



**Nottinghamshire  
County Council**

# THE CONSTITUTION

OF

NOTTINGHAMSHIRE COUNTY COUNCIL



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## **PART ONE**

### **INTRODUCTION**

1. This Constitution sets out how Nottinghamshire County Council is governed including how decisions are made.

### **THE COUNCIL'S DECISION-MAKING STRUCTURE**

2. The Council and its committees and officers will make decisions in accordance with the Authority's governing principles which are as follows:
  - a. Creating and implementing a strategic vision for Nottinghamshire
  - b. Focusing on outcomes for the people of Nottinghamshire
  - c. Councillors and staff working together to achieve the Council's common purpose
  - d. Upholding high standards of conduct and behaviour
  - e. Taking informed and transparent decisions
  - f. Engaging with local people and other stakeholders to ensure robust public accountability and putting the customer at the heart of everything we do
  - g. Ensuring the effectiveness of Councillors and staff through appropriate support.
3. With the exception of day-to-day operational matters, all decisions of the Council are taken either at Full Council involving all 66 County Councillors, or by committees. Committees are comprised of councillors, to reflect the political balance of the Council.
4. The Council has appointed the following committees:

Adult Social Care and Public Health Committee	Joint Committee on Strategic Planning and Transport
Children and Young People's Committee	Local Joint Resolutions Committee
Communities Committee	Nottinghamshire Local Pension Board
Economic Development and Asset Management Committee	Nottinghamshire Pension Fund Committee
Finance Committee	Personnel Committee Senior Staffing Sub-Committee
Governance and Ethics Committee Governance and Ethics Sub-Committee	Planning and Rights of Way Committee
Health and Wellbeing Board	Policy Committee
Health Scrutiny Committee	Transport and Environment Committee

5. Part Four of this Constitution sets out Council, committee and employee responsibilities in detail.
6. The Council has appointed Councillors to other joint committees and to the Nottinghamshire and City of Nottingham Fire Authority. Part Four of this Constitution includes information about the responsibilities of those bodies.
7. All Council and committee decisions are taken following consideration of a report which gives background information, any alternative options available and other relevant considerations such as the potential impact on equalities, crime and disorder and human rights. The procedure for committee meetings where decisions are taken is set out in Part Five.

## **PUBLIC INVOLVEMENT**

8. The Council encourages the public of Nottinghamshire to get involved in local democracy and decision-making.
9. The public elects County Councillors every four years. They also have the right to submit petitions. More information on petitions is available in Part Five of this Constitution.
10. Access to the right information is essential if the public is to be properly involved; Part Three of this Constitution explains how information is made available. In particular, the public has the right to attend all meetings of Council and its committees, and to see reports and background papers. The Council's diary of meetings and reports are available on the Council's website: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)
11. The Council operates complaints procedures which are overseen by the Local Government Ombudsman.

## **COUNCILLORS**

12. Councillors collectively are the ultimate policy makers. The Council's Policy Framework is set out in Part Two of this Constitution. Their role is to act in the interests of the whole county of Nottinghamshire, and also to represent the communities which elected them, bringing their views to the decision-making process. In addition they deal with individual casework and act on behalf of constituents in resolving particular problems.
13. Nottinghamshire County Councillors have adopted a Code of Conduct to ensure the highest standards are maintained. This is set out in Part Six of this Constitution.
14. The Council elects a Chairman and Vice-Chairman of the Council annually. They will carry out the formal and ceremonial duties of the Council, chairing meetings of Full Council and representing the Authority at civic functions.
15. The Chairman of Policy Committee will be the Council Leader and the Vice-Chairman will be the Deputy Leader.

## STAFFING

16. The Council employs staff to carry out its functions and decides every year how many are required. The Staffing Procedure Rules [see Part Six of this Constitution] set out how decisions relating to staffing issues will be taken.
17. The Council has also adopted a Code of Conduct to ensure the highest standards are maintained. This is set out in Part Six of this Constitution.
18. There is a legal requirement to allocate some specific responsibilities to officers and the Council has designated the following posts:

Chief Executive	Head of Paid Service & Proper Officer
Service Director Customers, Governance and Employees	Monitoring Officer
Service Director Finance, Infrastructure and Improvement	Chief Finance Officer (also known as Section 151 Officer)

19. These post holders' specific responsibilities are set out in Part Four of this Constitution.

## FINANCES

20. To ensure transparency and propriety in how the Council spends taxpayers' money, the Council has adopted Financial Regulations which are set out in Part Six of this Constitution. The Council sets its budget annually; the framework for the process is set out in Part Six of this Constitution.
21. It has also adopted a Scheme of Councillor Allowances and Travel and Accommodation Policy regarding expenses, both of which are set out in Part Six.
22. The Council publishes its annual statement of accounts and all individual items of expenditure over £500 on its website, and approves and publishes senior officer pay.

## PARTNERSHIP WORKING

23. The Council is committed to working with its partners such as the City Council, district and borough councils, parish councils, the Health Service, the voluntary sector and other public bodies, to deliver services in the most effective way. The Council has adopted a protocol for councillors and officers involved with outside bodies. This is set out in Part Six of this Constitution.
24. The Council may also contract-out functions to other bodies or organisations where considered appropriate.



**PART TWO**

**POLICY FRAMEWORK**

## **RESPONSIBILITY FOR POLICY**

1. Councillors are collectively the ultimate policy makers for the County Council. The Council's policies are set by Councillors as set out in the responsibility for functions of the Full Council and the Policy Committee.

## **POLICY**

2. The Council's policies establish the principles that the organisation will follow in
  - a. according with the Council's governing principles
  - b. implementing the strategic vision for Nottinghamshire
  - c. all decision making
  - d. developing, improving, commissioning and providing services
  - e. representing the views of the Council and Nottinghamshire.
3. The council's ambitions, values and priorities will be set out in a strategic vision for Nottinghamshire.
4. The strategic vision for Nottinghamshire will be delivered through a Plan. The council will report progress and achievements against the Plan.

## **FRAMEWORK**

5. The Council's policies and strategies will be informed by the strategic vision for Nottinghamshire, the ambitions, values and priorities set out in the vision and the Plan to deliver it.
6. The Council's policies and strategies will be supported by a plan for implementation of the policy or delivery of the strategy. The council will report progress and achievements against these Plans.
7. The Council's policies and strategies will be accessed from a single policy library and will be subject to review.
8. The development and review of policy will be led by Councillors. The Council will usually set one policy with service specific considerations if appropriate.
9. The Council may develop procedures and issue guidance in accordance with its policies.
10. Within the responsibility for functions of the Full Council and the Policy Committee Policy is a collective term which includes the Council's policies, strategies and statutory plans.



**PART THREE**

**TRANSPARENCY**

**ACCESS TO INFORMATION AND MEETINGS**

## **INTRODUCTION**

1. Nottinghamshire County Council is committed to the principles of openness and accountability and encourages the public to attend meetings and take an active interest in how the Council works.
2. The Council is committed to making available minutes, agendas and reports for public inspection.
3. Councillors have additional rights to access information which they need to assist them in fulfilling their responsibilities.
4. These rules apply to all meetings of the Council, committees and sub-committees and set out the rights of individuals to attend meetings and access information.

## **REPORTS**

5. Committee reports will normally be available to the public. However if exempt information is required to enable a proper decision to be taken, it will be placed in an appendix to the report. Categories of exempt information are set out below.
6. Reports which include exempt information will set out the reason for this exemption and in the body of the report explain why it is not in the public interest to make that information available at that time.
7. On rare occasions it may be necessary for a whole report to be exempt and not publicly available due to the nature of the information it contains.
8. All reports will include a list of background papers (if any) relating to the subject matter of the report which:-
  - a. have been relied on in preparing the report (e.g. a consultant's report);
  - b. disclose any facts or matters on which the report or an important part of the report is based;
9. Reports may also include a list of any previous reports on the same issue and other published information that is relevant
10. Anyone requiring a copy of background papers for any report should contact Democratic Services. The list of background papers should indicate whether any papers include exempt or confidential information which cannot be disclosed.

## **MEETINGS**

11. The Council will give at least five clear working days' notice of all meetings. Details of all meetings will be posted on the notice board at County Hall and the Council's website: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).
12. Copies of the agenda and reports for meetings will be made available to the public for inspection at County Hall and will also be available on the Council's website. These documents will be made available:

- a. five clear working days before the meeting; or
  - b. in the case of an urgent item or additional information, as soon as possible.
13. Members of the public may attend all meetings of the Council and its committees and will only be excluded when exempt information is discussed.

**PUBLIC ACCESS TO DOCUMENTS AFTER THE MEETING**

14. Copies of meeting documents will be publicly available for 6 years following the date of the meeting unless they relate to exempt or confidential information.
15. The Council will supply copies of the publicly available documents to any person who requests them but may make a charge for costs incurred such as postage and photocopying.
16. Meeting documents will include minutes of meetings, agendas and reports.

**CIRCUMSTANCES WHERE THE PUBLIC ARE EXCLUDED FROM MEETINGS**

17. Members of the public may be excluded from a meeting where exempt information as set out below is being discussed.
18. Members of the public must be excluded from a meeting where confidential information is being discussed. Confidential information for these purposes is:-
- a. information given to the Council by a Government Department on terms which do not permit its public disclosure; or
  - b. information which cannot be publicly disclosed by virtue of any enactment or by Court Order.

**CATEGORIES OF EXEMPT INFORMATION**

1. Information relating to any individual, such as names, addresses, telephone numbers, or job titles
2. Information which is likely to reveal the identity of an individual, such as names, addresses, telephone numbers, or job titles
3. Information relating to the financial or business affairs of individuals or organisations (including the Council). This could include contemplated as well as past or current activities
4. Information relating to any consultations or negotiations on employee relations
5. Information to which legal professional privilege applies
6. Information which discloses the Council's intention to issue a formal legal notice or make a formal legal order or direction
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

19. General Conditions for all categories of exempt information:

- a. Information **is not** exempt information if it relates to proposed development for which the Council as local planning authority may grant itself planning permission.
- b. Information **is not** exempt if it is required by law to be publicly available.
- c. Information can be exempt if it falls within one of the categories above and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**ADDITIONAL RIGHTS TO INFORMATION**

20. The provisions in this section of the Constitution do not affect any specific rights relating to the access of information which are contained elsewhere in this Constitution or the law; for example the Freedom of Information Act and the Data Protection Act
21. Previously exempt information may subsequently be made available if the reason for exemption no longer applies.

**COUNCILLORS' ADDITIONAL RIGHTS**

**ATTENDANCE AT MEETINGS**

22. The PART B – PROCEDURE RULES FOR COMMITTEE AND SUB-COMMITTEE MEETINGS set out the provisions that apply to Councillors who wish to attend meetings of which they are not a member.

**ACCESS TO INFORMATION**

23. Councillors may request officers to provide them with any information they need to assist them in fulfilling their responsibilities as elected representatives. However, Councillors may not be able to access information which in the opinion of the Monitoring Officer is in draft form, contains confidential or exempt information as defined in this section, or where disclosure would breach the provisions of the Data Protection Act.

**PART FOUR**  
**ACCOUNTABILITY**  
**RESPONSIBILITY FOR FUNCTIONS**

## **INTRODUCTION**

1. This part of the Constitution sets out the responsibilities of Full Council, its committees and officers.
2. In the absence of the relevant committee chairman, the vice-chairman will substitute.
3. All Councillors are encouraged to undertake regular training and for the following committees there is a specific training requirement:-
  - a. Planning and Rights of Way Committee
  - b. Senior Staffing Sub-Committee
  - c. Nottinghamshire Pension Fund Committee
  - d. Local Pension Board
  - e. Mental Health Guardianship Panel
4. The Council has established a scrutiny committee to deal with health matters; other statutory scrutiny functions will be carried out by the Policy Committee and the Communities Committee.

## **PART A – TERMS OF REFERENCE**

### **THE FULL COUNCIL**

1. The functions listed below are reserved to the Full Council and can only be discharged by the Full Council:
  - a. Determining all policies and plans statutorily reserved to the Full Council including:
    - Annual library plan/strategy
    - Crime and disorder reduction strategy (Community Safety Agreement)
    - Local transport plan
    - Plans and alterations which together comprise the Development Plan
    - Youth justice plan (Youth Crime Strategy)
  - b. The approval or adoption of a plan or strategy for the control of the Council's borrowing, investments or capital expenditure, or for determining the Council's minimum revenue provision; the Budget
  - c. The approval of any of the above documents in the event they, or part of them, need to be submitted to the Secretary of State or any Government Minister for final approval, including where they are to be submitted in draft form
  - d. The approval of changes to any plan or strategy referred to above, unless: -
    - that change is required by the Secretary of State or any Government Minister where the plan or strategy has been submitted to them for approval, or
    - Full Council specifically delegated authority in relation to these functions when it approved or adopted the plan or strategy
  - e. Adopting and changing the Constitution
  - f. Establishing committees and deciding their terms of reference and size
  - g. Appointing and removing chairmen and vice-chairmen
  - h. Authorising appointments to any joint committees
  - i. Authorising appointments to the Nottinghamshire and City of Nottingham Fire Authority
  - j. Approving a Members' Allowances Scheme including any provision for Chairman's and Vice Chairman's expenses
  - k. Approving the annual Senior Officer Pay Policy Statement
  - l. Confirming the appointment of, and dismissing, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer

- m. Making any request to the Local Government Boundary Commission for England for single-member electoral areas
- n. The passing of a resolution to change the County's electoral scheme
- o. Making an order to give effect to recommendations made in a community governance review
- p. In relation to any overview and scrutiny committees, permitting a co-opted member to vote at meetings of that committee
- q. Changing the name of the County
- r. Conferring the title of honorary alderman
- s. Making, amending, revoking, re-enacting and adopting bye-laws and promoting and opposing the making of local legislation and personal bills in Parliament
- t. Any other function which, by law, must be reserved to the Full Council

## **POLICY COMMITTEE – TERMS OF REFERENCE**

- 2. The powers and functions set out below are delegated to Policy Committee by the Full Council:
  - a. All decisions within the control of the Council including but not limited to those listed in the Table below
  - b. Policy development and approval in relation to matters within the remit of Policy Committee except on matters reserved for the Full Council
  - c. Review of performance on a regular basis
  - d. Review of day to day operational decisions taken by Officers
  - e. Approval of consultation responses relating to the Committee's areas of responsibility except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
  - f. Approval of relevant staffing structures as required
  - g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.



3. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
4. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.
5. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be co-ordinated by a cross-committee project steering group that will report back to the relevant Committee.

Table
Responsibility for ensuring that committees operate under the policy direction of the County Council.
Responsibility for approving new policies, changes to existing policies with significant financial or other impacts, or where the policy falls within the remit of more than one Committee, subject to any necessary approval required by the Full Council
Responsibility for the discharge of all functions and exercise of all powers of the County Council not expressly reserved to the Full Council or to any other part of the County Council by statute or by this Constitution
Responsibility for monitoring and reviewing the overall performance of the Council
Responding to any consultations within the remit of more than one committee as and when required
Responsibility for those functions relating to elections and local democracy which are not reserved to the Full Council
Responsibility for the Council's external communications policy and its implementation
Responsibility for ensuring the Council meets its equalities duties
Responsibility for all remaining statutory overview and scrutiny powers except those delegated to a health scrutiny committee, Communities Committee and Transport and Environment Committee
Responsibility for reviewing annual reports and inspection reports not within the remit of another committee
Responsibility for authorising hospitality to be offered by the County Council except where the cost is to be covered by the Chairman of the County Council's individual budget
Responsibility for making changes to the organisations on the list of Outside Bodies
Responsibility for monitoring delivery of the Council Plan
Responsibility for monitoring and driving the Council's Transformation and Change Programme

## ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE – TERMS OF REFERENCE

6. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to adult social care and public health:
  - a. All decisions within the control of the Council including but not limited to those listed in the Table below
  - b. Policy development and approval in relation to adult social care and public health, subject to any necessary approval by the Policy Committee or the Full Council
  - c. Review of performance in relation to the services provided on a regular basis
  - d. Review of day to day operational decisions taken by Officers
  - e. Approval of relevant consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
  - f. Approval of relevant staffing structures as required
  - g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.
7. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
8. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.
9. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for adult social care matters (eg. people aged 18 or over with eligible social care needs and their carers)
Responsibility for promoting choice and independence in the provision of all adult social care
Responsibility for all Public Health functions with the exception of functions reserved to the Health and Wellbeing Board

## CHILDREN AND YOUNG PEOPLE'S COMMITTEE – TERMS OF REFERENCE

10. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to children and young people.
  - a. All decisions within the control of the Council including but not limited to those listed in the Table below
  - b. Policy development and approval in relation to children and young people, subject to any necessary approval by the Policy Committee or the Full Council
  - c. Review of performance in relation to the services provided on a regular basis
  - d. Review of day to day operational decisions taken by Officers
  - e. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
  - f. Approval of departmental staffing structures as required
  - g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.
11. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
12. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.
13. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for the strategic and operational effectiveness of the County Council's children's services
Responsibility for ensuring that the County Council's children's services meet the needs of all children and young people, including the most disadvantaged and vulnerable
Responsibility for the functions and powers conferred on or exercisable by the County Council in relation to educational matters
Responsibility for overseeing the County Council's responsibilities as the corporate parent of children and young people in care and for championing their interests

14. The Chairman of the Children and Young People's Committee will be designated the lead Councillor for Children and Young People's Services in accordance with Section 19 of the Children Act 2004.

### **COMMUNITIES COMMITTEE – TERMS OF REFERENCE**

15. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to communities activity :

- a. All decisions within the control of the Council including but not limited to those listed in the Table below
- b. Policy development and approval in relation to communities activity, subject to any necessary approval by the Policy Committee or the Full Council
- c. Review of performance in relation to the services provided on a regular basis
- d. Review of day to day operational decisions taken by officers
- e. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
- f. Approval of departmental staffing structures as required
- g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.

16. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.

17. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.

18. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for Culture, including libraries and archives, adult and community learning, arts, heritage, sports, country parks and green spaces
Responsibility for support to communities including Community Hub and voluntary and community sector support (including funding)
Responsibility for Regulation and Enforcement relating to Communities, including all Trading Standards functions and statutory duties and Public Protection
Responsibility for all functions undertaken in relation to emergency planning including the safety of sports grounds
Responsibility for the registration services for births, deaths and marriages
Responsibility for all duties arising in relation to the Coroner's Service
Responsibility for Traded Services relating to Communities including catering services and facilities management
Responsibility for statutory crime and disorder scrutiny

## **ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT COMMITTEE – TERMS OF REFERENCE**

19. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to economic development and asset management activity :
- a. All decisions within the control of the Council including but not limited to those listed in the Table below
  - b. Policy development and approval in relation to economic development and asset management activity, subject to any necessary approval by the Policy Committee or the Full Council
  - c. Review of performance in relation to the services provided on a regular basis
  - d. Review of day to day operational decisions taken by officers
  - e. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
  - f. Approval of departmental staffing structures as required
  - g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.
20. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.

21. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.
22. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for economic recovery and renewal, including employment and skills, business support, visitor economy, infrastructure and place
Responsibility for infrastructure and growth including strategic infrastructure, Investing in Nottinghamshire and schools building
Responsibility for development and delivery of major infrastructure and physical development programmes including highways schemes
Responsibility for Highways development control
Responsibility for the County Council Developer Contributions Strategy and its delivery
Responsibility for Strategic Asset Management including land and property, land promotion and disposals and leases, property design and construction and related consultancy services, energy and utilities and the asset management plan

#### **FINANCE COMMITTEE – TERMS OF REFERENCE**

23. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to finance:
  - a. All decisions within the control of the Council including but not limited to those listed in the Table below
  - b. Policy development and approval in relation to finance, subject to any necessary approval by the Policy Committee or the Full Council
  - c. Review of performance in relation to the services provided on a regular basis
  - d. Review of day to day operational decisions taken by officers
  - e. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
  - f. Approval of departmental staffing structures as required
  - g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.

24. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
25. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to officers.
26. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for the financial management of the Authority including recommending to Council the financial strategy, annual revenue budget, annual capital budget, and precept on billing authorities
Responsibility for corporate procurement
Responsibility for the Council's internal trading organisations except where reported elsewhere
Responsibility for the strategic overview and management of all Council contracts in excess of £10 million or otherwise of major significance
Responsibility for developing and implementing a Commercial Strategy for the Council subject to Policy Committee approval
Responsibility for ICT and considering performance reports in relation to the Council's ICT strategy

## **GOVERNANCE AND ETHICS COMMITTEE – TERMS OF REFERENCE**

27. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to governance and ethics:
  - a. All decisions within the control of the Council including but not limited to those listed in the Table below
  - b. Policy development and approval in relation to governance and ethics activity, subject to any necessary approval by the Policy Committee or the Full Council
  - c. Review of performance in relation to the services provided on a regular basis
  - d. Review of day to day operational decisions taken by officers
  - e. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
  - f. Approval of departmental staffing structures as required

- g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.
28. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
29. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.
30. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for advising Full Council on the adequacy of the Council's systems of internal control and overseeing the external auditor's annual audit of the accounts
Responsibility for approving the Annual Statement of Accounts
Responsibility for approving the Annual Governance Statement and keeping it under review on a regular basis
Responsibility for reviewing and maintaining the Council's Local Code on Corporate Governance
Responsibility for maintaining an overview of the Council's Financial Regulations and anti-fraud and anti-corruption strategies, and for recommending the Financial Regulations to Full Council for adoption
Responsibility for ensuring high standards of conduct by the County Council, its Councillors, co-opted members and Officers
Responsibility for dealing with matters relating to alleged breaches of the Code of Conduct for Councillors and Co-opted Members
Responsibility for the implementation of and revision to councillor codes of conduct and practice of the County Council
Responsibility for Information Governance including but not limited to Data Protection and Freedom of Information
Responsibility for resolving any issues arising from the Members' Allowances Scheme
Responsibility for monitoring the Councillors' Divisional Fund
Responsibility for approving the recruitment process for any independent members of committees and panels required by statute
Responsibility for the Council's risk management strategy
Responsibility for Legal, Democratic and Complaints Services



## **GOVERNANCE AND ETHICS SUB-COMMITTEE – TERMS OF REFERENCE**

31. Responsibility for formal hearings under the Council's Procedure for dealing with Conduct Allegations against Councillors and Co-opted Members, including deciding whether there has been a breach of the Code of Conduct, and if appropriate imposing any sanction available under the Procedure and the relevant legislation.

## **HEALTH AND WELLBEING BOARD – TERMS OF REFERENCE**

32. To prepare, publish and maintain a joint strategic needs assessment.
33. To prepare, publish and maintain a Pharmaceutical Needs Assessment
34. To prepare and publish a joint health and wellbeing strategy based on the needs identified in the joint strategic needs assessment and to oversee the implementation of the strategy.
35. Discretion to give Nottinghamshire County Council an opinion on whether the Council is discharging its statutory duty to have due regard to the joint strategic needs assessment and the health and wellbeing strategy.
36. To promote and encourage integrated working including joint commissioning in order to deliver cost effective services and appropriate choice. This includes providing assistance and advice and other support as appropriate, and joint working with services that impact on wider health determinants.
37. To discuss all issues considered to be relevant to the overall responsibilities of the Health and Wellbeing Board, and to perform any specific duties allocated by the Department of Health.
38. The Board will be responsible for its own projects and may establish steering groups to consider projects. Where it considers appropriate, projects will be considered by a cross-committee project steering group that will report back to the Board or most appropriate Committee.

## **HEALTH SCRUTINY COMMITTEE – TERMS OF REFERENCE**

39. Responsibility for scrutinising health matters in relation to service provision for residents living in the County Council's area.

## **LOCAL JOINT RESOLUTIONS COMMITTEE – TERMS OF REFERENCE**

40. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee:
  - a. Responsibility for considering any issues where agreement cannot be reached between management and the trade unions.

**NOTE:** The Committee will have no delegated authority; any recommendations will be referred either to the Personnel Committee, Policy Committee or to the Full Council for approval. This Committee will meet only as and when required.

## **NOTTINGHAMSHIRE LOCAL PENSION BOARD – TERMS OF REFERENCE**

41. The exercise of the powers and functions set out below are delegated by the Full Council to the Local Pension Board: -

- a. Responsibility for assisting the Nottinghamshire Pension Fund Committee and its sub-committees:
  - To secure compliance with all legislation relating to the governance and administration of the Local Government Pension Scheme in Nottinghamshire and the requirements imposed by the Pensions Regulator, and
  - To ensure the effective and efficient governance and administration of the Local Government Pension Scheme in Nottinghamshire
- b. Authority to request information with regard to any aspect of the Council's function as Administering Authority of the Local Government Pension Scheme in Nottinghamshire, any such request to be reasonably complied with.
- c. Authority to make recommendations to County Council or the relevant committee, any such recommendations being considered and a response made within a reasonable period of time.
- d. Authority to escalate serious concerns relating to potential fundamental breach of legislation or governance failure to the relevant body.

## **NOTTINGHAMSHIRE PENSION FUND COMMITTEE – TERMS OF REFERENCE**

42. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to pensions:

- a. Conduct its activities within the regulations which apply to the Local Government Pension Scheme including its fiduciary duties.
- b. All decisions within the control of the Council including but not limited to those listed in the Table below
- c. Policy development and approval in relation to pensions, subject to any necessary approval by the Policy Committee or the Full Council
- d. Review of performance in relation to the services provided on a regular basis
- e. Review of day to day operational decisions taken by officers
- f. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.

- g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.
43. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
44. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to officers.
45. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Administering the Nottinghamshire Pension Fund, including investments by and management of pension funds and the administration of the Pension Fund

**NOTE:** The County Council administers this Pension Fund on behalf of Nottinghamshire County Council, Nottingham City Council, the District and Borough Councils and other admitted bodies in Nottinghamshire.

#### **PERSONNEL COMMITTEE – TERMS OF REFERENCE**

46. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to personnel:
- a. All decisions within the control of the Council including but not limited to those listed in the Table below
  - b. Policy development and approval in relation to personnel, subject to any necessary approval by the Policy Committee or the Full Council
  - c. Review of performance in relation to the services provided on a regular basis
  - d. Review of day to day operational decisions taken by officers
  - e. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
  - f. Approval of departmental staffing structures as required
  - g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly

reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.

47. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
48. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to officers.
49. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for the pay, terms and conditions of service and training of employees except for approving the annual Pay Policy Statement which is reserved to the Full Council
Responsibility for employee relations including arrangements for consultation/negotiation with Trades Unions and any matters relating to Trade Union recognition
Responsibility for health and safety related matters
Reviewing and recommending Employment Procedure Rules to the Council for adoption
Reviewing annually the overall staffing structure of the Council
Responsibility for Human Resources, Business Support, the Business Services Centre, the Customer Services Centre and Communications Team

## **SENIOR STAFFING SUB-COMMITTEE – TERMS OF REFERENCE**

50. This is a sub-committee of the Personnel Committee.
51. The exercise of the powers and functions set out below are delegated by the Full Council to the Senior Staffing Sub-Committee:-
  - a. Responsibility for the appointment and dismissal of, and taking disciplinary action against, senior employees as set out in the Employment Procedure Rules

### **NOTE:-**

- The appropriate committee chairman for the post being considered will always be appointed as a member of the Sub-Committee. Where the issue being considered relates to the Council's Chief Executive or a Corporate Director the Sub-Committee will have a membership of nine; otherwise the Sub-Committee will have a membership of five.
- The Sub-Committee will be required to follow the Council's Recruitment and Selection Code of Practice.

- The procedures the Sub-Committee is required to follow are set out in the Employment Procedure Rules.

## **PLANNING AND RIGHTS OF WAY COMMITTEE – TERMS OF REFERENCE**

52. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to planning and rights of way:

- a. Responsibility for the regulatory functions of the Council in relation to planning, monitoring, enforcement and licensing.
- b. Responsibility for the regulatory functions of the Council in relation to public rights of way and cycle paths, town and village greens and common land.
- c. Responsibility for all licensing functions given to the Authority by law, except safety of sports grounds.
- d. Receiving reports on the exercise of powers delegated to officers in relation to functions for which this Committee is responsible.
- e. Approval for consultation responses relating to the Committee's functions except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
- f. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.

## **TRANSPORT AND ENVIRONMENT COMMITTEE – TERMS OF REFERENCE**

53. The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to transport and environment activity :

- a. All decisions within the control of the Council including but not limited to those listed in the Table below
- b. Policy development and approval in relation to transport and environment activity, subject to any necessary approval by the Policy Committee or the Full Council
- c. Review of performance in relation to the services provided on a regular basis
- d. Review of day to day operational decisions taken by officers
- e. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
- f. Approval of departmental staffing structures as required

- g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.

54. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.

55. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.

56. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for Highways functions (including Rights of Way except those functions which form part of the terms of reference for Planning and Rights of Way Committee) including: <ul style="list-style-type: none"> <li>• highways capital and revenue programmes (except where reported to Economic Development and Asset Management Committee)</li> <li>• the planning, management and maintenance of highways and pavements</li> <li>• traffic management and Traffic Regulation Orders</li> <li>• parking provision</li> <li>• integrated transport measures</li> <li>• road safety</li> </ul>
Responsibility for public transport and fleet management including: <ul style="list-style-type: none"> <li>• local bus services</li> <li>• education and adult care transport</li> <li>• council fleet</li> </ul>
Responsibility for all matters relating to minerals and waste planning not falling within the delegation of any other committee.
Responsibility for all matters relating to Council's role as Waste Disposal Authority.
Responsibility for all matters relating to environment and sustainability including environment strategy, transition to Zero Carbon and air quality
Responsibility for flood risk management and statutory flood risk management scrutiny
Responsibility for making observations on relevant planning matters on which the County Council is consulted, in accordance with the agreed protocol
Responsibility for conservation and archaeology

## **OTHER BODIES**

### **BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

42. A joint committee with a number of other local authorities for the purpose of adjudicating services for bus lane enforcement

### **GREATER NOTTINGHAM LIGHT RAPID TRANSPORT ADVISORY COMMITTEE**

43. A joint committee established to advise on issues relating to the tram system

### **JOINT COMMITTEE FOR STRATEGIC PLANNING AND TRANSPORTATION – TERMS OF REFERENCE**

44. A joint committee established to advise the County and City Councils on strategic planning and transport matters for the whole of Greater Nottingham.

### **CITY OF NOTTINGHAM AND NOTTINGHAMSHIRE ECONOMIC PROSPERITY COMMITTEE**

45. A joint committee established to bring together local authority partners in Nottingham and Nottinghamshire in a robust, formally constituted arrangement which will drive future investment in growth and jobs in the City and County. The functions delegated to this Committee are set out in its Constitution:

<https://committee.nottinghamcity.gov.uk/documents/s80597/Enc.%201%20for%20Terms%20of%20Reference.pdf>

### **JOINT HEALTH SCRUTINY COMMITTEE (COMMISSIONERS WORKING TOGETHER)**

46. A joint health scrutiny committee with the councils of Sheffield, Rotherham, Wakefield, Barnsley, Doncaster and Derbyshire to oversee the implementation of the CCG's working together programme to facilitate the efficient joint-provision of services.

### **LGPS (LOCAL GOVERNMENT PENSION SCHEME) CENTRAL JOINT COMMITTEE**

47. A joint committee established to provide oversight of the delivery of the objectives of LGPS Central, including the delivery of client service and the delivery against its business case, and to deal with common investor issues.

### **MENTAL HEALTH GUARDIANSHIP PANEL**

48. A panel of five County Councillors established to make decisions on renewal and discharge of guardianship under the Mental Health Act 1983.

## **NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY**

49. A body of Nottinghamshire County and Nottingham City Councillors responsible for ensuring Nottinghamshire Fire and Rescue Service has the resources needed to carry out its duties. Responsible for making decisions on key matters such as strategy, policy and budget.

## **NOTTINGHAMSHIRE POLICE AND CRIME PANEL**

50. A Panel to scrutinise the actions and decisions of the Police and Crime Commissioner for Nottinghamshire.

## **PATROL (PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON) JOINT COMMITTEE**

51. A joint committee with a number of other local authorities for the purpose of adjudicating services for parking enforcement



## **PART B – SCHEME OF DELEGATION TO OFFICERS**

1. This Scheme sets out the delegated powers of officers of the County Council. For the purposes of the Constitution the term 'Corporate Director' includes all Corporate Directors, the Chief Executive, the Service Director Customers, Governance and Employees and the Service Director Finance, Infrastructure and Improvement.
2. Corporate Directors may delegate these powers to other officers and must ensure they appoint another officer to substitute in their absence.
3. Officers can only exercise delegated powers in accordance with approved policies and decisions made by committees or the Full Council.
4. All matters which are not day to day operational matters or contained in this Scheme of Delegation must be decided by the relevant committee. For urgent decisions see the Procedure for Urgent Decisions.
5. The chairman of the relevant committee may request an officer not to exercise their delegated power in any particular case and, if so, a report will be taken to the next available meeting of this committee for consideration.
6. Appointments of staff below Service Director level will be made by Officers. Any other appointment must be made by the Senior Staffing Sub-Committee.
7. Corporate Directors may not add to the establishment of their departments except in accordance with Employment Procedure Regulations, or any other specific committee approval.
8. Corporate Directors will agree with their respective chairman and vice-chairman the nature and level of information they require regarding the exercise of officers' delegated powers.
9. Corporate Directors must ensure that adequate arrangements are in place to brief and consult committee chairmen (or vice-chairmen in their absence) within their service areas as agreed with these chairmen.
10. Corporate Directors will exercise their delegated powers in accordance with any requirements of the Chief Executive.
11. Corporate Directors must ensure that their department maintains a list of specific delegations to officers, which must be available for public inspection at all times.
12. Corporate Directors have authority to exercise the powers of the County Council in the event of an emergency or disaster, including making or approving any arrangements for the protection of persons or property, and will report back to the next appropriate committee or meeting Council in the event that this authority is exercised.
13. Corporate Directors have authority to settle ombudsman complaints and to determine payments under the Payments for Maladministration Policy. Governance and Ethics Committee will receive regular reports on the operation of the Policy and payments.

14. Corporate Directors have authority to determine ex-gratia claims of up to £1,000 in respect of employees or volunteers carrying out their duties who suffer damage to personal belongings. Personnel Committee will receive regular reports.
15. The Chief Executive, the Service Director Customers, Governance and Employees, the Group Manager Legal, Democratic and Complaints, Team Managers Legal Services and Senior Solicitors have authority to certify the fixing of the Common Seal of the Council to a document where this is required in order to give effect to a decision.
16. The Group Manager for Legal Services is responsible for authorising the commencement or defence of, or participation in, any legal proceedings, including appearing in proceedings and signing documents necessary to any legal procedure, and authorising other officers to do so on behalf of the County Council, in consultation with other officers as necessary and subject to the requirements of the Financial Regulations in relation to Risk Management and Insurance, and Legal Claims and Settlements.

## **CHIEF EXECUTIVE**

17. The exercise of the responsibilities set out below are delegated by the County Council:
  - a. Taking all operational decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations across the Authority.
  - b. Making any decision normally reserved to committee or another officer in accordance with the Urgency Procedure Rules.
  - c. Taking decisions whether to grant dispensations to Councillors and co-opted members from requirements relating to interests and their participation in meetings.
  - d. Taking any decision on any matter not reserved to another officer by law.
  - e. Holding to account Corporate Directors for the performance of their departments.

## **CHIEF EXECUTIVE'S DEPARTMENT**

### **Service Director Customers, Governance and Employees**

18. The exercise of the responsibilities set out below are delegated by the County Council:
  - a. Taking all operational decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:
    - Legal, Democratic and Complaints

- Equalities
  - Communications and Marketing
  - Human Resources and Customer Services
  - Health and Safety
  - Information Governance
  - Business Support Services
- b. Holding officers to account for the performance of their service areas
  - c. Approving departmental officer travel outside the UK and providing a quarterly report to the relevant Committees on approvals.
  - d. Taking all operational decisions necessary relating to the level and nature of support services for County Councillors.

### **Service Director Finance, Infrastructure and Improvement**

19. The exercise of the responsibilities set out below are delegated by the County Council:

- a. Taking all operational decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:
  - Corporate Performance
  - Policy Development
  - Finance, Procurement and Improvement
  - Information and Communications Technology (ICT)
- b. Holding officers to account for the performance of their service areas
- c. Approving departmental officer travel outside the UK and providing a quarterly report to the relevant Committees on approvals.

### **CORPORATE DIRECTOR ADULT SOCIAL CARE AND HEALTH**

20. The exercise of the responsibilities set out below are delegated by the County Council:

- a. Taking all operational decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:

Adult social care including:

- Safeguarding
- Mental health
- Disability
- Older people

- Residential services
- Day services

Public Health

- Holding officers to account for the performance of their service areas
- Approving departmental officer travel outside the UK and providing a quarterly report to the relevant Committees on approvals.

## **CORPORATE DIRECTOR CHILDREN AND FAMILIES**

21. To be the designated Director of Children Services in accordance with Section 19 of the Children's Act 2004.

22. The exercise of the responsibilities set out below are delegated by the County Council:

- Taking all operational decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:
  - Education
  - Special educational needs and disability
  - Safeguarding
  - Children's social care
  - Youth services
  - Early Years
- Holding officers to account for the performance of their service areas.
- Approving school governor appointments for which the Council has responsibility and reporting these decisions quarterly to the Children and Young People's Committee.
- Approving departmental officer travel outside the UK and providing a quarterly report to the relevant Committees on approvals.

## **CORPORATE DIRECTOR PLACE**

23. The exercise of the responsibilities set out below are delegated by the County Council:

- Taking all operational decisions necessary to secure the provision of service and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations in relation to the following areas:
  - Waste Disposal
  - Transport
  - Highways
  - Property

- Catering and Facilities Management
- Planning
- Economic Development
- Grant aid administration
- Community Engagement
- Conservation
- Libraries
- Country parks
- Sport and Arts

Public protection including:

- Trading Standards
- Emergency management
- Registration services
- Community Safety

- b. Holding officers to account for the performance of their service areas.
- c. Approving departmental officer travel outside the UK and providing a quarterly report to the relevant Committees on approvals.

## STATUTORY OFFICERS

24. There is a legal requirement to allocate some specific responsibilities to officers and the Council has designated the following posts:

Chief Executive	Head of Paid Service & Proper Officer
Service Director Customers, Governance and Employees	Monitoring Officer
Service Director Finance, Infrastructure and Improvement	Chief Finance Officer (also known as Section 151 Officer)

## HEAD OF PAID SERVICE

25. Responsibility for reporting to the Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

26. Responsibility for considering applications from officers for exemption from political restriction in respect of the post held by that officer.

**NOTE:** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

## PROPER OFFICER

27. Responsibility for acting as the Proper Officer as set out in Section 270(3) of the Local Government Act 1972 in connection with committees.

## **MONITORING OFFICER**

28. Responsibility for maintaining the Constitution, ensuring it is available for inspection and making minor changes as a result of any restructuring.
29. Responsibility for ensuring the lawfulness and fairness of decision making; this includes authority, after consulting with the Head of Paid Service and Chief Finance Officer, to report to the Full Council if they consider that any proposal, decision or omission would give rise to unlawfulness or maladministration.
30. Responsibility for contributing to the promotion and maintenance of high standards of conduct.

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

## **CHIEF FINANCE OFFICER**

31. Responsibility for ensuring the lawfulness and financial prudence of decision making; this includes authority, after consulting with the Head of Paid Service and Monitoring Officer, to report to the Full Council if they consider that any proposal, decision or omission would give rise to unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
32. Responsibility for the administration of the financial affairs of the Council.
33. Responsibility for providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity.
34. Responsibility for providing financial information to the media, members of the public and the community.

**NOTE:** The Chief Finance Officer cannot be the Monitoring Officer but may hold the post of Head of Paid Service.

**PART FIVE**  
**DEMOCRACY**  
**PROCEDURES**

## **PART A – PROCEDURE RULES FOR MEETINGS OF THE FULL COUNCIL**

### **INTRODUCTION**

1. The County Council has four types of Full Council meetings:-
  - a. ordinary meetings – these meetings run throughout the year to carry out the business of the Council;
  - b. the annual meeting – usually held in May. In addition to the business of an ordinary meeting the annual meeting elects the Chairman and Vice-Chairman of the County Council who hold the posts until the annual meeting the following year;
  - c. the annual budget meeting – usually held in February to agree the Council's budget for the following financial year. This meeting generally only considers the budget reports; and
  - d. extraordinary meetings – meetings arranged outside of the schedule of ordinary meetings.
2. These rules are designed to ensure meetings of the Full Council run smoothly and are conducted properly to enable sound decision-making in line with Wednesbury principles and to ensure that the business of the Council is undertaken effectively and efficiently.
3. Councillors are responsible for ensuring their behaviour reflects the Nolan Principles in relation to Standards in Public Life and that they comply with the Procedure Rules and the Code of Conduct for Councillors and Co-opted Members at all times. Members are generally expected to be in attendance in their allocated seat for the duration of the meeting. During the meeting, the Chairman's ruling on behaviour is final.
4. So far as the law allows, any of these rules may be suspended at any meeting of the Full Council, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.
5. If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.
6. For the annual budget meeting some procedure rules will be suspended and alternative rules applied. See paragraph 108 below.

### **ARRANGEMENTS FOR MEETINGS**

7. Full Council meetings are normally held 6 times per year, of which one is the annual meeting and one is the annual budget meeting. The meetings are normally held on a Thursday starting at 10.30am.
8. The agenda and papers for meetings of the Full Council must be available at least five clear working days before the meeting.



