sections as follows:

**Section 1**  Decision Notices
**Section 2**  Scrutiny
**Section 3**  Budget and Policy Framework
**Section 4**  Access to Information
**Section 5**  Financial Rules
**Section 6**  Standing Orders – Purchasing, Procurement, Contracts and Disposals
**Section 7**  Officer Employment
**Section 8**  Corporate Complaints
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4.0 EFFECTIVE DATE OF THE INDIVIDUAL CABINET MEMBER DECISION . 6
5.0 URGENT DECISIONS ........................................................................ 6
1.0 DECISION MAKING BY INDIVIDUAL CABINET MEMBERS

1.1 Part 3 of this Constitution (Responsibility for Functions) confirms what responsibilities for executive functions may be exercised by each Cabinet Member. Within this delegated authority, individual Cabinet Members may take decisions as the need arises.

1.2 Any decision taken must be made on the basis of a written report submitted by officers that will comply with the following principles:

   (i) that relevant matters are fully taken into account in decision making;
   (ii) that the Officer Scheme of Delegation, Financial Procedure Rules, Contract Standing Orders and any other relevant rules from the Constitution have been complied with;
   (iii) that the Cabinet Member has the benefit of advice from all relevant officers;
   (iv) that consultation has been undertaken with relevant bodies and individuals; and
   (v) that the Cabinet Member concerned, and any Cabinet Member consulted, considered whether they had any interest in the matter of the decision to declare.

1.3 Where a Cabinet Member is unable to make a decision within their allocated responsibilities, the Leader, or in their absence the Deputy Leader, may exercise their delegation.

2.0 NOTICE OF PROPOSED INDIVIDUAL CABINET MEMBER DECISION

2.1 The Group Head of Council Advice & Monitoring Officer will issue notice of a decision to be taken by an individual Cabinet Member four clear working days before the decision is to be taken. The four clear working days will not include the date of the notification and the proposed date of the decision. It will be circulated to all Councillors and published to the Council’s website. It will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

2.2 This notice will describe:

   (i) the subject on which a decision is to be made
   (ii) an executive summary of the background to the decision
   (iii) whether the decision relates to exempt or confidential information
   (iv) the name of the decision taker
   (v) the date on which the decision will be taken
2.3 The notice will also confirm the steps that any person might take who wishes to make representation to the Cabinet Member before the decision is taken.

3.0 RECORD OF INDIVIDUAL CABINET MEMBER DECISION

3.1 A Cabinet Member shall not make a decision until they have taken account of the written report produced by the relevant officer. Nor shall they take the decision before the date set out in the notice as the proposed date for the decision.

3.2 As soon as reasonably practicable after a decision has been taken, the Group Head of Council Advice & Monitoring Officer will arrange for the record of the decision to be circulated to all Councillors and published to the Council’s website. It will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

3.3 This record will describe:

(i) the name of the decision taker
(ii) the subject on which a decision was made
(iii) an executive summary of the background to the decision
(iv) the decision
(v) the reasons for the decision
(vi) the alternative options considered and rejected
(vii) whether there was any declaration of interest by the Cabinet Member, dispensation granted, or conflict of interest declared from the consultation undertaken
(viii) whether the decision related to exempt or confidential information
(ix) the date the decision was signed
(x) the effective date for the decision

3.4 The record will also confirm the steps that any Councillor will need to take to request a call-in of the decision under the Scrutiny Procedure Rules.

3.5 The officer report considered by the Cabinet Member will be available for inspection at the Arun Civic Centre, Littlehampton unless it has been categorised as containing exempt information as confirmed by the Access to Information Rules set out at Part 6 of this Constitution.
4.0 EFFECTIVE DATE OF THE INDIVIDUAL CABINET MEMBER DECISION

4.1 The effective date for an individual Cabinet Member decision will be 10.00am on the day after the expiry of five clear working days from the publication of the decision. Clear days does not include Saturdays, Sundays or Bank Holidays.

4.2 Individual Cabinet Member decisions will generally be made on a Thursday and the effective date will therefore be the second following Friday. The record of the decision will confirm the effective date.

5.0 URGENT DECISIONS

5.1 Where, in the opinion of the relevant Cabinet Member, a delay in making a decision would seriously prejudice the Council’s or the public’s interest, an urgent decision may be taken.

5.2 In such cases, the decision can only be taken with the agreement in writing of the Chairman of the Overview Select Committee, or in their absence, the Vice-Chairman of the Committee. Having obtained this agreement:

(i) the requirements of Rule 2.0 to give notice of the decision will not apply;
(ii) the decision shall not be subject to the call-in procedure as set out in the Scrutiny Procedure Rules at Part 6 of this Constitution;
(iii) the officer report and record of decision shall set out the reasons justifying the urgency and confirm the agreement in writing of the Chairman, or Vice-Chairman of the Overview Select Committee;
(iv) the record of decision shall give the effective date of the decision as the date the record was signed; and
(v) the decision may be taken and implemented before the record of decision has been published.

5.3 As soon as reasonably practicable after a decision has been taken, the Group Head of Council Advice & Monitoring Officer will arrange for the record of the decision to be circulated to all Councillors and published to the Council’s website. It will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.
5.4 Decisions taken as a matter of urgency must be reported to the next meeting of the Overview Select Committee, together with the reasons for the urgency.
PART 6 – PROCEDURE RULES (OTHER)
(SECTION 2 - SCRUTINY)
Part 6 is set out in eight sections as follows:

Section 1    Decision Notices
Section 2    Scrutiny
Section 3    Budget and Policy Framework
Section 4    Access to Information
Section 5    Financial Rules
Section 6    Standing Orders – Purchasing, Procurement, Contracts and Disposals
Section 7    Officer Employment
Section 8    Corporate Complaints
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1.0 WHO MAY SIT ON THE OVERVIEW SELECT COMMITTEE?

1.1 All Councillors, except Members of the Cabinet and the Chairman of the Council, will be eligible for appointment as Members of the Overview Select Committee or any of its Working Parties. The Committee has 15 Members and is to be apportioned in accordance with the political balance of the Council. The Chairman and Vice-Chairman will be appointed by Full Council on an annual basis.

1.2 No Member may be involved in scrutinising a decision in which they have been directly involved.

2.0 CO-OPTEES

3.0 MEETINGS OF THE OVERVIEW SELECT COMMITTEE

3.1 There will normally be six ordinary meetings of the Overview Select Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. Meetings may be called by the Chairman or Vice-Chairman of the Committee, by any five Members of the Committee or by the Group Head of Policy if he/she considers it necessary or appropriate.

3.2 Where a Member of the Council wishes the Overview Select Committee to investigate a matter affecting his or her ward but there is no Councillor for that ward on the Committee, then such a Member may act as one of the five Members referred to in Rule 3.1 for the purposes of calling a meeting. The Member may speak but not vote at any subsequent Overview Select Committee meeting called to deal with the issue.

4.0 QUORUM

The Quorum for the Overview Select Committee shall be one third of the total membership of the Committee.

5.0 WORK PROGRAMME

5.1 The Chairman and Vice Chairman for the year will be responsible for presenting a report annually to Full Council setting out the work programme of the Overview Select Committee and in doing so they shall take into account the wishes of Members on that Committee who are not Members of the largest political group on the Council. The Work Programme shall be set in
consultation with Group Head of Policy and taking into account available resources.

5.2 Subject to prior consultation with the Group Head of Policy, and taking into account available resources, the Overview Select Committee can, by resolution, vary its work programmes during the year and will report any change to the work programme to the next available meeting of Full Council for information.

6.0 AGENDA ITEMS

6.1 Any Member of the Overview Select Committee shall be entitled to give notice to the Group Head of Policy that he/she wishes an item relevant to the functions of the Committee to be included on the Agenda for the next available meeting of the Committee. On receipt of such a request the Group Head of Policy will ensure that it is included on the next available Agenda.

6.2 Any five Members of the Council who are not Members of the Overview Select Committee may give notice to the Group Head of Policy that they wish an item to be included on the Agenda of the Committee. If the Group Head of Policy receives such a notification, then he/she will include the item on the first available Agenda of the Committee.

6.3 The Overview Select Committee shall also respond to requests from the Council and, if it considers it appropriate, the Cabinet to review particular areas of Council activity. Where they do so, the Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Committee as soon as practicable after receiving it.

7.0 POLICY REVIEW AND DEVELOPMENT

7.1 The role of the Overview Select Committee 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.

7.2 In relation to the development of the Council’s approach to other matters not forming part of its Budget and Policy Framework, the Overview Select Committee may make proposals to the Cabinet for developments insofar as they relate to matters within the Terms of Reference of the Overview Select Committee.
7.3 The Overview Select Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist it in this process. The Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. The Committee may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so after having proper regard to the financial implications of this.

8.0 REPORTS FROM THE OVERVIEW SELECT COMMITTEE

8.1 Once it has formed recommendations on proposals for development, the Overview Select Committee will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet (if the proposals are consistent with the existing Budgetary and Policy Framework), or the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

8.2 If the Overview Select Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then a report expressing minority views may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

8.3 The Council or Cabinet shall consider the report of the Overview Select Committee as soon as practicable after it has been submitted to the Chief Executive.

9.0 MAKING SURE THAT OVERVIEW SELECT COMMITTEE REPORTS ARE CONSIDERED BY THE CABINET

9.1 The Agenda for the Cabinet meetings shall include an item entitled ‘Issues arising from scrutiny’. The reports of the Overview Select Committee referred to the Cabinet shall be included at this point in the Agenda unless they have been considered in the context of the Cabinet’s deliberations on a substantive item on the Agenda, within two months of the Overview Select Committee completing its report/recommendations.
9.2 Where the Overview Select Committee prepares a report for consideration by the Cabinet in relation to a matter where the decision-making power has been delegated to an individual Member of the Cabinet, then the Committee will submit a copy of their report to him/her for consideration. At the time of doing so, the Committee shall serve a copy on the Chief Executive, Leader and all Cabinet Members. The Member with delegated decision-making power must consider the report and respond in writing to the Committee within four weeks of receiving it, or a shorter period specified by the Committee where there is urgency identified by the Committee. A copy of his/her written response to it shall be sent to the Chief Executive and the Leader. The Cabinet Member/Leader will also attend a future meeting of the Committee to present their response.

9.3 The Overview Select Committee will in any event have access to the Cabinet’s Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview Select Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet’s consultation process in relation to any key decision.

10.0 RIGHTS OF OVERVIEW SELECT COMMITTEE MEMBERS TO DOCUMENTS

10.1 In addition to their rights as Councillors, Members of the Overview Select Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 6 of this Constitution.

10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview Select Committee as appropriate depending on the particular matter under consideration.

11.0 MEMBERS AND OFFICERS GIVING ACCOUNT

11.1 The Overview Select Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within the terms of reference of the Committee. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any relevant Director, Director or Group Head to attend before it to explain in relation to matters within their remit:
   - any particular decision or series of decisions and
   - the extent to which the actions taken implement Council policy and it is the duty of those persons to attend if so required.
11.2 Where any Member or Officer is required to attend the Overview Select Committee under this provision, the Chairman of the Committee will inform the Chief Executive. The Chief Executive shall inform the Member or Officer in writing giving at least seven working days’ notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

11.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview Select Committee shall in consultation with the Member or Officer arrange an alternative date for attendance within a month.

12.0 ATTENDANCE BY OTHERS

The Overview Select Committee may invite people other than those people referred to in Rule 11 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the Public Sector and may invite such people to attend.

13.0 CALL IN

13.1 Call-in should be used in exceptional circumstances. These are where Members of the Overview Select Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making). Call-in does not apply to decisions of:

- Committees reporting to the full Council,
- Member Panels,
- Joint Area Committees unless exercising executive functions and
- Officers.

13.2 When a decision is made by the Cabinet or an individual Member of the Cabinet or an Area Committee or under joint arrangements, the decision shall be published, and shall be available at the Arun Civic Centre, Littlehampton, Bognor Regis Town Hall, and, where concerning an Area Committee, a copy will be sent to the County Council at County Hall, Chichester. The decision shall be treated as published as soon as it is available in writing to the public within the Council offices and upon the Council’s website. All Members will be sent notice of all such decisions by the proper officer responsible for publishing the decision.
13.3. The notice to Members will bear the date on which it is published and will specify the date upon which the decision will take effect (“the effective date”). The effective date will be 10.00 a.m. on the day after the expiry of five clear working days from the publication of the decision. The day of publication, Saturdays, Sundays and Bank Holidays are not days for the purposes of this Rule. Under current arrangements, the effective date is:

- For decisions of an Individual Cabinet Member made on a Thursday and published on a Thursday, 10.00 a.m. on the second following Friday,
- For Cabinet decisions made on a Monday and published on a Tuesday, 10.00 a.m. on the second following Wednesday.

13.4. If a request for a call-in is received by the Group Head of Policy within the period between the publication of the decision and the effective date, he/she shall call-in the decision for scrutiny by the Committee. For it to be valid, the request must be:

- in writing and identify the lead Member of the call-in,
- specify the relevant decision which is to be the subject of the call-in,
- satisfy at least one of the criteria set out in paragraph 13.8, and
- be supported by any five Members of the Council who do not have pecuniary interests with regards to the subject of the call-in PROVIDED that the Members represent more than one political party.

13.5. The request for the call-in must be signed by one of the Members referred to in 13.4 (fourth bullet point) but need not be signed by all, provided that those Member(s) signing the request are able to assure the Group Head of Policy if called upon to do so that they had written or verbal assurances of support from each supporting Member prior to the request for the call-in being submitted.

13.6. Alternatively, the request for a call-in may be made by email from one Member referred to in 13.4 to the Chief Executive provided that it is preceded by a verbal notification to him/her.

13.7. If the Chairman and Vice Chairman of the Overview Select Committee is one of the five Members requesting the Call-In, he or she will not chair the Overview Select Committee meeting when the Call-in is considered.

13.8. The Members referred to in paragraphs 13.4 (fourth bullet point) must first consider whether any one or more of the following criteria for or against call-in apply prior to exercising the call-in:

<table>
<thead>
<tr>
<th></th>
<th>Is the Cabinet Decision within existing policy?</th>
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<tbody>
<tr>
<td>(i)</td>
<td>The Decision appears to be contrary to the Budget or one of the Policy Framework plans or strategies</td>
</tr>
<tr>
<td>(ii)</td>
<td>The Decision appears to be inconsistent with any other form of policy approved by Full Council, Cabinet or Regulatory Committees</td>
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<tr>
<td>(iii)</td>
<td>The Decision appears to be inconsistent with recommendations</td>
</tr>
</tbody>
</table>
PART 6 – PROCEDURE RULES (OTHER)
SECTION 2 SCRUTINY

<table>
<thead>
<tr>
<th></th>
<th>previously made by Overview Select Committee, accepted by Full Council or Cabinet</th>
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<tbody>
<tr>
<td>2.</td>
<td><strong>Is the Cabinet Decision well founded?</strong></td>
</tr>
<tr>
<td>(i)</td>
<td>The Cabinet appears to have failed to consult ward councillors, relevant stakeholders or other interested persons before arriving at its decision</td>
</tr>
<tr>
<td>(ii)</td>
<td>The Cabinet appears to have overlooked a principle in Article 13.2 or some other relevant consideration in arriving at its decision</td>
</tr>
<tr>
<td>(iii)</td>
<td>The Cabinet appears to have failed to give adequate reasons for the Decision</td>
</tr>
<tr>
<td>(iv)</td>
<td>The Decision has already generated particular controversy amongst those likely to be affected by it or is likely to do so</td>
</tr>
<tr>
<td>(v)</td>
<td>There is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview Select Committee to hold the Cabinet to account and/or add value to the work of the Council</td>
</tr>
</tbody>
</table>

| 3. | **Has the Cabinet Decision been properly taken?**                                   |
| (i)| The Decision appears to give rise to significant legal, financial or property issues |
| (ii)| The notification of the Decision does not appear to have been in accordance with Council Procedures |

| 4. | **Does the Cabinet Decision particularly affect a ward or community?**               |
| (i)| The Decision appears to give rise to significant issues in relation to a particular ward or community and those issues do not appear to have been considered |

13.9. In receiving a Call-In request the Group Head of Policy will consult with the Chairman and Vice-Chairman of the Overview Select Committee and the Group Head of Council Advice & Monitoring Officer or Chief Executive (as appropriate) to review the basis of the call-in against the criteria in Paragraph 13.8 and the evidence provided in the officer report, decision notice and background papers before determining its validity. Another Member from the Overview Select Committee should be selected to undertake this review in the absence of the Chairman or Vice-Chairman or in the event that the Chairman or Vice-Chairman is one of the call-in councillors or has a Pecuniary Interest regarding the subject of the call-in. Where appropriate additional evidence may be sought from the report author, Cabinet Member and call-in councillors.

13.10. If a call-in is determined to be invalid, the Group Head of Policy shall notify the call-in councillors and the decision taker of the reason for this determination, together with Members of the Overview Select Committee, and remaining Members of the Council.
13.11. Upon receiving a valid request for a call-in, the Group Head of Policy shall notify the decision-taker of it and no further steps shall then be taken towards implementation of the decision until the steps outlined in this call-in procedure have been completed. The Group Head of Policy shall call a meeting of the Committee on such a date as he/she shall determine, where possible after consultation with the Chairman of the Committee. The Group Head of Policy shall advise all Members of the call-in.

13.12. At the call-in Members identified under Paragraph 13.4 shall be entitled to speak and call appropriate witnesses when invited to do so.

13.13. In deciding whether or not to refer a decision back the Overview Select Committee shall have regard to:

- any further information which may have become available since the decision was made,
- the implications of any delay,
- whether reconsideration is likely to result in a different decision,
- the importance of the matter raised and the extent to which it relates to the achievement of the Council’s priorities,
- whether there is any evidence that the decision-making rules in the Constitution have been breached,
- whether the agreed consultation processes have not been followed
- whether a decision or action proposed or taken is not in accordance with a policy agreed by the Council,
- what other avenues may be available to deal with the issue and the extent to which the Councillor submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Member, the complaints procedure, enquiry to the Chief Executive or Director, Council question etc).

13.14. If, having considered the decision, the Overview Select Committee is still concerned about it, it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision-maker they shall then reconsider the concerns amending the decision or not, before adopting a final decision.

13.15. If within six weeks from the request for the call-in, the Overview Select Committee does not meet, or does meet but does not refer the matter back to the decision making-person or body, or to the Full Council, the decision shall take effect on the date of the Overview Select Committee meeting or on the expiry of the six week period, whichever is the earlier.

13.16. If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of a
Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council’s views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a meeting will be convened to reconsider within 14 working days of the Council request. When the decision was taken by an individual, he/she will reconsider within 14 working days of the Council request.

13.17. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person within six weeks of the referral of the decision to it, the decision will become effective.

13.18. The call-in procedure set out above shall not apply where the decision being taken is urgent as set out in:

- Rule 4 of Part 6, Section 3 of the “Budget and Policy Framework Procedure Rules” entitled “Urgent Decisions outside the Budget or Policy Framework” in this part of the Constitution.
- Rule 4 of Part 6, Section 1 of the “Decision Notices Procedure Rules” entitled “Urgent Decisions”.

13.19. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the Public’s 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. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman’s consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee’s consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

13.20. The operation of the provisions relating to call-in and urgency shall normally be monitored annually, and a report submitted to Council with proposals for review if necessary.

14.0 THE PARTY WHIP

14.1 For the purposes of this Rule a “Party Whip” includes any instructions given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner.
14.2 When considering any matter in respect of which a Member of the Overview Select Committee is subject to a Party Whip the Member must declare the existence of the Whip, and the nature of it before the commencement of the Committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

15.0 PROCEDURE AT OVERVIEW SELECT COMMITTEE MEETINGS

15.1 The Overview Select Committee shall consider the following business:
- minutes of the last meeting,
- declarations of Interest (including Whipping Declarations)
- consideration of any matter referred to the Committee for a decision in relation to call-in of a decision
- responses of the Cabinet to reports of the Scrutiny Committee and
- the business otherwise set out on the Agenda for the meeting.

15.2 Where the Overview Select Committee conducts investigations (e.g. with a view to Policy Development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
- that investigations be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak
- that those assisting the Committee by giving evidence be treated with respect and courtesy and
- that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

15.3 Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public, save in respect of any confidential or exempt information.

16.0 PROCEDURE AT OVERVIEW SELECT COMMITTEE MEETINGS IN RESPECT OF DECISIONS CALLED IN

16.1 The following shall be the procedure at the Overview Select Committee meetings in respect of decisions called in. The procedure may be amended by a motion put to the meeting by the Chairman.

<p>| | |</p>
<table>
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<tbody>
<tr>
<td>1.</td>
<td>The Group Head of Policy [or nominated representative] to introduce the report before the Committee and any recommendations.</td>
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<tr>
<td>2.</td>
<td>The Chairman to introduce the call-in Members, Cabinet Members and officers.</td>
</tr>
<tr>
<td>3.</td>
<td>The lead Member for the call-in or their representative to outline why the decision has been called in based on the original request and any</td>
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CONSTITUTION v9, PART 6, SECTION 2 PAGE 13
**PART 6 – PROCEDURE RULES (OTHER)**  
**SECTION 2 SCRUTINY**

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<td><strong>subsequent written evidence provided [up to 6 minutes].</strong></td>
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<td><strong>4.</strong> The remaining 4 call-in Members be invited to speak in support of their request [up to 3 minutes each].</td>
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<td><strong>5.</strong> Statements from members of the public [3 minutes per person] for up to 30 minutes, with the Chairman of the Committee having discretion to extend this on the basis of:</td>
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<tr>
<td>a. Members of the public giving notice of their wish to speak to the Group Head of Policy by 10am on the day before the meeting.</td>
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<tr>
<td>b. Members of the Committee asking a speaker to clarify a point raised or provide additional information.</td>
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<tr>
<td><strong>6.</strong> The relevant Cabinet Members and/or Leader of the Council to present the background to the decision and any subsequent written evidence provided [up to 6 minutes]</td>
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<tr>
<td><strong>7.</strong> Witnesses may be called by the Committee to give evidence, to be questioned in turn by the Members of the Committee, the lead call-in Member, and then by Members of the Cabinet.</td>
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<tr>
<td><strong>8.</strong> Witnesses may be called by the relevant Cabinet Member or any Member(s) of the Cabinet to give evidence, to be questioned in turn by the Members of the Cabinet, the lead call-in Member, and then by Members of the Committee. The lead call-in Member and the Committee may also ask questions of the Cabinet Members.</td>
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<tr>
<td><strong>9.</strong> Witnesses may be called by the lead Member of the call-in to give evidence, to be questioned in turn by the lead call-in Member, by Members of the Cabinet and then by Members of the Committee. The Cabinet Members and the Committee may also ask questions of the lead call-in Member.</td>
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<tr>
<td><strong>10.</strong> Members of the Council who are not Members of the Committee may speak with the agreement of the Committee.</td>
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<tr>
<td><strong>11.</strong> The lead Member for the call-in to be invited to make a concluding statement [up to 6 minutes].</td>
<td></td>
</tr>
<tr>
<td><strong>12.</strong> The Cabinet Member and/or Leader to be invited to make a concluding statement [up to 6 minutes].</td>
<td></td>
</tr>
<tr>
<td><strong>13.</strong> The Chairman to open the debate by the Committee and seek any motions from Members of the Committee to be proposed, seconded, and debated in accordance with the Committee Procedure Rules. During the debate, Members of the Committee may:</td>
<td></td>
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<tr>
<td>a. put further questions to the Cabinet Member and/or Leader of the Council to respond to in their concluding statement</td>
<td></td>
</tr>
<tr>
<td>b. put further questions to the lead Member for the call-in to respond to in their concluding statement</td>
<td></td>
</tr>
<tr>
<td>c. seek clarification from either side on minor points during the course of the debate.</td>
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<tr>
<td><strong>14.</strong> Should an amendment be made to a motion before the Committee, the relevant Cabinet Member and/or Leader of the Council and the lead Member for the call-in may make a statement with the agreement of the Chairman, but shall otherwise make any remarks in their concluding statement.</td>
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</tbody>
</table>
15. The seconder (if he/she has reserved the right) and then the proposer of any motion to be invited to speak.

16. The Chairman to conclude the debate and put any motion to the vote.

17. If any further motion is put, then steps 11 to 16 would be repeated.

18. The Chairman to confirm the decision of the Committee.

16.2 If any Member, officer or member of the public proposes to refer to any written material at the meeting, they must provide a copy to the Group Head of Policy no later than three clear days [clear days excludes the day of receipt and the day of the meeting] before the date of the meeting so that copies can be provided to Members of the Committee, the call-in Members, and Cabinet Member/Leader of the Council in advance of the meeting.

16.3 The Deputy Leader of the Council may take the place of the Leader of the Council in their absence.

16.4 Should a call-in request be based on a confidential matter then the Chairman, in consultation with the Group Head of Council Advice & Monitoring Officer, may propose an alternative procedure for the meeting.
PART 6 – PROCEDURE RULES (OTHER)
(SECTION 3 – BUDGET & POLICY FRAMEWORK)
Part 6 is set out in eight sections as follows:

**Section 1**  Decision Notices  
**Section 2**  Scrutiny  
**Section 3**  Budget and Policy Framework  
**Section 4**  Access to Information  
**Section 5**  Financial Rules  
**Section 6**  Standing Orders – Purchasing, Procurement, Contracts and Disposals  
**Section 7**  Officer Employment  
**Section 8**  Corporate Complaints
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2.0 THE PROCESS ............................................................................................ 4
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4.0 URGENT DECISIONS CONTRARY TO THE BUDGET OR POLICY FRAMEWORK .............................................................................................. 7
5.0 VIREMENT.................................................................................................... 8
6.0 IN-YEAR CHANGES TO POLICY FRAMEWORK ........................................ 8
7.0 CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK .............................................................................................. 8
1.0 THE COUNCIL AND THE CABINET

1.1 The Council is responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once it has been adopted, it is the responsibility of the Cabinet to implement it.

1.2 For the purpose of these rules a “plan or strategy” shall mean:

- a plan or strategy of a description specified in column (1) of the table in Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (miscellaneous plans and strategies),
- a plan or strategy for the control of the Council’s borrowing or capital expenditure; or
- any other plan or strategy where the Council has determined that the decision upon adoption is to be taken by the full Council.

2.0 THE PROCESS

2.1 The Overview Select Committee will be engaged at the Key stages of (1) reviewing the resources forecast/trends and changes guidelines; (2) reviewing the trends and changes proposals.