9. Meetings of the Full Council will not continue beyond 5.30pm. If the meeting is not likely to conclude before that time the matter under debate at 5.15pm will be moved to the vote to allow the meeting to conclude by 5.30pm. The annual budget meeting will continue beyond 5.30pm if necessary but not beyond 8.00pm. If the meeting has not concluded before that time a vote will be taken on the budget at 8.00pm and the budget will not be carried forward as an item to the next available meeting.
10. Details of arrangements for an extraordinary meeting are set out in paragraphs 109 - 111.

#### **MINIMUM ATTENDANCE (QUORUM)**

11. At least one quarter (17) of the whole number of elected County Councillors must be present for the meeting to proceed or continue.
12. If the Chairman or the Chief Executive concludes that an insufficient number of Councillors is present the meeting will not proceed. The Division Bell will be sounded, and if after more than five minutes there is still an insufficient number present at the meeting it will be adjourned to a time fixed by the Chairman.

## **ORDER OF BUSINESS**

13. Except for the annual budget meeting and an extraordinary meeting, the order of business will usually be:

### Business at the annual meeting only (60 minutes)

- a. Election of Chairman
- b. Election of Vice-Chairman

### Statutory formalities/Announcements (15 minutes)

- c. the choice of a person to preside if the Chairman and Vice-Chairman are absent
- d. any business having priority by law
- e. confirmation of the minutes of the last meeting of the Full Council
- f. apologies for absence, including reasons
- g. declarations of interest
- h. Chairman of the County Council's business

### Constituency matters (30 minutes)

- i. constituency issues (15 minutes)
- j. petitions (15 minutes)

### Business reports (60 minutes)

- k. reports for decision by the Full Council

### Questions (60 minutes)

- l. questions to Nottinghamshire and City of Nottingham Fire Authority and responses
- m. questions to Committee Chairmen and responses

### Motions for debate

- n. consideration of motions

## **OTHER POINTS REGARDING THE ORDER OF BUSINESS**

14. At any time during the meeting the Chairman can adjourn the meeting.
15. The Chairman will manage the agenda to enable the meeting to keep to time and has discretion to extend the time limit of a particular section of the agenda within the overall time limit of the meeting.
16. The order of business can be varied at the discretion of the Chairman.
17. Lunch will normally be taken at 12.30pm.

## **ABSENCES AND APOLOGIES**

18. If a Councillor submits an apology for absence for the meeting, any questions or constituency issues they have submitted or motions they have proposed or seconded will be deemed to have fallen at the point the apology is given.
19. Apologies for absence will be categorised under the following headings:-
  - Other County Council Business
  - Medical / Illness
  - Other reasons
20. If a Councillor is not in the Chamber at the point on the agenda that any question or constituency issue they would present would be considered, the matter will be deemed to have fallen. Both the mover and seconder must be in the Chamber to propose a motion otherwise it will be deemed to have fallen.
21. The minutes of the meeting may record any Councillor's absence from the Chamber of more than 10 minutes during a Full Council meeting.

## **DECLARATIONS OF INTEREST**

22. Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Code of Conduct for Councillors and Co-opted Members, declare the existence and nature of that interest and whether the interest is a Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.
23. Where any Councillor has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:
  - a. The Chief Executive has granted them a dispensation; or

- b. the matter is only under consideration by the meeting as part of a report of the Minutes of Council, a committee or sub-committee and is not itself the subject of debate.

24. If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.

25. Any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.

## **CONSTITUENCY ISSUES**

26. At any Full Council meeting except the annual budget meeting and an extraordinary meeting, Councillors will be given an opportunity to speak for up to three minutes on any issue which specifically relates to their division and is relevant to the services provided by the County Council. If the matter raised does not meet these criteria the Chairman will instruct the Councillor to stop speaking.

27. Such a speech will not give rise to a debate on the issue or a question and answer session.

28. If any Councillor wishes to make a three minute speech the Governance Team in Democratic Services must be notified by 10am three working days before the Full Council meeting. The notification must confirm who will be making the speech and which council service it relates to, to enable its validity to be determined in advance of the meeting.

29. A maximum of 15 minutes is allowed for this item. The speeches will be taken in the order received. Any speeches not heard within the time limit will fall and can be submitted again at the next meeting which allows constituency issues.

## **PETITIONS**

30. In accordance with the Council's Petitions Scheme, at any Full Council meeting except for the annual budget meeting and an extraordinary meeting, any Councillor may present a petition to the Chairman of the Council on any matter affecting the residents of their division, and in relation to which the County Council has powers or duties.

31. If any Councillor wishes to submit a petition the Governance Team in Democratic Services must be notified by 10 am the day before the meeting, giving details about the petition.

32. In exceptional circumstances, if a petition is not properly notified in advance, the Chairman has discretion to allow the petition to be submitted at the meeting.

33. The Councillor presenting the petition can introduce and speak about the petition for up to one minute.
34. If a Councillor is unable to be at the meeting, they may request and agree to another Councillor presenting a petition on their behalf.
35. If a petition relates to more than one division the petition can be presented jointly if the relevant Councillors agree. If agreement cannot be reached the petition will be presented by the Council's Vice-Chairman.
36. Different procedures apply to some petitions as set out in the Council's petition scheme.
37. A maximum of 15 minutes is allowed for this item. Petitions will be taken in the order received. Any petitions not presented in the time limit will be accepted by the Chairman en bloc and referred to the appropriate committee for consideration.
38. Any petition presented will be referred without debate to the appropriate committee for consideration. A report back to Council on the outcome of that consideration will be made at its next meeting.

### **CONSIDERATION OF REPORTS FOR DECISION BY COUNCIL**

39. Reports are introduced by the relevant committee chairman.
40. The report recommendation is then 'moved' by one Councillor and 'seconded' by another Councillor. It then becomes a 'motion' for debate and the rules of debate apply. The motion is then debated before a vote is taken. Where a report contains more than one recommendation they will be moved as a single motion for debate.
41. Statutory officer reports will be moved by the Chairman of the County Council and seconded by the Vice-Chairman of the County Council.

### **QUESTIONS**

42. At any meeting of the Full Council, except the annual budget meeting and an extraordinary meeting, a Councillor may ask any Committee Chairman one or more questions on matters within the remit of their committee.
43. Questions must:-
  - a. disclose a question;
  - b. be limited to matters which fall within the remit of the relevant Committee;
  - c. be a matter for which the local authority has a responsibility or which affects the County;

- d. not be defamatory, frivolous or offensive;
  - e. not be substantially the same as a question or motion which is under consideration by or has, in the past six months, been put at a meeting of the Council or a committee;
  - f. not relate to a planning application or any other quasi-judicial matter; and
  - g. not require disclosure of confidential or exempt information.
44. The Monitoring Officer will rule a question invalid and give reasons, if a submitted question does not comply with the provisions in paragraph 43.
45. A maximum of 60 minutes is allowed for questions, with up to 15 minutes of time allocated for questions to the Chairman of Nottinghamshire and City of Nottingham Fire Authority and the remaining time for questions to Committee Chairmen.
46. Once the 60 minutes for questions has been reached any remaining questions to Committee Chairmen will receive a written answer within 15 working days of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting. The Committee Chairman may elect for the answer to the question to be given by his or her Vice Chairman or another Committee Chairman if in the opinion of the Committee Chairman this is more appropriate.
47. At any meeting of the Full Council, except the annual budget meeting and an extraordinary meeting, a Councillor may ask the Chairman of Nottinghamshire and City of Nottingham Fire Authority one or more questions on matters within the remit of their authority. A maximum of 15 minutes is allowed for these questions after which any remaining questions will receive a written answer within 15 working days of the date of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting.
48. If any Councillor wishes to submit a question under the Procedure Rules a copy of their question(s) must be posted in the box in Democratic Services or emailed to [council.questions@nottscc.gov.uk](mailto:council.questions@nottscc.gov.uk) no later than 10 am three working days before the meeting. The question must make it clear who the question is addressed to and who is asking it.
49. A submitted question cannot be altered after the deadline.
50. The order in which questions are put at the meeting will be determined by the Chairman.
51. After receiving an answer from the relevant Committee Chairman, or their nominee, the Councillor asking the original question may ask one supplementary question on the same matter.

52. The same supplementary question procedures apply to questions to the Chairman of the Fire Authority.
53. Any questions for Council which are withdrawn at the meeting or which fall because the member asking the question is not present in the Chamber at Council question time to ask their question, including where the Councillor has submitted their apology for absence, will receive a written reply within 15 working days of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting.

#### **QUESTIONS REQUIRING A WRITTEN RESPONSE**

54. Any Councillor may at any time, by writing to Democratic Services, put a question to a Committee Chairman and will be sent a reply within 15 working days. Every such question and the answer given will be included for information with papers for the next convenient Full Council meeting.

#### **CONSIDERATION OF INDIVIDUAL MOTIONS TABLED BY COUNCILLORS IN ADVANCE OF MEETINGS**

55. Councillors may raise an issue at Full Council meetings except the annual budget meeting by submitting a motion. The procedure for submitting a motion for debate is as follows:
- a. The motion must be proposed and seconded.
  - b. Notice must be given in writing no later than 10 am eight clear working days before the Full Council meeting by one of the following methods:
    - i. Submitting an original signed by both the proposer and seconder to the Governance Team, Democratic Services
    - ii. Submitting a scanned copy of the signed original, or a motion with electronic signatures of the proposer and seconder, by email to [council.questions@nottsc.gov.uk](mailto:council.questions@nottsc.gov.uk)
  - c. Valid motions will be included in the agenda for the meeting in the order of receipt.
56. An invalid motion cannot be altered after the deadline to make it valid.
57. Both the mover and seconder must be in the Chamber to move or second their motion, if they are not present the motion is deemed to have fallen.
58. The Chairman will manage the business to enable appropriate debate within the time limit of the meeting. If a motion is not debated due to a lack of time the motion will be carried forward to the next ordinary (or annual) meeting and will be dealt with ahead of other motions on that agenda.

## **Scope of motions on notice**

59. Valid motions must:-

- a. be asking the Council to make a decision which is lawful;
- b. be about matters for which the Council has a responsibility or which affects directly or indirectly residents or businesses of the County and the Council has the power to implement;
- c. not be defamatory, frivolous or offensive;
- d. not be substantially the same as a motion which has, in the past six months, been put at a meeting of the Full Council, or reverse a decision taken by the Council in the past six months;
- e. not relate to a planning application or any other quasi-judicial matter;
- f. not require disclosure of confidential or exempt information; and
- g. include appropriate and sufficient information to enable Councillors to make a lawful decision for example legal, financial, statutory or policy implications.

60. The Monitoring Officer will reject a proposed motion as invalid, giving reasons if it does not comply with the provisions in paragraph 59.

## **THE RULES OF DEBATE**

61. Any motion (including recommendations within reports) must be moved and seconded before the debate can be opened. The mover and seconder of the motion may speak for a maximum of 10 minutes when moving the motion. It is not necessary to read the motion in full when moving the motion, provided the motion has been provided in writing to Full Council.

62. If a Councillor wishes to speak they should indicate their intention by raising their hand.

63. The Chairman will decide the order in which speakers will be heard. Any Councillor who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these procedure rules apply.

64. Councillors can speak for a maximum of 5 minutes each time they are entitled to speak during a debate subject to paragraph 61 and the exception at the Annual Budget meeting.

65. Councillors will stand when speaking and must address the Chairman. Other Councillors will be respectful of and not interrupt the Councillor who is speaking.



66. Councillors must speak strictly to the subject under discussion.
67. Councillors may speak once on any motion and once on each amendment.
68. If the motion has been amended since a Councillor last spoke, that Councillor may move a further amendment to the motion.
69. Whenever the Chairman stands during a debate any Councillor standing must sit down and the Full Council must be silent.
70. Any Councillor may at any time during a meeting request that the meeting be adjourned for a short period. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.
71. The Councillor who moved the original motion has a right of reply at the close of the debate on that motion including where it has been amended during the debate.
72. At the end of a debate on an amendment to a motion, the mover of the amendment has a right to make closing remarks before the Councillor who moved the original motion exercises their right of reply.

#### **ALTERATIONS AND AMENDMENTS TO RECOMMENDATIONS AND MOTIONS**

73. An alteration is where the motion is changed by or with the agreement of the mover and the seconder of the motion. This can include where a proposal by another member to make a change to a motion is accepted by the mover of the motion which then alters the proposed motion without the need for a vote on the proposed change.
74. An amendment is a proposal by another member to change a motion being debated which is not accepted by the mover of the original motion.
75. An alteration must be submitted in writing to the Chairman. An alteration can only be made if it would be accepted as a valid amendment. Alterations can be accepted:-
  - a. when the mover changes the motion whilst moving it
  - b. during the debate to update the motion to maintain accuracy
  - c. if the mover accepts a proposed amendment
  - d. to make the motion more acceptable to Councillors
76. Amendments to a motion can be moved or seconded by any Councillor following the process set out in paragraph 82 in the following situations:
  - a. to refer a subject of debate to a committee for further consideration

- b. to leave out words, to add words or both. However, such changes must not have the effect of fundamentally altering the spirit or intention of, or directly reversing the spirit or intention of, the original proposal (for example to recommend approval instead of refusal), must comply with the provisions set out in paragraph 59 and must be relevant to the original motion.

77. The Monitoring Officer may reject a proposed amendment as invalid if it does not comply with the provisions set out in paragraph 59. The Chairman may adjourn the meeting to seek appropriate advice to confirm validity of the amendment.

78. If a valid amendment is accepted by the mover of the original motion no debate or vote will be required and it will become an alteration to the motion and will become the altered (substantive) motion.

79. Only one amendment may be moved and discussed at one time. No further amendment may be moved until the amendment under discussion has been voted on, subject to the exceptions set out in the Annual Budget Meeting Rules at paragraph 108.

80. If an amendment is not accepted by the mover of the original motion, the following procedure will apply:-

- a. the amendment will be debated
- b. a vote will then be taken on whether the amendment should become the amended (substantive) motion
- c. debate will continue and further amendments may be moved
- d. after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final substantive motion

#### **MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE**

81. Motions can be moved and seconded orally at meetings including a reason for proposing the motion, to ensure meetings run smoothly and are conducted properly. The following are examples of such motions:

- a. appointment of a chairman for the meeting in the absence of the Chairman and Vice-Chairman
- b. request to withdraw a motion
- c. that the matter be put to a vote (this can only be moved by a Councillor who has not yet spoken on the debate as set out in paragraph 83)
- d. that the meeting be adjourned

- e. variation of the order of business
- f. suspension of a specific procedure rule (giving the procedure rule number to be suspended and the reason)
- g. exclusion of the public
- h. that a named Councillor should not be heard further

82. Amendments to motions may be moved and seconded without notice but must be provided in writing to the Chairman when being moved.

### **BRINGING DEBATE TO EARLY CLOSURE**

83. A Councillor who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.

84. If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.

85. If the vote is carried the motion or amendment will be put to the vote following closing remarks as set out in the rules of debate.

### **POINTS OF ORDER AND PERSONAL EXPLANATIONS**

86. With the consent of the Chairman any Councillor may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on the issue raised.

87. The Chairman of the County Council's ruling will be final and they may limit such exchanges to maintain the flow of debate.

### **VOTING**

88. Votes in Full Council are to be determined by a show of hands.

89. When a vote is being called Councillors must remain quiet, seated in their designated seat, and clearly hold their hand up to cast their vote and keep it up until the Chairman tells Councillors the vote has concluded.

90. Where there is an equal number of votes for and against a motion the Chairman can exercise a second (casting) vote.

91. A recorded vote will be taken if 10 or more Councillors request it by a show of hands and where required under the Annual Budget meeting rules in paragraph 108 below. The process will be as follows:

- a. The Division Bell will be sounded.
  - b. The Chief Executive will then call the names of all Councillors and record the vote of each Councillor.
  - c. The Chairman will announce the result.
  - d. The minutes will record how each Councillor voted.
92. Whilst the recorded vote is being taken, Councillors must remain quiet, seated in their designated seat, and, when called by the Chief Executive, use the microphone provided to give their vote.
93. Any Councillor can require that the minutes of the meeting record how they voted on any decision taken.

### **REVERSING DECISIONS**

94. Council decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable for whatever reason a further report on the issue will be brought back to Full Council for further consideration with the agreement of the Council's Chairman and Vice-Chairman.

### **DISORDERLY CONDUCT**

95. Councillors are expected to act in a reasonable and professional manner at Full Council, in accordance with the Code of Conduct for Councillors and Co-opted Members and in compliance with the Council's Procedure Rules. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the Full Council.
96. If, at any meeting, any Councillor in the opinion of the Chairman of the County Council is in breach of paragraph 95 the Chairman will warn the Councillor about their behaviour.
97. If following any warning a Councillor continues to breach paragraph 95 the Chairman may move "that [the Councillor named] should not be further heard" and, if seconded, a vote will be taken without discussion.
98. If any Councillor continues the misconduct after a "should not be further heard" vote has been carried, the Chairman:
- a. may request the Councillor to leave the meeting; or
  - b. may adjourn the meeting of the Full Council for any period considered necessary

99. In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public which disrupts the conduct of the meeting or impedes other members of the public including in connection with the recording or reporting of the meeting.

## **ESTABLISHMENT OF COMMITTEES**

100. Every committee set up by the Full Council will perform the functions given to them until the Full Council resolves otherwise. Full Council can revise the functions of committees at any time.

## **APPOINTMENTS TO COMMITTEES**

101. Every person appointed to be a member of a committee or sub-committee will remain a member of that committee until the first of the following events:

- a. they cease to be a Councillor
- b. their resignation
- c. changes to political balance necessitate changes to committee membership
- d. removal by the Proper Officer at the request of their group

102. The Full Council is required to keep the allocation of seats to groups under review.

103. Whenever allocation of seats is considered by the Full Council the Chief Executive will submit a report showing what the allocation of seats should be in order to ensure committees reflect the overall political balance of the Council.

104. Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

105. Any permanent changes in membership must be notified to the Governance Team in Democratic Services no later than 4pm the working day before the relevant meeting. Substitution rules are set out in the Procedure Rules for Committee and Sub-Committee Meetings.

## **ANNUAL MEETING**

106. Subject to any statutory requirements, the Full Council at its annual meeting:

- a. Will elect the Chairman and Vice-Chairman of the County Council for the forthcoming year.

- b. Will resolve what committees and sub-committees will be established, the terms of reference and size of these committees and may appoint the chairman and vice-chairman of each committee.
- c. Will note the membership of each group and their agreed officers.

## **ANNUAL BUDGET MEETING**

107. The order of business for the annual budget meeting will usually be:

- a. the choice of a person to preside if the Chairman and Vice-Chairman are absent
- b. any business having priority by law
- c. confirmation of the minutes of the last meeting of the Full Council
- d. apologies for absence, including reasons
- e. declarations of interest
- f. Chairman of the County Council's business
- g. reports for decision by the Full Council

108. To ensure the smooth flow of business the following provisions will operate for the Annual Budget meeting budget report:

- a. After the budget proposals have been moved and seconded any budget amendments will be moved and seconded. The seconders of the amendments may either speak to them when seconding or may reserve their speech for later in the debate.
- b. With the exceptions below, no Councillor will speak more than once or for more than 20 minutes:
  - the Councillor who moves the budget proposals is not subject to a time limit and is entitled to speak twice; once when moving proposals and once when replying to the debate
  - the movers of any amendments may speak for an unlimited time when moving those amendments and for 20 minutes when summing up
- c. There will be a single debate on the motion and any amendments.
- d. At the conclusion of the winding-up speeches, recorded votes will be taken on amendments in the order determined by the Chairman then a recorded vote

will be taken on the substantive motion. The process for recorded votes is set out in paragraph 91 above.

## **EXTRAORDINARY MEETINGS**

109. An extraordinary meeting may be arranged if the Chairman of the Council, the Council Leader, or any five County Councillors request such a meeting. An extraordinary meeting can be held on any day of the week.
110. The only business permitted at an extraordinary meeting is that which the meeting has been called to consider.
111. The order of business for an extraordinary meeting will usually be:
  - a. the choice of a person to preside if the Chairman and Vice-Chairman are absent
  - b. apologies for absence, including reasons
  - c. declarations of interest
  - d. the matters set out in the request to hold an extraordinary meeting

## **OTHER**

112. Placards, banners, advertising materials and similar items are not permitted in any Council meeting and must be covered or removed. Failure to comply may result in the member of the public being asked to leave the Chamber.
113. Members of the public should remain seated in the public gallery during any debate and not do anything to endanger the health and safety of any person.
114. Members of the public may record proceedings and report all public meetings. Any person recording the meeting must not disrupt the good order of the meeting.
115. Mobile phones and other electronic devices must be switched to silent.

## **PART B – PROCEDURE RULES FOR COMMITTEE AND SUB-COMMITTEE MEETINGS**

### **INTRODUCTION**

1. These rules are designed to ensure meetings run smoothly and are conducted properly.
2. So far as the law allows any of these rules may be suspended at any meeting, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.

### **ARRANGEMENTS FOR MEETINGS**

3. The agenda and papers for meetings must be available at least five clear working days before the meeting.
4. A special meeting is arranged if the chairman or vice-chairman of the relevant committee, or any 4 of its members request such a meeting.
5. If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.

### **MINIMUM ATTENDANCE (QUORUM)**

6. The following number of committee members must be present for the meeting to proceed or continue:
  - a. Less than 15 voting members 3
  - b. 15 to 25 voting members 4
  - c. More than 25 voting members 5
7. If there is an insufficient number of committee members present, the meeting will not proceed.

### **ORDER OF BUSINESS**

8. The order of business will usually be:
  - a. at the first meeting after the annual Council meeting, appointing or noting the appointment of the Chairman and Vice-Chairman of the committee
  - b. the choice of a person to preside if the Chairman and Vice-Chairman are absent
  - c. confirmation of the minutes of the last meeting of the committee
  - d. apologies for absence, including reasons



- e. declarations of interest
- f. business outstanding from the last meeting
- g. reports for decision by committee
- h. reports for information
- i. work programme (if applicable)

### **OTHER POINTS REGARDING THE ORDER OF BUSINESS**

- 9. At any time during the meeting the Chairman can adjourn the meeting.
- 10. The order of business can be varied at the discretion of the Chairman.
- 11. The minutes of ordinary meetings will not normally be confirmed at special meetings.

### **APOLOGIES FOR ABSENCE**

12. Apologies for absence will be categorised under the following headings:-

- Other County Council Business
- Medical / Illness
- Other reasons

### **DECLARATIONS OF INTEREST**

- 13. Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Code of Conduct for Councillors and Co-opted Members, declare the existence and nature of that interest and whether the interest is a Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.
- 14. Where any Councillor has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:
  - a. The Chief Executive has granted them a dispensation; or
  - b. the matter is only under consideration by the meeting as part of a report of the Minutes of a committee or sub-committee and is not itself the subject of debate.
- 15. If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.

16. Subject to paragraph 17, any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.

17. Paragraph 16 above does not apply to members of the public who are entitled to speak at Planning and Rights of Way Committee.

## **CONSIDERATION OF RECOMMENDATIONS IN REPORTS AND THE RULES OF DEBATE**

18. The report recommendation should be 'moved' by one committee member and 'seconded' by another committee member. It then becomes a 'motion' which may be debated before a vote is taken. The mover and seconder of the motion may speak for a maximum of 10 minutes when moving the motion. Where a report contains more than one recommendation they will be moved as a single motion for debate.

19. Motions relating to the following may be moved and seconded without notice, the Chairman may require the motion to be put in writing to ensure clarity of the motion being considered:

- a. alterations to motions
- b. amendments to motions

20. If a Councillor wishes to speak they should indicate their intention by raising their hand.

21. The Chairman will decide the order in which speakers will be heard. Any committee member who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these procedure rules apply.

22. Councillors can speak for a maximum of 5 minutes each time they are entitled to speak during a debate subject to paragraph 18.

23. Councillors when speaking must address the Chairman. Other Councillors will be respectful of and not interrupt the Councillor who is speaking.

24. Councillors must speak strictly to the subject under discussion.

25. Councillors may speak once on any motion and once on each amendment.

26. If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.

27. Whenever the Chairman stands during a debate the committee must be silent.

28. Any committee member may at any time during a meeting request that the meeting be adjourned for a short period. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.
29. The committee member who moved the original motion has a right of reply at the close of the debate on that motion including where it has been amended during the debate.
30. At the end of a debate on an amendment to a motion, the mover of the amendment has a right to make closing remarks before the Councillor who moved the original motion exercises their right of reply.

### **ALTERATIONS AND AMENDMENTS TO RECOMMENDATIONS AND MOTIONS**

31. An alteration is where the motion is changed by or with the agreement of the mover and seconder of the motion. This can include where a proposal by another member to make a change to a motion is accepted by the mover of the motion which then alters the proposed motion without the need for a vote on the proposed change.
32. An amendment is a proposal by another member to change a motion being debated which is not accepted by the mover of the original motion.
33. An alteration can only be made if it would be accepted as a valid amendment. The Chairman may require the alteration to be put in writing to ensure clarity of the motion being considered. Alterations can be accepted:-
  - a. when the mover changes the motion whilst moving it
  - b. during the debate to update the motion to maintain accuracy
  - c. if the mover accepts a proposed amendment
  - d. to make the motion more acceptable to Councillors
34. Amendments to a motion can be moved or seconded by any committee member, following the process set out in paragraph 19 to leave out words, to add words or both provided that such changes must not have the effect of fundamentally altering the spirit or intention of, or directly reversing the spirit or intention of, the original proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.
35. Amendments must:-
  - a. be asking the Council to make a decision which is lawful;

- b. be about matters for which the Council has a responsibility or which affects directly or indirectly residents or businesses of the County and the Council has the power to implement;
  - c. not be defamatory, frivolous or offensive;
  - d. not reverse a decision taken by the Council in the past six months;
  - e. not require disclosure of confidential or exempt information; and
  - f. include appropriate and sufficient information to enable Councillors to make a lawful decision for example legal, financial, statutory or policy implications.
36. The amendment may be rejected if it does not comply with the provisions set out in paragraph 35. The Chairman may adjourn the meeting to seek appropriate advice to confirm the validity of the amendment.
37. If a valid amendment is accepted by the mover of the original motion, no debate or vote will be required and it will become an alteration to the motion and will become the altered (substantive) motion.
38. 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 voted on.
39. If a valid amendment is not accepted by the mover of the original motion, the following procedure will apply:-
- a. the amendment will be debated
  - b. a vote will then be taken on whether the amendment should become the amended motion (substantive motion)
  - c. debate will continue and further amendments may be moved
  - d. after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final amended motion (substantive motion)

#### **MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE**

40. Motions can be moved and seconded orally at meetings including a reason for proposing the motion to ensure meetings run smoothly and are conducted properly. The following are examples of such motions:
- a. appointment of a Chairman for the meeting in the absence of the Chairman and Vice-Chairman
  - b. request to withdraw a motion

- c. an amendment to a motion (the Chairman may require the amendment to be put in writing to ensure clarity of the amendment being considered)
- d. that the matter be put to a vote (this can only be moved by a Councillor who has not yet spoken on the debate as set out in paragraph 41)
- e. that the meeting be adjourned
- f. variation of the order of business
- g. suspension of a specific procedure rule (giving the procedure rule number to be suspended and the reason)
- h. exclusion of the public
- i. that a named committee member should not be heard further

### **BRINGING DEBATE TO EARLY CLOSURE**

- 41. A committee member who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.
- 42. If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.
- 43. If the vote is carried the motion or amendment will be put to the vote following closing remarks as set out in the rules of debate.

### **POINTS OF ORDER AND PERSONAL EXPLANATIONS**

- 44. With the consent of the Chairman any committee member may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.
- 45. The Chairman's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.

### **VOTING**

- 46. Votes in committee are to be determined by a show of hands.
- 47. When the vote is being called Councillors must remain seated and quiet, clearly hold their hand up to cast their vote and keep it up until the Chairman tells Councillors the vote has concluded.

48. Where there is an equal number of votes for and against a motion the Chairman can exercise a second (casting) vote.
49. A recorded vote will be taken if 2 or more committee members request it by a show of hands. The process will be as follows:
- a. The names of all committee members will be called and the vote of each member recorded.
  - b. The Chairman will announce the result.
  - c. The minutes will record how each committee member voted.
50. Whilst the recorded vote is being taken, Councillors must remain seated and quiet in the meeting room and, when called, use the microphone (if provided) to give their vote.
51. Any committee member can require that the minutes of the meeting record how they voted on any decision taken.

## **REVERSING DECISIONS**

52. Committee decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable for whatever reason a further report on the issue will be brought back to the original decision-making meeting for further consideration with the agreement of the Committee's Chairman and Vice-Chairman.

## **DISORDERLY CONDUCT**

53. Councillors are expected to act in a reasonable and professional manner at committee meetings, in accordance with the Code of Conduct for Councillors and Co-opted Members and in compliance with the Council's Procedure Rules. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the meeting.
54. If, at any meeting, any Councillor in the opinion of the Chairman is in breach of paragraph 53 the Chairman will warn the Councillor about their behaviour.
55. If following any warning a Councillor continues to breach paragraph 53 the Chairman may move "that [the Councillor named] should not be further heard" and, if seconded, a vote will be taken without discussion.
56. If any Councillor continues the misconduct after a "should not be further heard" vote has been carried, the Chairman:

- a. may request the Councillor to leave the meeting; or
- b. may adjourn the meeting for any period considered necessary

57. In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public relating to the recording or reporting of the meeting which disrupts the conduct of the meeting or impedes other members of the public.

## **ATTENDANCE OF OTHER COUNTY COUNCILLORS**

58. Any County Councillor who wishes to attend a meeting of a committee or sub-committee of which they are not a member will be entitled to do so. With the consent of the Chairman they will be entitled to speak once and for a maximum of 5 minutes on any matter that is of primary importance to their electoral division or its inhabitants rather than a general matter, but not to vote.

59. A County Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.

60. These provisions apply to Planning and Rights of Way Committee, subject to its Code of Best Practice, but not to any other committee or sub-committee that is exercising a function which is judicial in nature.

## **APPOINTMENTS TO COMMITTEES**

61. Any permanent changes in membership must be notified to the Governance Team in Democratic Services no later than 4pm the day before the relevant meeting.

62. Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

## **SUBSTITUTE MEMBERS**

63. Where a council member of a committee is listed as a member of a Political Group of the Council for the purposes of allocating committee seats, all other listed eligible members of that Group who are not members of that committee are appointed as substitute members with entitlement to attend, speak and vote in the event that the appointed member is absent from the meeting. The substitute will not be able to exercise any special powers or duties exercisable by the person they are substituting.

64. Only the first eligible substitute to declare at the meeting may replace the absent member. The identities of the substitute and of the absent member, and the reasons

for apology from the absent member shall be declared at the outset of the meeting and recorded in the minutes.

65. Named substitutes will be required for the committees set out in Part 4, Paragraph 3 of the Constitution where there is a specific training requirement.

### **POLICY COMMITTEE, COMMUNITIES COMMITTEE AND HEALTH SCRUTINY COMMITTEE**

66. When exercising statutory scrutiny functions, the Committee may invite people to discuss issues of local concern and/or answer questions. They may for example wish to hear from residents and representatives of other organisations.

### **HEALTH AND WELLBEING BOARD**

67. Substitute members can be appointed for the non-County Council representatives. Substitute members will have all the powers and duties of any ordinary member on the Board but will not be able to exercise any special powers or duties exercisable by the person they are substituting. Substitute members may attend meetings in this capacity only:-

- a. To take the place of the ordinary member for whom they are substituting where the ordinary member will be absent for the whole of the meeting
- b. After the Proper Officer has been officially notified in writing by the organisation wishing to make the substitution.

### **PLANNING AND RIGHTS OF WAY COMMITTEE**

68. The Committee will comply with its Code of Best Practice

69. The Committee's Code of Best Practice sets out who is entitled to speak at meetings of Planning and Rights of Way Committee.

### **PERSONNEL COMMITTEE**

70. Trade Union representatives will be entitled to speak, but not to vote at meetings of Personnel Committee.

### **GOVERNANCE AND ETHICS COMMITTEE**

71. The Council's Procedure for Dealing with Conduct Allegations sets out who is entitled to speak on items relating to Councillor Conduct at meetings of Governance and Ethics Committee.



## **OTHER**

72. Placards, banners, advertising materials and similar items are not permitted in any committee meeting and must be covered or removed. Failure to comply may result in the member of the public being asked to leave the meeting.
73. Members of the public should remain seated during any debate and not do anything to endanger the health and safety of any person.
74. Members of the public may record proceedings and report all public meetings. Any person recording the meeting must not disrupt the good order of the meeting.
75. Mobile phones and other electronic devices must be switched to silent.

## **PART C – PROCEDURE FOR TAKING URGENT DECISIONS**

1. The Council's Constitution sets out who in the Council has authority to make decisions and the procedures for making those decisions.
2. Sometimes events will occur which require decisions to be taken urgently. The County Council needs to be able to respond quickly where failure to do so would not be in the public interest.
3. The procedure for taking urgent decisions should only be used where failure to take the decision quickly would, or would be likely to, harm the interests of the Council and the public, for example:
  - a. a service not being provided;
  - b. the Council breaking the law or financial rules;
  - c. the public being put at serious risk of harm;
  - d. the Council suffering financial loss;
  - e. consultation deadlines not being met.
4. The following are not suitable reasons for the use of the procedure:
  - a. poor planning;
  - b. the possibility of embarrassment being caused to an officer or Councillor;
  - c. the possibility of adverse publicity being caused to the Council;
  - d. in order to circumvent the requirements of Financial Regulations without good cause and justification.

### **OPTION A – URGENT DECISIONS BY COMMITTEE**

5. Where the agenda for the relevant committee has been published, an urgent item may be added to the agenda if it meets the urgency criteria set out in paragraphs 3 and 4. Democratic Services and the chairman of the committee will require an explanation before authorisation is given.
6. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting.
7. The urgent report will be made available for public inspection as soon as possible.

### **OPTION B – CALLING AN ADDITIONAL MEETING**

8. The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in the

Council Procedure Rules at paragraph 10 and the Committee Procedure Rules at paragraph 4.

### **OPTION C – DECISION BY THE CHIEF EXECUTIVE**

9. The Chief Executive may take a decision which is normally reserved to committee or another officer, where he believes that the decision is urgent, after first:
  - a. taking into account the guidelines set out in paragraphs 3 and 4 above; and
  - b. where possible, seeking the views of the following in respect of the proposed decision:-
    - the Leader of the Council,
    - the chairman and the vice-chairman of the relevant committee with authority to take the decision, and
    - the leader(s) of opposition group(s).
  - c. The Chief Executive will take into account any views he considers are relevant. The decision is the Chief Executive's alone.
  - d. The decision together with the reasons why it was urgent must be recorded in writing. The record of urgent decisions will be held by Democratic Services and will be made available for inspection.
  - e. Following the decision, a report will be submitted to the next available relevant committee meeting explaining:
    - the decision;
    - the reasons for it; and
    - why the decision was treated as a matter of urgency.
  - f. In the absence of the Chief Executive, his responsibilities under this procedure are delegated to a Corporate Director and all references to the Chief Executive under this procedure will also apply to that person.

### **REPORT ON THE USE OF THE URGENCY PROCEDURE**

10. In addition to any reports submitted to the relevant committee, twice yearly a report will be presented to Policy Committee detailing the number of occasions these provisions have been used and the reasons for their use.

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**PART SIX**

**GOVERNANCE**

## **PART A – FINANCIAL AFFAIRS**

### **BUDGET FRAMEWORK**

#### **BACKGROUND**

1. The Full Council is responsible for the approval of the Annual Budget. The Council's committees are responsible for implementing it.

#### **CONSULTATION**

2. Before the budget is adopted the Council will publish initial proposals, having first canvassed the views of local stakeholders and members of the public as appropriate.
3. Any representations made will be taken into account in formulating proposals, and shall be reflected in any report dealing with them.

#### **APPROVAL OF THE ANNUAL BUDGET**

4. The Full Council will be responsible for approving the annual budget.
5. In approving the annual budget the Council will also specify the extent of virement (the limits for the transfer of budget provision from one budget head to another) within the budget and degree of in-year changes to the Annual Budget.
6. The annual budget must be approved by the end of February each year.

#### **DECISIONS OUTSIDE THE ANNUAL BUDGET**

7. Subject to the provisions regarding virement set out in the Financial Regulations, committees and officers may take only those decisions which are in accordance with the Annual Budget.
8. Any decision outside the Annual Budget and the virement provisions must be taken by Full Council.
9. If cases of urgency the Urgency Procedure should be followed.

#### **ANNUAL ACCOUNTS**

10. The Council's Section 151 Officer is required by law to sign off the annual accounts by 30 June each year. These accounts will be presented to Full Council. Once the accounts are externally audited the final accounts will be presented to Full Council by 30 September as required by law.

## **FINANCIAL REGULATIONS 2016**

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## **1. OVERVIEW**

### **General**

- 1.1 These Financial Regulations provide the framework of financial control and standards necessary to achieve the proper administration of the Council's financial affairs and are designed to safeguard the interests of both the Council and its employees. These Regulations cover the Council's main activities, its trading organisations and Pension Funds, and partnerships where the Council acts as the lead authority or where it acts as the accountable body.
- 1.2 If there is a conflict between the Council's Financial Regulations and other specific County Council regulations or codes of procedure, guidance should be sought from the Monitoring Officer as to which shall prevail.
- 1.3 All Nottinghamshire County Council records, whether electronic or paper-based, are subject to the Authority's Information Management Policy which establishes key principles for the management, retention, security and disposal of these records. All financial records must be retained in line with this policy, and in accordance with any relevant legislative requirements.

### **Role of Chief Finance Officer**

- 1.4 The Service Director Finance, Infrastructure and Improvement is the appointed Chief Finance Officer (also known as the Section 151 Officer) for the Council, and is responsible for the proper administration of the Council's financial affairs and, subject to the Constitution and any resolutions of any Committee or the Full Council, may do all things necessary to discharge this responsibility.
- 1.5 Where the Section 151 Officer considers that there is a likelihood of a significant overall overspending, or a significant overspending on a Committee budget or any unlawful expenditure, a report will be taken to Full Council.
- 1.6 As the Council's financial advisor, the Section 151 Officer will prepare a budget showing the sources of income and proposed expenditure in each financial year. The Section 151 Officer will also keep the Finance Committee informed of the Council's overall financial performance, compared with the approved budget(s). The information required and the frequency of reporting will be determined by the Finance Committee.
- 1.7 The Section 151 Officer, after consulting with the Group Manager for Legal Services where appropriate, may vary, waive or suspend any financial regulation.
- 1.8 Where reference is made in these regulations to specific officers, they may nominate other officers to act on their behalf provided that they keep appropriate up-to-date written records of the nominated officers and the limits to their delegated powers.
- 1.9 The Section 151 Officer shall add financial comments to all reports being submitted to Committee or Full Council regarding the financial consequences of any proposed action.



These comments may include the sufficiency of the budget to finance the proposals being made or set out the action to be taken to make the necessary finance available. These reports must be submitted to the Section 151 Officer or his/her representative, at least 3 working days before the distribution of papers to pre-agenda.

### **Role of Corporate Directors**

- 1.10 For the purposes of the Financial Regulations the term 'Corporate Director' includes the Chief Executive, the Service Director Customers, Governance and Employees and the Service Director Finance, Infrastructure and Improvement.
- 1.11 Corporate Directors are responsible for ensuring that employees and consultants in their departments are aware of, and comply with these Financial Regulations and that failure to comply may result in disciplinary action.
- 1.12 Corporate Directors must consult the Section 151 Officer on any matter which is liable to affect the finances of the Council before any provision or other commitment is incurred or before reporting to Committee. The Section 151 Officer has the right to be represented at meetings with partnerships or outside bodies where matters of financial significance are to be discussed.
- 1.13 Each Corporate Director and each Committee is responsible for the observance of Financial Regulations and for compliance with the decision making process defined in the Constitution.

## **2. FINANCIAL PLANNING AND BUDGETARY CONTROL**

- 2.1 In February of each year, Full Council will approve an annual revenue budget, capital programme, Treasury Management Strategy and Policy, Medium Term Financial Strategy and Council Tax precept.
- 2.2 It is the responsibility of all Committees, in consultation with the relevant Corporate Director(s), to monitor and control their budgets approved for the year.
- 2.3 Amounts provided under each heading of the approved annual revenue estimates must not be diverted to other purposes except as allowed by Financial Regulations at paragraph 3.4 [Virements].
- 2.4 The inclusion of items in the approved revenue estimates constitutes authority to incur expenditure, subject to the regulations for commissioning and procurement of Goods, Services and Works (section 8), except where the Council, Committees, or Financial Regulations of the Council have placed a restriction on any item. Where items cannot be identified from the approved revenue estimates, authority for expenditure on those items must be obtained from the appropriate decision making body depending on the amount. Expenditure on special items may only be incurred subject to the regulations at paragraph 3.3.
- 2.5 Where expenditure is required on items not included within the approved budget, and which cannot be funded within the regulations for virement (see paragraph 3.4) Corporate

Directors must seek advice from the Section 151 Officer and obtain approval from Full Council.

- 2.6 Where external funding is available to cover additional revenue expenditure, Corporate Directors must obtain the approval of;
- The Section 151 Officer for additional amounts **up to £250,000**;
  - Finance Committee for additional expenditure **over £250,000**; and
  - Policy Committee for additional expenditure **over £500,000**.
- 2.7 Capital expenditure is not authorised unless the regulations set out in section 4 have been complied with.
- 2.8 Where a Committee wishes to take a course of action which has financial implications contrary to the advice provided by the Section 151 officer, a report on the issue must be taken to Policy Committee for determination.
- 2.9 The Section 151 Officer must submit a report to the Full Council on each year's final accounts as soon as practicable, and in accordance with the statutory Accounts and Audit Regulations.