2.2 Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph 2.3.

2.3 Before the Council:

- amends the draft plan or strategy; or
- approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to re-consider, in the light of those objections, the draft plan or strategy submitted to it.

2.4 Where the Council gives instructions in accordance with Rule 2.3, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

- submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”) with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration or...
PART 6 – PROCEDURE RULES (OTHER)
SECTION 3 BUDGET & POLICY FRAMEWORK

• inform the Council of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.

2.5 When the period specified by the Council referred to in paragraph 2.4 has expired, the Council must when:

• amending the draft plan or strategy or, if there is one, the revised draft plan or strategy; or
• approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
• adopting (with or without modification) the plan or strategy,
take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet’s reasons for those amendments, any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

2.6 Subject to paragraph 2.10, where before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:-

• estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992; or
• estimates of other amounts to be used for the purposes of such a calculation; or
• estimates of such a calculation; or
• amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objection to them, it must take the action set out in paragraph 2.7.

2.7 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the Sections referred to in paragraph 2.6(a) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet’s estimates or amounts and must give to him instructions requiring the Cabinet to re-consider, in the light of those objections, those estimates and amounts in accordance with the Council’s requirements.

2.8 Where the Council gives instructions in accordance with paragraph 2.7, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-
PART 6 – PROCEDURE RULES (OTHER)
SECTION 3 BUDGET & POLICY FRAMEWORK

• submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been re-considered in accordance with the Council’s requirements, with the Cabinet’s reasons for any amendments made to the estimates or amounts, to the Council for the Council’s consideration; or

• inform the Council of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.

2.9 When the period specified by the Council, referred to in paragraph 2.8, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the Sections referred to in paragraph 2.6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-

• any amendments to the estimates or amounts that are included in any revised estimates or amounts,

• the Cabinet’s reasons for those amendments,

• any disagreement that the Cabinet has with any of the Council’s objections and

• the Cabinet’s reasons for that disagreement,

which the Leader submitted to the Council or informed the Council of within the period specified.

2.10 Paragraphs 2.6 to 2.9 shall not apply in relation to:-

• calculations or substitute calculations which an authority is required to make in accordance with Sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 and

2.11 amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

2.12 In approving the Budget and Policy Framework, the Council will also specify:

• the extent of virement within the budget; and

• the degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules.

All other changes to the Budget and Policy Framework are reserved to the Council.

2.13 Immediately after any vote is taken at a budget decision meeting, or where a precept is issued under the Local Government Finance Act 1992, Part 1, Chapter 4, there must be recorded in the minutes the names of the individual Members who cast a vote for the decision, or against the decision, or who abstained from voting, in accordance with Regulation 2 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.
3.0 DECISIONS CONTRARY TO THE BUDGET OR POLICY FRAMEWORK

3.1 Subject to the provisions of paragraph 5 (Virement) the Cabinet, individual Cabinet Members and any other officers, Area Committees or joint arrangements discharging executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is:

• contrary to the policy framework; or
• contrary to or not wholly in accordance with the budget approved by Full Council (a “departure”),

then that Decision may only be taken by the Council, subject to paragraph 4 below.

3.2 If the Cabinet, individual members of the Cabinet and any officers, Area Committees or joint arrangements discharging executive functions want to make such a decision, they must take advice from the Group Head of Council Advice & Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be a departure.

3.3 If the advice of either of those officers is that the decision would be a “departure” then the decision must be referred by the body or person to the Council for Decision, unless the Decision is a matter of urgency, in which case the provisions in paragraph 4 below apply.

4.0 URGENT DECISIONS CONTRARY TO THE BUDGET OR POLICY FRAMEWORK

4.1 The Cabinet, an individual Member of the Cabinet or officers, Area Committees or joint arrangements discharging executive functions may take a Decision which needs to be made as a matter of urgency where that decision is:

• contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by Full Council (a “departure”); and:
• it is not practical to convene a quorate meeting of the Full Council; and
• provided that the Chairman or Vice-Chairman of the Overview Select Committee agrees that the Decision is a matter of urgency.

4.2 The reasons why it is not practical to convene a quorate meeting of the Full Council and the Chairman or Vice-Chairman of the Overview Select Committee’s consent to the Decision being taken as a matter of urgency must be noted on the record of the Decision.

4.3 In the absence of the Chairman of the Overview Select Committee, the consent of the Vice-Chairman and in his/her absence, the Head of Paid Service or his/her nominee’s consent shall be required.
PART 6 – PROCEDURE RULES (OTHER)
SECTION 3 BUDGET & POLICY FRAMEWORK

4.4 Following the Decision, the decision-taker must provide a full report to the next available Council meeting explaining the Decision, the reasons for it and why the Decision was treated as a matter of urgency.

4.5 Decisions which are urgent under the above provisions shall not be subject to the Call-In procedure as set out in rule 14 of “Scrutiny Procedure Rules” in this Part of the Constitution.

5.0 VIREMENT
The Financial Procedural rules include provisions as to virement.

6.0 IN-YEAR CHANGES TO POLICY FRAMEWORK
No changes to the policy framework may be made by the Cabinet without the approval of the Full Council except those changes:-

- necessary to ensure compliance with the law, ministerial direction or government guidance; or
- respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under discussion; or
- for which the Council has specified a degree of in-year changes to the policy framework which may be undertaken by the Cabinet.

7.0 CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

7.1 Where the Overview Select Committee is of the opinion that a Cabinet Decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council’s budget (a “departure”), then it shall seek advice from the Group Head of Council Advice & Monitoring Officer and/or Section 151 Officer.

7.2 In respect of functions which are the responsibility of the Cabinet, the Group Head of Council Advice & Monitoring Officer’s report and/or Section 151 Officer’s report shall be forwarded to the Cabinet with a copy to every Member of the Council.

7.3 Regardless of whether the Decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report:

- 7.3.1 to Council in the event that the Group Head of Council Advice & Monitoring Officer or the Section 151 Officer conclude that the Decision is a departure; and
- 7.3.2 to the Overview Select Committee if the Group Head of Council Advice & Monitoring Officer or the Section 151 Officer conclude that the Decision is not a departure.
7.4 If the Decision has yet to be made, or has been made but not yet implemented, and the advice from the Group Head of Council Advice & Monitoring Officer and/or the Section 151 Officer is that the Decision is a departure, the Overview Select Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the Decision or its implementation until the Council has met and considered the matter.

7.5 The Council shall meet within 14 days of the request by the Overview Select Committee. At the meeting, it will receive a report of the Decision or proposals and the advice of the Group Head of Council Advice & Monitoring Officer and/or the Section 151 Officer. The Council may either:

- endorse a Decision or proposal of the Cabinet as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the Decision of the Council be minuted and circulated to all Councillors in the normal way,
- amend the Council’s Financial Regulations or policy concerned to encompass the Decision or proposal of the Cabinet and agree to the Decision with immediate effect. In this case, no further action is required save that the Decision of the Council be minuted and circulated to all Councillors in the normal way; or
- where the Council accepts that the Decision or proposal is a departure and does not amend the existing framework to accommodate it, require the Cabinet to re-consider the matter in accordance with the advice of either the Group Head of Council Advice & Monitoring Officer/ Section 151 Officer.
PART 6 – PROCEDURE RULES (OTHER)
(SECTION 4 – ACCESS TO INFORMATION)
Part 6 is set out in eight sections as follows:

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SECTION 4
ACCESS TO INFORMATION PROCEDURE RULES

1.0 SCOPE

1.1 These rules apply to all meetings of the Council, the Cabinet, the Overview Select Committee, Regulatory and other Committees, Area Committees and Working Groups.

1.2 These rules may be extended to meetings of Working Parties where the Working Party has agreed that a future meeting should be held in public as confirmed by their terms of reference set out Part 3 (Responsibility for Functions) of this Constitution.

2.0 ADDITIONAL RIGHTS TO INFORMATION

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

3.0 RIGHTS TO ATTEND MEETINGS

3.1 Members of the public may attend, record and report all meetings subject only to the exception in these Rules and the Protocol on Filming and Recording of Council Meetings set out in Part 8 of this Constitution.

4.0 NOTICES OF MEETINGS

4.1 The Council will give at least five clear days’ notice of any meeting by posting details of the meeting on the Council’s website and at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

4.2 Clear days means days on which the Council’s Offices are open for business and exclude the day on which a Notice is posted under Rule 4.0 (Notices of Meetings) or available for public inspection under Rule 5.0 (Access to agenda and reports before the Meeting), and the day of the meeting.

5.0 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Group Head of Council Advice & Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.
PART 6 – PROCEDURE RULES (OTHER)

6.0 SUPPLY OF COPIES

6.1 The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;
(b) any further statements or particulars necessary to indicate the nature of the items on the agenda; and
(c) if the Group Head of Council Advice & Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a reasonable charge for postage and any other costs.

7.0 ACCESS TO MINUTES AND DECISIONS AFTER THE MEETING

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

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

8.0 BACKGROUND PAPERS

8.1 List of background papers

Every report shall list those documents (background papers) relating to the subject matter of the report, except published works or exempt or confidential information, as defined in Rule 10.0 (Exclusion of the public from Meetings), which:

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

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting a copy of each of the documents on the list of background papers.
9.0 SUMMARY OF PUBLIC’S RIGHTS

9.1 These Rules constitute a written summary of the public’s rights to attend meetings and to inspect and copy documents. They are available for the public to inspect at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall, and to view on the Council’s website.

10.0 EXCLUSION OF THE PUBLIC FROM MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

10.2 Meaning of confidential information

Confidential information means information that has been given to the Council by a Government Department on terms which forbid the disclosure, or information which cannot be publicly disclosed by law.

10.3 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Meaning of Exempt Information

(a) Exempt information means information falling within the following seven categories, subject to the relevant condition:

<table>
<thead>
<tr>
<th>Category</th>
<th>Condition</th>
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<tbody>
<tr>
<td>1. Information relating to any individual.</td>
<td></td>
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<tr>
<td>2. Information which is likely to reveal the identity of an individual.</td>
<td></td>
</tr>
<tr>
<td>3. Information relating to the financial or business affairs of any person (including the authority holding that information)</td>
<td>Information is not exempt information if it is required to be registered under: (a) the Companies Acts (as defined in section 2 of the Companies Act 2006);</td>
</tr>
</tbody>
</table>
## Category

<table>
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<th>Category</th>
<th>Condition</th>
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<tr>
<td>(b) Information relating to any consultations or negotiations,</td>
<td>(b) the Friendly Societies Act 1974;</td>
</tr>
<tr>
<td>or contemplated consultations or negotiations, in connection with any</td>
<td>(c) the Friendly Societies Act 1992;</td>
</tr>
<tr>
<td>labour relations matter arising between the authority or a Minister of</td>
<td>(d) the Industrial and Provident Societies Act 1965 to 1978;</td>
</tr>
<tr>
<td>the Crown and employees of, or office holders under, the authority.</td>
<td>(e) the Building Societies Act 1986; or</td>
</tr>
<tr>
<td>(f) the Charities Act 1993</td>
<td></td>
</tr>
</tbody>
</table>

4. Information relating to any consultations or negotiations, or        |
    contemplated consultations or negotiations, in connection with any   |
    labour relations matter arising between the authority or a Minister   |
    of the Crown and employees of, or office holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes:                |
   a. to give under any enactment a notice under or by virtue of which   |
       requirements are imposed on a person; or                            |
   b. to make an order or direction under any enactment.                 |

7. Information relating to any action taken or to be taken in connection |
    with the prevention or investigation or prosecution of crime.

(b) 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.

(c) Information which:

   a. falls within any of the paragraphs 1 to 7 above; and
   b. is not prevented from being exempt by virtue of the condition on exempt paragraph 3 or on (b) above
is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11.0 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

11.1 If the Chief Executive, or their nominee, thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10.0 (Exclusion of the public from Meetings), the meeting is likely not to be open to the public. Such reports will be endorsed “The information in this report is of a confidential or exempt nature” together with the category of information likely to be disclosed.

12.0 APPLICATION OF THESE RULES TO THE CABINET

12.1 The Cabinet is required to comply with Rules 1 to 11 and 13 to 22 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply.

12.2 These Rules do not include meetings whose primary purpose is for officers to brief Members.

13.0 PROCEDURE BEFORE TAKING KEY DECISIONS

13.1 A key decision is defined in Article 13 (Decision Making) in Part 2 of this Constitution. Subject to Rule 15 (General Exception) or Rule 16 (Special Urgency) above, a key decision may not be taken unless:

(a) a notice (called the Forward Plan) has been published in connection with the matter in question;
(b) at least 28 clear days have elapsed since the publication of the Forward Plan; and
(c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

14.0 NOTICE OF CABINET DECISIONS (THE FORWARD PLAN)

14.1 Period of Notice

The Forward Plan will be prepared by the Group Head of Council Advice & Monitoring Officer to give 28 clear working days’ notice of the intention of Cabinet to make a key decision.

In addition to providing notice of key decisions, the Forward Plan will list other matters due to be considered by Cabinet and Full Council.
The Forward Plan will cover a period of four months, beginning with the first
day of any month. The Forward Plan will be updated each month and will be
published to the Council’s website and available for inspection at the Arun
Civic Centre, Littlehampton and the Bognor Regis Town Hall.

14.2 Content of the Forward Plan

The Forward Plan will contain matters which the Group Head of Council
Advice & Monitoring Officer has reason to believe will be the subject of a key
decision to be taken by the Cabinet, as the Council’s executive; or under joint
arrangements in the course of the discharge of an executive function during
the period covered by the Plan.

The Forward Plan will describe the following particulars insofar as the
information is available or might reasonably be obtained:

(a) the matter in respect of which a decision is to be made;
(b) where the decision taker is an individual, their name and title (if any) and
   where the decision taker is a body, its name and details of membership;
(c) the date on which, or the period within which, the decision will be taken;
(d) the date on which the matter was listed in the Forward Plan;
(e) the identity of the principal groups whom the decision taker proposes to
   consult before taking the decision;
(f) the means by which any such consultation is proposed to be undertaken;
(g) a list of the documents submitted to the decision taker for consideration
   in relation to the matter; and
(h) the steps any person might take who wishes to make representations to
   the Cabinet or decision taker about the matter in respect of which the
decision is to be made, and the date by which those steps must be
taken.

Exempt information need not be included in the Forward Plan and confidential
information cannot be included.

A decision may be made upon an item in the Forward Plan either before or
after the date (or the period) specified in the Plan for the decision, provided
that there has first been agreement in writing with the Chairman of the
Overview Select Committee.

15.0 GENERAL EXCEPTION

15.1 If a matter which is likely to be a key decision has not been included in the
Forward Plan, then subject to Rule 16.0 (Special Urgency), the decision may
still be taken if:
PART 6 – PROCEDURE RULES (OTHER)

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
(b) the Group Head of Council Advice & Monitoring Officer has informed the Chairman of the Overview Select Committee, or if they are unable to act, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
(c) at least five clear days public notice of the decision to be taken is given on the Council’s website and at the Arun Civic Centre, Littlehampton and Bognor Regis Town Hall; and
(d) such key decisions are taken by the Cabinet in public save where confidential or exempt information might otherwise be disclosed.

16.0 SPECIAL URGENCY

16.1 If by virtue of the date by which a decision must be taken the requirements at Rule 15.0 (General Exception) cannot be followed, then the decision can only be taken if the decision taker, or the Chairman of the body making the decision, obtains agreement that the making of the decision cannot be reasonably deferred from:

(a) the Chairman of the Overview Select Committee; or
(b) if they are unable to act, the Chairman of the Council; or
(c) if either are unable to act, the Vice-Chairman of the Council.

16.2 Once agreement has been obtained that the taking of the decision is urgent and cannot be reasonably deferred, notice to this effect must be published to the Council’s website and made available at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

16.3 Decisions taken as a matter of urgency must be reported to the next meeting of the Overview Select Committee, together with the reasons for the urgency.

17.0 REPORTS TO COUNCIL

17.1 When the Overview Select Committee can require a report

If the Overview Select Committee thinks that a key decision has been taken which was not:

(a) included in the Forward Plan; or
(b) the subject of the procedures at Rule 15.0 (General Exception); or
(c) the subject of an agreement with the Chairman of the Overview Select Committee, or the Chairman or Vice-Chairman of the Council under the requirements of Rule 16.0 (Special Urgency);

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Group
Head of Council Advice & Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview Select Committee.

17.2 When the Cabinet will report to Council

If a report is requested under Rule 17.1 (When the Overview Select Committee can require a report), the Cabinet 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 the Council will set out particulars of the decision, the individual or body making the decision and, if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event, the Leader will submit annually reports to the Council on executive decisions taken in the circumstances set out in Rule 16 (Special Urgency). The report will include the number of decisions so taken and a description of the matters in respect of which those decisions were taken.

18.0 RECORD OF DECISIONS

18.1 Record of Cabinet Decisions

After any meeting of the Cabinet, the Group Head of Council Advice & Monitoring Officer will arrange as soon as is practicable for a record of every decision taken to be circulated to all Councillors and published to the Council’s website. The record will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

This record will describe:

(i) the subject on which a decision was made
(ii) an executive summary of the background to the decision
(iii) the decision
(iv) the reasons for the decision
(v) the alternative options considered and rejected
(vi) whether there was any declaration of interest by the Cabinet Member, dispensation granted, or conflict of interest declared from the consultation undertaken
(vii) whether the decision related to exempt or confidential information
(viii) the date the decision was taken
(ix) the effective date for the decision
The effective date for a Cabinet decision will be 10.00am on the day after the expiry of five clear days from the publication of the decision. Clear days does not include Saturdays, Sundays or Bank Holidays. Cabinet decisions will generally be published on a Tuesday and the effective date will therefore be the second following Wednesday.

The record will also confirm the steps that any Councillor will need to take to request a call-in of the decision under the Scrutiny Procedure Rules.

18.2 Record of Council, Overview Select, Regulatory and Other Committee Decisions

After any Council or Committee meeting, the Group Head of Council Advice & Monitoring Officer will arrange as soon as is practicable for the minutes setting out a record of every decision taken to be circulated to all Councillors and published to the Council’s website. The record will also be available for inspection at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall.

The form of the minutes will be based on the rules set out in Part 5 (Rules of Procedure – Meetings) of this Constitution.

19.0 MEETINGS IN PUBLIC

19.1 All meetings of the Council, the Cabinet, the Overview Select Committee, Regulatory and other Committees, Area Committees and Working Groups will be held in public, except where the business to be transacted would disclose confidential or exempt information under Rule 10.0 (Exclusion of the public from Meetings)

20.0 DECISIONS BY INDIVIDUAL CABINET MEMBERS

20.1 Reports intended to be taken into Account

Where an individual Cabinet Member receives a report which they intend to take into account in making any key decision, then they will not make the decision until the report has been available for public inspection for at least four clear working days.

20.2 Provision of copies of reports to the Overview Select Committee

Where a report has been submitted to an individual Cabinet Member with a view to it being considered by them when they make a key decision, the person who prepared the report will supply a copy of it to the Chairman of the Overview Select Committee as soon as is reasonably practicable, and make it publicly available at the same time.
20.3 **Record of Individual Cabinet Member Decisions**

Publication and inspection of records of decisions made by individual Cabinet Members will follow the Decision Notice Procedure Rules set out in Part 6 (Procedure Rules - Other) of this Constitution.

The provisions of these Rules at Rule 7.0 (Access to Minutes) and Rule 8.0 (Background Papers) will also apply to decisions made by individual Cabinet Members. This does not require the disclosure of exempt or confidential information.

21.0 **OVERVIEW SELECT COMMITTEE’S ACCESS TO DOCUMENTS**

21.1 **Rights to Copies**

Subject to Rule 22.0 (Additional Rights of Access for Councillors), the Overview Select Committee will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:

(a) any business transacted at a meeting of the Cabinet; or
(b) any decision taken by an individual Cabinet Member.

21.2 **Limit on Rights**

The Overview Select Committee will not be entitled to:

(a) any document that is in draft form; and
(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

22.0 **ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS**

22.1 **Material relating to any business to be transacted at a public meeting**

Any document which is in the possession, or under the control of the Cabinet, and contains material relating to any business to be transacted at a public meeting shall be open to inspection by any Member of the Council unless it appears to the Group Head of Council Advice & Monitoring Officer that it discloses exempt information as defined in categories 1, 2, 4, 5 and 7 of Rule 10.4 (Meaning of Exempt Information).

A document will remain open to inspection if the information it contains discloses exempt information as defined in categories 3 and 6 at Rule 10.4, with the exception of information relating to any terms proposed, or to be proposed by or to the authority, in the course of negotiations for a contract.
22.2 **Material relating to key decisions**

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless Rule 22.1 (Material relating to any business to be transacted at a public Meeting) applies.

22.3 **Attendance at meetings of the Cabinet, Overview Select, Regulatory and Other Committees during confidential or exempt business**

Where a Councillor is not a member of the Cabinet or a Committee considering business where the public have been excluded for confidential or exempt information, they shall be allowed to remain in the meeting unless the Chairman (or whoever is presiding at the meeting) rules that they should be excluded.

Where a Councillor identifies that they have a specific need to know of the business under consideration in order to discharge their duties as a Councillor, they may not be excluded unless:

(a) in the opinion of the Chairman, the procedural propriety of the meeting would be compromised; and
(b) reasons for the decision to exclude are given to the Councillor concerned.

Legal advice upon the issue may be taken by the Chairman, where appropriate.

22.4 **Attendance at meetings of the Standards Committee during confidential or exempt business**

Where a Councillor is not a member of the Standards Committee considering business where the public have been excluded for confidential or exempt information, they shall be allowed to remain in the meeting unless the members of the Committee rule that they should be excluded.

Where a Councillor identifies they have a specific need to know of the business under consideration in order to discharge their duties as a Councillor, they may not be excluded unless:

(a) in the opinion of the members of the Committee, the procedural propriety of the meeting would be compromised; and
(b) reasons for the decision to exclude are given to the Councillor concerned.

Legal advice upon the issue may be taken by the Committee, where appropriate.
22.5 **Nature of rights**

These rights of a Councillor are additional to any other right they may have.
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SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

1. INTRODUCTION

Financial Regulations provide the internal framework for managing the Council’s financial affairs. These regulations apply to every Member and officer of Arun District Council and anyone in the public or private sector who acts on behalf of the Council. It is imperative that the Council has a strong and usable set of Financial Regulations that are accessible to all who are dealing with its financial matters.

Under Section 151 of the Local Government Act 1972, each local authority is required to make arrangements for the proper administration of its financial affairs and arrange for one of their officers to be responsible for the administration of those affairs. For Arun District Council this officer is the Group Head of Corporate Support. Throughout these Financial Regulations, the title Group Head of Corporate Support will be used to denote the designated Section 151 Officer of the Council; in the case of absence or non-availability, the Financial Services Manager will be the deputy Section 151 Officer.

The Group Head of Corporate Support is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Council for approval. He/she is also responsible, where appropriate, for reporting breaches of the Financial Regulations to the Audit and Governance Committee.

It is the responsibility of Corporate Management Team (CMT)/Group Heads 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.

It is the responsibility of the Group Head of Corporate Support to provide advice and guidance regarding the Financial Regulations that Members, officers and others acting on behalf of the Council are required to follow.

STATUTORY REFERENCES
- Local Government Act 1972
- Local Government Act 1999
- Local Government Act 2003
- Local Audit and Accountability Act 2014
- Accounts and Audit Regulations 2015

CODES OF PRACTICE
- Code of Practice on Local Authority Accounting in the United Kingdom
- Prudential Code for Capital Finance in Local Authorities
- Service Reporting Code of Practice for Local Authorities (CIPFA)
- Treasury Management Code of Practice (CIPFA)
- United Kingdom Public Sector Internal Audit Standards (PSIAS) as interpreted by CIPFA’s Local Government Application Note
PART 6 – PROCEDURE RULES (OTHER)
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2. FINANCIAL PLANNING

2.1 FORMAT OF THE BUDGET

Why is this important?
The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Responsibilities of the Group Head of Corporate Support
- To advise the Cabinet on the format of the budget that is approved by the Council.

Responsibilities of CMT/Group Heads
- To comply with accounting guidance provided by the Group Head of Corporate Support.

Key controls
The key controls for the budget format are:
- a) That the format complies with all legal requirements;
- b) That the format reflects the accountabilities of service delivery; and
- c) That, in published statements where it is required, the format complies with CIPFA’s Service Reporting Code of Practice for Local Authorities.

2.2 BUDGETS AND MEDIUM-TERM PLANNING

Why is this important?
The Council needs to plan effectively and develop systems to enable limited resources to be allocated in accordance with priorities. The budget is the financial statement of the Council’s plans and policies.
The revenue and capital budgets must be constructed to ensure that resource allocation properly reflects the service plans and corporate priorities of the Council. Budgets are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the Council to budget for a deficit.
CMT/Group Heads shall prepare annually (normally for submission to Cabinet each January), draft estimates of income and expenditure in a form agreed with the Group Head of Corporate Support together with any necessary explanations.

Responsibilities of the Group Head of Corporate Support
- To prepare and submit reports on budget prospects for Cabinet in accordance with the Constitution, including resource constraints set by the Government. Reports should take account of medium-term prospects and review where appropriate.
- To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and following consultation with the Cabinet Member for Corporate Support and CMT/Group Heads.
To prepare and submit reports to the Cabinet Member for Corporate Support on the overall position, and to the Cabinet on the aggregate spending plans of departments and resources available, identifying, where appropriate, the implications for the level of council tax to be levied.

To advise on the medium-term implications of spending decisions.

To encourage the best use of resources and value for money by working with CMT/Group Heads to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

To advise the Council on the Cabinet’s proposals on the robustness of the budget set and the adequacy of reserves in accordance with the Local Government Act 2003.

Responsibilities of CMT/Group Heads

To prepare estimates of income and expenditure, in consultation with the Group Head of Corporate Support to be submitted to the Cabinet.

To prepare budgets consistent with any relevant cash limits, with the Council’s annual budget cycle and with guidelines issued by the Cabinet. The format will be prescribed by the Group Head of Corporate Support in accordance with the Cabinet’s general directions.

To integrate financial and budget plans into service planning.

To ensure that budget proposals underpin the Council’s strategic priorities and objectives.

Key controls

The key controls for budgets and medium-term planning are:

a) specific budget approval is given for all expenditure;

b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered; and

c) a monitoring process is in place to regularly review the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

2.3 CAPITAL PROGRAMME

Why is this important?

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles.

Capital assets can 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. Capital expenditure can also result in the creation of an intangible asset, for items such as software licenses which have no physical substance.

The Council is required to set its Capital Programme having regard to the Prudential Code, ensuring that it is affordable, prudent and sustainable. This means that capital expenditure forms part of an investment strategy that is carefully prioritised in order
to maximise the benefit of limited resources. The Council must also approve its Prudential Indicators which are used to monitor performance throughout the year.

Responsibilities of the Group Head of Corporate Support
- To prepare a capital programme covering at least two future financial years. If an urgent and unforeseen need arises to undertake a project in excess of the current approved capital programme or to accelerate the preparation, commencement or completion of a scheme, the proposal will be considered by the Corporate Management Team and if agreed will then be reported to Cabinet (and Full Council if a supplementary estimate is required) for final approval.
- To prepare and submit regular reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates. Also, to inform Cabinet where estimated expenditure on any scheme exceeds the capital programme provision by more than 10% or £50,000 whichever is lower, unless the amount is not material.
- The definition of ‘capital’ will be determined by the Group Head of Corporate Support, having regard to government regulations and accounting requirements.

Responsibilities of CMT/Group Heads
- To comply with guidance concerning capital schemes and controls issued by the Group Head of Corporate Support.
- To ensure that all estimates and programmes prepared in connection with capital expenditure shall include reference to the estimated revenue implications in each of the development years and in a full cost year as agreed with the Group Head of Corporate Support.
- To review the capital programme provisions for their services and the estimated final costs of schemes in the approved capital programme.
- To ensure that adequate records are maintained for all capital contracts.
- To proceed with projects / contracts only when there is adequate provision in the capital programme and guarantees of any external funding are in place.
- To notify the Group Head of Corporate Support immediately if the total value of a contract or its annual sum is likely to be different from the original figure by more than the approved limits (the lower of 10% or £50,000 subject to materiality) and Cabinet Member decision.

Key controls
The key controls for capital programmes are:

a) specific approval by the Cabinet for the planned programme of capital expenditure;

b) each capital project must be subject to a project appraisal in line with Programme and Project Management procedures and assessed against the Council’s strategic objectives, prior to approval by the relevant Cabinet Member;

c) proposals for improvements and alterations to buildings and land must be approved by the appropriate Director/Group Head;

d) monitoring of progress in conjunction with expenditure and comparison with approved budget; and
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e) monitoring of Prudential Indicators throughout the year.

2.4 MAINTENANCE OF RESERVES

Why are these important?
The Council holds reserves for one of three purposes:
- working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing (general reserve);
- a contingency to cushion the impact of unexpected events or emergencies (general reserve); and
- a means of building up funds (earmarked reserve) to meet known or predicted liabilities.

It is the responsibility of the Section 151 Officer to advise the Council as to the level of general reserves.

Responsibilities of the Group Head of Corporate Support
- To advise the Cabinet and/or the Council on prudent levels of reserves for the Council, having regard to advice from the external auditor.

Responsibilities of CMT/Group Heads
- To ensure that reserves are used only for the purposes for which they were intended.

Key controls
To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies.
For each reserve established the following must be provided:
- The reason for / purpose of the reserve
- How and when the reserve can be used
- Procedures for the reserve management and control
- A process and timescale for review of the reserve to ensure continuing relevance and adequacy.

Authorisation and expenditure from reserves by the relevant Director/Group Head in consultation with the Group Head of Corporate Support.

3. FINANCIAL MANAGEMENT

3.1 BUDGETARY CONTROL

Why is this important?
Budgetary control is the means by which the Council manages its finances and ensures their effective use in accordance with the approved budget. It is a continuous process, enabling the Council to monitor and review its financial performance during the financial year.

By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity.
To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it. For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre.

**Responsibilities of the Group Head of Corporate Support**
- To administer an appropriate framework of budgetary management and control that ensures:
  a) Budget management is exercised within annual cash limits
  b) Each Director has available timely information on receipts and payments on each budget;
  c) Expenditure is only committed against an approved budget
  d) All officers responsible for committing expenditure comply with relevant guidance, and these Financial Regulations
  e) Each budget heading has a single named manager, determined by the relevant Director/Group Head. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure
  f) Significant variances from approved budgets are investigated and reported by budget managers regularly

- To administer the Council’s Scheme of Virement (see 3.2.).
- To submit reports to the Cabinet and to the Council, in consultation with the relevant Director/Group Head, where it is not possible to balance expenditure and resources within existing approved budgets under his/her control (see 3.2.5 supplementary estimates).
- To prepare and submit regular monitoring reports to Cabinet on the Council’s projected income and expenditure compared with the budget.

**Responsibilities of CMT/Group Heads**
- To maintain budgetary control within their departments and to ensure that all income and expenditure is recorded and accounted for properly.
- To ensure that an accountable budget manager is identified for each item of income and expenditure.
- To ensure that spending remains within the service’s overall cash limit, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- To prepare and submit to the Cabinet, reports on the service’s projected expenditure compared with its budget, in consultation with the Group Head of Corporate Support.
- To ensure compliance with the Scheme of Virement (see 3.2).
- To agree with the relevant Director/Group Head where it appears that a budget proposal, including a virement proposal, may impact materially on another service area.

**Key controls**
The key controls for managing and controlling the revenue budget are: -
- a) budget managers should be responsible only for income and expenditure that they can influence;
b) there is a nominated budget manager for each budget heading;
c) budget managers accept accountability for their budgets and the level of
service to be delivered and understand their financial responsibilities;
d) all budgets are appropriately profiled through the financial year;
e) budget managers follow an approved certification process for all expenditure;
f) income and expenditure are recorded and accounted for properly.

3.2 SCHEME OF VIREMENT

A summary of the limits relating to virement as set out in the sections below is
provided in Appendix 1 to these Rules.

3.2.1. General Virement

Why is this important?
Virement is the transfer of budget from one specific area to another. This can either
be a transfer within revenue budgets or capital budgets. Restrictions may apply to
transfers between capital and revenue budgets. Virement can be a temporary (in-
year) or permanent transfer of budget.
The Scheme of Virement is intended to enable Cabinet Members together with
CMT/Group Heads and their staff to manage budgets with a degree of flexibility
within the overall policy framework determined by the Council, and, therefore, to
optimise the use of resources. Budget Variation reports form a standing item on
Cabinet Agendas. They can be used to group together requests for virements or
supplementary estimates and for urgent items, subject to consultation with the Group
Head of Corporate Support.

Responsibilities of the Group Head of Corporate Support

- To submit a report to the Corporate Management Team and Cabinet where
  virements are proposed between directorate areas;
- To approve all virements between £50,001 and £100,000.
- To ensure that all virements over £100,000 are approved by the relevant
  Cabinet Member.

Responsibilities of CMT/Group Heads

- CMT/Group Heads may exercise virement on budgets under their control of
  up to a maximum of £50,000, provided the Group Head of Corporate Support
  has been notified.
- To submit a report to the relevant Cabinet Member for virements over
  £100,000, provided that the Group Head of Corporate Support has been
  notified.
- Salary budgets represent the Council’s approved establishment. As such the
  salary budgets cannot be vired to other areas of the budget. A favourable
  salary budget variance may be used to cover the additional temporary staffing
  costs incurred due to the vacant post subject to the corporate vacancy target.
- Virements against future anticipated fees and charges or other uncertain
  sources of income will not be allowed.
- Savings of a non-recurring nature (temporary) cannot be used to justify the
  incurring of expenditure with a continuing commitment into later years
  (permanent).
Virement that is likely to impact on the level of service activity of another department should be implemented only after agreement with the relevant Director/Group Head.

Key controls
Key controls for the Scheme of Virement are:

a) it is administered by the Group Head of Corporate Support within guidelines set by the Council. Any variation requires the approval of the Cabinet;

b) the overall budget is recommended by the Cabinet and approved by the Council. CMT/Group Heads are authorised to incur expenditure in accordance with the estimates that make up the budget.

c) virement does not create a net increase in budget. CMT/Group Heads are expected to exercise their discretion in managing their budgets responsibly and prudently.

3.2.2 Virements Relating To S106 Contributions

Why is this important?
Section 106 agreements are negotiated as part of a condition of planning consent. They provide an important source of additional funding towards a range of infrastructure and services such as community facilities, public open spaces, transport improvement and or affordable housing.

Responsibilities of the Group Head of Corporate Support

- To ensure that virements relating to s106 funding over £25,000 and up to a maximum of £100,000 are approved by the relevant Cabinet Member and that virements of £100,001 and over are approved by the Cabinet.

Responsibilities of CMT/Group Heads

- CMT/Group Heads may exercise virements relating to s106 funded expenditure under their control up to a maximum of £25,000 provided that the Group Head of Corporate Support has been notified.

- To submit a report to the relevant Cabinet Member for expenditure over £25,000 and up to £100,000 and to the Cabinet for expenditure of £100,001 and above at the earliest opportunity with details of how the funding is to be applied.

Key controls
Key controls for s106 funded expenditure are:

a) it is administered by the Group Head of Corporate Support within guidelines set by the Council; and

b) virement does not create a net increase in budget. CMT/Group Heads are expected to ensure that funds are spent within the terms of the agreement including any time limits that may apply.
3.2.3 Virements Relating To Contingency Budgets

**Why is this important?**
The Contingencies and Special Items budget is assessed annually as a provision for known possible service changes that have not been sufficiently developed to fully cost into the budget.

**Responsibilities of the Group Head of Corporate Support**
- To ensure that virements relating to contingency budgets have been fully costed before budget are vired to service areas. Virements are noted in budget monitoring reports.

**Responsibilities of CMT/Group Heads**
- To submit fully developed spending plans to the Group Head of Corporate Support at the earliest opportunity.

**Key controls**
Key controls for virements from Contingency budgets:
- it is administered by the Group Head of Corporate Support within guidelines set by the Council;
- virement does not create a net increase in budget. CMT/Group Heads are expected to ensure that the use of these budgets follow the Council’s priorities.

3.2.4 Virements Relating To Reserves

**Why is this important?**
Earmarked reserves should only be used for the purpose that they are intended. Unrequired earmarked reserves should be returned to the General Fund. Capital reserves should only be applied in line with statutory approvals.

**Responsibilities of the Group Head of Corporate Support**
- To ensure that all virements from Earmarked Reserves up to £100,000 are approved by the relevant member of the CMT or Group Head. To ensure that all virements relating to the use of Earmarked Reserves over £100,000 are approved by the relevant Cabinet Member. To ensure that all virements over £200,000 are approved by the Cabinet.
- To ensure that all proposals to the use of capital receipts complies with statutory guidance, the Property Investment Strategy and have a viable business case. To ensure that purchase of commercial property up to £750,000 has been approved by the Director of Place and that purchases of commercial property over £750,000 has been approved by the Property Investment Board.

**Responsibilities of CMT/Group Heads**
- To ensure that earmarked reserves are used only for the purpose for which they were intended.
- That unrequired earmarked reserves are returned to the General Fund.
- To submit proposals to the Group Head of Corporate Support as soon as practicable.
• It is the responsibility of the Director of Place to ensure that a viable business case is submitted and approved for the acquisition of commercial property of up to £750,000.

• It is the Director of Place’s responsibility to seek approval from the Property Investment Board for the acquisitions of commercial property in excess of £750,000, subject to the approval of a satisfactory business case. Commercial property acquisitions are subject to the availability of sufficient capital receipts as identified in the Property Investment Strategy.

Key controls
Key controls for virements from reserves:

a) It is administered by the Group Head of Corporate Support within guidelines set by the Council.

b) Virement does not create a net increase in budget. CMT/Group Heads are expected to ensure that the use of these budgets follow the Council’s priorities.

3.2.5 SUPPLEMENTARY ESTIMATES

Why is this important?
Supplementary estimates are requests for additional resources (capital or revenue) over and above the approved budget. The Council has limited financial resources so expenditure needs to be carefully monitored. When a need to incur unavoidable or non-controllable expenditure is identified and the amount required cannot be met by virement, a request for a supplementary estimate shall be submitted to Cabinet and Full Council. Supplementary estimates can, in exceptional circumstances, be considered by Full Council when referral via Cabinet would cause unreasonable delay, with the approval of the Group Head of Corporate Support.

Responsibilities of the Group Head of Corporate Support

• To ensure that all supplementary estimates (where net expenditure cannot be contained within existing budget provision) are approved by Cabinet and Full Council. The only exception to this rule is on the grounds of urgency.

Responsibilities of CMT/Group Heads

• To submit estimates to the Group Head of Central Support at the earliest opportunity where unavoidable expenditure is likely and a specific source of funding cannot be identified.

• To submit a report to Cabinet when a supplementary estimate is proposed and net expenditure cannot be contained within existing budget provision.

Key controls
Key controls for supplementary estimates are:

(a) It is administered by the Group Head of Corporate Support with a view to affordability, impact on the Council’s overall financial position and existing and anticipated level of balances;

(b) the overall budget is recommended to Cabinet and approved by the Council. Any additional expenditure incurred must also be recommended to Cabinet and approved by the Council; and
(c) supplementary estimates create a net increase in budget. CMT/Group Heads are expected to exercise their discretion in managing their budgets responsibly and prudently and wherever possible meeting additional cost pressures by virement from within existing budgets. Supplementary estimates should only be requested under exceptional circumstances.

3.3 ACCOUNTING POLICIES

Why are these important?
The Council is required to follow proper practices in preparing its Statement of Accounts. The Council’s Accounting Policies are a key part in ensuring that this is done and these are detailed in the Statement of Accounts.

Responsibilities of the Group Head of Corporate Support
- To establish suitable accounting policies and to ensure that they are applied consistently.
- To ensure that the accounting policies are consistent with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom, for each financial year.

Responsibilities of CMT/Group Heads
- To adhere to the accounting policies and guidelines approved by the Group Head of Corporate Support.

Key controls
The key controls for accounting policies are:
- Systems of internal control are in place to ensure that financial transactions are lawful;
- Suitable accounting policies are established and applied consistently;
- Proper accounting records are maintained;
- Financial statements are prepared which present fairly the financial position of the Council and its expenditure and income; and
- Accounting policies are set out in the Statement of Accounts and are subject to external audit.

3.4 ACCOUNTING RECORDS AND RETURNS

Why are these important?
Maintaining proper accounting records is one way in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare annual accounts that present its operations during the financial year fairly. These annual accounts are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council’s resources.
Responsibilities of the Group Head of Corporate Support

- To determine the accounting policies, procedures and the method for recording transactions for the Council.
- To arrange for the compilation of all accounts and accounting records under his/her direction.
- To comply with the following principles when allocating accounting duties: -
  a) Employees responsible for the calculation, checking and recording of income and expenditure should not be responsible for the collection and disbursement of such income and expenditure; and
  b) Employees with the duty of examining or checking the accounts of cash transactions must not be engaged in those transactions.
- To make proper arrangements for the audit of the Council’s annual accounts in accordance with the Accounts and Audit Regulations 2015.
- To ensure that all claims for funds (including grants) are made accurately and by the due date.
- To prepare and publish the audited annual accounts of the Council for each financial year, in accordance with the statutory timetable.
- To ensure the proper security and retention of financial documents in accordance with the requirements set out in the Council’s Document Retention Policy.
- To ensure that an asset register is maintained and assets are appropriately revalued and categorised in accordance with Code of Practice on Local Authority Accounting in the United Kingdom.

Responsibilities of CMT/Group Heads

- To ensure that a copy of any approved funding from a third party, including government grant, is immediately passed to the Group Head of Corporate Support.
- To ensure that all necessary service related information is available to support all claims for funds, including government grants.
- To maintain adequate records to provide a management/audit trail leading from the source of income/expenditure through to the accounting statements.
- To supply information required to enable the statement of accounts to be completed and published in accordance with the timetable and guidelines issued by the Group Head of Corporate Support.

Key controls

The key controls for accounting records and returns are:

a) All Cabinet Members, finance employees and budget managers operate within the required accounting standards and timetables;
b) All the Council’s transactions, material commitments, contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
c) Procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
d) Reconciliation procedures are carried out to ensure transactions are correctly recorded;
e) Prime documents are retained in accordance with legislative and other requirements, as set out in the Council’s Document Retention Policy; and
f) The central accounting system of the Council, administered by the Group Head of Corporate Support, is the prime system upon which the financial position of the council, or any part of the Council, will be assessed.

3.5 THE ANNUAL STATEMENT OF ACCOUNTS

Why is this important?
The Council has a statutory responsibility to prepare its own accounts to present its operations during the financial year in a fair manner. The Council is responsible for approving the statutory annual statement of accounts, through delegation to the Audit & Governance Committee.

Responsibilities of the Group Head of Corporate Support
- To establish suitable accounting policies and to apply them consistently.
- To make judgements and estimates that are reasonable and prudent.
- To comply with the Code of Practice on Local Authority Accounting in the United Kingdom.
- 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.
- To draw up the timetable and requirements for final accounts preparation and to advise employees and the external auditor accordingly.

Responsibilities of CMT/Group Heads
- To comply with accounting guidance provided by the Group Head of Corporate Support and to supply the Group Head of Corporate Support with information when required.

Key controls
The key controls for the annual statement of accounts are: -

a) The Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Council, that officer is the Group Head of Corporate Support; and

b) The Council’s statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom.

4. RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 RISK MANAGEMENT AND INSURANCE

Why is this important?
Risk management is a planned and systematic approach to identifying, evaluating and controlling risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational wellbeing of the Council. It is,
therefore, an integral and essential part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action needed to control these risks effectively.

It is the overall responsibility of the Audit & Governance Committee to approve the Council’s Risk Management Strategy, and to promote a culture of risk management awareness throughout the Council.

Responsibilities of the Group Head of Corporate Support
- To prepare and promote the Council’s Risk Management Strategy.
- To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims, in consultation with other officers where necessary.

Responsibilities of CMT/Group Heads
- To notify the Group Head of Corporate Support immediately of any injury, loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Group Head of Corporate Support or the Council’s insurers.
- To take responsibility for risk management and minimising exposure to loss, having regard to advice from the Group Head of Corporate Support and other specialist advisers (e.g. health and safety, emergency planning).
- To ensure that there are regular reviews of Corporate and Departmental risk registers to identify and evaluate risk and to determine the ways risk can be managed. The risks and the mitigating actions should be recorded and monitored.
- To notify the Group Head of Corporate Support promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- To consult the Group Head of Corporate Support on the terms of any indemnity that the Council is requested to give.

Key controls
The key controls for risk management are:

a) Procedures are in place to identify risks, to evaluate their likely impact and probability of occurring, and to determine suitable risk reduction strategies. The risk management process operates continually to ensure that changes in circumstances and new risks are identified, evaluated and managed;

b) Corporate and Departmental Risk Registers are produced and are regularly reviewed and action taken when appropriate;

c) Risk management procedures are communicated effectively throughout the Council. Managers know that they are responsible for managing risks in their areas and are provided with relevant information on risk management initiatives;

d) Acceptable levels of risk are determined and insured against where appropriate; and provision is made through balances or reserves for losses where insurance is not appropriate;

e) The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.
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4.2 AUDIT REQUIREMENTS

Internal Audit

The requirement for an internal audit function is implied by the Accounts & Audit Regulations 2015 which requires that the Council must each financial year conduct a review of the effectiveness of the system of internal control and prepare an annual governance statement.

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.

It will act in accordance with the internal audit charter and UK Public Sector Internal Audit Standards (PSIAS) and will undertake reviews that focus on areas of greatest risk to the Council, as agreed annually in consultation with CMT and approved by the Audit & Governance Committee. However, it is the responsibility of every manager to establish and maintain an effective system of internal control.

Internal audit shall have the authority to have unrestricted access to all records, assets, personnel and premises deemed necessary to review the activities of the Council and (where appropriate, subject to contractual arrangements) its contractors and operating partners. It also has authority to obtain from all employees and members such information and explanations as are considered necessary and direct access and freedom to report to CMT and Council committees (although its primary responsibility is to the Audit & Governance Committee).

Key controls

The key controls for Internal Audit are:

a) That it is independent in its planning and operation;
b) the Chief Internal Auditor has direct access to the Chief Executive, all levels of management and directly to elected members; and
c) The internal auditors comply with the United Kingdom Internal Audit Standards as interpreted by CIPFA’s Local Government Application Note.

4.3 PREVENTING FRAUD AND CORRUPTION

The Council takes the prevention of fraud, corruption and maladministration very seriously and has the following policies in place, which aim to prevent or deal with such occurrences:-

- Anti-Fraud, Corruption & Bribery Policy
- Whistleblowing Policy (in respect of the Public Interest Disclosure Act 1998)
- Anti-money laundering procedures
- HR policies regarding discipline of staff
- Registers of Interests for Members and staff
- Robust processes for the procurement of goods and services
The Council expects all Members and employees to act with propriety and accountability and also expects that individuals and organisations with whom the Council comes into contact (for example, suppliers, contractors and service providers) will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Where financial or other impropriety is discovered or suspected it must immediately be reported to the Group Head of Corporate Support and/or the Chief Internal Auditor for appropriate investigation and action.

4.4 ASSETS – (LAND, BUILDINGS, FURNITURE, EQUIPMENT ETC.)

Acquisitions
Why are these important?
The Council is publicly accountable for the way that it spends its money. Value for money must be demonstrated. Therefore, the Council has to exercise control over its purchasing activity, including asset acquisition (e.g. property, vehicles, plant and equipment, furniture).

Responsibilities of the Group Head of Corporate Support
• To issue guidelines on the best practice in respect of asset acquisition.
• To periodically review all guidelines to ensure that they still reflect best practice.
• To ensure that all expenditure is properly recorded in the Council’s accounts and records.

Responsibilities of CMT/Group Heads
• To ensure that the Council’s policies and procedures are complied with.
• To ensure that the necessary separation of duties is observed.
• To ensure that assets purchased are necessary.

Key controls
The key controls for asset acquisition are:
- a) Council policies in respect of the acquisition of assets are complied with at all times. This includes compliance with Contract Regulations for all asset acquisitions.
- b) There are at least two employees involved in the process of acquisition, with a separation of duties between employees involved in the different parts of the process.
- c) Procedures protect employees involved in the acquisition of assets from accusations of impropriety.

Asset disposal and transfer
Why is this important?
It would be uneconomic and inefficient for the cost of maintaining assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the Council's policies and procedures. Assets are sometimes used by or transferred to an external party, for example as part of an outsourced contract or partnership arrangement. It is important that the
legal and financial basis for the transfer is determined and properly documented, so that the interests of the Council are protected.

**Responsibilities of the Group Head of Corporate Support**
- To issue guidelines representing best practice for disposal of assets.
- To ensure appropriate accounting entries are made to remove the value of disposed or transferred assets from the Council's records and to include the sale proceeds, if appropriate.

**Responsibilities of Directors/Group Heads**
- To seek advice from the Group Head of Corporate Support on the disposal of surplus or obsolete materials, equipment and vehicles.
- To seek advice from the Group Head of Corporate Support where assets are to be transferred or predominantly used by an external party.
- To ensure that income received for the disposal of an asset is properly banked and coded.
- To authorise the write off and disposal of obsolete or surplus materials and equipment.
- To ensure that the disposal of obsolete or surplus materials and equipment, is by competitive quotation or auction, unless, following consultation with the Group Head of Corporate Support, the Cabinet decides otherwise.

**Specifically relating to the disposal or acquisition of land and buildings:**
To ensure that all disposals of land and buildings are in accordance with the Council’s land sale policy current at the time. Where disposal of land and buildings is allowed, it shall be conducted in accordance with the provisions detailed in (a) (i) – (vi) below.

(a) Approved methods of disposal shall be by:-
   i. Private Treaty;
   ii. Auction;
   iii. Tender
   iv. Sealed Offer;
   v. Exchanges of land; or
   vi. Compulsory Purchase Order

(b) To ensure that where land is to be disposed of by the Council, the Group Head of Corporate Support shall ensure compliance with Financial Regulations and S123 of the Local Government Act 1972.

**Key controls**
(a) assets for disposal or transfer are identified and are disposed of or transferred at the most appropriate time, and only when it is in the best interests of the Council, and the best price or contract terms are obtained, bearing in mind other factors, such as environmental issues.
(b) for items of significant value, disposal should be by competitive tender or public auction; and
(c) procedures protect employees involved in the disposal of assets from accusations of personal gain.
Security (Including Inventories)
Why is this important?
The Council holds assets in the form of property, vehicles, equipment and other items worth many millions of pounds. Information held by the Council is also a key asset. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of assets. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Responsibilities of the Group Head of Corporate Support
- To ensure that an asset register is maintained in accordance with good practice for all assets with a value in excess of £25,000. The function of the asset register is to provide the Council with information about fixed assets so that they are:
  - safeguarded;
  - used efficiently and effectively;
  - adequately maintained; and
  - accounted for.
- To receive the information required for accounting, costing and financial records from each director/group head.
- To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom.
- To maintain a central register of IT equipment.

Responsibilities of CMT/Group Heads
- To ensure the proper security of all employees, buildings and other assets under their control.
- To pass title deeds to the Group Head of Corporate Support who is responsible for custody of all title deeds.
- To ensure the safe custody of vehicles, equipment, furniture, and other property belonging to the Council.
- To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- To ensure cash holdings on premises are kept to a minimum and that maximum limits are agreed by the Group Head of Corporate Support.
- To ensure that keys to safes and similar secure containers/cupboards are carried on the person of those responsible at all times; loss of any such keys must be reported to the Group Head of Corporate Support as soon as possible.
- To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Group Head of Corporate Support.
- To carry out an annual check of all items on the inventory in order to verify location, to review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly.
- To make sure that property is only used in the course of the Council’s business, unless the Director/Group Head concerned has given permission otherwise.
PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

Key controls
(a) assets registers are accurately maintained and all assets are accounted for; and.
(b) assets are valued in accordance with approved policies and appropriate values included in the Council’s annual Accounts.

4.5 TREASURY MANAGEMENT

Why is this important?
Many millions of pounds pass through the Council’s accounts each year. The scale of the local authority treasury activity and issues such as the Icelandic banking collapse has led to the development of CIPFA’s Code of Practice on Treasury Management and Prudential Code for Capital Finance in Local Authorities (Prudential Code). These aim to provide assurances that the Council’s money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council’s capital sum.