### **3. REVENUE EXPENDITURE**

#### **3.1 Preparation of Revenue Budgets**

- 3.1.1 Revenue budgets must be prepared in accordance with the process set out annually by the Section 151 Officer, and the resource allocation limits prescribed by the Council.
- 3.1.2 Detailed annual revenue budgets must be prepared in accordance with all instructions on budgeting issued by the Section 151 Officer. It is the responsibility of Corporate Directors to ensure that detailed budget preparation takes place, that the amounts included are realistic, and that there has been correct application of budget conventions and procedures for their service.
- 3.1.3 Where there is uncertainty about the proper approach to be adopted in preparing a budget, guidance should be sought from the Section 151 Officer.
- 3.1.4 The Section 151 Officer will, during the year, seek approval from Finance Committee for allocations from the General Contingency approved by Council.
- 3.1.5 Where external income arises from a set scale of charges, fees etc., the Corporate Director must review the level of fees at least once a year in consultation with the Section 151 Officer, having regard to any relevant statutory provisions for such charges, fees etc. Revised fees must be agreed by the relevant Committee.

#### **3.2 Control of Revenue Budget**

- 3.2.1 Corporate Directors and Committees are responsible for controlling expenditure within approved budgets. To assist them with this, virement of budget provision from one budget head to another may be permitted as described in paragraph 3.4.

- 3.2.2 Where new policies or significant variations to existing policies or practices are proposed, a report must be presented to Full Council or Policy Committee as appropriate providing details of the financial implications of the proposed policies for the current year and two further years.
- 3.2.3 A Corporate Director's authority to incur expenditure, for which provision has been made in the detailed annual revenue budget and which is in accordance with Council policies, is subject to the regulations in section 8 and the conditions in paragraph 3.3 below.

### 3.3 Special Items

#### Use of Consultants, Interim Managers and Specialist Contractors

3.3.1 **Consultants, Interim Managers and Specialist Contractors are time limited or ad hoc, and do not form part of 'business as usual' operations. Consultancy should be distinguished from outsourcing and staff substitution, which are not regarded as consultancy.**

3.3.1.1 Consultants, interim managers, individuals as contractors or specialist advisors may be engaged provided that there is sufficient budget provision and an annual report is made to the Policy Committee on the use of this discretion. Approval may be by:

- approval from the appropriate Committee (e.g as part of an approved capital programme or project); or
- if the estimated value of the contract is **below £50,000** prior approval must be obtained from the Corporate Director; or
- if the estimated value of the contract is **over £50,000** or is extended beyond £50,000 (and for any subsequent extension) prior approval must be obtained from the Corporate Director for Resources and the Section 151 Officer. Requests for approval must be submitted on the approved 'Request to procure a Consultant Form'.

3.3.1.2 Regardless of value, all consultants must be procured in accordance with the procurement procedures set out in section 8.

3.3.1.3 When engaging individuals as consultants, contractors or specialist advisors, Corporate Directors must determine whether the nature of their employment is 'Employed' or 'Self Employed' as set out in the

guidance note IR56 issued by HM Revenue and Customs. The Council has produced guidance and a form to help with this assessment. If a Consultant or Contractor is deemed to be 'Employed' the Corporate

Director must arrange for them to be paid through the Council's payroll. HR advice should be sought.

3.3.1.4 The Corporate Director must ensure that any consultant, interim manager or specialist contractor appointed to manage a contract or procurement process on behalf of the Council be notified of and require compliance with:

- The Council's Financial Regulations; and
- The Code of Conduct for Officers and
- The Protocol for Involvement in Outside Bodies.

3.3.1.5 The use of other types of contingent labour, i.e. agency workers, should be dealt with under the existing provisions of the vacancy control process and in accordance with the contracted managed service arrangements.

### 3.3.2 Leases

3.3.2.1 All leases or credit arrangements **over £6,000** which are not for Land and Buildings must be approved by the Section 151 Officer before they are entered into.

3.3.2.2 For leases of Land and Buildings the regulations at section 17 must be followed.

3.3.2.3 Depending on the circumstances leases or credit arrangements may be classified as Capital Expenditure.

### 3.3.3 Grant Aid

3.3.3.1 Grants and contributions to individuals, the voluntary and community sector are subject to approval by the Communities and Place Committee in accordance with the Grant Aid Strategy. Also see paragraph 3.3.6 on State Aid.

3.3.3.2 All other grants and contributions are subject to approval by the relevant budget holding Committee either individually or via an approved scheme administered by officers authorised by the relevant Committee.

### 3.3.4 Loans and Guarantees to External Bodies and Financial Support in Relation to Properties

3.3.4.1 All proposals for loans or guarantees or financial support in relation to properties to individuals or outside bodies should be **accompanied by an appropriate risk assessment** and may be authorised as follows:

3.3.4.1.1 loans or guarantees for economic development or regeneration purposes must be approved by the Policy Committee;

- 3.3.4.1.2 all other loans or guarantees or financial support in relation to properties must be approved by the relevant Committee.

Also see paragraph 3.3.6 on State Aid.

### 3.3.5 Investment in Equities

- 3.3.5.1 Investment in equity stock may be authorised as follows:

- 3.3.5.1.1 investments **up to £250,000** for economic development or regeneration purposes must be approved by the Policy Committee;

- 3.3.5.1.2 all other investments must be approved by the Finance Committee

These restrictions do not apply to pension fund investments, which are dealt with by the Pension Fund Committee.

### 3.3.6 State Aid

- 3.3.6.1 State Aid is financial aid or other advantage to a business or organisation from a public body such as a local authority. Grants, loans or guarantees to business may constitute State Aid in some cases. In all circumstances, advice should be sought from Legal Services.

### 3.3.7 Emergency Expenditure

- 3.3.7.1 A Corporate Director may incur expenditure which is essential to meet any immediate needs created by a sudden emergency, subject to this action being reported immediately to the Chief Executive and the Section 151 Officer, and to the next relevant Committee. Corporate Directors must keep a separate record of the essential expenditure incurred.

## 3.4 Virement

- 3.4.1 The transfer of budget provision from one budget holder to another is approved as follows:

- 3.4.1.1 **up to £50,000** (£100,000 within the Highways Maintenance Budget) by the Section 151 Officer

- 3.4.1.2 **up to £500,000** by the relevant Committee, or for cross Committee virements following consultation with the relevant Chairmen of Committees, by the most appropriate Committee

- 3.4.1.3 **over £500,000** by the Finance Committee.

- 3.4.1.4 **Over £1 million** by the Policy Committee.

### 3.5 Monitoring of the Revenue Budget

- 3.5.1 Corporate Directors must ensure that budgets are monitored via the Council's Business Management System. Budget monitoring reports should be presented at least quarterly to each relevant Committee, with a report on the Council's overall financial position presented to Finance Committee. Explanations of significant variations and proposals for avoiding any continuing budget problems must be explained to the relevant Committee.
- 3.5.2 All underspends will transfer to County Fund Balances unless specific approval is obtained for the carry forward of budget to the following year from Finance Committee, on presentation of a business case.
- 3.5.3 The annual surpluses and deficits of trading organisations will be carried forward in an 'Earmarked Reserve'. The level of these reserves will be kept under review by the Section 151 Officer and reported annually to Finance Committee and Full Council.

## 4. CAPITAL EXPENDITURE AND OTHER MAJOR PROJECTS

### 4.1 Inclusion of schemes in the Capital Programme

- 4.1.1 The Council has a Capital Programme, considered annually through an Annual Review Process. This programme is approved by Full Council and includes the capital schemes for the forthcoming financial year and the three years following.
- 4.1.2 The processes by which a capital scheme can be added to the Capital Programme are shown in the attached decision tree. The content of bids must be as set out in paragraph 4.2 below.
- 4.1.3 All proposals for capital expenditure should be considered initially by the Corporate Asset Management Group (CAMG) who will advise on the relative priority of future capital schemes, in accordance with the agreed prioritisation criteria within the Capital Strategy. Approval must then be obtained as follows:
  - 4.1.3.1 for schemes being considered through the Annual Review process, CAMG will make recommendations to the Chairman of Finance Committee and, in turn consult with the Corporate Leadership Team (CLT). A report will then be taken to Finance Committee for approval in principal and inclusion within the annual budget for approval by Full Council (see decision tree route a);
  - 4.1.3.2 for schemes arising during the budget year on an ad-hoc basis, CAMG will consider and advise the Chairman of Finance Committee and, in turn, will seek approval from the relevant approving body – see paragraph 4.1.4 (see decision tree routes b and c).
- 4.1.4 Where proposals are made for additional schemes during the year, or for cost variations to existing schemes, decisions can be taken as follows:
  - 4.1.4.1 schemes, or variation increases, **up to £250,000** by the Section 151 Officer;

- 4.1.4.2 schemes, or variation increases, **over £250,000 and up to £2 million** by Finance Committee;
- 4.1.4.3 schemes, or variation increases, **over £2 million** by Policy Committee.
- 4.1.5 For all schemes with a capital cost **OVER £7.5 MILLION** no detailed design work can be undertaken until a report on alternative design proposals has been approved by Policy Committee.
- 4.1.6 After approvals have been obtained under either paragraphs 4.1.3 or 4.1.4 above, Latest Estimated Cost (LEC) reports should be prepared and presented (see paragraph 4.4) before tenders are sought.
- 4.1.7 Where major projects are being procured through a 'Private Finance Initiative' (PFI), 'Public Private Partnership' (PPP) or equivalent arrangement, an options appraisal report should be prepared and approval must be obtained from Full Council before tenders are invited.

## 4.2 Content of Bids for Capital Expenditure

- 4.2.1 All proposed schemes, or programmes of work, must include an options appraisal which has been carried out before detailed design work begins, setting out the full lifecycle costs of the investment and the impact on future revenue budgets. All bids for capital expenditure must be prepared by Corporate Directors in the form laid down by the Section 151 Officer.
- 4.2.2 The advice of the appropriate technical officer(s) must always be provided before a scheme is included in any capital programme, e.g. Service Director for ICT for computer technology, Service Director for Property for building, construction and associated works.
- 4.2.3 When scheduling costs for schemes construction costs should not normally appear in the first year, unless the following criteria have been considered and the risks evaluated:
  - 4.2.3.1 purchase, lease or lease option of the land or property has been completed and land assembly costs and issues have been identified.  
  
In the case of projects where the Council will not be the landowner or where powers of compulsory purchase are being exercised, a right of entry must have been obtained;
  - 4.2.3.2 outline planning permission must have been obtained, where required;
  - 4.2.3.3 the sources of funding, including any grants or contributions from outside organisations, have been secured - except for land reclamation projects where grant notification is not normally received until the year of the project;
  - 4.2.3.4 the service department has prepared a detailed business case for the project which has been agreed with the relevant technical officer who will carry out the design;
  - 4.2.3.5 there has been a proper assessment of the time-scale, the likely costs and governance arrangements for the project;

- 4.2.3.6 where existing property is affected by the proposed development, the service department has agreed proposals for dealing with staff or clients who might be displaced as a result of the construction (temporarily or permanently); and
- 4.2.3.7 relevant sustainability issues have been considered and impact assessments have been undertaken in accordance with any Council policies.
- 4.2.4 All costs should be at estimated out-turn prices, unless otherwise determined by the Section 151 Officer.
- 4.2.5 The anticipated revenue costs of all schemes in the capital programme must be assessed each year. The staffing, lifecycle maintenance and other running costs must be included in the revenue budget. The financing costs for expenditure funded by borrowing or leasing will be calculated by the Section 151 Officer and included within the overall revenue budget.

### 4.3 Feasibility Studies

- 4.3.1 The appropriate project manager/ technical officer can carry out feasibility work on any scheme not in the approved capital programme subject to:
  - 4.3.1.1 the relevant Committee agreeing to the cost being met from its revenue budget for the year; and
  - 4.3.1.2 prior approval from the Section 151 Officer has been obtained if the estimated cost of the feasibility study is **over £25,000**.
- 4.3.2 Detailed design work must not take place on schemes which are not included within the approved capital programme unless written approval has been obtained from the [Chief Executive and the] Section 151 Officer. This does not apply to schemes over £7.5 million that are subject to separate approval by Policy Committee (see paragraph 4.1.5).
- 4.3.3 The appropriate project manager/technical officer can carry out preparatory work on any scheme included in the approved capital programme. The costs of this work must be charged to that scheme. If for any reason the scheme does not go ahead, then the costs of preparatory work undertaken must be charged to the revenue budget of the relevant Committee, which will need to make available sufficient budget cover for this. This means that the project manager/ technical officer should not carry out preparatory work unless an undertaking has been secured for the funding of any abortive costs from the service department and the appropriate budget identified.

### 4.4 Project Management and reports on "Latest Estimated Costs" of Proposed Schemes

- 4.4.1 All projects should be managed in accordance with the principles of good project governance and management. Projects **over £250,000** should be governed, managed and delivered using best practice project management techniques e.g. PRINCE2. Where significant risks have been identified, they should be included in the Corporate Risk Register and addressed in accordance with the Council's Risk Management strategy.



4.4.2 Corporate Directors must take a report to the relevant Committee setting out the latest estimated costs of all proposed capital schemes where the capital cost is **between £250,000 and £1 million** and to Finance Committee for schemes where the capital cost is **over £1 million**. The report must be made after detailed design work has been completed but before tenders are invited and should contain:

4.4.2.1 Capital costs analysed into:

4.4.2.1.1 land acquisition costs and associated liabilities;

4.4.2.1.2 construction costs;

4.4.2.1.3 acquisition of plant, equipment and furniture;

4.4.2.1.4 professional fees (including legal fees) and project management costs;

4.4.2.1.5 any other relevant costs.

4.4.2.2 Revenue costs identified and analysed into:

4.4.2.2.1 staffing costs;

4.4.2.2.2 energy costs;

4.4.2.2.3 other running costs;

4.4.2.2.4 financing costs;

4.4.2.2.5 lifecycle maintenance costs.

In addition to total costs, their phasing over each financial year should be shown. If the costs exceed the existing capital programme provision for that scheme, the

report must contain a statement on how these extra costs can be contained within the approved total capital programme or, if further capital funds are required, approval to increase the capital programme (the capital variation) must be obtained as set out in paragraph 4.1 above.

#### **4.5 Budgetary approval prior to Contract Award**

4.5.1 Where the preferred tender exceeds the LEC or Capital Programme estimate, Corporate Directors must submit a revised LEC report and obtain all necessary approvals for the additional expenditure needed before accepting the tender.

4.5.2 The award of contracts must comply with the procedures for the procurement of Goods, Services and Works set out in section 8 and the guidance must be sought from the Procurement Centre and Legal Service.

#### **4.6 Final Accounts**

4.6.1 Corporate Directors must report the final accounts for capital schemes over £1 million to the relevant Committee.

- 4.6.2 The Section 151 Officer shall, where considered necessary, examine any scheme final accounts and is entitled to make such enquiries and receive such information and explanations as may be required to confirm the completeness and accuracy of the accounts.

#### **4.7 Post-Project Evaluations**

- 4.7.1 Corporate Directors have the responsibility to ensure the completion of a post project review for all their projects.
- 4.7.2 The post project review should normally address the following matters:
- 4.7.2.1 out-turn costs vs original cost estimates and the reasons for any cost increases;
  - 4.7.2.2 breakdown of the professional fees incurred;
  - 4.7.2.3 actual timetable achieved vs original planned timetable and the reasons for slippage and delays;
  - 4.7.2.4 overall project outcomes and quality of project management;
  - 4.7.2.5 achievement of service objectives and benefits;
  - 4.7.2.6 lessons to be learned for future projects.
- 4.7.3 For completed projects, post-project reviews must be evaluated by the Corporate Asset Management Group (CAMG) and an annual report submitted by the Chairman of CAMG to the Finance Committee as follows:
- 4.7.3.1 projects **up to £5 million** - for a sample of projects selected by CAMG;
  - 4.7.3.2 projects **over £5 million** - all projects.

#### **4.8 Capital Financing**

- 4.8.1 The Section 151 Officer will make arrangements for the financing of capital expenditure in accordance with the CIPFA 'Prudential Code for Capital Finance' and the annual budget report approved by Full Council.
- 4.8.2 Corporate Directors must notify the Section 151 Officer prior to committing to leases or hire purchase arrangements for vehicles, equipment or land/buildings where the value will exceed £6,000 (see paragraph 3.3.2 and section 17).

### **5. ACCOUNTING SYSTEMS**

- 5.1 All staff must comply with accounting instructions issued from time to time by the Section 151 Officer. Any new accounting systems and changes to such systems must be approved by the Section 151 Officer.

- 5.2 The Council adheres to the CIPFA Accounting Codes of Practice on Local Authority Accounting and the CIPFA Service Expenditure Reporting Code of Practice and the supporting guidance statements.
- 5.3 All interim or final claims in respect of Government grant and reimbursements or contributions from outside bodies, other than where an invoice has been raised, must be signed by the Section 151 Officer.
- 5.4 Corporate Directors are responsible for ensuring that appropriate systems and procedures are in place for the proper transfer of all financial records and assets, e.g. stocks, stores, imprest accounts, inventories, valuables, cash, etc., when responsibility is to transfer from one officer to another.
- 5.5 The accounting control systems of the Council must include:
- 5.5.1 measures to promptly and accurately record all financial transactions of the Council;
  - 5.5.2 measures to prevent and detect inaccuracies and fraud, and reconstitute any lost records promptly and at reasonable cost;
  - 5.5.3 identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers.
- 5.6 At the end of each financial year, Corporate Directors must notify the Section 151 Officer of all outstanding expenditure relating to the previous financial year in such detail and by such date as may be required by the Section 151 Officer so that accounts can be prepared to meet statutory reporting requirements (known as the accruals process).

## 6. ASSETS

Assets include land and buildings (see section 17) stocks and stores (see paragraph 6.1 below) and cash, equipment and furniture (see paragraph 6.2 below).

### 6.1 Stocks, Stores and Inventories

- 6.1.1 Corporate Directors are responsible for ensuring that appropriate systems and procedures are in place for the safe custody and physical control of the stocks and stores in their Department. They must arrange for periodic stocktaking by an independent person to ensure that all items are checked at least once per annum or at such other frequency as the Section 151 Officer may agree. Test checks should be carried out from time to time.
- 6.1.2 Inventories of the Department's assets must be prepared and kept up-to-date by each Corporate Director. Records and the method and frequency of inventory checks will be determined by the Section 151 Officer.
- 6.1.3 Corporate Directors must notify the Section 151 Officer each year of the value of stock held by their Department as at 31 March and must supply such other information relating to stocks and stores as may be required by the Section 151 Officer.
- 6.1.4 Discrepancies revealed at a stock taking may be adjusted by the Corporate Director provided that it is **under £1,000 in aggregate**. Discrepancies **over**

**£1,000** must be reported to the Section 151 Officer who may authorise the necessary adjustment or refer any item to Internal Audit.

- 6.1.5 Departments should not hold excessive stocks and Corporate Directors must ensure that a periodic review of stock turnover and stock levels of all items is undertaken and that action is taken to reduce/dispose of excessive or obsolete stocks.
- 6.1.6 Corporate Directors must satisfy themselves that the stocks, stores or materials cannot be re-used elsewhere in the Council. Any surplus stocks, stores or materials must be disposed of in accordance with the procedures below set out in paragraph 6.4.

## **6.2 Cash, Equipment and Furniture**

- 6.2.1 Corporate Directors are responsible for maintaining appropriate security for all cash, furniture and equipment etc. under their control. The Council's property must not be removed from its usual location or used for unofficial purposes except with the permission of the relevant Group Manager.
- 6.2.2 Money held at premises must be placed in a cash box which must be kept locked and put in a secure place.
- 6.2.3 Safes must be kept locked and the key removed. Keys to safes, strong rooms and similar locked areas are to be stored securely at all times. The loss of such keys must be reported to the Section 151 Officer immediately. Master keys and spare safe keys should be stored securely at a separate location.
- 6.2.4 Where several officers use the same safe, each officer must use a separate lockable cash box for the monies they are responsible for.

## **6.3 Protection of Private Property**

- 6.3.1 Where an officer assumes responsibility for items belonging to a private person, s/he must ensure that a formal inventory is prepared promptly, and where possible, in the presence of two officers who must sign and date the inventory to certify its accuracy. The property must be held securely.
- 6.3.2 All valuables such as jewellery, watches and other small articles of a similar nature and financial documents or property documents of title must be kept in a safe.
- 6.3.3 All reasonable steps must be taken to return the private property to its rightful owner. Where a significant cost has been incurred by the Council in providing safe custody, the cost should be recovered before the property is returned and an official receipt provided for monies received.