Responsibilities of Group Head of Corporate Support
- To arrange the borrowing and investments of the Council, including bank overdrafts, in such a manner as to comply with the CIPFA Code of Practice on Treasury Management, the Prudential Code, the Council’s Treasury Management Strategy and the Council’s Treasury Management Practices.
- To report on treasury activities to the Audit & Governance Committee, with recommendations (including adoption of the Treasury Management Strategy Statement & Annual Investment Strategy) referred for approval by Full Council.
- To operate bank accounts as are considered necessary. All arrangements with the Council’s approved bankers regarding the Council’s bank accounts, and the terms on which they are conducted shall be made by the Group Head of Corporate Support.
- To ensure that detailed arrangements are made regarding the Council’s bank accounts and for the issue of cheques and cards. All cheques or cards shall be ordered only on the authority of the Group Head of Corporate Support who shall advise on proper arrangements for their safe custody.
- All of the Council’s bank accounts must be in the name of “Arun District Council”.
- To ensure that all investments or utilisation of monies and other accumulations and the sale or realisation of investments are made in the name of the Council or in the name of nominees approved by the Cabinet.
- To effect all borrowings in the name of the Council.
- To act as the Council’s registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money and investment by the Council.
- To ensure that in circumstances where the Council has decided to finance capital expenditure by way of leasing, deferred purchase, or similar arrangements, the Group Head of Corporate Support or his/her authorised representative shall so far as possible, obtain competitive quotations from relevant funding sources and such arrangements shall be subject to approval by the relevant Cabinet Member.
Responsibilities of CMT/Group Heads
- To follow the instructions on banking issued by the Group Head of Corporate Support.
- 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 Cabinet, following consultation with the Group Head of Corporate Support.
- To ensure that CMT/Group Heads advise the Group Head of Corporate Support of the disposal of any vehicle or item of equipment that is subject to a lease.

Key controls
(a) the Treasury Management Strategy Statement & Annual Investment Strategy must be approved by Full Council by 31st March for the next financial year;
(b) Council investments are only placed with approved institutions in line with the agreed strategies;
(c) investment performance is monitored and reported to officers and Members;
(d) funds transfers (e.g. by CHAPS) require dual authorisation by designated officers; and
(e) investment and borrowing requirements are identified and planned for in short-term cashflow forecasting and longer-term financial strategies.

4.6 WORKFORCE

Why is this important?
The Council sees its employees as a valuable asset to running its business to provide the highest level of service, it is essential that the Council recruits and retains high calibre, knowledgeable employees, who are qualified to an appropriate level.

Responsibilities of the Group Head of Corporate Support
- To ensure that CMT/Group Heads have identified budget provision for all existing and new employees.
- To act as an advisor to CMT/Group Heads on areas such as National Insurance and pension contributions, as appropriate.
- To develop a workforce strategy, policy and procedures and ensure they are disseminated and enforced.

Responsibilities of CMT/Group Heads
- To produce an annual workforce budget.
- To ensure that the workforce budget is an accurate forecast of workforce levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- To ensure that the workforce budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- To comply with, and ensure employees comply with, the Council’s Human Resource policies (for example: recruitment, training and flexible working policies).
Key controls
The key controls for employees are: -
(a) an appropriate workforce strategy and policy exists, in which employee requirements and budget allocation are matched;
(b) procedures are in place for forecasting workforce requirements and cost;
(c) controls are implemented that ensure that employee time is used efficiently and to the benefit of the Council; and
(d) checks are undertaken prior to appointing new employees to ensure that they are appropriately qualified, experienced and trustworthy.

5. FINANCIAL SYSTEMS AND PROCEDURES

5.1 GENERAL

Introduction
The Council is governed by laws requiring that it makes proper arrangements for the administration, reporting and safeguarding of those funds and act in a way that is open and accountable as to how those funds are used.

Whilst all Council Officers and Members have a general financial responsibility, Section 151 of the Local Government Act 1972 requires that a suitably qualified officer must be responsible for the financial administration of the organisation. This officer is the Group Head of Corporate Support.

Group Head of Corporate Support
The Group Head of Corporate Support is responsible for the proper administration of the Council’s financial affairs, prescribe appropriate financial systems, protocols, procedures and policies, maintain an internal audit service and report to the Council in the event of any decision or action leading to, or may lead to, unlawful expenditure, loss, deficiency or accounting entry and;

(a) will be responsible for ensuring the final accounts are completed and published in accordance with statute and accepted public sector accounting requirements and the reporting to Members of any material amendments specified by external audit,
(b) will have unrestricted access to all Council assets, systems, documents, information, data, employees and Members held by the Council,
(c) issue guidance, advice or instruction on the application of these financial systems and procedures as appropriate,
(d) recommend to the Council the addition, alteration or deletion of any financial regulation.

CMT/Group Heads (Senior Management Team)
CMT and Group Heads being the Senior Management Team of the Council;
a) will manage budgets and financial activity within their area of responsibility including the planning and control of budgets and prevention of fraud and corruption to ensure efficient and effective use of resources,

b) shall consult with the Group Head of Corporate Support and obtain approval on any matter that may have a material effect, advantageous or detrimental, on the Council's financial position or financial strategy,

c) Comply with any instruction given by the Group Head of Corporate Support regarding the form and method of financial record keeping or the operation of any financial procedures.

Cabinet, Committees and Sub-Committees
All Members of Cabinet, any Committee or Sub-Committee will ensure that decisions taken are within their remit and relevant budgets, are compliant with adopted policies, and consistent with achievement of the Council’s service or corporate plans.

Council
The Council will:

- determine the Medium Term Financial Strategy (MTFS)
- approve and annual budget and determine the level of local taxation and other statutory charges
- approve the Treasury Management Strategy (TMS) and prudential indicators
- approve changes to these financial procedures

Officers and Members
All Officers and Members will contribute to the general stewardship of the Council’s financial affairs in compliance with this code and any systems, procedures, policies prescribes by law or the Group Head of Corporate Support relating to the Council’s financial management. They will bring to the attention of the Group Head of Corporate Support any matter that is contrary to the provisions of this code or the high standard of financial probity expected of the Council or may bring the Council into disrepute or legal challenge.

5.2 INCOME

All employees receiving money or cashable instruments (including cash, cheques, credit/debit card payments, direct credits, etc.) or making arrangements for the collection of income must comply with the relevant procedures and instructions issued by the Group Head of Corporate Support to ensure that sums are properly recorded, receipted, and banked, and correct accounting entries made.

Cash, in coin or bank note, is only to be accepted in exceptional circumstances and every effort should be made to promote cashless payments.

Budget Holders
All officers with budget management responsibility are required to ensure that:

- invoices and credit notes are raised promptly,
PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

- all enquiries relating to invoices raised and answered promptly,
- any matters that may affect recovery of an invoiced debt is made known to Accounts Receivable,
- any debts considered appropriate for write-off are notified to the Group Head of Corporate Support,
- income is regularly monitored and any irregularities are promptly notified to the Group Head of Corporate Support,
- a review of fees, charges and other income is undertaken at least annually and also as part of the budget setting cycle.

Write-off of irrecoverable debt

Once levied, debt may not be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt must only be issued to correct a factual inaccuracy or administrative error in the calculation or billing of the original debt.

Disposal of Assets

CMT or Group Heads will notify the Group Head of Corporate Support of any proposal to dispose of any surplus assets within their control or responsibility. The Group Head of Corporate Support will assess in consultation with the Director or Group Head the value of the asset(s) and determine the most appropriate route for disposal. The prior approval of the Cabinet Member for Corporate Support is be sought for the disposal of any asset with a current value of more than £5,000 in the Asset Register.

The Group Head of Corporate Support is approved to write-off a debt (or combination of debts) due from any individual debtor in any one financial year of not more than £2,000 in aggregate.

Debts greater than £2,000 may only be written-off with relevant Cabinet Member approval.

5.3 EXPENDITURE

General
All purchases of goods and services are to be made in compliance with procedures in the Contract Standing Orders, as set out at Part 6 of this Constitution, or as otherwise instructed by the Group Head of Corporate Support. All Council purchases (other than those made by credit card) must be made and authorised by raising an Official Order in the Council’s financial management system or property management system.

Purchases made using a Council credit card must be supported by a Payment Requisition signed by the purchasing employee and counter-signed by an authorised officer and forwarded promptly to the Group Head of Corporate Support.
PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

The Group Head of Corporate Support will determine the authorised purchasing limits for all officers in consultation with the relevant Director or Group Head.

All purchases of goods and services must be supported by a valid invoice (in electronic or hard copy) that meets the requirements of the HM Revenue & Customs to support VAT recovery where appropriate.

Payments for goods and services will be only be made where it can be referenced to an Official Order and will be by bank automated clearing system (BACS) or such other alternative method as may be approved by the Group Head of Corporate Support.

Acquisition of Assets

Assets purchased at a cost of more than £25,000 must be notified to the Group Head of Corporate Support for inclusion in a register of assets maintained to comply with public sector accounting requirements and best practice.

Employees and Members

All payments to employees and Members will be made through the Council’s payroll or as otherwise authorised by the Group Head of Corporate Support in order that all statutory and regulatory requirements are met.

No payment will be made unless approved by a duly authorised officer. The Group Head of Corporate Support will determine the limit of authority for any officer in consultation with the relevant Director or Group Head.

5.4 TAXATION

The Council has a statutory duty for the proper administration of its tax affairs in pursuance of various United Kingdom and European Union legislation and directives.

All employees and Members will comply promptly with any request made by the Group Head of Corporate Support for information or documentation in relation to any direct or indirect tax matters that may impact upon the proper administration of such matters including:

- Pay As You Earn income tax (PAYE)
- National Insurance Contributions (NIC)
- Value Added Tax (VAT)
- Construction Industry Tax (CIS)
- Corporation Tax
5.5 INSURANCE

The Group Head of Corporate Support will arrange for all insurance covers and negotiate settlement of all claims made through such insurances in consultation with relevant officers of the Council.

CMT and Group Heads will ensure prompt notification to the Group Head of Corporate Support:

- of any incidents that may give rise to a claim against the Council the costs of which may be indemnified by the Council’s insurances,
- of loss of or damage to any Council property or asset under its ownership, responsibility, custody or control,
- of any change in risk or ownership of or responsibility for any asset or property.

6. EXTERNAL ARRANGEMENTS

6.1 EXTERNAL FUNDING

Why is this important?
External funding is a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies provide additional resources to enable the Council to deliver services to the local community. However, in some instances, such funding is linked to tight specifications and may not link to the Council’s aims and objectives.

Responsibilities of the Group Head of Corporate Support
- To ensure that all funding notified by external bodies is received and properly recorded in the Council’s accounts.
- To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements or an exit strategy is agreed.
- To ensure that audit requirements are met.
- To ensure that all claims are submitted by the due date.
- To action virements in relation to approved bids.
- To include progress updates on significant approved bids as part of the regular reporting process as and when required.

Responsibilities of CMT/Group Heads
- To ensure that the Group Head of Corporate Support is advised, at the earliest possible time, of all applications for external funding.
PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

• To submit reports to the relevant Committee or Cabinet which are sufficiently
developed to enable the use of the funds without any further reporting
requirement.
• To give the Group Head of Corporate Support a copy of all approvals received
from government departments or other sources of external funds.
• To ensure that all supporting information is kept to support claims for funds.
• To ensure that the project progresses in accordance with the agreed
conditions and that all expenditure is properly incurred and recorded.

Key controls
The key controls for external funding are: -
(a) To ensure that key conditions of funding and any statutory requirements are
complied with and that the responsibilities of the accountable body are clearly
understood;
(b) To ensure that funds are acquired only to meet the priorities approved in the
policy framework by the Council;
(c) To ensure that any match-funding requirements are given due consideration
prior to entering into long-term agreements and that future revenue budgets
reflect these requirements or an exit strategy is agreed;
(d) To ensure risks are identified, within acceptable limits and are capable of being
managed;
(e) To ensure monitoring and reporting frameworks are established and followed;
and
(f) To ensure adequate controls and governance arrangements are in place and
are followed.

7. GRANTS TO EXTERNAL ORGANISATIONS (INCLUDING RATE RELIEF)

Why is this important
Local groups and organisations make a significant contribution to the local
community. However, this contribution is difficult to quantify in financial terms and it
is therefore particularly important that any financial support the Council provides to
these groups follows a clear and transparent process.

Responsibility of CMT/Group Heads
• To ensure that any grant payments and any awards of discretionary business
rate relief are made in accordance with the procedure set out below, and can
be met from within existing budgetary provision. In addition, for any award of
discretionary business rate relief, regard must be had for the implications for
West Sussex County Council in respect of their share of Business Rate
income.
• To ensure that an up to date Grants Register is maintained on the website to
include;
  • Source of funding
  • Grants awarded
  • Any declaration of interest by Members and Officers
Procedure for making Grant payment and awarding discretionary business rate relief
Grant allocation to be based on criteria agreed in advance by relevant Cabinet Member.
Subject to these criteria allocations to be made on the following basis:-

- Up to £5,000 (per organisation) - Relevant Director, Chief Executive or Group Head
- Over £5,000 - Relevant Cabinet Member
PART 6 – PROCEDURE RULES (OTHER)
SECTION 5 – FINANCIAL PROCEDURES RULES (REGULATIONS)

APPENDIX 1: SCHEME OF VIREMENT AT A GLANCE (SECTION 3.2)

<table>
<thead>
<tr>
<th>Type of Virement Delegation Limit</th>
<th>General (3.2.1)</th>
<th>S106 (3.2.2)</th>
<th>Contingency (3.2.3)</th>
<th>Reserves (3.2.4)</th>
<th>Supplementary Estimates (3.2.5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMT</td>
<td>£50k</td>
<td>£25k</td>
<td>n/a</td>
<td>£100k</td>
<td></td>
</tr>
<tr>
<td>Group Head of Corporate Support (s151 Officer)</td>
<td>£50k+</td>
<td></td>
<td>Technical virement (s151 Officer) allowed when fully costed and compliance with policy</td>
<td>£100k</td>
<td>S151 Officer may determine that an amount &lt;£50k requires Council approval due to policy and or on going resource implications</td>
</tr>
<tr>
<td>Cabinet Member</td>
<td>£100k+</td>
<td>£25k+</td>
<td></td>
<td>£100k+</td>
<td></td>
</tr>
<tr>
<td>Cabinet</td>
<td>£100k+</td>
<td></td>
<td></td>
<td>£200k+</td>
<td>All</td>
</tr>
<tr>
<td>Full Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>All</td>
</tr>
</tbody>
</table>

Note:

*It is essential that these limits are read in conjunction with the Financial Rules as contained in Part 6 of the Constitution as there are certain circumstances where virement is restricted or not permitted.*

The following reports are available when reporting to Cabinet:

- Individual Item (Cabinet Report or Individual Cabinet Member Report)
- Budget Variation Report (Standard item on Cabinet Agendas for single or grouped requests - this can be a verbal update)
- Budget Monitoring Report

All virements and reports with financial implications require the notification of Financial Services at the earliest opportunity to allow assessment of the feasibility of savings and for compliance with the Financial Rules and Statutes.
PART 6 – PROCEDURE RULES (OTHER)
(SECTION 6 – STANDING ORDERS – PURCHASING, PROCUREMENT, CONTRACTS & DISPOSALS)
Part 6 is set out in eight sections as follows:

Section 1  Decision Notices
Section 2  Scrutiny
Section 3  Budget and Policy Framework
Section 4  Access to Information
Section 5  Financial Rules
Section 6  Standing Orders – Purchasing,
            Procurement, Contracts and Disposals
Section 7  Officer Employment
Section 8  Corporate Complaints
Procurement decisions and processes are very important because the money involved is public money and the Council needs to ensure the provision of high quality services, supplies and works. Achieving Value for Money is essential.

The Council’s reputation is equally important and the processes used must safeguard against any implication of dishonesty or corruption.

All staff are expected to comply with these Contract Standing Orders.

This Section is divided into the following sub-sections:

A Introduction
B Procurement Requirements
C The Procurement Process
D The Contract and other formalities
E Post-Contract Requirements

### Glossary of Defined Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Award Criteria</td>
<td>The criteria by which the successful Quotation or Tender is to be selected (see further Standing Order 16).</td>
</tr>
<tr>
<td>Contracting Decision</td>
<td>Any of the following decisions:</td>
</tr>
<tr>
<td></td>
<td>• withdrawal of Invitation to Tender</td>
</tr>
<tr>
<td></td>
<td>• whom to invite to submit a Quotation or Tender</td>
</tr>
<tr>
<td></td>
<td>• Shortlisting</td>
</tr>
<tr>
<td></td>
<td>• award of contract</td>
</tr>
<tr>
<td></td>
<td>• any decision to terminate a contract</td>
</tr>
<tr>
<td>Employees Code of Conduct</td>
<td>The Employees Code of Conduct – available from Human Resources</td>
</tr>
<tr>
<td>EU Procedure</td>
<td>The procedure required to be followed by the EU as defined in Directive 2014/24/EU on public procurement when the Total Value exceeds the EU Threshold.</td>
</tr>
<tr>
<td>EU Threshold</td>
<td>The Total Value threshold above which the EU Public Procurement Directives must be applied. For details of the latest thresholds refer to the Procurement section on the Intranet.</td>
</tr>
<tr>
<td>European Economic Area</td>
<td>The members of the European Union and Norway, Iceland and Liechtenstein.</td>
</tr>
<tr>
<td>Framework Agreement</td>
<td>An agreement between one or more contracting authorities and one or more providers, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in</td>
</tr>
</tbody>
</table>
particular with regard to price. If more than one provider is party to the agreement the price may be subject to mini-competition between all the providers at time of ‘call-off’. Specific rules apply to Framework Agreements where the Total Value may exceed EU Thresholds.

<table>
<thead>
<tr>
<th>Glossary of Defined Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICM decision</td>
</tr>
<tr>
<td>A decision taken by an Individual Cabinet Member</td>
</tr>
<tr>
<td>Invitation to Tender</td>
</tr>
<tr>
<td>The process and documents in the form required by Standing Orders by which a candidate is invited to bid.</td>
</tr>
<tr>
<td>Non-Commercial Considerations</td>
</tr>
<tr>
<td><strong>a)</strong> Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.</td>
</tr>
<tr>
<td><strong>b)</strong> Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</td>
</tr>
<tr>
<td><strong>c)</strong> The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of the contractors in industrial disputes between other persons.</td>
</tr>
<tr>
<td><strong>d)</strong> The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</td>
</tr>
<tr>
<td><strong>e)</strong> Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</td>
</tr>
<tr>
<td><strong>f)</strong> Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</td>
</tr>
<tr>
<td><strong>g)</strong> Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</td>
</tr>
<tr>
<td>OJEU</td>
</tr>
<tr>
<td>Official Journal of the European Union</td>
</tr>
<tr>
<td>Parent Company Guarantee</td>
</tr>
<tr>
<td>A contract which binds the parent company of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead.</td>
</tr>
<tr>
<td>Performance Bond</td>
</tr>
<tr>
<td>An insurance policy. If the contractor does not do what it has promised to do under a contract with the Council, the Council can claim from the insurers the sum of money specified in the Bond (often 10% of the contract value). A Performance Bond is intended to protect the Council against a level of cost arising from the contractor’s failure.</td>
</tr>
<tr>
<td>Quotation</td>
</tr>
<tr>
<td>All requests for Quotations must be obtained on a Most Economically Advantageous Tender (MEAT) basis whereby the ‘whole life’ costs are considered and purchases must not be made on a cost only basis – unless previously agreed in writing by the Council’s Procurement Officer. You should consider specification details, availability of product/service, delivery aspects, after</td>
</tr>
</tbody>
</table>
### Glossary of Defined Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>sales/warranty requirements</td>
<td>requirements and also include quality, environmental, social and health &amp;</td>
</tr>
<tr>
<td>quality, environmental,</td>
<td>safety aspects. These factors must be weighted in your award decision and</td>
</tr>
<tr>
<td>social and health &amp; safety</td>
<td>given appropriate consideration.</td>
</tr>
<tr>
<td>aspects</td>
<td></td>
</tr>
<tr>
<td>Relevant Contract</td>
<td>Contracts to which these Standing Orders apply (see Standing Order 3).</td>
</tr>
<tr>
<td>Responsible Officer</td>
<td>The officer responsible for dealing with a particular purchase or disposal.</td>
</tr>
<tr>
<td>Shortlist/Shortlisting</td>
<td>Where the candidates are selected to quote or bid, or to proceed to final</td>
</tr>
<tr>
<td>Tender</td>
<td>evaluation.</td>
</tr>
<tr>
<td>Total Value</td>
<td>• The whole of the value or estimated value (in money or equivalent value)</td>
</tr>
<tr>
<td></td>
<td>for a single purchase or disposal</td>
</tr>
<tr>
<td></td>
<td>• Whether or not it comprises several lots or stages</td>
</tr>
<tr>
<td></td>
<td>• To be paid or received by the Council</td>
</tr>
<tr>
<td></td>
<td>The Total Value shall be calculated as follows:</td>
</tr>
<tr>
<td></td>
<td>a) Where the contract is for a fixed period, by taking the total price to</td>
</tr>
<tr>
<td></td>
<td>be paid or which might be paid during the whole of the period.</td>
</tr>
<tr>
<td></td>
<td>b) Where the purchase involves recurrent transactions for the same type</td>
</tr>
<tr>
<td></td>
<td>of item, by aggregating the value of those transactions for the coming</td>
</tr>
<tr>
<td></td>
<td>12 months.</td>
</tr>
<tr>
<td></td>
<td>c) Where the contract is for an uncertain duration, by multiplying the</td>
</tr>
<tr>
<td></td>
<td>monthly payments by 48.</td>
</tr>
<tr>
<td></td>
<td>d) For feasibility studies, the value of the scheme or contracts which</td>
</tr>
<tr>
<td></td>
<td>may be awarded as a result.</td>
</tr>
<tr>
<td></td>
<td>e) For nominated suppliers and sub-contractors, the Total Value shall be</td>
</tr>
<tr>
<td></td>
<td>the value of that part of the main contract to be fulfilled by the</td>
</tr>
<tr>
<td></td>
<td>nominated supplier or sub-contractor.</td>
</tr>
<tr>
<td>UK Public Contracts</td>
<td>The Public Contracts Regulations 2015 or any subsequent updated versions</td>
</tr>
<tr>
<td>Regulations (PCR 2015)</td>
<td>which transpose the EU Procedures into UK Law.</td>
</tr>
<tr>
<td>Value for Money</td>
<td>The duty on local authorities to secure continuous improvement in the way</td>
</tr>
<tr>
<td></td>
<td>in which functions are exercised, having regard to a combination of</td>
</tr>
<tr>
<td></td>
<td>economy, efficiency and effectiveness as implemented by the Council.</td>
</tr>
</tbody>
</table>
A – INTRODUCTION

1. PRINCIPLES

1.1 All purchasing, procurement, contract and disposal procedures must:
- achieve Value for Money for public money spent and highest return for disposals
- be consistent with the highest standards of integrity
- ensure fairness in allocating public contracts
- ensure fair and open competition, transparency of process and non-discrimination
- comply with all legal requirements (including specifically the EU Procedures and UK Public Contracts Regulations)
- ensure that Non-commercial Considerations do not influence any Contracting Decision
- support the Council's corporate and departmental strategies, aims and policies
- comply with the Council's Value for Money policy and procurement strategy (refer to the Procurement section on the Intranet)

1.2 Before taking any steps to purchase or procure supplies, services or works, consideration should be given to the following issues:
- whether the acquisition is absolutely necessary or could be met sustainably by adopting the 3 R's principle – reduce, reuse, recycle
- the use of alternative providers such as the voluntary and charity sectors, social enterprises and internal service providers
- supporting local and/or small and medium sized enterprises (SME's)

1.3 Please seek advice from Procurement or Legal Services if you are unsure of how to proceed.

1.4 Increasing amounts of information are available on-line and specific note should be taken of procurement guidance on Arun’s Internet and Intranet sites.

2. OFFICER RESPONSIBILITIES

2.1 The Responsible Officer must:

  2.1.1 Comply with these Contract Standing Orders, the Council’s Financial Procedure Rules, the Employees Code of Conduct and with all UK and European Union binding legal requirements
2.1.2 Be authorised by their Group Head to procure within specific authorisation levels
2.1.3 Keep the records required by Standing Order 27
2.1.4 Ensure that Tender procedures are conducted in accordance with procedures set out in any Invitation to Tender
2.1.5 Ensure that agents, consultants, and contractual partners acting on the Council’s behalf also fully comply with these Contract Standing Orders
2.1.6 Take all necessary legal, financial and professional advice before making any commitment on behalf of the Council
2.1.7 Comply in all respects with these Contract Standing Orders. They are minimum requirements. Procurement will advise if a more detailed procedure is appropriate for particular contracts
2.1.8 Ensure the safekeeping of all original contracts and related files, where the Total Value exceeds £50,000

2.2 Group Heads must:

2.2.1 Ensure that their staff understand and comply with Contract Standing Orders
2.2.2 Keep a record of all contracts
2.2.3 Ensure that sealed contracts (those where the Total Value exceeds £50,000) are passed to Legal Services for secure storage.

3. RELEVANT CONTRACTS

3.1 All Relevant Contracts must comply with these Contract Standing Orders.

3.2 A Relevant Contract is any arrangement, including the setting up of Framework Agreements, irrespective of Total Value made by, or on behalf of, the Council for the carrying out of work or for supplies or services. These include (but are not limited to) arrangements for:
- the supply or disposal of goods
- hire, rental or lease of goods or equipment
- execution of works
- the supply of services, including those related to the recruitment of staff and financial and consultancy services

3.3 Relevant Contracts do not include contracts relating to:
- the employment of staff
- the engagement of Counsel
- the acquisition, disposal or transfer of land (for which Financial Regulations shall apply).
- the provision by Council in-house services
B – PROCUREMENT REQUIREMENTS

4. COMPETITION REQUIREMENTS

4.1 The Responsible Officer must calculate the Total Value of the Relevant Contract.

4.2 Where the Total Value of the Relevant Contract is in the first column below, the competition procedure in the second column must be followed.

<table>
<thead>
<tr>
<th>Estimated Contract Value</th>
<th>Contract Values</th>
<th>Number of Tenders to be invited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £10,000</td>
<td>Ensure Value for Money by obtaining 2 quotes, one of which should be from a local contractor if possible</td>
<td></td>
</tr>
<tr>
<td>£10,001 to £50,000</td>
<td>Invite at least 3 contractors to submit quotations, one of which should be local, if possible.</td>
<td></td>
</tr>
<tr>
<td>(Contact Procurement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>£50,001 to EU Threshold</td>
<td>Invite at least 4 contractors to tender following an advertisement on the Contracts Finder website or use of an appropriate framework agreement.</td>
<td></td>
</tr>
<tr>
<td>(Contact Procurement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Above EU Threshold</td>
<td>Formal EU Tender Process or use of an appropriate framework agreement</td>
<td></td>
</tr>
<tr>
<td>(Contact Procurement)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.3 If there are insufficient suitably qualified contractors to meet the competition requirement, all those suitably qualified are to be invited to submit a Quotation or tender.