## **6.4 Disposal of Assets (including Stocks, Stores or Materials)**

- 6.4.1 Where land or buildings are concerned, the Council's disposal policy must be complied with (see section 17).
- 6.4.2 Where ICT equipment is concerned, disposal must comply with the policies and procedures set by the Service Director – ICT.

- 6.4.3 Before disposing of any asset, officers should consult with the Section 151 Officer and must satisfy themselves that the asset has not been leased.
- 6.4.4 Having satisfied themselves that the assets (including stocks, stores or materials) cannot be economically re-used elsewhere in the Council, surplus assets must be disposed of in accordance with the procedures below:
- 6.4.4.1 items estimated to realise **less than £500** – at the Corporate Directors' discretion;
  - 6.4.4.2 items estimated to realise **between £500 and £10,000** - competitive quotations must be sought (and copies retained on file);
  - 6.4.4.3 items estimated to realise **more than £10,000** advice must be sought from the Section 151 Officer on the appropriate method of disposal to ensure that the most advantageous price is obtained. Where tenders are used, an appropriate number must be sought (and copies retained on file)
- 6.4.5 Assets which have been sold may be released to the purchaser once cleared funds have been received by the Council.

## 7. SALARIES, WAGES AND PENSIONS

- 7.1 The payment of salaries, wages, pensions or other benefits will be made only by the Service Director – Human Resources and Customer Services. Each Corporate Director must notify the Service Director, as soon as possible, and in the form prescribed, of all matters affecting an officer's pay.
- 7.2 All time-records or other pay input documents must be in a form prescribed or approved by the Service Director – Human Resources and Customer Services. Officers authorised to approve pay input documents must comply with the relevant employment procedure rules and any directions issued by the Service Director – Human Resources and Customer Services.
- 7.3 Overtime claims must be submitted promptly. Where these claims are over three months in arrears they will only be paid with the approval of the Service Director – Human Resources and Customer Services.
- 7.4 No employee should be paid by the Council unless they have a valid contract of service with the Council.
- 7.5 For income tax purposes, where consultants, contractors, or temporary staff meet the test of 'Employed' as set out in paragraph 3.3.1.3 they shall be treated as employees and paid through payroll.

## 8. COMMISSIONING AND PROCUREMENT OF GOODS, SERVICES AND WORKS

### 8.1 General

- 8.1.1 All procurement documentation, including contracts, must be in a form approved by the Group Manager for Legal Services.
- 8.1.2 All procurement must be performed in accordance with the all applicable laws, the rules set out here and the guidance provided by the Procurement Centre in consultation with Legal Services. In particular all procurement activity should follow the principles set out in the current Procurement Strategy. The laws, rules and guidance are intended to ensure the following objectives are met:
- 8.1.2.1 **Probity and Openness:** Honesty, integrity and openness in all dealings (subject to reasonable requirements of confidentiality) and the avoidance of corruption;
  - 8.1.2.2 **Best Value:** The optimum outcome for the Council and the residents of Nottinghamshire including the consideration of best value with regard to social, economic and environmental factors.
  - 8.1.2.3 **Equal Treatment of Suppliers:** Fair and equitable treatment for all potential suppliers;
  - 8.1.2.4 **Officer Protection:** Avoidance of situations which may lead to accusations of officer impropriety.
- 8.1.3 All procurement undertaken by the Council with a contract value greater than the relevant EU threshold is subject to both National and European Union (EU) Rules.
- 8.1.4 The Procurement Centre **must** be involved in all procurement over £10,000. Budget holders must therefore contact the Procurement Centre before commencing a new procurement exercise where it exceeds £10,000.
- 8.1.5 The Procurement Centre must seek advice from Legal Services at the commencement of any procurement over the EU thresholds and must be involved in the entire process for all complex or non-standard procurement projects or where detailed advice is required on procurement law.
- 8.1.6 If contracts arranged through the Procurement Centre already exist then these must be used. If not, Government or other public body frameworks must be used unless they do not meet service delivery needs.
- 8.1.7 Where a Council department provides goods, services or works of a particular kind that department must be given the opportunity to provide the required goods, services or works. Where the goods, services or works are obtained from in-house sources, there is no requirement to obtain quotations and tenders. Discussion with the Procurement Centre and the service area and prior approval from the Section 151 Officer must be obtained where external suppliers are to be used to obtain goods, services or works that are available from in-house providers.

The reasons for not using the in-house provider will be retained on file for review and audit purposes by the relevant Department.

8.1.8 All necessary Committee and budgetary approvals must already have been obtained before commencing with your procurement.

8.1.9 The current thresholds and how to conduct your procurement is set out in the table below:

### Contracts for Supplies and Services

Estimated Total Contract Value	Minimum Procurement Requirements	Advertising	Contract Signatory
Up to £5,000	Written quotations to be sought if deemed appropriate by the Corporate Director or his/her nominee		Budget Holder
£5,001 to £10,000	Written quotations must be sought from more than one supplier		Budget Holder
£10,001 to £25,000	Three written quotations must be sought	Source Notts	Budget Holder
£25,001 to £50,000	Three tenders must be invited	Source Notts <b>and</b> Contracts Finder.	Budget Holder
£50,001 to EU Threshold* for Supplies and Services  (£164,176 as at January 2016)	Five tenders must be invited	Source Notts <b>and</b> Contracts Finder	Budget Holder and Officer of equal or senior status to the budget holder
Above EU Threshold for Supplies and Services	EU procurement rules must be complied with	Source Notts <b>and</b> OJEU <b>and</b> Contracts Finder	Budget Holder and Officer of equal or senior status to the budget holder
Over £1 Million	EU procurement rules must be complied with	Source Notts <b>and</b> OJEU <b>and</b> Contracts Finder	Must be executed as a deed under seal

### Contracts for Works

<b>Estimated Total Contract Value</b>	<b>Minimum Procurement Requirements</b>	<b>Advertising</b>	<b>Contract Signatory</b>
Up to £10,000	Written quotations must be sought from more than one supplier		Must be executed as a Deed under Seal
£10,001 to £25,000	Three written quotations must be sought	Source Notts	Must be executed as a Deed under Seal
£25,001 to £250,000	Three tenders must be invited	Source Notts <b>and</b> Contracts Finder	Must be executed as a Deed under Seal
£250,001 to EU Threshold for Works (£4,104,394 as at January 2016)	Five tenders must be invited	Source Notts <b>and</b> Contracts Finder	Must be executed as a Deed under Seal
Above EU Threshold for Works	EU procurement rules must be complied with	Source Notts <b>and</b> OJEU <b>and</b> Contracts Finder	Must be executed as a Deed under Seal

### Supplementary Notes

#### Quotations and Tenders:

Details of all quotations and tenders sought and received, including supplier details and pricing information, must be kept on the procurement file by the relevant Department for review and audit purposes. Whenever possible and appropriate SME's and local suppliers should be encouraged to submit a quotation or tender.

#### Thresholds:

The current thresholds are set out in the table above; however, valuation of contracts is not always straightforward. Splitting of contracts in order to avoid the EU Rules is not allowed. Advice and guidance should be sought from the Procurement Centre.

#### Allowed Exceptions:

Where the contract value is **less than the EU threshold** there are limited circumstances where obtaining quotations / tenders is not required:



- a. The work to be executed or the goods or materials to be supplied consist of repairs to, or parts for, existing proprietary machinery, where such repairs or parts are specific to that machinery or upgrades to existing software packages.
- b. Works, supplies or services are urgently needed for the immediate protection of life or property, or to maintain the immediate functioning of a public service for which the Council is responsible. In such cases the contract must only last as long as is reasonably necessary to deal with the specific emergency
- c. The Corporate Director, in consultation with the Group Manager for Procurement, decides that special circumstances make it appropriate and beneficial to negotiate with a single firm or that a single tender be invited and that best value for the Council can be achieved by not tendering

In all cases where the value is over £5,000 but below the EU thresholds prior approval via a Financial Regulations Waiver Request Form (available on the intranet) must be obtained for all exceptions to these Financial Regulations.

**Advertising:**

All Source Notts adverts, Contracts Finder and OJEU notices must be routed via the Procurement Centre for publication.

**Corporate Contracts:**

Where there is no single budget holder then the Budget Holder signatory role may be undertaken by the Group Manager for Procurement.

**Building Works**

Property Services should be contacted for any contracts that impact upon the Authority's property portfolio.

**8.2 Joint Procurement**

8.2.1 The Council may procure goods, services and works through collaborative procurement exercises or joint commissioning in partnership with other public sector organisations. The organisations involved in the exercise must decide which of them is to act as the lead and the procurement procedures of the lead body must be followed.

8.2.2 Where the Council acts as lead authority it must carefully assess the risks involved, ensure that it does not take on liabilities of other public bodies by acting as lead and must follow any procedural safeguards as advised by the Group Manager for Legal Services and financial arrangements determined by the Section 151 Officer to protect the Council's position.

## 8.3 Tender Principles

- 8.3.1 Unless expressly approved in writing by the Group Manager for Procurement, all procurement must be undertaken using the Council's electronic system and procedures determined by the Section 151 Officer in consultation with the Group Manager for Legal Services.
- 8.3.2 If the specification for any tender is developed by or in conjunction with any consultant or supplier, then that consultant or supplier shall be excluded from a future tendering exercise for those services, supplies or works for as long as that specification is in use.
- 8.3.3 Councillors and Officers who have a financial or personal interest in a contract or other procurement decision must ensure they comply with the appropriate codes of conduct and must not be supplied with or given access to any tender documents, contracts or other relevant related information without the authority of the Monitoring Officer.
- 8.3.4 Where a contract contains onerous obligations for the Council, such as an indemnity or guarantee, advice must be sought from the Group Manager for Legal Services.
- 8.3.5 Where ICT equipment, software and services to be purchased or for upgrades to software the Service Director, ICT should also be consulted.
- 8.3.6 The Council's information management policies and procedures should be followed in respect of retention of records and disclosure of information relating to contracts and tenders.
- 8.3.7 The Corporate Director must ensure that where any officer who is not an employee of the Council is responsible for the letting, administration and management of a contract on the Council's behalf, they must:
- retain all relevant documentation on the Council's approved systems;
  - retain all relevant original records (see paragraph 8.3.5) and provide it to the Corporate Director or Section 151 Officer on request and in any event prior to the end of their contract with the Council;
  - provide all the appropriate drawings, including the final 'as built' drawings, together with all project and contract documentation to the Corporate Director and in any event within three months of completion of the works.
- 8.3.8 Subject to any statutory requirements relating to disclosure, the names of, prices contained in or other confidential information from any tender must not be divulged to other bidders, or individuals not properly connected with the tender process.

## 8.4 Invitation to Tender

- 8.4.1 Every invitation to tender must state that a tender will only be considered if it is submitted in accordance with the instructions to tenderers. The invitation to tender must also state that tenders which do not comply fully may be rejected.
- 8.4.2 All invitations to quote/tender must specify that the Council is not bound to accept the lowest or any quotation or tender.
- 8.4.3 Tenders may be evaluated on the basis of price, or a mixture of price and quality criteria. The basis on which the tender will be evaluated must be determined before tenders are invited and included as part of the invitation to tender information.
- 8.4.4 Where prior advertisement has not specified the award criteria, the invitation to tender must state the award criteria together with the weighting for each of the chosen criteria.
- 8.4.5 The invitation to tender must include the Council's contract terms for that contract.
- 8.4.6 The invitation to tender for contracts above EU thresholds must contain information for tenderers about the way the standstill period will be applied (see paragraph 8.8.2).
- 8.4.7 Subject to prior discussion with the Procurement Centre and Legal Services, approval shall be sought from the Section 151 Officer regarding whether:
- 8.4.7.1 provision should be made for liquidated and/or ascertained damages in the contract, where the contract is for the supply of goods or materials by a particular date or series of dates and if required, the amount of such damages shall be determined by the appropriate technical officer in consultation with the Group Manager for Legal Services
  - 8.4.7.2 security in the form of a bond and/or parent company guarantee is required for the due performance of a contract, where:
    - The total value of the contract exceeds £1 million;
    - or**
    - The total value of the contract is less than £1 million but the Corporate Director, appropriate technical officer or the Section 151 Officer considers that Council is at particular risk.
  - 8.4.7.3 in the case of construction and maintenance contracts provision should be made for a payment retention (normally 5%) to be withheld for an appropriate period to allow for the rectification of faults and defects.
- 8.4.8 The release of any security must be authorised by the appropriate technical officer in consultation with the Section 151 Officer.

8.4.9 If a performance bond or other security is required the nature and amount of the security to be given must be set out in the specification.

## **8.5 Receipt and Opening of Tenders**

8.5.1 Receipt and opening of tenders must be undertaken using the Council's approved electronic system.

8.5.2 Where the use of a paper-based tender process has been authorised by the Group Manager for Procurement in accordance with paragraph 8.3.1 above the following procedures must be followed:

8.5.2.1 tenders shall be returned to the Group Manager for Procurement;

8.5.2.2 until the time specified for opening tenders, tenders must remain unopened and be held securely.

8.5.2.3 the opening and recording of tenders must be performed by a representative of the Procurement Centre who shall record the tenders in the official tender book in the presence of a representative from the client department.

8.5.2.4 the official tender book shall include the following:

- Description of the contract being let;
- Date and time set for tender receipt;
- Date and time tenders were opened;
  
- The officers present at the opening;
- Details of the following for each tender:
  - Tenderers name;
  - Date received;
  - The tendered value (where applicable); and
  - Details of any noteworthy events (e.g. Tender excluded with reasons).

8.5.2.5 Any issues on the opening and recording of tenders, including any tenders received late, shall be referred to Legal Services.

## **8.6 Clarification and Negotiation following tender submission**

8.6.1 Where examination of tenders reveals errors which would affect the tender figure in an otherwise successful tender, the tenderer must be notified of such errors and be given the opportunity to clarify and confirm or withdraw their tender. Under no circumstances must the clarification process be used to attempt to seek an adjustment of prices or other changes to the specification tendered.

8.6.2 EU Directives only allow for negotiations under specific circumstances where the procurement is above EU thresholds, they are:

- competitive procedure with negotiation, no negotiation is permitted after receipt of final tenders.
- or the Innovation Partnership Procedure all tenders except final tenders can be negotiated
- Competitive Dialogue allows limited negotiation with the preferred bidder to confirm financial commitments or other terms of the tender. This negotiation is permitted provided that it does not have the effect of materially modifying essential aspects of the tender.

In these circumstances advice must be sought from the Group Manager for Legal Services.

8.6.3 For procurement below EU thresholds, guidance must be sought from the Procurement Centre about the circumstances in which negotiations are permissible and the procedure for the relevant contract procurement must be followed.

## **8.7 Tender Evaluation**

8.7.1 All tenders must be evaluated in accordance with the published evaluation criteria set out in the contract notice or the invitation to tender.

## **8.8 Contract Award**

8.8.1 A tender may be accepted as the winning tender by the appropriate Corporate Director using a form of acceptance letter approved by the Group Manager for Legal Services and the Group Manager for Procurement.

8.8.2 For contracts above the EU thresholds, there must be a minimum standstill period of at least 10 clear calendar days between communicating the award decision to all tenderers and candidates, and contract conclusion. A 10 day standstill period is also required before awarding a contract after a stand-alone e-auction is closed or at the end of an e-auction run within a Dynamic Purchasing System.

8.8.3 All tenderers and candidates must be notified of the result of the procurement as soon as possible after the award decision.

The notification must contain:

- The award criteria;
- The reasons for the decision
- The tenderer's score;
- The winning tenderer's score
- The name of the winning tenderer
- A statement outlining the standstill period before the Council will enter into the contract or conclude the framework agreement

Further guidance is available from the Procurement Centre.

8.8.4 Successful tenderers must be informed that no work may start on site or goods, services or materials ordered until either

- An official order has been issued;

**or**

- A formal contract (and, where applicable, a completed bond) has been completed by all parties.

8.8.5 Within 48 days of awarding an EU contract, a Contract Award Notice, in the prescribed form, must be sent to the Official Journal of the European Union (OJEU).

## **8.9 Contract Administration**

8.9.1 Corporate Directors are responsible for ensuring that contracts are managed and monitored by suitably experienced officers with knowledge of the relevant contract terms and conditions.

8.9.2 All contracts must be performance managed by the commissioning department in accordance with best practice, the Strategic Management Framework and any applicable performance management requirements including relevant committee oversight. Any significant contract management concerns or issues should be

reported to the Section 151 Officer and the Group Manager responsible for Performance.

8.9.3 Contractors may only be paid for matters which fall within the terms of the contract. Any claims for payment falling outside the terms of the contract must be referred to the Group Manager for Legal Services for consideration of the Council's legal liability as soon as possible. Where the Group Manager for Legal Services considers it necessary, these claims must also be referred to the Section 151 Officer for consideration before any settlement is reached.

8.9.4 Valid claims for loss and expense arising from delays and disruption must be notified to the Group Manager for Legal Services where they are likely to exceed £100,000 or for any amount where there is a possibility of legal proceedings, including arbitration or alternative dispute resolution procedures provided by the contract.

8.9.5 Where there is provision in the contract for liquidated and/or ascertained damages, these rights must be enforced where contracts are not completed within the original contract period (plus any extensions of time granted in accordance with the contract) unless otherwise agreed in writing by the Section 151 Officer and the Group Manager for Legal Services.

## **8.10 Procurement and Ordering**

8.10.1 Purchase Orders must be in the form approved by the Group Manager for Procurement and Group Manager for Legal Services.

- 8.10.2 Corporate Directors are responsible for the control of all official orders issued from their Department.
- 8.10.3 Except in cases of emergency, no work shall be carried out or goods, materials or services ordered or a consultant appointed unless there is adequate budget available.
- 8.10.4 For all goods, services or works an official purchase order should be raised before they are ordered.

All orders should be raised via the Council's Business Management System (BMS) unless the use of Purchase Card, Petty Cash or Legacy system has been approved. Within BMS the limit for system approvals is as follows:

Estimated Value	Level of Approval Required
Under £200	No additional approval required
£200 to £100,000	Senior Practitioner or Team Manager
£200 to £200,000	Group Manager
£200 to £2 Million	Service Director
Unlimited	Corporate Director / Chief Executive

- 8.10.5 Purchase Card purchases must only be made by authorised officers. Purchase Card application forms are available on the intranet and must be approved by the Group Manager for Procurement.
- 8.10.6 Petty cash (Imprest Accounts) purchases must only be made by authorised officers and in accordance with the requirements set out under section 10.4.

## 9. PAYMENT FOR GOODS, SERVICES AND WORKS

- 9.1 Payment for goods, services and works relating to approved orders in BMS do not need further approval. See separate guidance on raising, approving and making variations to purchase orders in BMS on the Council's BMS webpages.
- 9.2 For BMS non-purchase order related payments before authorising an official purchase invoice, or any process that may lead to a payment, officers must:
  - 9.2.1 ensure they are authorised to process the payment (see BMS limits for system approvals set out in paragraph 8.10.5);
  - 9.2.2 satisfy themselves that the goods/services/works are a proper charge on the funds under their control;
  - 9.2.3 satisfy themselves that the goods/services/works have been received, conform in all respects with the official order and are acceptable in every way;

- 9.2.4 ensure that amounts are correct and include all discounts due;
- 9.3 Where payment is made by Purchase Card, charge card or credit card, it may not be possible to comply with paragraph 9.2.3 above but officers must ensure compliance with paragraphs 9.2.1, 9.2.2, and 9.2.4 and with the guidance for the use of Purchase Cards (see separate guidance on use of Purchase Cards on the Council's BMS webpages).
- 9.4 The Council's normal method of payment of monies owed is by BACS, cheque or Purchase Card.
- 9.5 Direct Debits must not be set up on any of the Council's bank accounts, including imprest accounts, without the prior written approval of the Section 151 Officer.
- 9.6 Direct Debits must be cancelled promptly when the related goods or services are no longer being received. All Direct Debits must be reviewed annually to confirm they are still appropriate.
- 9.7 An officer initiating payment should ensure that the account has not previously been passed for payment and that it is coded to the correct accountancy code for which prior approval has been obtained from the budget holder.
- 9.8 The duties of ordering, receiving goods and certifying invoices for payment must not be performed by the same officer without prior agreement of the Section 151 Officer. Where alternative electronic procurement systems to BMS have been approved, these systems may allow single officers to do this, provided that they have suitable security protocols to the satisfaction of the Section 151 Officer.
- 9.9 VAT invoices must not be amended. A credit note or replacement invoice must be obtained from the supplier.
- 9.10 Invoices must not be made out by officers of the Council except in the case of recurring or other items, e.g. rent where no invoice is normally receivable, when a payment request form may be used. An officer must not add any additional item or items to an invoice received by the Council.