4.4 The Responsible Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to negate or minimise the application of these Contract Standing Orders or avoid compliance with EU Procedure.

4.5 Where the EU Procedure is applicable, the Responsible Officer shall consult the guidance on the EU public procurement rules (found in the Procurement section of the Intranet) and formally consult Procurement to agree the most appropriate procurement method.
4.6 Assets for disposal must be sent to public auction except where better value for money is likely to be obtained by inviting Quotations or Tenders. In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the Group Head of Corporate Support.

4.7 Providing services to external purchasers must be in compliance with the Local Authorities (Goods and Services) Act 1970.

4.8 Partnership arrangements are subject to all UK and EU procurement legislation and must follow these Contract Standing Orders.

5. STEPS PRIOR TO PURCHASE

5.1 Before beginning a purchase, the Responsible Officer must:
   i. advise Procurement except where the estimated Total Value of the contract is less than £10,000
   ii. ensure a budget exists. If no budget is in place a virement from the service area or a supplementary estimate request to Full Council will be required (see Part 6 Section 5 Regulation 3 of the Constitution)
   iii. ensure that a contractual arrangement is not already in place
   iv. ensure there is a need for the expenditure and its priority
   v. define the objectives of the purchase
   vi. assess the risks associated with the purchase and how to manage them
   vii. consult Procurement where the estimated Total Value is likely to be over £50,000 for advice on what procurement method is most likely to achieve the purchasing objectives
   viii. ensure that there is Member or delegated approval for all of the expenditure to be incurred before an order is placed or a contract is entered into

5.2 An Individual Cabinet Member (ICM) Report or Cabinet approval may be required when tendering, or before placing an order or entering into a contract depending on the Total Value. The table below sets out the authority requirements.

<table>
<thead>
<tr>
<th>Estimated Total Value</th>
<th>Key requirements to be fulfilled</th>
</tr>
</thead>
</table>
| Less than £10,000     | • No requirement for ICM decision  
                        | • No requirement for consultation with Procurement 
<pre><code>                    | • The Responsible Officer is to retain evidence of to show that Contract Standing Orders have been complied with |
</code></pre>
<table>
<thead>
<tr>
<th>Estimated Total Value</th>
<th>Key requirements to be fulfilled</th>
</tr>
</thead>
</table>
| **£10,001-£50,000**   | • No requirement for ICM decision  
                         • Procurement to be consulted in advance to determine the most suitable criteria for evaluation and award of contract  
                         • The Responsible Officer is to retain evidence of contact with Procurement  
                         • The Responsible Officer is to retain evidence to show that Contract Standing Orders have been complied with  
                         • Officer, using their delegated powers, to put a written record signed with the contract papers with their name, date & details of what they are committing the Council to, including the date for the first and last payment. A copy of the form to be given to the Council’s Procurement Officer. |
| **£50,001-EU Threshold** | • No requirement for ICM decision in advance  
                          • Procurement to be consulted in advance to advise on tender documentation and determine the most suitable criteria for evaluation and award of contract  
                          • Procurement Pro-forma to be completed by officer & signed off by the Council’s Procurement Officer agreeing approach & methodology to be used  
                          • Procurement Pro-forma to be retained on contract file  
                          • ICM decision at post-tender/pre-award stage |
| Above EU Threshold     | • No requirement for ICM in advance  
                          • Procurement to be consulted in advance to determine the method of procurement, advise on tender documentation, agree the procurement timetable and the most suitable criteria for evaluation and award of contract  
                          • Procurement Pro-forma to be completed by officer & signed off by the Council’s Procurement Officer agreeing approach & methodology to be used  
                          • Procurement Pro-forma to be retained on contract file  
                          • Cabinet approval at post-tender/pre-award stage |

6. **WAIVERS AND EXEMPTIONS**

6.1 The Council, Cabinet and Cabinet Members have power to waive any requirement of Contract Standing Orders in specific instances.

6.2 It is not possible to waive Contract Standing Orders in their entirety.

6.3 There can be no waiver of the EU Procedure.
6.4 All applications for waivers of these Contract Standing Orders must be in writing on the Council’s waiver form and state:

   i. the reason why a waiver is needed and
   ii. the specific requirement of Contract Standing Orders that is to be waived including the paragraph number

6.5 The waiver form is found in the Internal Audit section of the Intranet.

6.6 Waivers must be signed by the Group Head, the Council’s Procurement Officer, the relevant Cabinet Member and one of the following:
   - the Group Head of Corporate Support, or
   - Financial Services Manager, or
   - Chief Internal Auditor

   prior to continuing with the purchase or award of the contract.

6.7 The Responsible Officer is required to send a copy of the signed waiver to Internal Audit and for the original to be placed with the contract.

6.8 The following are examples of when a waiver might be appropriate. Where the works, supplies or services to be provided:
   - are exclusively manufactured or provided by the supplier, or the supplies or services are sold only at a fixed price and no satisfactory alternative is available,
   - must be entrusted to the appropriate utility undertaking,
   - constitute an extension of an existing contract, where such extension is unauthorised,
   - are required so urgently as not to permit the invitation of Tenders,
   - consist of repairs to or the supply of parts for existing machinery or plant that can only be carried out by the supplier or manufacturer of that machinery, or under licence for a fixed price,
   - are to be part of a Tender invited on behalf of any consortium or similar body of which the Council is a member, or
   - for other reasons Procurement and Group Head of Corporate Support are satisfied that the seeking of written Quotations or Tenders would not achieve genuine competition.

6.9 These Standing Orders do not apply where Standing Orders relating to contracts of another Local Authority or Public Funded Body (e.g. NHS or Police), Government Department or Agency (e.g. OGC Buying Solutions, Constructionline), or public service purchasing consortium are adopted.
6.10 These Contract Standing Orders do not apply to calling off from a current Arun District Council Framework Agreement. However, where the Arun District Council Framework Agreement provides for mini competitions to be held, a waiver is to be obtained for any deviation from the terms of that Framework Agreement. The use of all other Framework Agreements open to Arun District Council as an identified authority requires a waiver.

C – THE PROCUREMENT PROCESS

7. SUMMARY OF REQUIREMENTS AS TO ADVERTISING, USE OF PROCEDURES, AWARD NOTICES

7.1. The Council must advertise contract opportunities and publish details of contracts awarded in accordance with the Public Contracts Regulations (PCR) 2015. The PCR 2015 require the Council to:

(a) advertise all contracts at or above the EU Threshold on OJEU and Contracts Finder

(b) advertise all contracts of £10,000 on Contracts Finder, where the Council has advertised them elsewhere.

Procurements at or above the EU Thresholds

8. REQUIREMENT TO ADVERTISE

8.1. Contracts which exceed the EU thresholds set out in the PCR 2015 must be advertised on the OJEU by publishing a Contract Notice or, where advised, a Prior Information Notice (PIN) as a call for competition.

8.2. The Responsible Officer must take advice from Procurement before any document is published on OJEU.

8.3. All contracts which are advertised on OJEU must also be advertised on Contracts Finder within 24 hours of the time the Council becomes entitled to post it, that is after either:

a) it appears on OJEU;

b) it has not appeared but 48 hours have elapsed from the time the EU Publications Office confirmed receipt of the notice to the Council.

8.4. All procurement documentation must be available from the time the Contract Notice is published on OJEU. Therefore, no advertisement should be placed until the procurement documentation is complete. The Responsible Officer
must ensure the Contract Notice includes a specified location where interested parties can electronically access all procurement documentation.

8.5. The Council may use a Prior Information Notice (PIN) as a call for competition when using the restricted or competitive procedure with negotiation.

8.6. The Responsible Officer is responsible for ensuring all Contract Notices and publications on Contracts Finder are published in accordance with these rules.

9. PROCUREMENT PROCEDURES

9.1 For public contracts equal to or greater than the EU threshold, the Council shall:
   a. advertise the contract on OJEU using one of the procurement routes mandated by the PCR 2015; or
   b. where appropriate and lawful, use an existing contract or Framework Agreement which was procured in compliance with the PCR 2015.

Contracts below the EU Thresholds

10. CONTRACTS VALUED BETWEEN £50,000 AND EU THRESHOLDS

10.1 The Responsible Officer shall use one of the following procurement routes to award a contract valued between £50,000 and the appropriate EU threshold:
   (a) competitive procurement process advertised on Contracts Finder and the Council’s own website; or
   (b) use of contract or Framework Agreement procured by another contracting authority.

10.2 The Responsible Officer must devise a fair and transparent sourcing route based on sound commercial principles and designed to achieve Value for Money, taking advice from Procurement. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract or service shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the procurement file.

11. CONTRACTS WITH A VALUE BETWEEN £10,000 AND £50,000

11.1 When awarding a contract valued between £10,000 and £50,000 the Responsible Officer must:
a. without advertising the opportunity, a minimum of three quotations from suppliers, where the Responsible Officer has sufficient knowledge of the market to be reasonably certain such an approach would elicit bids representing Value for Money, or
b. competitive procurement process advertised on Contracts Finder and the Council’s own website, or
c. with the prior written approval of the relevant Executive Director, obtain a single tender or quote from reputable supplier where the Responsible Officer has sufficient knowledge of the market to be reasonably certain such an approach would elicit a quote representing Value for Money.

Contracts with a value of less than £10,000

12. CONTRACTS WITH A VALUE OF LESS THAN £10,000

12.1 The Responsible Officer must, in relation to any contract with a value of less than £10,000, demonstrate and record on the procurement file that the contract represents Value for Money. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the procurement file.

13. USE OF SUPPLIER SELECTION QUESTIONNAIRES (SSQS)

13.1 The Responsible Officer shall apply minimum standards of experience, reputation and economic standing to suppliers to test their suitability to bid for a Council contract. For contracts above EU thresholds suitability is usually tested by means of a SSQ.

13.2 All the methods and criteria used for assessing the suitability of suppliers shall be transparent, objective and non-discriminatory.

13.3 The Responsible Officer must use the Government’s standard SSQ and adhere to its statutory guidance for all procurements of contracts above the relevant EU Threshold.

13.4 The Responsible Officer shall not use a SSQ for contracts with a value less than the current EU threshold.

14. ELIGIBILITY TO BID

14.1 Suppliers who fail to meet all of the Council’s minimum standards of reputation, technical ability, experience or economic and financial standing as specified in the SSQ and accompanying documents shall be excluded from the procurement process.
14.2. Where the supplier is being excluded because one of the exclusion grounds in regulation 57 of the PCR 2015 applies but provides evidence in support of its reliability despite the existence of a relevant ground of exclusion, the Responsible Officer must consider that evidence and determine whether to exclude that supplier.

14.3. The Responsible Officer shall consult with the Council’s Group Head of Corporate Support or his/her representative before reaching any decision under Standing Order 14.2.

15. ASSESSING PAST EXPERIENCE AND FINANCIAL STANDING

15.1. The Responsible Officer shall ensure suppliers’ past experience and technical ability are assessed, for all contracts.

15.2. When assessing the suppliers’ financial standing, the Responsible Officer shall require prospective tenderers to have an annual turnover of more than twice the estimated annual contract value, unless otherwise agreed with the Council’s Monitoring Officer.

15.3. Only those suppliers who meet the Council’s minimum requirements of economic and financial standing and technical and professional ability shall be awarded a contract.

15.4. All assessment of supplier’s financial standing must be conducted by the Council’s Finance team (or such other service unit designated from time to time to undertake this activity).

16. AWARD CRITERIA

16.1. The Responsible Officer shall adopt award criteria which are fair, transparent, proportionate and appropriate to the subject matter of the contract.

16.2. The Responsible Officer shall award the contract to the most economically advantageous tender, being the tender that represents best Value for Money applying the award criteria.

16.3. The Responsible Officer shall adopt evaluation methodologies that are robust, have been tested to ensure they are appropriate for the procurement in question, and transparent.
Tendering Procedure

17. OPENING TENDERS

17.1. All tenders over £50,000 must be conducted through the Council’s mandated e-tendering portal except as permitted with the prior written approval of Procurement.

17.2. Tenders or requests for Quotations for contracts valued at less than £50,000 may be conducted outside the Council’s e-tendering portal. Where the Responsible Officer invites tenders in hard copy, the Responsible Officer must ensure that all the tenders received are opened:
   • after the deadline for receipt of tenders has expired; and
   • at the same time by two members of staff: one from the directorate seeking the tenders and one on behalf of Procurement

17.3. After they are opened, the tenders must be listed in the tender register and the list must be signed by both persons who witnessed the opening of the tenders.

18. CLARIFICATION PROCEDURES AND POST TENDER DISCUSSIONS

18.1. Providing clarification of an Invitation to Tender to potential or actual tenderers or seeking clarification of a Tender is permitted.

18.2. Post Tender discussions must only be conducted following consultation with the Group Head of Corporate Support or his nominated representative.

19. EVALUATION

19.1. Quotations and Tenders must be evaluated by more than one Council officer unless the award criterion was lowest cost only.

19.2. The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer who should be requested to confirm or amend their tender accordingly.

20. CONTRACT AWARD

20.1. All contracts shall be awarded in accordance with the criteria set out in the procurement documents.
20.2. For contracts with a value at or above the EU Thresholds, the Responsible Officer shall adhere to the contract award procedures set out in the PCR 2015 and observe a standstill period before entering into the contract. The standstill period will normally end at midnight at the end of the tenth day after the date the Council sends notice to the tenderers, electronically or by fax, that it has made an award decision.

21. CORRECTION OF ERRORS AND LATE TENDERS

21.1. All tenders must comply with the conditions set out in the procurement documents. Tenderers should be advised that any failure to adhere to the specific rules applicable to the tender in question could result in their tender being rejected.

21.2. The Responsible Officer may reserve the right in the procurement documents to accept late submissions or documents forming part of the tender at the Council’s discretion, for example, where:

- the delay was caused by a mistake or failure of the Council; or
- the document or submission in question clearly pre-dated the deadline for receipt of tenders and the decision not to exclude the tenderer would not unduly favour any or disadvantage the other candidates.

22. DISCLOSURE, TRANSPARENCY AND RECORD KEEPING

22.1 **Electronic availability of documents**

The Responsible Officer shall ensure that all procurement documents for contracts that are at or above the EU Thresholds are available online free of charge without restriction from the time the OJEU Notice is published.

23. DUTY OF CONFIDENTIALITY OWED TO SUPPLIERS

23.1 The Responsible Officer shall not disclose information which has been forwarded by a supplier and designated by that supplier as confidential or commercially sensitive, including technical or trade secrets and the confidential aspects of tenders, without express authorisation from the Group Head of Corporate Support or his/her nominated representative in consultation with the Group Head of Council Advice & Monitoring Officer who shall balance the duty of confidentiality owed to suppliers against the Council’s obligations under Freedom of Information Act 2000 (as amended or re-enacted from time to time) and any other disclosure obligations. The procurement documents must inform interested parties of the Council’s duties.
of disclosure and invite tenderers to designate information as confidential or commercially sensitive. However, the Council cannot guarantee that all information so designated will be withheld.

24. PUBLICATION OF CONTRACT AWARD NOTICES IN THE OFFICIAL JOURNAL

24.1 The Responsible Officer shall ensure that a Contract Award Notice is published on OJEU for all procurements subject to the PCR 2015 in accordance with those regulations.

25. PUBLICATION OF CONTRACT AWARD NOTICES ON CONTRACTS FINDER

25.1 The Responsible Officer shall ensure that a Contract Award Notice is published on Contracts Finder for all contracts with a value of £25,000 or more. This Standing Order 25 applies to all contracts including contracts let under Framework Agreements, whether or not that Framework Agreement was itself advertised on Contracts Finder or anywhere else.

26. DEBRIEFING TENDERERS

26.1 For contracts valued at or above the EU Threshold, the Responsible Officer shall ensure that all candidates and tenderers are offered debrief information during the procurement process, in accordance with regulation 55 of the PCR 2015, and at contract award, in accordance with regulation 86 of those regulations.

27. PROCUREMENT REPORT

27.1. The Responsible Officer shall keep a copy of all procurement documents in accordance with the Council's document retention policy.

27.2. The Responsible Officer shall prepare a written report in relation to each procurement with a value at or above the relevant EU Threshold containing the following information (unless such information is contained in the Contract Award Notice):
27.2.1 the subject-matter and value of the contract, Framework Agreement or dynamic purchasing system;

27.2.2 where applicable, the results of the qualitative selection and reduction of numbers under regulations 65 and 66, namely:

a) the names of the selected candidates or tenderers and the reasons for their selection;

b) the names of the rejected candidates or tenderers and the reasons for their rejection;

c) the reasons for the rejection of tenders found to be abnormally low;

d) the name of the successful tenderer and the reasons why its tender was selected and, where known, the share (if any) of the contract or Framework Agreement which the successful tenderer intends to subcontract to third parties, and the names of the main contractor’s subcontractors (if any);

e) for competitive procedures with negotiation and competitive dialogues, the circumstances as laid down in regulation 26 which justify the use of those procedures;

f) for negotiated procedures without prior publication, the circumstances referred to in regulation 32 which justify the use of this procedure;

g) where applicable, the reasons why the contracting authority has decided not to award a contract or Framework Agreement or to establish a dynamic purchasing system;

h) where applicable, the reasons why means of communication other than electronic means have been used for the submission of tenders; and

i) where applicable, conflicts of interests detected and subsequent measures taken.

27.3. The Responsible Officer shall maintain a procurement file containing sufficient information to justify decisions taken at all stages of the procurement such as documentation on:

- communications with suppliers and internal deliberations;
- preparation of the procurement documents;
- dialogue or negotiations, if any; and
- selection and award of the contract.

27.4. The Responsible Officer shall prepare a report containing such information as the Cabinet Office may request in respect of procurements at or above the relevant EU Threshold.
D - THE CONTRACT AND OTHER FORMALITIES

28. CONTRACT DOCUMENTS

28.1 All Relevant Contracts which exceed £50,000 in Total Value shall be in writing and executed as a deed by affixing the Council’s seal.

28.2 All Relevant Contracts, irrespective of value, shall clearly specify:

- the works, supplies or services to be provided (description, quantity and quality)
- the price to be paid, with a statement of any discounts or other deductions
- the time, or times, within which the contract is to be performed
- the Council’s terms and conditions (in accordance with 28.3 and 28.4 below)

28.3 The Council's official purchase order (created by either E5 or QL) identifies the Council's terms and conditions which are applicable to all Relevant Contracts with a Total Value up to £50,000.

28.4 Where the Total Value of a Relevant Contract exceeds £50,000, the purchase order terms and conditions will be superseded by either:

- the Council’s standard terms and conditions (long form)
- terms and conditions issued by a relevant professional body or organisation e.g. the Joint Contracts Tribunal
- bespoke terms and conditions drafted by Legal Services
- the supplier’s terms and conditions (which must be reviewed by Legal Services prior to placing an order-entering into the contract)

28.5 Every Relevant Contract over £50,000 must also include:

- that the supplier may not assign or sub-contract without prior written consent
- that the Council reserves the right to determine whether the terms of the engagement of the supplier are on employed or self-employed terms for tax purposes
- any insurance requirements
- health and safety requirements
- ombudsman requirements
- data protection (if relevant) and Freedom of Information requirements
- that consultants must comply with the Council's Contract Standing Orders (where consultants are used to let contracts)
- a right of access to relevant documentation and records of the supplier for monitoring and audit purposes if relevant.
- the Council’s right to require removal of a supplier employee
• a clause relating to the prevention of bribery—see Standing Order 31
• compliance with legislation regarding equality, diversity, discrimination and safeguarding (if relevant).

28.6 The formal advice of the Group Head of Corporate Support or his nominated representative must be sought for the following circumstances:
• where leasing arrangements are involved
• (the views of Group Head of Corporate Support should also be sought)
• where it is proposed to use a supplier’s own terms
• where a third party or sub-contractor is to be employed by the supplier to fulfil the contract

29. CONTRACT FORMALITIES

29.1 Agreements shall be completed as follows (subject to delegated financial limits):

<table>
<thead>
<tr>
<th>Total Value</th>
<th>Form of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £50,000</td>
<td>Purchase order to be raised by an officer with signing authority of at least £50,000</td>
</tr>
<tr>
<td>Above £50,000</td>
<td>Written contract to be executed as a deed by sealing. This is done by Legal Services</td>
</tr>
</tbody>
</table>

29.2 Purchase orders must be raised and written contracts entered into before the supplies or services are provided or works begin, except in exceptional circumstances, and then only with the written consent of the Group Head of Corporate Support.

29.3 Sealing - The fixing of the Council’s seal is to be witnessed by an authorised officer on behalf of the Group Head of Corporate Support. Every seal will be consecutively numbered and recorded in the Council’s seal register which will also be signed by the authorised officer witnessing the seal. The seal must not be affixed without the authority of Full Council, Cabinet, a Cabinet Member, Group Head acting under delegated powers or officer to whom powers have been delegated in accordance with the Constitution.
A contract must be sealed where:

- the Total Value is expected to exceed £50,000, (this may not apply to Framework Agreements), or
- the Council may wish to enforce the contract for more than six years after its end, or
- the price paid or received under the contract is a nominal price and does not reflect the value of the supplies, services or works, or
- there is any doubt about the authority of the person signing for the other contracting party

30. PERFORMANCE BONDS AND PARENT COMPANY GUARANTEES

30.1 The Responsible Officer must consult the Group Head of Corporate Support:

30.1.1 about whether a Parent Company Guarantee is necessary when a tenderer is a subsidiary of a parent company, and:
- the Total Value of a Relevant Contract exceeds £250,000 or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the tenderer

30.1.2 about whether a Performance Bond is needed:
- where the Total Value of a Relevant Contract exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the tenderer.

31. PREVENTION OF BRIBERY

31.1 The Responsible Officer must take into account the requirements of the Bribery Act 2010 which introduces the general offences of offering or receiving bribes, a specific offence of bribing a foreign official and the new corporate offence of failing to prevent bribery.

31.2 The Responsible Officer must comply with the Employees Code of Conduct and the Council’s anti-fraud and corruption strategy and must not invite or accept any gift or reward in respect of the award or performance of any contract.

Where an Officer is offered gifts or hospitality this must be declared on the Council’s Gifts and Hospitality register which is maintained by the respective Directors’ personal assistants and must comply with the clear guidance to Officers on accepting Gifts or Hospitality.
It will be for the Officer concerned to prove that anything received was not received corruptly.

High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in this Contract Standing Order 31.

31.3 All written Council contracts must include a Prevention of Bribery clause. The Council’s standard terms and conditions include such a clause.

Care should be taken to ensure that an appropriate clause is included in contracts issued by professional bodies or organisations and in supplier’s terms and conditions before these are accepted. Advice must be sought from Legal Services if in doubt.

32. DECLARATION OF INTERESTS

32.1 If it comes to the knowledge of a Member or an employee of the Council that a contract in which he or she has a Pecuniary Interest (as defined in the Code of Conduct) has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Group Head of Council Advice & Monitoring Officer. The Group Head of Council Advice & Monitoring Officer shall report such declarations to the appropriate meeting of Cabinet/Council for recording in the decision notice/minutes.

32.2 The Group Head of Council Advice & Monitoring Officer shall maintain a record of all declarations of interests notified by Members and officers.

32.3 The Group Head of Council Advice & Monitoring Officer shall ensure that the attention of all Members is drawn to the Members’ Code of Conduct.

E – POST-CONTRACT REQUIREMENTS

33. CONTRACT MONITORING AND EVALUATION

33.1 During the term of all Relevant Contracts the Responsible Officer must monitor the following areas:
- performance
- compliance with the specification and terms and conditions
- cost

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33.2 Where the Total Value of the Relevant Contract exceeds £50,000 the Responsible Officer must make a written report evaluating the extent to which the purchasing need and the contract objectives (as determined in accordance with Standing order 5.1) were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

34. CONTRACT EXTENSION

34.1 A Contract term cannot be extended unless there is an express provision to allow an extension.

34.2 Where no express provision for an extension has been allowed for in the original contract, in extenuating circumstances, approval to extend a contract term may be given after consultation by the Responsible Officer with Procurement and the Group Head of Corporate Support or Chief Internal Auditor. A waiver and ICM report must be completed.

34.3 Contracts over the EU Threshold can only be extended in accordance with EU Rules. Advice should be sought from Procurement or Legal Services.
PART 6 – PROCEDURE RULES (OTHER)
(SECTION 7 – OFFICER EMPLOYMENT)
Part 6 is set out in eight sections as follows:

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**OFFICER EMPLOYMENT PROCEDURE RULES**

**1.0 INTRODUCTION**

**1.1 Definitions**

a) In these Rules:

<table>
<thead>
<tr>
<th><strong>This reference</strong></th>
<th><strong>Means</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legislation</td>
<td>The Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015; and any subsequent legislation.</td>
</tr>
<tr>
<td>Appointer</td>
<td>The Head of Paid Service or their nominee who has been given authority to discharge the function of appointment of an officer on behalf of the Council</td>
</tr>
<tr>
<td>Disciplinary Action</td>
<td>Any action occasioned by alleged misconduct which, if proven, would according to the Council’s usual practice be recorded on the member of staff's personal file. This includes any proposal for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.</td>
</tr>
<tr>
<td>Dismissor</td>
<td>The Head of Paid Service or their nominee who has been given authority to discharge the function of dismissal of an officer on behalf of the Council</td>
</tr>
<tr>
<td>Head of Paid Service</td>
<td>The officer designated under Section 4(1) of the Local Government and Housing Act 1989.</td>
</tr>
<tr>
<td>Section 151 Officer</td>
<td>The officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the Council’s financial affairs.</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>The officer designated under Section 5(1) of the Local Government and Housing Act 1989.</td>
</tr>
<tr>
<td>Directors</td>
<td>Those officers who shall report directly to the Chief Executive and shall have managerial responsibility for a directorate.</td>
</tr>
<tr>
<td>Group Head</td>
<td>An officer who, with respect to all or most of the duties of their post is required to report directly or is directly accountable to either the Head of Paid Service or a Director, with the exception of an officer whose duties are secretarial or clerical or are otherwise in the nature of support services.</td>
</tr>
<tr>
<td>Statutory Officers’ Investigatory and Disciplinary Committee</td>
<td>The Committee established by the Council to deal with matters relating to the conduct and/or capability of the Statutory Officers and Directors, as confirmed in the Constitution at Part 3 (Responsibility for Functions), paragraph 10.0</td>
</tr>
</tbody>
</table>
1.2 Posts
a) For ease of reference, the posts which fall under the relevant definitions in these Officer Procedure Rules are as follows:

<table>
<thead>
<tr>
<th>Definition</th>
<th>Relevant Post</th>
</tr>
</thead>
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<tr>
<td>Head of Paid Service</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Section 151 Officer</td>
<td>Group Head of Corporate Support</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>Group Head of Council Advice and Monitoring Officer</td>
</tr>
<tr>
<td>Director</td>
<td>Director of Place</td>
</tr>
<tr>
<td>Director of Services</td>
<td></td>
</tr>
<tr>
<td>Group Head</td>
<td>Group Head of:</td>
</tr>
<tr>
<td></td>
<td>• Corporate Support</td>
</tr>
<tr>
<td></td>
<td>• Council Advice</td>
</tr>
<tr>
<td></td>
<td>• Policy</td>
</tr>
<tr>
<td></td>
<td>• Residential Services</td>
</tr>
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<td>• Neighbourhoods</td>
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<td>• Community Safety</td>
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<td>• Planning</td>
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<td></td>
<td>• Technical Services</td>
</tr>
<tr>
<td></td>
<td>• Economy</td>
</tr>
</tbody>
</table>

1.3 Confidentiality
a) The Council and any relevant Committee shall, unless there are exceptional circumstances which dictate otherwise, resolve to exclude the press and public under Section 100A of the Local Government Act 1972, as amended, where matters relating to the appointment, promotion, dismissal or discipline, severance, salary or conditions of an individual member of staff are to be discussed.

b) This Rule recognises that it will still be for the Council and any relevant Committee to make such a formal resolution on an individual basis in line with the requirements of the Access to Information Rules at Part 6 of this Constitution.

2.0 RECRUITMENT AND APPOINTMENT

2.1 Declarations
a) A candidate for any employment with the Council, or a staff member involved in a transfer, promotion or disciplinary matter, shall disclose whether they are related to or cohabit with any Councillor or other officer who may have an influence on the decision. Failure to make such a disclosure may result in any appointment being rescinded and, in the case of an employee, disciplinary action.
b) The requirements of the Members’ Code of Conduct and Member/Officer Relations Protocol set out at Part 8 of this Constitution shall apply to the appointment, transfer, promotion, discipline and other matters relating to staff.

2.2 Support for Appointments
a) Subject to paragraph c), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment to the Council. The content of this paragraph will be included in any recruitment information.

b) Subject to paragraph c) no Councillor will seek support for any person for any appointment within the Council.

c) Nothing in paragraphs a) and b) will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2.3 Recruitment of the Head of Paid Service
a) The Head of Paid Service is the Council’s Chief Executive and is a statutory post.

b) Where the Council proposes to appoint the Head of Paid Service, the Chief Executive’s Recruitment and Selection Panel will be responsible for undertaking all the processes leading to their recruitment and selection, as confirmed in Part 3, Responsibility for Functions.

2.4 Recruitment of Directors
a) Where the Council proposes to appoint a Director and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service will be responsible for submitting a report to the Full Council to agree the processes to be followed leading to their recruitment and selection.

b) Once the processes have been agreed, the Head of Paid Service or their nominee will:

i. Draw up a statement specifying:
   a) the duties of the officer concerned; and
   b) any qualifications or qualities to be sought in the person to be appointed.

ii. Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

iii. Send a copy of the statement mentioned in paragraph a) above to any person on request.

c) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:
i. agreeing an interview panel;
ii. selecting a shortlist of such qualified applicants;
iii. interviewing all those included on the shortlist; and
iv. if no qualified person has applied, making further
arrangements for advertisement in accordance with
paragraph 2.4(a).

2.5 Recruitment of Section 151 Officer, Monitoring Officer and Group Heads

a) Where the Council proposes to appoint a Section 151 Officer, Monitoring
Officer or Group Head and it is not proposed that the appointment will be
made exclusively from among existing officers, the Head of Paid Service
or their nominee will:

i. Draw up a statement specifying:
   a) the duties of the officer concerned; and
   b) any qualifications or qualities to be sought in the
      person to be appointed.
ii. Advertise the post in such a way as is likely to bring it to
   the attention of persons who are qualified to apply for it;
   and
iii. Send a copy of the statement mentioned in paragraph a)
   above to any person on request.

b) Where a post has been advertised, as provided for in paragraph a), the
Head of Paid Service, or their nominee, will be responsible for:

i. agreeing an interview panel;
ii. selecting a shortlist of such qualified applicants;
iii. interviewing all those included on the shortlist; and
iv. if no qualified person has applied, making further
arrangements for advertisement in accordance with
paragraph 2.4(a).

2.6 Consultation Procedure for Appointments

a) An offer of appointment as a Director, Section 151 Officer, Monitoring
Officer or Group Head must not be made by the appointer until:

i. the appointer has notified the Chief Executive or their
   nominee of the name of the person to whom the appointer
   wishes to make the offer and any other particulars which
   the appointer considers are relevant to the appointment,
   including evidence and reasons for the choice of preferred
   candidate.

b) The Chief Executive or their nominee has notified every member of the
Cabinet of the Council of:
i. the name of the person to whom the appointer wishes to make the offer; and the reasons why they are the appointer’s preferred candidate, including evidence;

ii. any other particulars relevant to the appointment which the appointer has notified to the Chief Executive or their nominee; and

iii. the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee; and

c) Either:

i. the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the making of the offer; or

ii. the Chief Executive or their nominee has notified the appointer that no objection was received by them within that period from the Leader; or

iii. the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

2.7 Authority to Appoint

a) **The Head of Paid Service** – the Full Council will be responsible for confirming the appointment of the Head of Paid Service on the recommendation of the Chief Executive’s Recruitment and Selection Panel as confirmed in Article 4 (Functions of Full Council).

b) **Directors** – the Full Council will be responsible for confirming the appointment of a Director based on the recommendation of the Head of Paid Service.

c) **Section 151 Officer, Monitoring Officer and Group Heads** – subject to the consultation at paragraph 2.5, the Head of Paid Service, or their nominee, will be responsible for confirming the appointment of the Section 151 Officer, Monitoring Officer or a Group Head.

d) **Other Employees** – the appointment of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s recruitment procedures.

3.0 DISCIPLINARY ACTION

3.1 **Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer**

a) The Statutory Officers’ Investigatory and Disciplinary Committee will be responsible for dealing with matters relating to the conduct and/or capability of the following officers, as confirmed in Part 3 (Responsibility for Functions):
i. Head of Paid Service  
ii. Director of Place  
iii. Director of Services  
iv. Section 151 Officer  
v. Monitoring Officer

b) The Leader of the Council, in consultation with the Human Resources Manager, may agree the immediate suspension of the Chief Executive in an emergency.

3.2 Other Employees  
a) Disciplinary action in respect of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s disciplinary procedures, and may not be made by Councillors.

4.0 DISMISSAL FOR DISCIPLINARY AND CAPABILITY REASONS  

4.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer  
a) Where the recommendation of the Statutory Officers’ Investigatory and Disciplinary Committee, following an independent review by the Statutory Officers’ Investigatory and Disciplinary Panel, is for dismissal then the Full Council will be required to approve the dismissal as confirmed in Article 4 (Functions of the Full Council).

4.2 Group Heads  
a) Subject to the consultation at paragraph 4.4, the dismissal of a Group Head will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s disciplinary procedures, and may not be made by Councillors.

4.3 Other Employees  
a) The dismissal of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s disciplinary procedures, and may not be made by Councillors.

4.4 Consultation Procedure for Dismissals  
a) Notice of dismissal of a Group Head must not be given by the dismissor until:  
   i. The dismissor has notified the Chief Executive or their nominee of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal.

b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:
i. the name of the person whom the dismissor wishes to dismiss and the reasons for the decision;

ii. any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive or their nominee; and

iii. the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee; and

c) Either:

i. the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the dismissal; or

ii. the Chief Executive or their nominee as notified the appointer that no objection was received by them within that period from the Leader; or

iii. the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

5.0 DISMISSAL FOR ANY OTHER REASON

5.1 Head of Paid Service
a) The Full Council will be responsible for confirming the dismissal of the Head of Paid Service for any other employment reason.

5.2 Directors, Section 151 Officer, Monitoring Officer Group Heads
a) Subject to the consultation at paragraph 5.4, the dismissal of a Director, the Section 151 Officer, Monitoring Officer or a Group Head for any other employment reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s procedures, and may not be made by Councillors.

5.3 Other Employees
a) The dismissal of all other employees for any other employment reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s procedures, and may not be made by Councillors.

5.4 Consultation Procedure for Dismissals
a) Notice of dismissal of a Director, Section 151 Officer, Monitoring Officer or Group Head must not be given by the dismissor until:

i. The dismissor has notified the Chief Executive or their nominee of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal.
b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:

i. the name of the person whom the dismissor wishes to dismiss and the reasons for the decision;

ii. any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive or their nominee;

iii. the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee;

b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:

i. the name of the person whom the dismissor wishes to dismiss and the reasons for the decision;

ii. any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive or their nominee;

iii. the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Executive or their nominee;

c) Either:

i. the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the dismissal; or

ii. the Chief Executive or their nominee as notified the appointer that no objection was received by them within that period from the Leader; or

iii. the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

6.0 APPEALS

6.1 The Head of Paid Service, Director, Section 151 Officer and Monitoring Officer shall have no right of appeal against disciplinary action within the Council.

6.2 A Director, the Section 151 Officer or Monitoring Officer shall have the right of appeal to the Staff Appeals Panel, or a Panel set up specifically for the purpose by the Group Head of Corporate Support or their nominee, where they feel that the outcome of a decision on any other employment matter is wrong or unjust.

6.3 Any other employee who feels that the outcome of disciplinary action or a decision on an employment matter is wrong or unjust may appeal in accordance with the Council’s procedures to the Head of Paid Service or their nominee. Their final level of appeal will lie with the Staff Appeals Panel who will work to the Terms of Reference set out in the Constitution at Part 3 (Responsibility for Functions).

7.0 SETTLEMENT AGREEMENTS

7.1 The Head of Paid Service or Group Head of Corporate Support will be responsible for agreeing the terms of any Settlement Agreement in line with their delegated authority confirmed in Sections 2 and 3 respectively in the Officer Scheme of Delegation set out in Part 4 of this Constitution.
8.0 SUPPLEMENTARY PROVISIONS

8.1 In the event of the above Rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Group Head of Corporate Support.
PART 6 – PROCEDURE RULES (OTHER)
(SECTION 8 – CORPORATE COMPLAINTS)
Part 6 is set out in eight sections as follows:

Section 1  Decision Notices
Section 2  Scrutiny
Section 3  Budget and Policy Framework
Section 4  Access to Information
Section 5  Financial Rules
Section 6  Standing Orders – Purchasing, Procurement, Contracts and Disposals
Section 7  Officer Employment
Section 8  Corporate Complaints
1.0 CORPORATE COMPLAINTS PROCEDURE

1.1 Arun District Council aims to provide residents with services of the highest quality possible within available resources. Contact with the Council’s customers is set on three basic principles; understanding, speed and fairness.

1.2 However, if the Council fails to measure up to these expectations, then there is a Corporate Complaints Procedure dealing with complaints from members of the public and enabling these to be dealt with in a fair and consistent way. One reason for having a Complaints Procedure is to make sure that problems are resolved speedily, efficiently and helpfully. Another reason is that, as a Council, Arun wants to learn from complaints and to use them positively to improve customer service.

1.3 The Council’s definition of a complaint is as follows:

1.3.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its staff, affecting an individual customer or a group of customers.

1.3.2 The Complaints Procedure does not cover routine requests for a service or information, or matters for which there is a Right of Appeal or Legal remedy.

1.4 The Council would always prefer to put things right straight away if possible, rather than involve the customer filling out forms and waiting for a response. Therefore, if the customer is not happy with the way they have been dealt with, they should go back to the person, section or department who handled the matter in the first place.

1.5 However, if the complaint has not been resolved, then the formal procedure to investigate further will be instigated.

1.6 STAGE 1

The Complaint will be recorded in writing and the Complainant will be given an opportunity to explain what went wrong and what they feel the Council should do to put things right. Members of staff are expected to treat complaints positively and to give Complainants any help they need in making their complaint. Complaint Forms are available from all Council offices and online at www.arun.gov.uk/corporate-complaints

Complaints can also be recorded over the telephone, when staff will take down details of the Complaint using the official form and send the Complainant a copy of what has been written down for their signed approval.

The Complaint Investigation is co-ordinated by the Corporate Complaints Administrator, who will send the Complainant a written acknowledgement within five working days of receiving the Complaint. This acknowledgement will provide the name of the Investigating Officer or Department who has been assigned to investigate the Complaint.
The person investigating a Stage 1 Complaint will be a senior member of staff from the service area concerned. They will send the Complainant either a full answer or a progress report, in writing, within 10 working days (Planning has a response period of 25 working days).

1.7 STAGE 2

If the Complainant has already tried to resolve the matter with the service concerned and still has a Complaint, then it will be progressed as a Stage 2 Complaint. In this instance, the Investigating Officer will always be a senior member of staff. They will not have any responsibility for the area of service which is the subject of the Complaint. The Investigating Officer will talk to staff concerned, study reports and correspondence, offer the Complainant a chance to meet and may make a Site Visit if the problem is one where there is something to be seen. Where possible, this investigation will be completed within 20 working days. If this is not possible, the Complainant will be sent a progress report indicating the timescales for completion of their investigation.

When completed, the Stage 2 response will be passed to the Chief Executive, Director or Group Head of Council Advice & Monitoring Officer, who will then review and sign off the response within an additional five working days. The Stage 2 response will then be sent to the complainant, advising of the decision of the Investigating Officer.

1.8 APPEAL STAGE

If a Complainant remains dissatisfied with the outcome of the Stage 2 investigation, the Complaint can be referred for investigation to:

(a) the Local Government and Social Care Ombudsman; or
(b) with certain Housing complaints, to the Council’s Designated Person and/or the Housing Ombudsman.

Complainants are advised individually which is the appropriate Ombudsman for their complaint.

The Local Government and Social Care Ombudsman and the Housing Ombudsman are independent bodies that investigate complaints against local councils. The Ombudsmen, like the Council, prefer to see problems sorted out locally. If a Complaint is referred to an Ombudsman before the Council has had a chance to look into it then, in most but not in all cases, the Ombudsman will ask the Council to investigate the Complaint through its Complaints Procedure.
The Designated Person for Housing complaints can assist in resolving a Complaint by providing a fresh, impartial and independent perspective. The Council will appoint a Councillor to act as the Designated Person. In addition, the Complainant’s MP is also a Designated Person.

The Ombudsmen can be contacted through the:

- Local Government and Social Care Ombudsman
  www.lgo.org.uk

- Housing Ombudsman
  www.housing-ombudsman.org.uk
PART 7 – MANAGEMENT STRUCTURE
PART 7 – MANAGEMENT STRUCTURE
PART 8 – CODES AND PROTOCOLS
(SECTION 1 - THE PRINCIPLES BEHIND THE MEMBERS' CODE OF CONDUCT)
Part 8 is set out in eight sections as follows:

SECTION 1 – The Principles behind the Members' Code of Conduct
SECTION 2 – Members' Code of Conduct
SECTION 3 – Member/Officer Relations
SECTION 4 – Preparatory Meetings of the Cabinet
SECTION 5 – Call-in of Prosecutions
SECTION 6 – Planning Local Code of Conduct for Members and Officers
SECTION 7 – Petitions
SECTION 8 – Protocol on the Filming and Recording of Council Meetings
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1. INTRODUCTION

1.1 Arun District Council (the authority) has adopted this Code of Conduct in accordance with the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the authority. The Code was originally introduced on 1 July 2012 and was updated on 8 November 2017.

1.2 As an elected or co-opted member of Arun District Council, councillors have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

2. PRINCIPLES OF THE CODE OF CONDUCT

2.1 In accordance with the Localism Act 2011 provisions, when acting in this capacity a councillor is committed to behaving in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in this authority. The following are the statutory principles of the Members’ Code of Conduct:

1. SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

2. INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

3. OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

4. ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

5. OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

7. LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.
PART 8 – CODES AND PROTOCOLS
(SECTION 2 – MEMBERS CODE OF CONDUCT)
Part 8 is set out in eight sections as follows:

SECTION 1  –  The Principles behind the Members' Code of Conduct
SECTION 2  –  Members' Code of Conduct
SECTION 3  –  Member/Officer Relations
SECTION 4  –  Preparatory Meetings of the Cabinet
SECTION 5  –  Call-in of Prosecutions
SECTION 6  –  Planning Local Code of Conduct for Members and Officers
SECTION 7  –  Petitions
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1. **SCOPE**

1.1 This Code of Conduct applies to you whenever you are acting in your capacity as a member, or co-opted member, of the authority, including:

- at formal meetings of the authority
- when acting as a representative of the authority
- in taking any decision as a Cabinet Member or a Ward Councillor
- in discharging your functions as a Ward Councillor
- when corresponding with the authority other than in a private capacity.

1.2 In this Code “meeting” means any meeting organised by or on behalf of the authority including:

- any meeting of the Council, or a Committee, Sub-Committee, Working Group, Working Party or Panel constituted by the Council
- any meeting of the Cabinet and any Committee of the Cabinet
- any briefing by officers
- any site visit.

1.3 This Code is based on the principles set out in Section 1 of Part 8 of this Constitution.

1.4 Any allegations received by the authority that you have failed to comply with this Code will be dealt with under the Local Assessment Procedure.

2. **GENERAL CONDUCT**

2.1 As a member of Arun District Council, I agree to sign up to the local Members’ Code of Conduct and that my conduct will in particular address the statutory principles of the Code by:

1. Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
2. Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
3. Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents’ casework, the interests of the district of Arun or the good governance of the authority in a proper manner.
4. Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or
organisations who might seek to influence the way I perform my duties as a member of this authority.

5. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

6. Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

7. Contributing to making this authority’s decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.

8. Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority’s policies, protocols and procedures, including on the use of the authority’s resources.

9. Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

10. Always treating people with respect, including the organisations and public I engage with and those I work alongside.

11. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

3. REGISTER OF INTERESTS

3.1 Within 28 days of this Code being adopted by the Council, or your election (if later), you must register with the Monitoring Officer any interests that fall under any of the descriptions listed in Appendices A and B of this Code.

3.2 You must ensure that your Register of Interests is kept up to date and must notify the Monitoring Officer in writing within 28 days of becoming aware of any change in any of the descriptions listed in Appendices A and B of this Code.

4. DISCLOSABLE PECUNIARY INTERESTS

4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary State, as set out at Appendix A to this Code, and either:

   a) it is an interest of yours; or
   b) it is an interest of:
      (i) your spouse of civil partner; or
      (ii) a person with whom you are living as husband and wife; or
(iii) a person with whom you are living as if you were civil partners and you are aware that other person has the interest.

4.2 You must:

4.2.1 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a “sensitive interest” you need only declare the existence of the interest but not the detail;

4.2.2 where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not:

(i) participate, or participate further, in any discussion of the matter at the meeting;
(ii) remain in the meeting whilst the matter is being debated;
(iii) participate in any vote taken on the matter at the meeting;

unless you have obtained a dispensation from the Monitoring Officer.

5. PERSONAL INTERESTS

5.1 You have a personal interest in any business of the authority if it is of a description specified in Appendix B to this Code.

5.2 You have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a ‘relevant person’ to a greater extent than the majority of other council tax payers, ratepayers or residents of your ward affected by the decision; or it relates to or is likely to affect any interests you have registered as a disclosable pecuniary interest.

5.3 A ‘relevant person’ is:

5.3.1 a member of your family or any person with whom you have a close association;

5.3.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

5.3.3 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
5.3.4 anybody of a type described in Appendix B.

5.4 Where you have a personal interest under paragraphs 5.3.3 or 5.3.4, you must make a verbal declaration of the existence and nature of any personal interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a “sensitive interest”, you need only declare the existence of the interest but not the detail.

5.5 Where you have a personal interest under paragraph 5.3.1 and 5.3.2, you need only disclose to the meeting the existence and nature of the interest when you address the meeting on that business.

5.6 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.

5.7 Where you have a personal interest and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

6. PREJUDICIAL INTERESTS

6.1 Where you have a personal interest in any business of the authority, you also have 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 your judgement of the public interest (unless the matter falls within one of the exempt categories referred to at paragraph 9) and where that business:

6.1.1 affects your financial position or the financial position of a person or body defined as a ‘relevant person’; or

6.1.2 relates to the determining of any approval, consent licence, permission or registration in relation to you or any person or body defined as a ‘relevant person’.

6.2 Where you have a prejudicial interest:

6.2.1 you must make a verbal declaration of the existence and nature of any such interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent.
6.2.2 you must not:

(i) participate, or participate further, in any discussion of the matter at the meeting;
(ii) remain in the meeting whilst the matter is being debated;
(iii) participate in any vote taken on the matter at the meeting;

unless you have obtained a dispensation from the Monitoring Officer.

6.3 The only exception is that you may attend a meeting for the purpose of making representations, answering questions or giving evidence relating to the business being considered, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise. You must leave the meeting immediately after making the representations, answering questions or giving questions.

6.4 Where, as a Cabinet Member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by yourself, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

7. SENSITIVE INTERESTS

7.1 Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, you should share your concerns with the Monitoring Officer. If the Monitoring Officer agrees, he/she will not include details of the interest in the Register of Interests, but may state that you have registered an interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

8. EXEMPT CATEGORIES

8.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the authority in respect of:

8.1.1 housing – where you are a tenant of the authority provided that those functions do not relate particularly to your tenancy or lease;
8.1.2 an allowance, payment or indemnity given to Members;
8.1.3 any ceremonial honour given to Members; and
8.1.4 setting council tax or a precept under the Local Government Finance Act 1992.

9. CRIMINAL SANCTIONS RELATING TO DISCLOSABLE PECUNIARY INTERESTS

9.1 It is a criminal offence to:

9.1.1 fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;

9.1.2 fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;

9.1.3 fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;

9.1.4 participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest (including taking a decision as a Cabinet Member acting alone);

9.1.5 fail to notify the Monitoring Officer within 28 days of the interest if you are a Cabinet Member discharging a function acting alone and have a disclosable pecuniary interest in such a matter; and

9.1.6 knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

9.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for a maximum of 5 years.

10. OVERVIEW SELECT COMMITTEE

10.1 You also have a prejudicial interest in any business before the Overview Select Committee of the authority (or of a sub-committee of this committee) where:

a) that business relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the authority’s committees, sub-committees, joint committees, or joint sub-committees; and

b) at the time the decision was made or action was taken, you were a member of the Cabinet, committee, sub-committee, joint committee or joint sub-committee and you were present when that decision was made or action was taken.
10.2 In such cases, you may only attend a meeting of the Overview Select Committee for the purpose of answering questions or giving evidence relating to the business. You must leave the meeting immediately after making representations, answering questions or giving evidence.

11. GIFTS AND HOSPITALITY

11.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the authority.

11.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
## 1 APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a Member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

<table>
<thead>
<tr>
<th>Interest</th>
<th>Prescribed description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by ‘M’ in carrying out duties as a Member, or towards the election expenses of ‘M’. <em>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</em></td>
</tr>
<tr>
<td>Contracts</td>
<td>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</td>
</tr>
<tr>
<td>Land</td>
<td>Any beneficial interest in land which is within the area of the relevant authority.</td>
</tr>
<tr>
<td>Licences</td>
<td>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</td>
</tr>
<tr>
<td>Corporate tenancies</td>
<td>Any tenancy where (to ‘M’s’ knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.</td>
</tr>
</tbody>
</table>
| Securities | Any beneficial interest in securities of a body where:  
|            | (a) that body (to 'M's' knowledge) has a place of 
|            | business or land in the area of the relevant 
|            | authority; 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 more 
|            | than one class, the total nominal value of 
|            | the shares of any one class in which the 
|            | relevant person has a beneficial interest 
|            | exceeds one hundredth of the total issues 
|            | share capital of that class. |
These descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.
2 APPENDIX B – PERSONAL INTERESTS

You have a personal interest in any business of the authority where it either relates to or is likely to affect:

(a) any body of which you are a member or in a position of general control or management and to which are appointed or nominated by the authority;

(b) any body -

(i) exercising functions of a public nature; or
(ii) directed to charitable purposes; or
(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of control or management.
PART 8 – CODES AND PROTOCOLS
(SECTION 3 – MEMBER/OFFICER RELATIONS)
Part 8 is set out in eight sections as follows:

SECTION 1 – The Principles behind the Members' Code of Conduct
SECTION 2 – Members' Code of Conduct
SECTION 3 – Member/Officer Relations
SECTION 4 – Preparatory Meetings of the Cabinet
SECTION 5 – Call-in of Prosecutions
SECTION 6 – Planning Local Code of Conduct for Members and Officers
SECTION 7 – Petitions
SECTION 8 – Protocol on the Filming and Recording of Council Meetings
PART 8 – CODES AND PROTOCOLS
SECTION 3 – MEMBER/OFFICER RELATIONS

1.0 INTRODUCTION
The purpose of this document is to provide a guide to good working relationships between Members and Officers of the Council. It will clearly define the respective roles of Members and Officers and provide some principles governing conduct.

2.0 THE RESPECTIVE ROLES OF MEMBERS AND OFFICERS

2.1 Members are elected and represent their constituents. Under the executive arrangements for the Council, Members perform roles on the Cabinet, on Scrutiny Committees and on Committees of the Council, in addition to sitting as Members of the full Council. Some Members represent the Council upon outside bodies.

2.2 Officers are employed by and serve the whole Council. They advise the Council, its Committees and the Executive. They implement decisions of the Council and make decisions under powers delegated to them.

2.3 Officers are responsible to their Line Manager and ultimately their Director. Directors are accountable to the Chief Executive. Some senior officers have specific statutory responsibilities, including the Group Head of Corporate Support as the Chief Financial Officer (Section 151, Local Government Act 1972) and the Group Head of Council Advice as Monitoring Officer.