## **9.11 Contract Payments**

- 9.11.1 Where contracts provide for payment to be made by instalments, the appropriate Corporate Director must ensure that a record of the payments made is maintained on the project file. The record(s) must show the state of account on each contract between the Council and the contractor together with any other payments and the related professional fees.
- 9.11.2 Payments to contractors in instalments must be made only on provision of a certificate showing the total amount of contract, the value of the work executed to date, retention monies, the amount paid to date and the amount now certified. These certificates should be issued by the appropriate Corporate Director or by their authorised nominee.
- 9.11.3 The approved sum payable to the contractor is the tender sum as accepted under the procedure at paragraph 8.8 plus such additional sums due under the contract as have also been properly incurred and approved by the relevant budget holder.



- 9.11.4 As soon as it becomes apparent that the approved sum will be exceeded, a report must be presented to the Section 151 Officer, who may also require a report to be submitted to the Finance Committee.
- 9.11.5 Where claims for payment are submitted for amounts which exceed the approved sum the Section 151 Officer only has authority to pay such claims where the amounts can be justified as being in the best interest of the Council, having regard to the procedures in paragraph 8.5.
- 9.11.6 In respect of variable price contracts, such as PFI or PPP contracts which have complex variation procedures, the appropriate Corporate Director must periodically review the cost and report to the Section 151 Officer if the approved budget over the life of the contract is likely to be exceeded. These reports must be made whenever significant increases are identified up to completion of the contract. The Section 151 Officer may decide that a report must also be taken to the relevant Committee and/or Finance Committee.

## **10. INCOME, BANKING AND IMPREST ACCOUNTS (Known as Petty Cash)**

### **10.1 Income and Receipts**

- 10.1.1 The Council has nominated the Section 151 Officer as its anti-money-laundering officer. The Council's anti-money-laundering policy and guidance is available on the intranet. Corporate Directors must ensure compliance with this policy.
- 10.1.2 Cash payments of more than £1,000 must not be accepted for a single transaction without the written approval of the Section 151 Officer.
- 10.1.3 The following requirements apply to all income received:
  - 10.1.3.1 all income must be recorded and accounted for immediately it is received. Where appropriate, an official receipt must be provided;
  - 10.1.3.2 the transfer of money from one employee to another must be properly recorded and acknowledged;
  - 10.1.3.3 income must be banked intact and not used to finance expenditure;
  - 10.1.3.4 encashment of personal cheques is forbidden;
  - 10.1.3.5 income must be held securely until suitable arrangements for banking it are made – see paragraphs 6.2 and 10.1.7.
- 10.1.4 All official receipt books relating to the collection of income are ordered, and issued by County Supplies. The officer the receipt book is issued to must acknowledge receipt in writing.
- 10.1.5 Where income is received by cheque, it must be cross-referenced on the bank paying-in slip to the drawer, either by receipt number or name. In addition, the reverse of each cheque must show the department, office or establishment that paid the cheque into the bank.

- 10.1.6 For establishments with access to the BMS cash receipting system all income must be recorded by the end of the business day. The income must be recorded before it is banked, and the total shown on the bank paying-in slip must equal the total value entered onto the system.
- 10.1.7 All monies received must be banked intact, and as promptly as possible and at least weekly.
- 10.1.8 Where there is a main collection e.g. school meals money, all monies must be banked, or lodged with the approved collector, on the day of the collection.
- 10.1.9 If an officer fails to comply with the above guidelines and a loss occurs, the Section 151 Officer may, where appropriate, seek restitution from the officer concerned in accordance with the Personnel Handbook, section D36.
- 10.1.10 Money received by officers which is held in trust (i.e. on behalf of someone else) but not being official Council money must be properly recorded in a form agreed by the Section 151 Officer.
- 10.1.11 All arrangements to receive payments by credit card, direct debit, standing order, or other e-payment methods must be first approved by the Section 151 Officer.
- 10.1.12 Prior approval of the Section 151 Officer is required before procuring an e-payments on-line solution or electronic point of sale device. The Section 151 Officer will require details of the provider and PCI compliance certificate.

## 10.2 Accounts Receivable

- 10.2.1 The Council will seek to recover all debt owed to it in accordance with the approved payment terms. Corporate Directors must ensure all invoices comply with the Council's corporate invoicing standards, and are raised within 10 working days of the goods and/or services being provided unless otherwise approved by the Section 151 Officer.
- 10.2.2 Sales invoices should not normally be raised to cover sums due to the County of **LESS THAN £30**. Wherever possible small sums should be collected in advance.
- 10.2.3 Accounts for sums due to the Council at fixed intervals e.g. rents, wayleaves, etc., must be issued promptly in accordance with the Council's approved systems.

## 10.3 Write-Offs

- 10.3.1 Corporate Directors must seek approval from the Section 151 Officer for the write-off of any debt. Amounts **over £1,000** may be written-off by the Section 151 Officer after consultation with the Group Manager for Legal Services.
- 10.3.2 A summary of all write-offs must be included in the Final Accounts report to all relevant Committees.
- 10.3.3 Where a sales invoice requires cancellation, a credit note must be raised complete with a cross-reference to the original sales invoice. The credit note must be authorised by the relevant budget holder.

## **10.4 Imprest Accounts (known as Petty Cash)**

- 10.4.1 Corporate Directors must operate imprest accounts in accordance with the guidance provided and arrangements between their department and the Section 151 Officer.
- 10.4.2 The Section 151 Officer will control the opening and closing of imprest accounts in line with overall banking arrangements at the request of the appropriate Corporate Director.
- 10.4.3 The Section 151 Officer will determine the appropriate level of the imprest, based on the average monthly level of petty cash expenditure in the establishment concerned.
- 10.4.4 The nominated imprest holder must ensure that all transactions are recorded promptly and that monthly statements are submitted to the Section 151 Officer.
- 10.4.5 The nominated imprest holder must ensure that the imprest account is not overdrawn.
- 10.4.6 Income received on behalf of the Council must not be paid into an imprest account.
- 10.4.7 Payments from an imprest account should normally be limited to minor or urgent items of expenditure, or payments via charge cards. Each payment must be supported by a receipt which should be appended to the subsequent reimbursement claim.
- 10.4.8 All imprest accounts are subject to Council audit. The nominated officer in charge of the account will be required to give the Section 151 Officer a certificate as to the state of the imprest account on request.
- 10.4.9 Where a nominated officer responsible for an imprest account leaves the Council, the Corporate Director concerned must notify the Section 151 Officer as soon as possible that the officer is no longer responsible for that account and notify an alternative nominated officer.

## **10.5 Banking**

- 10.5.1 The Section 151 Officer must operate banking accounts in accordance with the bank contract approved by the Finance Committee. All bank accounts must have a title which incorporates the Council's name and in no circumstances should a bank account be opened or operated in the name of an individual.
- 10.5.2 All payments to and from Council bank accounts must be made under the direction of the Section 151 Officer.
- 10.5.3 All cheques drawn on the Council's main bank accounts must bear the printed signature of the Section 151 Officer. Where required by the Council's bank mandate, cheques must also be countersigned by a second officer who is authorised to do so by the Section 151 Officer. The Section 151 Officer must ensure a register of authorised cheque signatories is maintained.
- 10.5.4 All payments by CHAPS must be authorised by a senior officer nominated by the Section 151 Officer. Request for CHAPS payments and guidance on such

payments is obtained from the Group Manager – Financial Strategy & Compliance.

## **11. RISK MANAGEMENT AND INSURANCE**

- 11.1 The Council's approach to risk management is detailed in its Risk Management Strategy and the Corporate Risk Register contains the key risks facing the Council and how these risks will be managed. Corporate Directors are responsible for ensuring that risk management is applied appropriately within their Department and for notifying the holder of the Corporate Risk Register of all appropriate risks in accordance with the Risk Management Strategy.
- 11.2 The Section 151 Officer is responsible for arranging all necessary insurance cover and for reviewing the adequacy of this cover regularly, in consultation with Corporate Directors. The Section 151 Officer will also keep Corporate Directors informed of claims experience.
- 11.3 Corporate Directors are responsible for notifying the Section 151 Officer of all material changes in insurance risks and must submit insurance claims in accordance with the arrangements made by the Section 151 Officer.
- 11.4 In the event of buildings, contents, motor vehicles etc. being lost, stolen or damaged, contact must be made with the Risk and Insurance Section on the same day, or if the incident is outside of office hours, immediately on the following day.
- 11.5 Where there is death or serious injury to an employee or other person arising from County Council operations (including the use of vehicles), the Risk and Insurance Section must be contacted as soon as possible for appropriate insurance advice.
- 11.6 Liability must not be admitted in connection with accidents involving a third party other than with the authority of the Risk and Insurance Section.
- 11.7 The Risk and Insurance Manager may negotiate and agree settlements on any insured loss / claim up to the individual policy excess. Above this limit, the Risk and Insurance Manager must consult the Section 151 Officer and agree settlements as appropriate, in consultation with the Council's insurers and loss adjusters. Reports related to significant claims settled will be submitted to the Finance Committee.

## **12. WORK FOR EXTERNAL BODIES (INCLUDING PARTNERSHIP WORKING)**

### **12.1 General Requirements**

- 12.1.1 The Council has the power under the Local Authorities (Goods and Services) Act 1970 to undertake and tender for the work of other public bodies. Other powers introduced in the Local Government Act 2003 and the Localism Act 2011 enable the Council to:
  - 12.1.1.1 charge for discretionary services subject to certain rules; and
  - 12.1.1.2 trade for a profit provided that a separate company is set up.
- 12.1.2 In all cases where a Department wishes to explore the possibility of working for, or trading with, external bodies, Corporate Directors must consult with the Group

Manager for Legal Services and the Section 151 Officer. This applies to new types of sold service or working for bodies not previously subject to consultation.

- 12.1.3 Where work is carried out for external bodies, officers must seek guidance from the Procurement Centre and Legal Services
- 12.1.4 Before entering into any contract or agreement to work for, or trade with, external bodies, Corporate Directors must present a report to, and obtain prior approval from the relevant Committee, including consideration of a business case where trading for a profit is proposed. See paragraph 12.3.2 below. This applies to new types of sold service or working for bodies not previously subject to a report.
- 12.1.5 All new contracts to supply services under the legislation listed in this section must be approved by the Group Manager for Legal Services and Section 151 Officer.

## **12.2 Charging for Discretionary Services**

- 12.2.1 The Council is able to charge for services which it has the power to provide, but is not obliged to provide to the public, i.e. discretionary services.
- 12.2.2 The Council is under a duty to ensure that, taking one year with another, the charges made do not exceed the cost of providing the services. Charges can be set so that different people are charged different amounts, or are not charged for the service at all.
- 12.2.3 The person receiving the service must have agreed to receive the service and pay for it.
- 12.2.4 The power does not override any other legislation which expressly prohibits the Council from charging for a discretionary service.
- 12.2.5 Where charges are made for discretionary services arrangements should be put in place, and fully documented in a form approved by Legal Services, to provide the recipient of the service with:
  - 12.2.5.1 the terms and conditions for the provision of the service;
  - 12.2.5.2 information about charges, including discounts and annual increases;
  - 12.2.5.3 billing and payment arrangements.
- 12.2.6 Careful consideration must also be given by the relevant department to the following issues :
  - 12.2.6.1 the risks to the Council as a whole of engaging in such activity;
  - 12.2.6.2 the need to ensure appropriate skill and expertise is in place before offering to undertake work;
  - 12.2.6.3 the need to ensure that the proposals are properly costed before agreeing to supply the goods, works or services;

- 12.2.6.4 the type of warranties and/or indemnities that may be required from the Council regarding the quality of work/service provided (this is especially likely when tendering for work for other bodies);
- 12.2.6.5 the provision of adequate insurance arrangements to cover the Council for any liability in negligence or contract for the work undertaken;
- 12.2.6.6 due consideration being given to the impact of such arrangements on the Council's core duties, functions and obligations to prevent any adverse impact on them;
- 12.2.6.7 ensuring that the Council is not at risk from bad debts and to seek, where possible, advance payment;
- 12.2.6.8 ensuring that no contracts for external bodies are subsidised by the Council from public funds;
- 12.2.6.9 Any other considerations relevant to the particular activity.

### **12.3 The power to trade**

- 12.3.1 This power allows the Council to trade for a commercial purpose (i.e. for profit) through a company.
- 12.3.2 All work for, or trade with, external bodies for profit must be conducted through a separate incorporated company which has been formally set up for the purpose. It should be noted that when the company has been established it will be a separate legal entity from the Council.
- 12.3.3 Where it is intended to trade for profit, Corporate Directors must prepare a sound business case for the proposed activity, based on a genuine risk-based approach. The business case must be a robust commercial assessment which explains why trading through a company is desirable and will provide best value for the Council.
- 12.3.4 Consideration within the business case will be required for each of the matters listed in paragraph 12.2.5 and 12.2.6 above plus such issues as:
  - 12.3.4.1 the need to transfer staff and consideration of the Transfer of Undertakings (Protection of Employment) regulations (TUPE);
  - 12.3.4.2 the impact on the trading activities of the service, as it may no longer be possible for the Council to award work directly to the company, instead it may have to bid for it via a competitive tender process;
  - 12.3.4.3 pensions implications;
  - 12.3.4.4 premises requirements;
  - 12.3.4.5 taxation implications.
- 12.3.5 The approval of Policy Committee will need to be sought to exercise a power to trade and to set up the company.

## **12.4 Pricing, Charging and Accounting Issues**

- 12.4.1 As a general principle, the charge for any work performed for an external organisation should cover the estimated full cost of undertaking the work. The full cost would include the direct cost of undertaking the work (e.g. based on the number of days of staff time the work is likely to take, any associated travelling expenses, printing costs etc.) and a contribution towards overheads (e.g. office expenses, management overheads, accommodation costs etc.). Any deviation from this principle must be approved by the Section 151 Officer.
- 12.4.2 Charging, accounting and monitoring arrangements should be as follows:
- 12.4.2.1 income should be collected in accordance with these regulations;
  - 12.4.2.2 invoices should be rendered promptly and normally within one month of supply or in accordance with the contractual arrangements;
  - 12.4.2.3 the income arising from the performance of work for external organisations must be identified separately within the relevant service's accounts and it should be possible to determine associated direct expenditure;
  - 12.4.2.4 appropriate arrangements should be devised to monitor resource inputs, e.g. if the contract price is based on person-days, the number of person-days actually taken should be monitored;
  - 12.4.2.5 for External Audit requirements it is important to be able to identify work carried out for external organisations separately in the Council's accounts. Further guidance on accounting and monitoring should be sought from the relevant Senior Finance Business Partner.
- 12.4.3 Corporate Directors must produce an annual report on the work carried out for external organisations for the relevant Committee.

## **13. INVESTMENT AND BORROWING**

- 13.1 The Section 151 Officer is responsible for arranging the investment of Council funds and the Pension Fund in accordance with approved Council policies.
- 13.2 Each year Full Council will approve the Treasury Management Strategy and Policy.
- 13.3 The Section 151 Officer is responsible for arranging the borrowing and lending of money on the best available terms taking into account:
- 13.3.1 present and anticipated economic conditions;
  - 13.3.2 projected flow of funds, and;
  - 13.3.3 the approved Treasury Management Strategy and Policy.

- 13.4 The Council has accepted the CIPFA Prudential Code for Capital Finance, and the Code of Treasury Management. The Section 151 Officer must report any significant variations to the Prudential Indicators, with any necessary explanations to the Finance Committee as soon as practical.

## **14. LEGAL CLAIMS AND SETTLEMENTS**

### **14.1 Corporate Directors must**

14.1.1 Refer all potential legal claims for recovery of sundry debt collection matters to the corporate team responsible for debt recovery.

14.1.2 Refer all potential or actual legal claims in relation to insured losses to the Risk and Insurance team.

14.1.3 Seek advice from Legal Services on all other matters where the Council might have a legal claim against a third party and where there is likelihood that the

Council will be sued by an outside body or individual or where legal proceedings are threatened or commenced. In addition, Corporate Directors must inform the Section 151 Officer where the Council's finances might be affected and must co-operate with and provide all information requested by Legal Services.

14.2 Corporate Directors, in consultation with the Group Manager for Legal Services, the head of the corporate team responsible for debt recovery or the head of Risk and Insurance team as appropriate, have the power to settle such claims in order to avoid litigation and/or to achieve best value for the Council subject to the provisions in relation to write-offs set out in paragraph 10.3.1 and the provisions in relation to insured losses set out in paragraph 11.7.

## **15. PROTECTING PUBLIC FUNDS AND ASSETS**

15.1 The Council has a responsibility to protect its public funds and assets and has developed a strategy to deter fraud and corruption together with a strategy for protecting public funds and assets and also has a Whistle Blowing Policy to allow concerns to be raised. These can be found on the Council's website.

## **16. AUDIT**

16.1 The Section 151 Officer is responsible for arranging the continuous independent internal audit of the Council. The role of the Internal Audit Service is set out in the Internal Audit Charter in compliance with the Public Sector Internal Audit Standards and the Accounts and Audit Regulations.

16.2 Internal Audit focuses on the Council's control environment and independently appraises the internal controls present in financial and other systems. The arrangements made by Corporate Directors for secure, economic, efficient and effective use of resources are also reviewed. Internal Audit reports are produced containing recommendations which must be responded to formally in writing. The results of Internal Audit work contribute to the Council's Annual Governance Statement.

16.3 Internal Audit staff have the right of access to such records, assets, premises and personnel, and are entitled to receive such information and explanation, as they think necessary for the proper fulfilment of their duties.



- 16.4 If an irregularity occurs or is suspected, which may involve financial loss it must be reported immediately to the Section 151 Officer who may investigate and report to the Monitoring Officer and the relevant Corporate Director. The Section 151 Officer and the Monitoring Officer will jointly determine what further action to take, in consultation with the Corporate Director.
- 16.5 The Internal Audit Service reports on relevant audit issues on a regular basis to the Council's Governance and Ethics Committee. Frequent liaison also occurs between Internal Audit and the Council's external auditors who rely upon the work of Internal Audit when forming their opinion on the Council's key financial and other systems.

## **17. LAND AND BUILDINGS**

### **17.1 Introduction**

- 17.1.1 The Policy Committee is responsible for all property related functions including the acquisition and disposal of land and buildings.
- 17.1.2 The Service Director for Property must maintain a record of all land and buildings owned or occupied by the Council and shall publish prescribed details as required by regulation.
- 17.1.3 Details of all land and buildings transactions must be notified promptly to the Section 151 Officer in order that the transactions may be properly recorded in the financial records.

### **17.2 General**

- 17.2.1 Councillors and officers who have any pecuniary or other private interest in any property transaction relating to any Council land or buildings must ensure that they comply with the appropriate codes of conduct, and shall not be supplied with or given access to any tender documents, contracts or other information without the authority of the Monitoring Officer.
- 17.2.2 The Service Director for Property will report periodically to the Policy Committee on all operational property transactions, summarising key transactional information, including how value for money was achieved.
- 17.2.3 Policy Committee clarifies annually the operational decision making boundaries for officers for all property transactions.
- 17.2.4 Policy Committee shall approve an annual Property Statement which includes information on the various appropriate methods of disposal and the most appropriate disposal strategy for different types of property assets.

### **17.3 Acquisition**

- 17.3.1 Funding for the acquisitions of land or buildings (including entering into leases of property) is dealt with under the rules governing capital expenditure and other major projects (see section 4).

## 17.4 Disposal (including granting rights and interests)

- 17.4.1 The Council is under a statutory obligation when disposing of land or buildings to obtain the best price reasonable obtainable on the open market. Therefore, consideration must be maximised including, where appropriate, sharing in any increase in value of the land arising from future development (“overage provision”). Value for money is demonstrated by reference to the most current market valuation for the asset being disposed.
- 17.4.2 When selling land the effect on the value and use of the Council’s retained land must be considered and appropriate value must be obtained.
- 17.4.3 When **granting rights or interests** in land the effect on the value and use of the Council’s retained land must be considered and appropriate value must be obtained.
- 17.4.4 Subject to Secretary of State approval, Policy Committee approval is required in all cases where the disposal or granting of an interest in land does not meet the current market value (a disposal at an **undervalue**). Such disposals also require the consent of the Secretary of State.

## 17.5 Methods of Disposal

- 17.5.1 Disposals must be by one of the methods outlined below:

### 17.5.2 Formal Tender

- 17.5.2.1 Under the formal tender process the tender documentation forms the contract for sale. Tenders will be paper based and must be submitted in accordance with the procedures set out below unless an electronic system approved by the section 151 Officer and the Group Manager for Legal Services is in operation.
- 17.5.2.2 The form of tender will be settled by the Service Director for Property after consultation with the Group Manager for Legal Services and must be capable of acceptance as a binding contract.
- 17.5.2.3 Every invitation to tender must state that a tender will only be considered if it is submitted in accordance with the instructions provided, and received by the date and time specified in the invitation to tender. The invitation to tender must also state that tenders which do not comply fully may be rejected and that the Council reserves the right not to accept the highest or any tender received.
- 17.5.2.4 At least 28 days before the last date for the receipt of tenders, an initial public notice must be placed in at least one local newspaper and, dependent on the nature of the land or buildings to be sold, in national newspapers and in such other publications as the Service Director for Property considers desirable. The notice must describe the land to be sold, invite requests for tender documents and state the date and time by which tenders are to be returned.