3.0 OFFICERS’ ADVICE AND POLITICAL NEUTRALITY

3.1 Officer advice and support will be provided at formal Council meetings at which business is transacted, including:
- Council meetings;
- Meetings of the Cabinet and its Committees;
- Meetings of Committees/Sub-Committees;
- Working Groups/Forums/Joint Area Committees;
- Meetings of the Chairmen/Vice-Chairmen of the Committees;
- Briefings for Chairmen/Vice-Chairmen prior to Committee Meetings.
- Meetings/briefings for Cabinet portfolio holders.

Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents.
3.2 Where officers are invited to meetings to give advice or comment on their service area by the Chairman of the Overview Select Committee or its Working Groups, the Audit and Governance Committee, or any other committee, then their Group Head must also be informed of the invitation and reason for their attendance; and if the officer would prefer their Group Head to attend with them, then this should be allowed. Where there are issues of concern about an officer’s attendance, responsibility to agree attendance should fall to the Council’s Monitoring Officer. Where notes are taken from the meeting, either to record in the minutes or in a separate note for later use, then these must be agreed by the officer following the meeting.

3.3 Officer advice and support must relate only to Council business. Officers must not be requested to advise upon matters of party business.

3.4 All Officers must treat Political Groups and individual Members in a fair and even-handed manner. Officers must maintain political neutrality and Members must respect this.

3.5 Officers must respect the confidentiality of any Political Group discussions which they attend. They should not disclose the content of such discussions to any person who has not attended. Senior officers may be requested to attend group meetings and the Chief Executive will then decide whether such attendance may take place.

3.6 If it is agreed that an Officer can attend a Political Group meeting, then the Chief Executive will inform the other Group Leaders and offer a similar facility.

3.7 Political group meetings fall outside the Council’s decision-making process. Conclusions reached at such meetings are not formal Council decisions and so should not be relied upon as such.

4.0 PERSONAL RELATIONSHIPS

4.1 Close personal familiarity between individual Members and Officers can damage working relationships and prove embarrassing to other Members and Officers.

4.2 It is recognised that there may be occasions where personal familiarity is unavoidable, particularly where family relationships arise.
4.3 A Member must promptly declare by letter to both the Chief Executive and their respective Group Leader any family relationship or other close association with an Officer employed by the Council. Similarly, the Officer concerned must promptly declare in writing in their Declaration of Interests Form and by letter to their Director or, in the case of a Director, to the Chief Executive. In the case of the Chief Executive, then to all Group Leaders any family relationship or other close association with a Member of the Council should be notified. The Chief Executive and the relevant Director will arrange for the relationship to be included in the formal Declaration of Interest provided by the officer and the Register of Members’ Interests.

5.0 APPOINTMENT OF OFFICERS

5.1 Members must not take any part in the appointment of anyone to whom they are:
   - married,
   - a partner,
   - otherwise related,
   - a friend.

5.2 Members must ensure that Officers are appointed only on merit, with a view to their best serving the whole Council.

6.0 UNDUE PRESSURE

6.1 A Member should not apply undue pressure on an Officer either to do anything which he/she is not empowered to do or to undertake work outside normal duties or normal hours. Particular care needs to be taken in connection with the use of Council property and services.

6.2 Similarly, an Officer must not seek to influence an individual Member to make a decision in his/her favour nor raise personal matters to do with his/her job nor make claims or allegations about other employees. The Council has formal procedures for consultation, grievance and discipline dealing with these matters.

7.0 OFFICERS’ REPORTS AND ADVICE

7.1 The named author of a report to the Council or any part of its formal structure will always be fully responsible for the contents of it. The Leader, Cabinet Member for the relevant portfolio and/or Chairman of the relevant Committee or body will be consulted as part of the process of drawing up the agenda for a forthcoming meeting and may comment upon a proposed report. The Officer concerned will give due consideration to such comments, consulting his/her relevant Director or Group Head and other appropriate officers as necessary. A report will only be amended where the amendment reflects the
professional judgment of the author of the report. Any remaining disagreements between the Chairman and the author of the report should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

7.2 Occasionally, Officers will need to express a professional view on a matter which may not support the view of the Leading Group, the Council and/or the relevant Senior Officers of the Council.

7.3 Members should not elicit any criticism from an Officer in respect of his/her Line Manager, Group Head or Director.

8.0 OFFICER DECISIONS MADE UNDER DELEGATED POWERS

Officers may make decisions under powers delegated to them in accordance with the Scheme of Delegation or by specific formal Committee/Sub-Committee meetings. It must be recognised that it is the Officer, and not any Member, who takes the action and it is the Officer who is accountable for it.

9.0 OFFICER RELATIONSHIP WITH THE LEADER & PORTFOLIO HOLDERS UNDER EXECUTIVE ARRANGEMENTS

The working relationship between senior Officers and the Leader/portfolio holders will be particularly close. Individual portfolio holders will be the Cabinet’s spokesperson for a particular service or area of work and have broad-ranging responsibilities. Officers may provide briefing notes, advice and information to the portfolio holders in respect of reports or questions at formal Committee and Council meetings and other external meetings, e.g. meetings with Ministers/MPs, other Local Authorities and outside bodies. This relationship, however, must not:

- compromise Officers’ duties to all Members of the Council;
- be so close as to give the appearance of partiality on the part of the Officer;
- undermine the confidentiality of any discussions within the Corporate Board or between Senior Officers and other Members;
- compromise Officers’ professional responsibility to advise Members that a particular course of action should not be pursued; and
- abrogate Officer responsibility for action taken under Delegated Powers.
10.0 THE PROCEDURE FOR CRITICISM/COMPLAINTS

10.1 It is important that there should be mutual courtesy and respect between Members and Officers. It is important that there are reasonable standards of courtesy and no Member or Officer should seek to take unfair advantage of their position.

10.2 Members and Officers should not criticise or undermine respect for the other at Council meetings or in any public forum.

10.3 Members should not raise matters relating to the conduct or capability of an individual Council Officer or Officers collectively at meetings held in public. Officers should observe the same rule in respect of Members.

10.4 If a Member believes that he/she has not been treated with proper courtesy or has a concern about the conduct or capability of an Officer, then he/she should raise the matter confidentially with the Director of the Department in question who may utilise the Council’s formal disciplinary procedures if this appears to him/her to be appropriate. If the Member is still not satisfied with the action that has been taken in response to this, then he/she may raise the matter confidentially with the Chief Executive who will look into the matter afresh. If the Chief Executive believes that there is a case to answer then he/she may utilise the Council’s formal disciplinary procedures. If the Chief Executive suggests no action he will inform the Member and relevant Group Leader of this. Concerns raised concerning the Chief Executive will be referred in the first instance to a meeting of the Leaders of the Political Groups of the Council. They may then refer the matter to Full Council but must do so within the terms of the disciplinary procedure applying to the Chief Executive.

10.5 If an Officer feels that he/she has not been treated with respect or is concerned about any action or statement relating to him/herself or a colleague by a Member, or conduct of a Member, he/she should raise the matter with his/her Line Manager. If he/she is not satisfied with any action that has been taken as a result, he/she should raise the matter with his/her Director. If there is a serious case to answer the Director may request that the matter be investigated through the Council’s Standards Committee’s procedures.

10.6 Where a Member or Officer is concerned about potential unlawful conduct of a Member or Officer, the Council’s Whistle-blowing Policy and the Public Interest Disclosure Act 1998 are also relevant. Nevertheless, the procedure outlined in this protocol should be the first point of reference where possible.
11.0 MEMBERS’ ACCESS TO INFORMATION AND COUNCIL DOCUMENTS

11.1 Each Member has the right to inspect and have copies of the reports, Minutes and background papers relating to the public part of any Council, Committee, Sub-Committee or Working Group agenda. However, Members do not have an automatic right of access to documents relating to confidential (“Exempt”) items on the agenda. These might include, for instance, information relating to employees, occupiers of Council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations.

11.2 In respect of such confidential information, a Member may have access to the documentation insofar as it is reasonably necessary to enable him/her to properly perform his/her duties as a Member of the Council. The relevant question asked is whether he/she needs to know the information to perform such duties.

11.3 A Cabinet Member, Member of a Committee or Sub-Committee or Working Group will have a need to know of the documentation and information relating to that body. In other circumstances, a Member will normally be expected to justify the request in specific terms and the motive for requesting the information will be relevant. The relevant question asked is whether he/she needs to know the information to perform his/her duties as a Member. The question as to access to the documentation will be determined initially by the relevant Group Head but, in the event of a continuing disagreement as to access, then the matter may be referred to the relevant Director and the Group Head of Council Advice as Monitoring Officer.

11.4 Where a Member has a private, personal or pecuniary interest in a matter, the Member will only be entitled to the same rights of access to documentation as would apply for the public generally. Thus, he/she would have access to the reports, Minutes and background papers relating to the public part of any Council, Committee, Sub-Committee or Working Group agenda but not to any confidential items.

11.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Members’ duties as a Member of the Council. Confidential information should not be disclosed, discussed with, or released to any other persons unless it reasonably relates to a qualified disclosure, i.e. it relates to an alleged criminal offence, a failure to comply with a legal obligation, maladministration where a breach of administrative law has occurred, a miscarriage of justice, a danger to health or life, damage to the environment or concealment of information tending to show any of these matters. The National Code of Local Government Conduct states as follows:

“As a Councillor or a Committee or Sub-Committee Member, you necessarily acquire much information that has not yet been made public and is still
confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the Council or anyone else.”

11.6 Any confidential information provided to Members should be clearly marked as such prior to its provision.

11.7 Further advice regarding Members’ rights to inspect Council documents may be obtained from the Group Head of Council Advice and Monitoring Officer or the Chief Executive.

12.0 MEMBERS’ ACCESS TO MEETINGS

12.1 The same principles set out at 11 above and in particular paras. 11.2 to 11.4 shall apply to Members’ rights of access and attendance at Committees (as defined in the Committee Procedure Rules set out in Part 5, Section 3 of this Constitution).

12.2 Regard shall be had to these provisions when a person presiding at a meeting or (in the case of the Standards Committee) the meeting exercises the powers contained in Rule 22.0 of the Access to Information Procedure Rules.

13.0 PUBLIC RELATIONS AND PRESS RELEASES

13.1 By law the Council is prohibited from publishing material which appears to be designed to affect public support for a political party. News releases are written by Officers but they may contain quotations from the Chairman/Vice-Chairman or Leader/Deputy Leader of the Council, a Cabinet Member or the Chairman/Vice-Chairman of the relevant Committee or Sub-Committee. Such news releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation. Council news releases will be objective, factual and informative. The Council has also adopted a Protocol and Guide to pre-election publicity which provides advice upon publicity and activities during a pre-election period, including a moratorium on publicity during the month preceding an election of the Council.

13.2 The Council will abide by the national Code of Recommended Practice on local authority publicity.
14.0 MEMBER SUPPORT SERVICES

The Council provides a range of support services, including stationery, typing and postage to enable Members to carry out their duties. These may only be used on Council business. They must not be used for party or political work of any kind. Members should not ask Officers to type, photocopy or otherwise process party or political material.

15.0 CORRESPONDENCE

15.1 Correspondence between an individual Member and an Officer on a matter relating to a single constituent should not normally be copied (by the Officer) to any other Member. Where, exceptionally, it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of “silent or blind copies” should not be employed.

15.2 In some cases issues are raised by, or with, individual Members relating to a matter of general interest in a Council Ward. Recognising that it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their Ward, copies of correspondence will normally be sent to all Members for the particular area unless the Member specifically requests that correspondence is not copied to other Members or, there is a political, or other reason, why this is not appropriate. Where correspondence is copied to other Members this will be made clear to the original Member.

15.3 Officer letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances for a letter to be signed by a Member, but this should be the exception rather than the norm.

16.0 LEADERS’ MEETING

The Leader in consultation with the Chief Executive will call, as and when necessary, meetings of the Party Group Leaders to discuss matters concerned with the conduct of the Council’s business; Member and Officer issues; and matters affecting Members generally. It will have no executive power but will facilitate the efficient running of the Council.

17.0 UNRESOLVED ISSUES AND AMENDMENTS TO THIS PROTOCOL

17.1 If there are any issues of concern which are not dealt with by this protocol, then the relevant Member or Officer may discuss the matter with the Chief Executive or the Group Head of Council Advice & Monitoring Officer with a view to advice being provided. If the issue remains unresolved, then it shall be referred to the Standards Committee for consideration.
PART 8 – CODES AND PROTOCOLS  
SECTION 3 – MEMBER/OFFICER RELATIONS

17.2 Should any Member or Officer wish to suggest an amendment to this protocol then he/she is asked to contact either the Chief Executive or the Group Head of Council Advice & Monitoring Officer.

17.3 Any amendment of this protocol will require the approval of the Full Council.
PART 8 – CODES AND PROTOCOLS
(SECTION 4 – PREPARATORY MEETINGS OF THE COUNCIL)
Part 8 is set out in eight sections as follows:

SECTION 1  – The Principles behind the Members' Code of Conduct
SECTION 2  – Members' Code of Conduct
SECTION 3  – Member/Officer Relations
SECTION 4  – Preparatory Meetings of the Cabinet
SECTION 5  – Call-in of Prosecutions
SECTION 6  – Planning Local Code of Conduct for Members and Officers
SECTION 7  – Petitions
SECTION 8  – Protocol on the Filming and Recording of Council Meetings
PART 8 – CODES AND PROTOCOLS
SECTION 4 – PROTOCOL FOR PREPARATORY MEETINGS OF THE CABINET

1.0 This protocol sets out the procedure to be followed in having preparatory meetings for Cabinet decision-taking meetings. The legal requirements are set out in Section 3 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

2.0 The Constitution establishes the following principles:
   - all Cabinet meetings will be held in public (with the exception of exempt items);
   - that all “Key” Decisions will be dealt with by the Cabinet; and
   - that all matters for recommendation to Full Council from the Executive will be from the Cabinet.

3.0 In accordance with the Regulations, agenda preparation meetings for the Cabinet (at which a Key Decision is to be taken) can only take place in private if an Officer is briefing Cabinet Members and/or their Deputies. Such briefing meetings will be known as “Cabinet Briefings”. If Members of the Cabinet then wish to discuss the draft Cabinet report (which relates to a “Key Decision” or one which is in the Forward Plan within 28 days of the likely decision date) then, unless this meeting is held in public, Officers cannot be present. These discussion meetings, known as “Cabinet Discussions”, will take place as Member-only meetings in private.

4.0 Most of the draft reports prepared for the Cabinet meetings will be authored by Officers - with the specific name identified. Such draft reports will form the basis of the “Cabinet Briefings” meeting. However if these draft reports are then altered by Cabinet Members in a “Cabinet Discussion”, they should then bear the appropriate Member’s name, as author, when they are presented to the actual Cabinet meeting. Under Regulation 15, as now, background papers to a decision-making report need to be made publicly available. Officer’s reports made to a “Cabinet Briefing” as defined above would come within this category.

5.0 Meetings at which a Cabinet Member takes an executive decision need not be open to the public whether an Officer is present or not. This is because “Key Decisions” or decisions contained in the Forward Plan cannot be taken by an individual Cabinet Member according to Arun’s Constitution. It follows that pre-decision discussions on draft or final reports between Officers and individual Cabinet Members can also take place in private.

6.0 All background papers as well as the decision papers are available to the public immediately after the decision has been made and before the decision can be implemented.

7.0 The Leader of the Council (Leader of the Cabinet) holds weekly meetings with the Chief Executive and Directors and, more occasionally, with other Senior Officers. As such meetings are not a precursor to decision-making or agenda preparation meetings they can continue to be held in private.

8.0 There is also the opportunity for Officers to discuss with Cabinet Members and/or their Deputies, in private, general matters, forward strategies, operational issues, as long as the discussion does not include matters which are included in the Forward Plan for Decision within 28 days of the meeting.

9.0 An existing protocol concerning officers attending Political Group meetings
will continue. However, care needs to be taken if Officers are involved in single party meetings which are not composed solely of Cabinet Members. In certain circumstances, the same facility may be needed to be offered to all Parties. The Protocol is that to attend such a Group meeting the Group Leader should make the request to the Chief Executive/Director and that it must be about a specific topic. The Chief Executive /Director will inform the other Group Leaders and offer the same facility. The Officer can brief the Group, answer questions but not take part in any discussions. Only Senior Officers can be expected to attend and the matters briefed upon should in no way be regarded as part of any disciplinary process.
PART 8 – CODES AND PROTOCOLS
(SECTION 5 – CALL-IN OF PROSECUTIONS)

This section has been deleted, as agreed by Full Council on 9 January 2019 (ref Minute 337, Constitution Working Party 28.11.18)
Part 8 is set out in eight sections as follows:

SECTION 1 – The Principles behind the Members' Code of Conduct
SECTION 2 – Members' Code of Conduct
SECTION 3 – Member/Officer Relations
SECTION 4 – Preparatory Meetings of the Cabinet
SECTION 5 – Deleted
SECTION 6 – Planning Local Code of Conduct for Members and Officers
SECTION 7 – Petitions
SECTION 8 – Protocol on the Filming and Recording of Council Meetings
PART 8 – CODES AND PROTOCOLS
(SECTION 6 - PLANNING LOCAL CODE OF CONDUCT FOR MEMBERS AND OFFICERS)
Part 8 is set out in eight sections as follows:

SECTION 1 – The Principles behind the Members' Code of Conduct
SECTION 2 – Members' Code of Conduct
SECTION 3 – Member/Officer Relations
SECTION 4 – Preparatory Meetings of the Cabinet
SECTION 5 – Call-in of Prosecutions
SECTION 6 – Planning Local Code of Conduct for Members and Officers
SECTION 7 – Petitions
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5.0 REVIEW/IMPLEMENTATION OF THE LOCAL PLANNING CODE OF CONDUCT .......................................................................................... 8
For Members and Officers

1.0 INTRODUCTION

1.1 Arun District Council believes that Local Government should be conducted and operated openly, honestly, efficiently, equitably and fairly. Therefore, it has been agreed that it will conduct its planning business in accordance with these principles.

1.2 To demonstrate the commitment of the Council in these respects and for the purpose of clarity, the Council has adopted this Local Code of Conduct for Members/Officers when dealing with planning matters.

1.3 This Local Code of Conduct is supplemental to the Members’ Code of Conduct and the Council’s Constitution. It does not replace that Code or the Constitution but simply amplifies their provisions and attempts to apply the principles they embody to particular circumstances that can arise from the operation of the planning system.

2.0 CODES RELATING TO GENERAL MATTERS

2.1 Councillors will be guided by and adhere to the Members’ Code of Conduct, the Council’s Constitution and this Local Code of Conduct when dealing with planning matters.

2.2 Planning Officers (whether they are Members of the Royal Town Planning Institute or not) will be guided by and adhere to the Royal Town Planning Institute Code of Professional Conduct and this Local Code of Conduct when dealing with planning matters.

2.3 Councillors will serve the public and be responsible to the electorate in all planning matters except where it appears that to do so may result in a breach occurring of the Members’ Code of Conduct, the Council’s Constitution or this Local Code.

2.4 Planning Officers will serve the public, advise Councillors, carry out Council work and implement Council/Committee instructions in all planning matters except where it appears that to do so may result in a breach of the Council’s Constitution, the RTPI Code of Professional Conduct or this Local Code occurring.

3.0 CODE OF CONDUCT

3.1 For these purposes “Lobbying” means an organised attempt to influence decision makers to make a decision for or against a proposal. Lobbying may occur by conversations or written communications. Given the need to avoid actual or perceived bias or in determining planning applications, Councillors
and officers need to recognise lobbying when it occurs and take appropriate steps as suggested below to ensure that the Planning process is not compromised by it.

3.2 The Code is designed to ensure that decision-makers (whether they be Councillors and/or Planning Officers) can demonstrate that they have maintained objectivity/impartiality until all relevant information on which planning decisions must be made is available.

Members should:

- Avoid becoming members of local interest groups or organisations whose primary purpose is to lobby to promote or oppose planning proposals.
- Avoid publicly declaring which way they intend to vote on any particular application until they have had the opportunity to read the Officer's report.
- Avoid lobbying other Councillors in an effort to elicit their support for any particular approach regarding any application under consideration and/or organising support for or opposition to a planning application.
- Act with the overriding duty to the whole community of the District and not just those within a Ward.
- Consider whether they declare a prejudicial interest, not vote and withdraw from the room where an opinion has been previously declared.
- Report instances where Councillors receive communications, either verbally or in writing, from applicants or objectors to a planning application to the Planning Officer.
- Seek a post Committee Site Inspections when that is necessary if:
  - the impact of the proposal is difficult to visualise from plans and supporting materials or
  - there is good reason why the comments of the applicant and/or objectors cannot be adequately expressed in writing or
  - the application is particularly contentious
- Avoid meetings with applicants unless they have been arranged by Officers.
- Ask relevant questions for the purposes of clarifying their understanding of the proposals but do not express any strong view.
- Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and, where regard is to be had to the Development Plan, make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
• Ensure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.

• Avoid, where possible, nominating substitutes for Development Control Committee who are Members of both Conservation Area Advisory Committee where they have discussed items on that agenda.

Members should not:

• Enter into debates (verbally and/or in writing) regarding the merits of any application whilst it is under consideration by the Council and will usually therefore restrict any contact with applicants, objectors and/or supporters of any particular proposals to an explanation of procedural matters only.

• Use Political Group meetings to determine how Councillors should vote when the application is due to be considered.

• Pressurise officers to provide a particular recommendation or request that they undertake particular negotiations/consultations.

• Get involved in the processing of a planning application.

• Enter upon sites or make any contact with such persons outside the formal site inspection procedures. Failure to abide by this principle may lead to allegations of bias or failure to consider relevant issues.

• Enter into negotiations directly with applicants and/or their agents.

• Accept gifts or hospitality from any person involved or affected by a planning proposal.

• Enter into pre-submission discussions directly with potential applicants and/or their agents.

3.3 The position of Ward Councillors who do not sit on Development Control Committee is different in that they do not vote on any decisions. However, they can speak at meetings of the Committee. They should similarly consider carefully the consequences of declaring an opinion early. It may be disadvantageous to any case they have to argue. If they do declare an opinion

3.4 Officers should:

• Ensure that representations regarding applications under the Planning Acts (or any other planning matter) will only be considered by the Council if they are received in writing prior to the decision being made.
• Avoid publicly declaring the recommendation that they intend to make regarding any particular application until the case officer's recommendation/report has been formally agreed by relevant officers under the Scheme of Delegation (for those applications to be determined under Delegated Powers) or published as part of the Committee Agenda (for those applications to be determined by a Committee).

• Ensure that all applications to be determined by a Committee are accompanied by reports which contain all the information necessary for Councillors to make an informed and objective decision regarding any particular proposals.

• Restrict verbal presentations at the Committee to a simple update of the written report and comments advice necessary to respond to Members' questions.

• Provide written updates for more complex issues.

• Visit the site of every application received by the Council.

• Limit discussion during the site visit to matters of fact and rarely visit a site accompanied by the applicant or their agent.

• Only enter into pre-submission discussions upon receipt of a letter from the prospective applicant and/or their agent which clearly sets out the proposals and the advice sought.

• Record and maintain a gifts/hospitality register.

4.0 COMMITTEE PROCESS

4.1 A vote regarding the Officer written recommendations will be made in accordance with the following:-

• Officer report and recommendation is presented and debated by Committee where necessary.
• A vote is taken upon that by show of hands.
• The Chairman will announce the result and whether or not the recommendation is Carried

4.2 In the event that the Committee vote to reject the Officer's recommendation, the following process will be followed:

• The Senior Planning Officer present will be asked by the Chairman whether or not sufficient information was given by Members to enable the composition of clear and convincing reasons for refusal or alternatively Conditions of any approval by Officers. If this is possible, the suggested
wording of the refusal reasons or the Condition will be read to the Committee by Officers and a further vote will be taken on that suggestion.

4.3 In the event that Officers do not find it possible to phrase a Condition or reason(s) for refusal based on the Members' debate, there are two alternative courses of action:

- Senior Planning and Legal Officers present will advise the Committee as to any planning/financial/legal implications of determining the application contrary to the Officer's advice (if any) in such circumstances and the Chairman will ask whether any Member wishes to move a resolution (with a seconder) regarding the wording of a decision or,
- The Chairman will ask the Committee whether or not it wishes the application to be deferred to enable an Officer's report to be prepared for the next available meeting so as to reflect the debate held and the issues raised. In either case, a vote should be taken.

4.4 Public Speaking

Members of the public are entitled to speak at Development Control Committees in accordance with the Scheme of Public Speaking approved by the Council. (See Part 5 of the Council’s Constitution).

5.0 REVIEW/IMPLEMENTATION OF THE LOCAL PLANNING CODE OF CONDUCT

5.1 This Local Planning Code of Conduct will be reviewed by the Development Control Committee after 24 months of operation (from the date it is adopted) in the light of complaints received regarding the Council's planning procedures/practice during this period and experience gained from its operation.

5.2 The Code it contains will be implemented in the following ways:-

- Training for Officers/Members
- Publication of the Code both within and outside the Council
- Regular monitoring of compliance with this Code by the Group Head of Council Advice and Monitoring Officer who is the relevant Officer for this purpose
- Regular publication of Planning Services Information documents

5.3 Any Member/Officer or member of the public who requires advice regarding the interpretations of this Local Code should contact the Monitoring Officer and/or the Director of Place.
PART 8 – CODES AND PROTOCOLS
(SECTION 7 - PETITIONS)
Part 8 is set out in eight sections as follows:

SECTION 1 – The Principles behind the Members' Code of Conduct
SECTION 2 – Members' Code of Conduct
SECTION 3 – Member/Officer Relations
SECTION 4 – Preparatory Meetings of the Cabinet
SECTION 5 – Call-in of Prosecutions
SECTION 6 – Planning Local Code of Conduct for Members and Officers
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PART 8 – CODES AND PROTOCOLS
SECTION 7 – PETITIONS SCHEME

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   PROPERLY? ....................................................................................................................... 8
1. **PETITIONS SCHEME**

1.1. Before considering whether to raise a petition to Arun District Council, it is recommended that you discuss your issue with your local Ward Councillor who may be able to help you with it or explain how to make representations on a particular subject to the right person at the Council.

1.2. Any Arun resident can submit a petition provided it includes not less than 10 *signatures*. A petition may be signed by anyone living or working in the Arun District.

1.3. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what it plans to do with the petition. It will treat something as a petition if it is identified as being a petition, or if it seems that it is intended to be a petition.

1.4. Details of all petitions received will be included on the Council’s website but this will not include the contact details of anyone who has signed the petition or that of the petition organiser.

1.5. Petitions can be sent to:

Group Head of Council Advice & Monitoring Officer
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

1.6. Petitions can also be handed over to a meeting of the Full Council. These meetings generally take place on an 8 weekly basis. Dates and times can be found on the Council’s website or by telephoning 01903 737610.

1.7. If you would like to hand over your petition to the Council, or would like your Councillor or someone else to do this on your behalf, please contact the Group Head of Council Advice & Monitoring Officer on 01903 737580 or by email to committees@arun.gov.uk at least 10 working days before the meeting and they will talk you through the process.

1.8. If your petition has received 1,500 relevant signatures or more it will also be scheduled for a Full Council debate [see Section 5 below on Full Council Debates]. If this is the case, the Group Head of Council Advice & Monitoring Officer will let you know whether this will happen at the same meeting or a later meeting of the Council.

2. **WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?**

2.1 Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition
- a statement about what action the petitioners wish the Council to take
• the name, full postal address, including postcode, and signature of any person supporting the petition.

2.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person who will be contacted to explain how the Council will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, the Group Head of Council Advice & Monitoring Officer will contact signatories to the petition to agree who should act as the petition organiser.

2.3 A petition will not be accepted where
• it is considered to be vexatious, abusive or otherwise inappropriate;
• it is a statutory petition (for example, requesting a referendum on having an elected mayor);
• it refers to a planning or licensing application; or
• it refers to a decision for which there is an existing right of appeal or other procedure (for example, Council tax banding).

Further information on the Council’s procedures and how you can express your views on such matters are available on the Council’s website:

• Planning Applications
• Licensing Applications
• Council Tax Banding

2.4 In the case of petitions that are considered to be vexatious, abusive or otherwise inappropriate, the petition will be referred to the Group Head of Council Advice & Monitoring Officer to decide if the petition is to be disallowed and respond to the petitioner. If the Group Head of Council Advice & Monitoring Officer disallows a petition, the petitioner may request a review of that decision. That request will be reported to the Overview Select Committee to confirm whether the petition can be accepted or not.

2.5 The petition organiser will be advised in writing when a petition has not been accepted explaining the reasons for this.

2.6 In the period immediately before an election or referendum the Council may need to deal with your petition differently – if this is the case the Group Head of Council Advice & Monitoring Officer will explain the reasons and discuss the revised timescale which will apply.

2.7 If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, the Group Head of Council Advice & Monitoring Officer will write to you to explain the reasons.

3. WHAT WILL THE COUNCIL DO WHEN IT RECEIVES MY PETITION?

3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the Council plans to
do with the petition and when they can expect to hear from the Council again. It will also be published on the Council’s website.

3.2 If the Council can do what your petition asks for, the acknowledgement may confirm that it has taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, you will be told the steps the Council plans to take.

3.3 To ensure that people know what the Council is doing in response to the petitions received, the details of all the petitions submitted will be published on the Council’s website, except in cases where this would be inappropriate.

4. HOW WILL THE COUNCIL RESPOND TO PETITIONS?

4.1 The Council’s response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council’s Overview Select Committee
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

4.2 The Council will consider all specific actions it can potentially take on the issues highlighted in a petition. Appendix 1 gives some examples of what this action could include.

4.3 Where the petition does not have the prescribed number of signatures to trigger a debate or officer attendance before a Committee, the Group Head of Council Advice & Monitoring Officer will determine the most appropriate course of action following discussion with the relevant Cabinet Member and the senior officer for the service which is the subject of the petition.

4.4 If your petition is about something over which the Council has no direct control (for example the local railway or hospital) it will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then you will be advised of the reasons for this. You can find more information on the Council’s services on our website.
4.5 If your petition is about something that a different Council is responsible for, the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event the Group Head of Council Advice & Monitoring Officer will always notify you of the action to be taken.

5. **FULL COUNCIL DEBATES**

5.1 If a petition contains more than 1,500 signatures it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting (as detailed at paragraph 6.0 below). This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

5.2 The petition organiser will be given 5 minutes (maximum) to present the petition at the meeting. The relevant Cabinet Member or Committee Chairman will be given 5 minutes (maximum) for a right of reply before Councillors discuss the petition for a maximum of 30 minutes, with each Councillor allowed to speak for a maximum of 3 minutes. The length of the debate can be extended at the Chairman of the Council’s discretion.

5.3 The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests; not to take the action requested for reasons put forward in the debate; or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council’s Cabinet or individual Cabinet Member is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council’s website.

6. **OFFICER EVIDENCE**

6.1 Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected Councillors to enable them to make a particular decision.

6.2 If your petition contains at least 750 signatures, and your petition clearly states the specific issue you want to raise, the relevant senior officer will give evidence at a public meeting of the Council’s Overview Select Committee.

6.3 The senior officers that can be called to give evidence are the Chief Executive, Directors and Group Heads. Their details can be found in the Council’s Constitution – Part 7 (Management Structure). You should be aware that the Overview Select Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The
Overview Select Committee may also decide to call the relevant Cabinet Member or another Councillor to attend the meeting.

6.4 The members of the Overview Select Committee will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting the Committee Manager up to 3 working days before the meeting. Details will be given to you to assist with this process.

6.5 The Chairman of the Committee will have absolute discretion on the appropriateness of any questions submitted which will also be supplied in advance of the meeting to the officer being called to give evidence.

7. WHAT CAN I DO IF I FEEL MY PETITION HAS NOT BEEN DEALT WITH PROPERLY?

7.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview Select Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

7.2 The Overview Select Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine that the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Cabinet and arranging for the matter to be considered at a meeting of the Full Council.

7.3 Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website. There is no right of appeal through the Council.

Examples of what the Council could do in response to a petition

<table>
<thead>
<tr>
<th>Petition Subject</th>
<th>Appropriate Steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol related crime and disorder</td>
<td>If your petition is about crime or disorder linked to alcohol consumption, the Council could, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council’s response to your petition will set out the steps the Council intends to take and the reasons for taking this approach.</td>
</tr>
<tr>
<td>Anti-social behaviour (ASB)</td>
<td>As the elected representatives of your local area, as a social landlord and licensing authority, the Council plays a significant role in tackling anti-social behaviour. The Council, in conjunction with its partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards from the Community Safety team. When responding to petitions on ASB, the Council will consider in consultation with its local partners, all the options available including the wide range of powers and mechanisms to intervene as part of its role as a social landlord and licensing authority. For example, the Council could work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, could alert the Arun Crime and Disorder Reduction Partnership and Environment &amp; Leisure Working Group to the issues highlighted in the petition.</td>
</tr>
<tr>
<td>Under-performing health services</td>
<td>The Council will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role Healthwatch might have in reviewing and feeding back on the issue.</td>
</tr>
</tbody>
</table>
PART 8 – CODES AND PROTOCOLS
(SECTION 8 – PROTOCOL ON THE FILMING AND RECORDING OF COUNCIL MEETINGS)
Part 8 is set out in eight sections as follows:

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FILMING & PHOTOGRAPHIC POLICY

1. PURPOSE

This document sets out the principles around how filming, photography and social media will be used to ensure that Council meetings are seen to be transparent and any data collected is dealt with appropriately in terms of legal requirements and best practice.

It will also cover authorisation procedures for external bodies or individuals who wish to film or take pictures on council property.

2. COUNCIL MEETINGS

The recording, filming and broadcasting of all public meetings is allowed in accordance with the Local Government Audit and Accountability Act 2013. This does not include meetings or parts of meetings from which the press and public are excluded.

From time to time the Council may make a decision to broadcast a meeting via their website. Due to the resources needed this will only take place where a meeting is deemed to be of particular and widespread interest and normally where the Council is aware that the public gallery is unlikely to accommodate all of the members of the public who would like to observe the meeting. The Council will retain the recording for a period of 6 months following the meeting and it will be available to view for this period via a link from the Council’s website.

This policy sets out restrictions on when and how members of the public will be permitted to film or record meetings so long as it does not interfere with any person’s ability to observe the debate. Please note that this includes the use of digital and social media tools, for example Twitter and blogging.

Anybody recording or filming a meeting should recognise and respect the rights of members of the public or staff who are not formally a part of the meeting or making representations at the meeting, and that generally the Public Gallery should not be filmed. However, by entering the meeting room and using the public seating area, members of the public should be aware that they are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If a meeting is to be filmed this will be announced at the start of the meeting. Any filming or recording should be done in a non-disruptive manner and will only be allowed from the area set aside for the public to observe the meeting.
During meetings in official Council meeting rooms, filming by broadcasters shall only be from the media areas, public gallery or specific designated space. This space will be reserved for them and not available for the public. Set up or removal of any equipment must be done outside of the formal meeting time. The use of flash photography or additional lighting will not be allowed unless this has been agreed in advance because of its potential to disrupt a meeting.

The Chairman of the meeting, or any designated Council representative, has the capacity to stop a meeting or take any other appropriate action if anybody contravenes these principles, is deemed to be filming or recording in a disruptive manner or in a manner which may infringe the rights of any individual, or be defamatory.

Any person or organisation choosing to film, record or broadcast any meeting of the Council is responsible for any claims or other liability resulting from them doing so. In addition, the Council asks that those recording proceedings do not edit the film/record or photographs in a way that could lead to misinterpretation of proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in such a way that may ridicule or show a lack of respect to those being filmed/photographed/recorded.

Guidance on filming, recording and broadcasting meetings will be displayed at the Council’s meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not. This policy and guidance will also be published on the Council’s website.

3. FILMING AND PHOTOGRAPHY WITHIN ARUN DISTRICT

The Council regularly receives requests to film or photograph around the District. Detailed guidance and a request procedure for this is available on the Council website at https://www.arun.gov.uk/filming-in-the-district. This includes a detailed set of terms and conditions including the regulations and statutory controls which apply and contact details for further information. The procedure includes:

- General conditions
- Risk assessment and health and safety
- Specific requirements around the use of drones or aerial filming equipment.
- Requirements in terms of insurance cover
- Requirement to indemnify the Council against various expenses and outcomes
- Use of and access to the filming/photography site
- Road closures
- Charges
4. COUNCIL SERVICES WHO USE FILMING/PHOTOGRAPHY

A number of Council Services use filming and/or photography in various ways to support their service delivery. This may include the use of images on social media posts generated by the Council. All Council services are expected to comply fully with the General Data Protection Regulations and to ensure that any material which includes personal data relating to an individual is dealt with according to the following principles:

- That such material is processed lawfully, fairly and in a transparent manner
- Any film/photographic record will be collected for a specified, explicit and legitimate purpose
- That the data collected is limited to what is necessary and relevant
- That any data which identifies an individual is kept for no longer than necessary
- That all data is processed and stored in a secure way

5. FURTHER INFORMATION

Anybody requiring further information on this Policy should contact the Public Relations Team at public.relations@arun.gov.uk, or for further information on filming and photography around the Arun District events@arun.gov.uk
PART 9 – MEMBERS’ ALLOWANCES SCHEME
SCHEME OF MEMBERS' ALLOWANCES (2019)

Arun District Council (‘the Council’), in exercise of the powers conferred by Section 18 of the Local Government and Housing Act 1989, Section 100 of the Local Government Act 2000 and The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended), hereby makes the following scheme:

1 Citation and Commencement

1.1 This Scheme may be cited as the Arun District Council Members’ Allowances Scheme and will have effect from 7 May 2019 and for subsequent years.

2 Definitions

2.1 In this scheme:

- ‘Councillor’ means a Councillor elected to the Council
- ‘Co-Optee’ and ‘Witnesses’ means a non-Councillor Member co-opted to Committees and Panels
- ‘Independent Persons’ means a non-Councillor Member of the Standards Committee
- The Independent Remuneration Panel means a non-Councillor member of this Panel with the specific role to review the Council’s Members’ Allowances Scheme
- ‘Year’ means the 12 months ending 31 March

3 Basic Allowance

3.1 Subject to the provisions of this Scheme, for each year a basic allowance as set out in Appendix 1 shall be paid to each Councillor.

3.2 Part year entitlements will be calculated where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year.

3.3 The Basic Allowance to be increased in line with staff pay increases at 1 April each year

4 Special Responsibility Allowances

4.1 For each year a Special Responsibility Allowance will be paid in addition to the Basic Allowance to those Councillors who hold a position of responsibility as specified in Appendix 1.
5 Child Care Allowance

5.1 A Councillor will be entitled to be paid a Childcare Allowance at the rate specified in Appendix 1 to enable them to provide for the care of children whilst the Councillor is engaged on the approved duties set out in Appendix 3. To claim this allowance, Members will need to submit a claim using the Member Expenses Claim Form together with a valid business receipt issued by the carer provider. Such an allowance shall not be paid in respect of carers who are parents, spouses, partners or members of the same household as the Councillor.

6 Adult Dependant’s Carers’ Allowance

6.1 A Councillor will be entitled to be paid an Adult Dependant’s Carers’ Allowance at the rate specified in Appendix 1 to enable them to provide for the care of disabled or sick relatives whilst the Councillor is engaged in the duties set out in Appendix 3. To claim this allowance Members will need to provide a valid business receipt issued by the carer provider. Such an allowance shall not be paid in respect of carers who are parents, spouses, partners or members of the same household as the Councillor.

7 Travelling and Subsistence Allowances

7.1 A Member shall be entitled to be paid Travelling and Subsistence Allowances at the rates specified in Appendix 2 in respect of travelling and subsistence undertaken in connection with or relating to the duties set out in Appendix 3.

8 Time Limit for Submission of Expenses Claims

8.1 Claims shall be submitted monthly by the tenth day of each month to the Committee Services Manager. In any event claims shall be submitted no later than three months after the entitlement to the claim arises.

9 Renunciation

9.1 A Councillor may, by notice in writing, given to the Payroll Manager, elect to forego any part of their entitlement to an allowance under this Scheme.

10 Records

10.1 Records shall be kept of the payment made to Councillors in accordance with this Scheme.
10.2 This record shall specify the name of the recipient and the amount and nature of each payment.

10.3 As soon as reasonably practicable after the end of a year to which the scheme relates, the Council will make arrangements for the publication within the Council’s area of the total sum paid by it in the year under the scheme to each recipient in respect of the each of the following:

- Basic Allowance
- Special Responsibility Allowance
- Dependent Carer’s Allowance
- Travelling and Subsistence Allowance; and
- Co-Optees’ Allowance

11 Disqualification etc. of a Member

Where an allowance has already been made in respect of any period during which the Member concerned:

a) ceases to be a Member; and

b) is in any other way not entitled to receive an allowance in respect of that period the Council may require that such part of the allowance as relates to any such period be repaid to the Council.

12 Claims and payments

12.1 Payments of Basic and Special Responsibility Allowances and Co-Optees’ Allowances will be payable monthly in arrears through the Council’s payroll.

12.2 Claims by Members in respect of the Carers’ Allowance [Childcare or Adult Dependent Care] and travelling and subsistence allowances should be made monthly and will, in any event, be made by no later than three months of the expenditure being incurred. Claims will not be considered beyond this time limit unless there are extenuating circumstances.

12.3 Payments will be made direct to a Councillor’s bank account on or before the last day of the month. A statement analysing the amount credited to the bank will be sent to the Councillor on or before the end of each month.

12.4 The Basic and Special Responsibility Allowances paid to Councillors are not pensionable.
12.5 The levels of Basic Allowance, Special Responsibility Allowance, Childcare Allowance; Adult Dependents’ Carers’ Allowance and Co-Optees’ Allowance specified in this scheme [See Appendix 1] will be varied with effect from and in accordance with the same average percentage change in the levels of the Council’s staff remuneration.

12.6 The travelling and subsistence allowance will be the same as that for the Council’s staff and will alter accordingly.

13 Review and Backdating of Reassessments

13.1 The levels of the Basic Allowance and Special Responsibility Allowance specified in this scheme shall continue until they are next reviewed.

13.2 Reassessments of the allowances in future years shall not be automatically backdated to 1 April in these years unless there are specific reasons to the contrary.

14 Income Tax, National Insurance and Benefits

14.1 Allowances will be subject to income tax and national insurance in accordance with instructions from HM Revenue and Customs.

14.2 Allowances may affect certain benefits received and so guidance should be sought from the local office of the Department of Work and Pensions or the Council’s Benefits Office.

15 Eligibility to Claim Any Allowance Under This Scheme

15.1 All Members of the Council wishing to claim any allowance detailed in Appendix 1 must provide the following identification:

- Passport; or
- Birth Certificate;
- Driving Licence and car insurance documentation, if claiming car mileage to ensure that the insurance certificate states not only social, domestic and pleasure purposes but also travel in connection with the policy holder’s business employment.
APPENDIX 1 TO THE SCHEME

1. **Basic allowance** (Paragraph 3)

   The amount of Basic Allowance payable to each Councillor shall be £5,481 per year.

2. **Special Responsibility Allowances (Paragraph 4)**

   The amounts of Special Responsibility Allowances and the special responsibilities for which they shall be payable shall be as follows:-

<table>
<thead>
<tr>
<th>Position</th>
<th>£ per</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman of the Council</td>
<td>8,320</td>
</tr>
<tr>
<td>Vice-Chairman of the Council</td>
<td>2,745</td>
</tr>
<tr>
<td>Leader of the Council</td>
<td>14,196</td>
</tr>
<tr>
<td>Deputy Leader</td>
<td>10,400</td>
</tr>
<tr>
<td>Cabinet Member</td>
<td>8,320</td>
</tr>
<tr>
<td>Chairman of Overview Select Committee</td>
<td>4,870</td>
</tr>
<tr>
<td>Vice-Chairman of Overview Select Committee</td>
<td>1,607</td>
</tr>
<tr>
<td>Chairman of Licensing Committee</td>
<td>4,000</td>
</tr>
<tr>
<td>Vice-Chairman of Licensing Committee</td>
<td>1,200</td>
</tr>
<tr>
<td>Member of Licensing Committee</td>
<td>250</td>
</tr>
<tr>
<td>Chairman of Development Control Committee</td>
<td>6,000</td>
</tr>
<tr>
<td>Vice-Chairman of Development Control Committee</td>
<td>1,980</td>
</tr>
<tr>
<td>Member of Development Control Committee</td>
<td>750</td>
</tr>
<tr>
<td>Substitute Member of Development Control Committee</td>
<td>300</td>
</tr>
<tr>
<td>Chairman of Standards Committee</td>
<td>1,000</td>
</tr>
<tr>
<td>Independent Person of the Standards Committee</td>
<td>1,400</td>
</tr>
<tr>
<td>Chairman of Audit &amp; Governance Committee</td>
<td>3,750</td>
</tr>
<tr>
<td>Vice-Chairman of Audit &amp; Governance Committee</td>
<td>1,238</td>
</tr>
<tr>
<td>Leader of the Opposition</td>
<td>3,917</td>
</tr>
<tr>
<td>Leaders of smaller Minority Groups [3 or more Members]</td>
<td>100 per Member</td>
</tr>
<tr>
<td>Appeals Panel Member</td>
<td>£60 per meeting</td>
</tr>
<tr>
<td>Co-Opted Members and Members of the Independent Remuneration Panel; Members and Witnesses to Committees and Panels</td>
<td>£60 per meeting</td>
</tr>
<tr>
<td>Carer’s Allowance</td>
<td>£10 per hour</td>
</tr>
<tr>
<td>Childcare Allowance - £10 per hour [up to a limit of £4k per annum]</td>
<td></td>
</tr>
</tbody>
</table>
PART 9 – MEMBERS’ ALLOWANCES SCHEME

- Dependent Adult Allowance – maximum of the Home Care Allowance rate paid by West Sussex County Council [£18.49] up to a limit of £6k per annum £18.49 per hour

Notes:

- There is to be no restriction on Members receiving dual Special Responsibility Allowances.
- From 1 April 2020, in addition to the Basic Allowance, all Special Responsibility Allowances, including those paid to Co-Opted Members, Independent Persons of the Standards Committee; and Members of the Independent Remuneration Panel be linked annually to staff pay.
- Councillors are entitled to request maternity, paternity and adoption arrangements.
- Where a Chairman of the Council or a Committee is absent for a continuous period of more than two months or more, then their allowance may be paid to the Vice Chairman until the Chairman returns.
- Members are not eligible to join the Local Government Pension Scheme.
- Members may renounce their entitlement to all or part of their allowances.

3. The following travelling and subsistence allowances are paid to Councillors and co-opted members in respect of journeys on Council business such as attendance at meetings, conferences and training seminars. A full list is set out in the scheme. The rates for travelling and subsistence are consistent with the rates approved for staff.
APPENDIX 2 TO THE SCHEME

The rates under the Scheme shall be as follows:-

1. Travelling

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate&gt;Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Travel to seminars/conferences and training courses outside of the district</td>
<td>Cost of standard class rail fare; by own car only in exceptional circumstances at 45p per mile.</td>
</tr>
</tbody>
</table>
| (b) Travel to meetings and other events by own car                           | 45p per mile – for first 10,000 miles within and out of the District
|                                                                             | 25p per mile – above 10,000 miles within and out of the District                |
| (c) Car parking                                                              | At cost                                                                         |
| (d) Car parking                                                              | At cost                                                                         |
| (e) Travel by train                                                          | Standard class rail fare                                                        |
| (f) Taxi – if urgent and necessary [subject to the approval of the Group Head of Council Advice & Monitoring Officer] | At cost                                                                         |
| (g) Bus                                                                     | At cost                                                                         |
| (h) Motorcycle                                                               | 24p per mile                                                                    |
| (i) Cycles                                                                   | 20p per mile                                                                    |
| (j) Member drives other member(s) or officer(s) on official Council duties   | Extra 5p per mile per passenger                                                  |
| (k) Travel by Air – please refer to the Group Head of Council Advice & Monitoring Officer |                                                                                 |
| (l) Hired Motor Vehicles - Rates payable shall not exceed the rate for Councillors own motor vehicle unless previously approved by the Council | 45p per mile                                                                    |
| (m) Car Parking and other Supplements                                        | The actual cost of any necessarily incurred tolls and car parking fees can be claimed |

2. Subsistence

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>£6.98</td>
<td>(where work/travel has started, absence less than 24 hours, leaving home before 7am)</td>
</tr>
<tr>
<td>Lunch</td>
<td>£9.64</td>
<td>(for necessary absences of several hours spanning the normal lunch period leaving before 11.00am and not returning until after 3.00pm)</td>
</tr>
<tr>
<td>Tea*</td>
<td>£3.82</td>
<td>(unable to arrive home before 6.30pm)</td>
</tr>
<tr>
<td>Evening Meal*</td>
<td>£11.94</td>
<td>(unable to arrive home before 8.30pm)</td>
</tr>
<tr>
<td>Out of pocket expenses for residential courses</td>
<td>£6.38 per night or £25.48 per week</td>
<td></td>
</tr>
<tr>
<td>Overnight Accommodation – please refer to the Group Head of Council Advice &amp;</td>
<td>£106.91</td>
<td></td>
</tr>
</tbody>
</table>
* If an overnight stay is necessary and not included in the course fee, normally only bed, breakfast and overnight meal are reimbursed (at a rate of up to £21.78 for an evening meal).
* Tea and evening meal cannot be claimed on the same day.

3. Further Conditions

   a) To claim travel and/or subsistence allowance valid receipts or other evidence of the expenditure must be produced.

   b) If the expenditure on subsistence is less than the allowance, only the lesser figure will be reimbursed. No claim will be paid if the meal was provided free by the Council or another body.

   c) If an overnight stay is necessary, and not included in the course fee, normally only bed and breakfast and evening meal are reimbursed.

   d) Claims for expenses exceeding the above rates must be approved by the Group Head of Council Advice & Monitoring Officer

4. The above rates for Travelling and Subsistence shall be varied in accordance with the rates approved from time to time by Arun District Council for its staff.
   [Note: Rates shown above are those that apply from 1 April 2019]
APPENDIX 3 TO THE SCHEME

1. DUTIES SPECIFIED IN THE REGULATIONS

[Regulation 8(1)(a)-(f)]

   a) Attendance at a meeting of the Council or of any Committee; Sub-Committee; Working Group or Panel of the Council, or of any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body.

   b) Attendance at any other meeting, the holding of which is authorised by the Council, or a Committee or Sub-Committee or Working Group of the Council, or a Joint Committee of the Council and one or more local authorities or a Sub-Committee of such a Joint Committee, provided that where the Council is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited.

   c) Attendance at a meeting of any association of authorities of which the Council is a member.

   d) Attendance at meetings of the Cabinet or of any Panels or Forums appointed by the Cabinet.

   e) Duties in connection with the discharge of any function of the Council conferred by law.

2. DUTIES APPROVED BY THE COUNCIL

[Regulation 8(1) (h)]

   a) Any duties by Cabinet Members for the purpose of or in connection with the discharge of the functions of the Cabinet;

   b) Liaison meetings with Town/Parish Councils and West Sussex County Council;

   c) Attendance of Councillors to observe the proceedings at meetings of Committees; Sub-Committees; Working Groups and Panels of which they are not Members or if the Chairman of said meetings has invited them to attend to assist its deliberations;

   d) Site meetings of the Development Control Site Inspection Panel but excluding attendance by local representatives unless specifically approved. For this purpose, site meetings are those meetings the holding of which has been previously authorised by a Committee or other formally constituted Panel of Councillors in order to assist it in formulating a decision or recommendation on any matter formally before it for consideration; and that authorisation expressly designated the meeting as an approved duty for the purpose of payment of Councillors’ allowances.
e) Meetings, visits or other arrangements made on an ad hoc basis between meetings of the relevant bodies if approval is given in accordance with the power delegated to the Chief Executive.

f) In-house training seminars or external training events if approval is given in accordance with the power delegated to the Chief Executive.

g) Such activities as the Chairman of the Council, the Vice-Chairman of the Council, a Cabinet Member or the Chairman of a committee considers necessary for the effective performance of his/her duties.

h) Attendance at briefings for Chairmen and Vice-Chairmen of particular meetings.

i) Training and educational conferences where authorised by the Chief Executive in accordance with delegated powers.

j) Attendance at meetings of the South Downs National Park Authority’s Planning Committee by Members whose wards are partly or wholly within the National Park.

k) Meetings with officers at the Council’s offices to discuss business relating to the Member’s ward.

l) Where invited by an Officer, attendance at meetings of a Parish Council or with constituents;

m) Representing the Council on its Outside Bodies where the Councillor has been appointed to the Body by the Council (where that Body does not pay travel and subsistence).