- 17.5.2.5 Tenders submitted must arrive in a sealed, plain envelope or package with the word “Tender” and the title of the contract clearly written on each envelope or package.
- 17.5.2.6 Such envelopes and packages must be addressed to the Service Director for Property and upon receipt each envelope must be stamped with the date and time they were received.
- 17.5.2.7 Until such time specified for opening tenders, tender envelopes or packages received must remain securely held in the custody of the Service Director for Property or their authorised nominee.
- 17.5.2.8 The opening of tenders must comply with the following requirements:
- Total estimated cost less than £100,000** - tenders must be opened recorded at one time in the presence of:
- an officer from the Council’s Property team; and
  - a supervising officer, with suitable seniority, training and experience in the role and responsibilities of a supervising officer, who must not have any direct involvement in the disposal.
- The estimated cost £100,000 or more** - tenders must be opened and recorded at one time in the presence of:
- an officer from the Council’s Property team; and
  - a supervising officer, with suitable seniority, training and experience in the role and responsibilities of a supervising officer, provided by the Group Manager for Legal Services or the Section 151 Officer.
- 17.5.2.9 A formal record of all tenders received for each contract must be retained and include:
- I. description of the land being disposed;
  - II. the date and time tenders were opened;
  - III. the supervising officer and other officers present;
- And for each tender:
- IV. the tenderer’s name;
  - V. the date received;
  - VI. the tendered value;
  - VII. details of any noteworthy events (e.g. tender excluded with reasons, late tenders, complications etc.).

17.5.2.10 The procedures to be followed when opening tenders will be determined by the Group Manager for Legal Services and the Section 151 Officer. These procedures must include provision for dealing with late tenders and other complications that may arise.

17.5.2.11 All parties submitting unsuccessful tenders must be notified of the outcome of their offer.

### **17.5.3 Informal Tender**

17.5.3.1 Under the informal tender process the contract only confirms heads of terms and is not binding on all parties, however, the process to be followed is as the formal tender process.

### **17.5.4 Public Auction**

17.5.4.1 The auctioneer should be briefed at an early stage, and fully involved in preparing conditions of sale and fixing the reserve price. Sale by auction requires preparation of all contractual details beforehand in order that a binding contract may be effected immediately a bid is accepted.

17.5.4.2 The following criteria must be taken into account when selecting an auctioneer: cost, quality and the nature of the asset, having regard to location and value of the asset to be sold. Any reserve price will be agreed by the Service Director for Property, in consultation with the Chairman of Policy Committee and with the chosen auctioneers.

### **17.5.5 Private Treaty Disposal to One Party / Special Purchase**

17.5.5.1 After a reasonable period marketing the property, confidential negotiations are carried out with prospective buyers (or their agents), before contracts are exchanged.

17.5.5.2 Where the nature of the property or other special circumstances have identified that there is only likely to be one potential purchaser and prior to detailed negotiations, the Service Director for Property shall consult with, the Group Manager for Legal Services and the Section 151 Officer regarding the circumstances of the disposal as to whether it is appropriate to proceed with the sale.

### **17.5.6 Collaboration Agreements**

17.5.6.1 Where the Council is considering entering into a collaborative partnership which may ultimately result in the disposal of land advice must be sought from the Group Manager for Legal Services and the Section 151 Officer prior to entering into detailed negotiations.

17.5.6.2 Approval must be sought from Policy Committee before entering into a collaborative partnership or land development agreement.

## **17.6 Completion of Sale**

17.6.1 Once a sale has been agreed a reasonable period (not exceeding six months) will be allowed for completion of the transaction, except where a longer period is agreed at the time the transaction is approved. If completion has not taken place by the end of the agreed period the Service Director for Property will undertake a fresh valuation of the asset/interest being disposed of and if the value has increased shall report to the appropriate decision maker recommending that either

the period for completion be extended, further negotiations take place or that sale proceedings be started afresh.

17.6.2 The Group Manager for Legal Services must be advised of all decisions to extend the completion date or to begin the sale proceedings afresh, so that they can inform all interested parties of the decision.

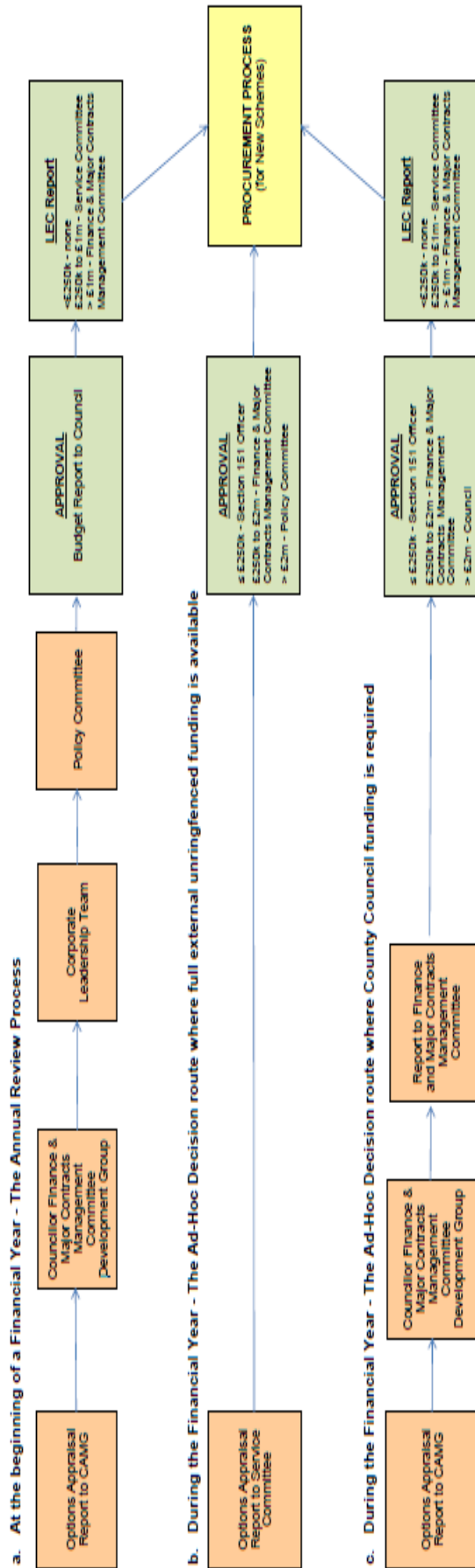
## **17.7 Cancellation**

17.7.1 Every contract for the disposal of land or property must include a clause to allow the Council to cancel the contract and to recover from the purchaser the amount of any loss resulting from the cancellation if there is evidence of bribery, fraud, contravention of the Bribery Act 2010, or other misfeasance.

## Glossary

### 4.2.1 DECISION TREE - HOW TO GET A SCHEME INTO THE CAPITAL PROGRAMME

All capital expenditure requires approval by the relevant approval body. All County Council projects requiring County Council funds should be appraised and prioritised by the Corporate Asset Management Group (CAMG). Proposed expenditure on land acquisitions and capital contributions may be exempted from the CAMG process if determined by the Section 151 Officer.



Corporate Asset Management Group (CAMG)	A group of senior officers tasked with ensuring that the County Council has a clear and cohesive strategy for managing its physical assets (including property, highway assets, IT assets and vehicles) and to oversee the development and delivery of the County Council's Capital Programme in support of that strategy
General Contingency	A centrally-held budget provided to cover redundancy costs, delays in efficiency savings, changes in legislation and other eventualities
Group Manager for Legal Services	The person with responsibility for the Council's legal practice
Section 151 Officer	Chief Finance Officer as set out in the Local Government Finance Act 1972
Treasury Management Strategy & Policy (TMS&P)	Approved annually by Full Council these documents are prepared in accordance with relevant regulations, guidance and codes of practice to support the Council's MTFS
Corporate Risk Register	The Council has a procedure for managing corporate risks. The procedure is intended to identify, record, and communicate risks in terms of their comparative importance to the Council. The risk register helps the Council to: <ul style="list-style-type: none"> <li>• understand the nature of the risks the it faces;</li> <li>• be aware of the extent of those risks;</li> <li>• identify the level of risk that that it is willing to accept;</li> <li>• recognize its ability to control and reduce risk.</li> </ul> Payment Card Industry
PCI	
Prudential Indicators for Capital Finance	The Prudential Code for Capital Finance, developed by the Chartered Institute of Public Finance & Accountancy (CIPFA), sets out a number of prudential

	indicators that indicate how capital expenditure will be financed by borrowing in an affordable, prudent and sustainable way
MTFS	Medium Term Financial Strategy
relevant Committee	Unless the context otherwise requires, the relevant budget-holding Committee





## **COUNCILLORS' ALLOWANCES SCHEME**

1. This scheme, which may be cited as the **Nottinghamshire County Council Members' Allowances Scheme**, was approved by Nottinghamshire County Council on 13 July 2017, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations").
2. This Scheme replaces all previous Members' Allowances Schemes.
3. The Allowances mentioned in this scheme:  
  
be implemented with effect from 25 May 2017;  
  
be updated in line with the headline pay award for Local Authority staff.
4. Any other amendments to the scheme will be determined solely by the County Council (following receipt of recommendations from the Independent Remuneration Panel unless the amendments are broadly within the spirit of the existing scheme).
5. In this scheme:  
  
"councillor" means a Member of Nottinghamshire County Council who is a councillor;  
  
"Independent Person" means a person appointed by the Council to provide their views regarding complaints under the Code of Conduct for Councillors and Co-opted Members;  
  
"statutory Co-optee" means a person (other than a councillor) who is statutorily appointed to membership of a Council committee (other than the Health and Wellbeing Board) or an independent member of the Nottinghamshire Police and Crime Panel;  
  
"year" means the 12 months ending with 31 March.
6. The amounts of Basic, Special Responsibility and Statutory Co-optees' Allowances specified in this Scheme will be rounded to the nearest £3.00 in accordance with normal Local Government practice.

### **PART A – ALLOWANCES FOR COUNCILLORS**

#### **BASIC ALLOWANCE**

7. Subject to paragraphs 12, 13 and 18, for each year a Basic Allowance of £15,015 shall be paid to each councillor.

#### **SPECIAL RESPONSIBILITY ALLOWANCES**

8. Subject to paragraphs 12, 13 and 18, for each year a Special Responsibility Allowance shall be paid to those councillors who have been appointed or recognised by the Council or have been notified to the Chief Executive by their Group as holding the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.

9. Subject to paragraphs 12, 13 and 18, the amount of each such allowance shall be the amount specified against that special responsibility in Schedule 1.
10. No councillor may receive more than one Special Responsibility Allowance. In the event that a councillor holds more than one position for which a Special Responsibility Allowance is payable then s/he shall receive whichever of the applicable Allowances which s/he selects.

### **ATTENDANCE ALLOWANCE**

11. No attendance allowance shall be payable under this scheme, either for Council duties per se, or in respect of appointments to outside bodies.

### **RENUNCIATION**

12. A councillor may by notice in writing given to the Chief Executive elect to forego any part of his/her entitlement to an allowance under this scheme.

### **PART-YEAR ENTITLEMENTS**

13. In accordance with the requirements of the Regulations, pro-rata payments of Basic Allowance or Special Responsibility Allowances shall be payable to eligible councillors in any of the following circumstances:
  - a. if an amendment to this scheme changes the amount to which a councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance;
  - b. where the term of office of a councillor or their appointment to a role eligible for Special Responsibility Allowance begins or ends otherwise than at the beginning or end of a year.

### **LONG-TERM SICKNESS**

14. Nothing in this section overrides the provisions of the Local Government Act 1972 relating to vacation of office by failure to attend meetings throughout a period of six months.
15. In the event of long-term sickness absence full Special Responsibility Allowance shall be payable to eligible councillors, reducing to 50% after six months and ceasing after 12 months. The Council's Governance and Ethics Committee may vary this in exceptional circumstances.
16. If a councillor is appointed to deputise for a councillor on long-term sickness the Governance and Ethics Committee may create a deputising allowance payable after the first three months.

### **MATERNITY / SHARED PARENTAL LEAVE AND ADOPTION LEAVE**

17. In the event of absence for maternity/shared parental leave or adoption full Special Responsibility Allowance shall be payable to eligible councillors for a period of up to six months.

### **PAYMENT**

18. Payment of Basic and Special Responsibility Allowances shall be made in equal instalments. The frequency of those instalments shall be monthly in arrears.

## **TRAVEL AND SUBSISTENCE ALLOWANCES**

19. Travel and in some circumstances subsistence allowances may be claimed by councillors. The arrangements for these allowances are included in Part D of this scheme.

## **DEPENDANTS' CARERS' ALLOWANCES**

20. Councillors may claim up to £7.50 per hour per child for child care and up to £15.49 per hour per dependant (to be automatically index-linked annually) for other dependants in respect of expenses for the care of their children or other dependants when attending meetings of the Council, its subordinate bodies or other approved duty as described in Schedule 2 to this scheme.

21. Only one payment of Dependants' Carers' Allowance may be claimed in respect of the household of each councillor.

22. Payments, which will not be payable to a member of the claimant's own household, will be made only when supported by a receipt.

23. In circumstances of particular difficulty the Monitoring Officer, in consultation with the Chairman of Governance and Ethics Committee, is authorised to increase the allowance payable.

## **PART B – ALLOWANCES FOR STATUTORY CO-OPTEEES**

24. That any statutory co-optee receives an allowance of £639.

### **Attendance Allowance**

25. No attendance allowance shall be payable under this scheme, either for Council duties per se, or in respect of appointments to outside bodies.

### **Renunciation**

26. A Statutory Co-optee may by notice in writing given to the Chief Executive elect to forego any part of their entitlement to an allowance under this scheme.

### **Part-Year entitlements**

27. Pro-rata payments of the Statutory Co-optees Allowance shall be paid in any of the following circumstances:

- a. if an amendment to this scheme changes the amount to which a Statutory Co-optee is entitled;
- b. where the term of office of a Statutory Co-optee begins or ends otherwise than at the beginning or end of a year.

### **Payment**

28. Payment of the allowance described in paragraphs 28 to 30 shall be made in equal instalments. The frequency of those instalments shall be monthly in arrears.

## **Travel and subsistence allowances**

29. Travel and in some circumstances subsistence allowances may be claimed by Statutory Co-optees. The arrangements for those allowances are included in Part D of this Scheme and a description of the duties for which they may be claimed is shown at Schedule 2 to this scheme.

### **PART C – ALLOWANCES FOR EDUCATION APPEAL PANEL MEMBERS**

30. For the purposes of the payment of financial loss allowance under Section 173(4) of the Local Government Act 1972, Members of Education Appeal Panels are to be treated as Members of the authority.

31. Subject to providing sufficient documentary evidence identifying actual financial loss, allowances up to a maximum of £229.00 per day may be claimed by Panel Members for attendance at Panel meetings.

32. Travel allowances may be claimed by Panel Members. The arrangements for those allowances are included at Part D of this scheme. Lunch will be provided by the Council at no charge for Panel meetings.

### **PART D – TRAVELLING AND SUBSISTENCE**

33. The provisions contained in this part are aligned with the terms and conditions for County Council employees and any future changes to employee terms and conditions will also be reflected by changes to this part.

#### **TRAVELLING ALLOWANCE**

34. This part is in accordance with Sections 174-175 and Regulations made under the Local Government Act 1972. It applies to Councillors, Statutory Co-optees, Members of Education Appeals Panels, Independent Persons and other Co-opted Members.

35. Travelling allowances may be claimed in respect of each occasion on which one of the persons described above carries out a duty as described in Schedule 2 to this Scheme.

36. All travel arrangements must be in accordance with the County Council's TRAVEL AND ACCOMMODATION POLICY, which is appended to this scheme.

37. If a claimant uses their own motor car or one belonging to a member of his/her family, or otherwise provided for their use and subject to the claimant having the appropriate insurance, the rate for travel, which is the same as for officers using their own vehicles on a casual basis, shall be as follows:

<b>up to 10,000 miles</b>	<b>over 10,000 miles</b>	
45.0p	25.0p	
Motor Cycles		24.0p
Cycles		20.0p
Public Transport Rate		22.6p



45. Where a claimant attends a conference or other event which is held outside the UK, s/he may claim the amounts shown in the Council's TRAVEL AND ACCOMMODATION POLICY.

# SCHEDULE 1

## SPECIAL RESPONSIBILITY ALLOWANCES

Band	% of Leader's SRA	Amount of Allowance (pa)	Current role
1	100	£35,211	<ul style="list-style-type: none"><li>• Leader of the Council</li></ul>
2	70	£24,648	<ul style="list-style-type: none"><li>• Deputy Leader of the Council</li></ul>
3	66	£23,478	<ul style="list-style-type: none"><li>• Chairmen of Committees</li><li>• Business Manager of Majority Group</li><li>• Leader of the main Minority Group</li></ul>
4	50	£17,607	<ul style="list-style-type: none"><li>• Chairman of County Council*</li></ul>
5	33	£11,739	<ul style="list-style-type: none"><li>• Vice-Chairmen of Committees</li><li>• Leader of smaller Minority Groups on the Council (provided the group has 5 or more Members)</li></ul>
6	24	£8,454	<ul style="list-style-type: none"><li>• Vice-Chairman of the County Council*</li><li>• Deputy Leader of the main Minority Group</li><li>• Business Manager of the main Minority Group</li></ul>
7	22	£7,755	<ul style="list-style-type: none"><li>• Main Minority Group Spokesmen on Committees</li></ul>
8	12	£4,227	<ul style="list-style-type: none"><li>• Chairman of the Nottinghamshire Police and Crime Panel (where that person is a County Councillor or an Independent Co-opted Member)</li><li>• Deputy Leader of smaller Minority Groups on the Council (provided the group has 5 or more Members)</li><li>• Business Manager of smaller Minority Groups on the Council (provided the group has 5 or more Members)</li></ul>
9	11	£3,877	<ul style="list-style-type: none"><li>• Spokesmen on Committees of smaller Minority Groups on the Council (provided the group has 5 or more Members)</li></ul>

### Note

- \* These SRAs include an element for clothing. Sections 3(5) and 5(4) (as appropriate) of Part 1 of the Local Government Act 1972, enables the County Council to make a reasonable payment to the Chairman and Vice-Chairman to enable them to meet the expenses of their office.



## **SCHEDULE 2**

### **APPROVED DUTIES (TRAVELLING AND SUBSISTENCE ALLOWANCES)**

#### **FOR COUNCILLORS**

##### **Approved Duties (Travelling and Subsistence Allowances) For Councillors**

Travel Expenses will be paid to Members when they are undertaking their duties as a County Councillor.

Duties covered include:-

1. Attendance at Council meetings or Joint Committees and attendance at Council offices or establishments.
2. Attendance at conference, seminars or other training or learning events, in connection with the functions of the County Council and related to your role as an elected representative, where no fee is payable. (N.B. Travel Claim Form must clearly state the title of the event).
3. Anywhere within the County area, in connection with the functions of the County Council and related to your role as an elected representative (N.B. Travel Claim Form must clearly state the purpose of the visit).
4. Attendance at any meeting or events of Outside Bodies or organisation to which you have been appointed by the Council unless a fee or allowance is paid by that body to you to cover such expenses. If such a body has its own travel scheme, claims should be made to that body.
5. Meetings of Political Groups are not covered unless they have been arranged solely for the purpose of discussing County Council business or are requested by the Chief Executive to discuss a particular issue.
6. Travel outside of the County Council administrative boundaries is also claimable where it can be evidenced that this is essential for County Council related business or conference, seminar or training or learning event where no fee is payable.
7. Travel expenses may be payable for events not covered above but this will be with approval of the Monitoring Officer in consultation with the Chair of the Governance and Ethics Committee.

#### **FOR CO-OPTees**

Travel expenses will be paid to Co-optees when they are:-

1. Attending any meeting of the Council at which they are a properly appointed member
2. Attending an event in connection with their role as co-optee on the relevant Council meeting (approved in advance if required).

#### **MEMBERS OF EDUCATION APPEALS**

May claim travel allowance in respect of meetings and training events in connection with their role as Panel Members.

### **INDEPENDENT PERSONS**

May claim travel allowances in respect of their statutory role as an Independent Person.

### **FOREIGN TRAVEL**

No member, Co-optee or Independent Person can travel abroad on County Council business without prior approval in accordance with the Travel and Accommodation Policy.

### **SUBSISTENCE**

Subsistence is only claimable in exceptional circumstances and will only be paid on receipt of actual expenses incurred and detail of meals provided. This will only apply to stays of under 72 hours. Subsistence will not be paid for any stay in excess of this without prior approval of the Monitoring Officer in consultation with the Chair of Governance and Ethics Committee.

## **APPENDIX**

### **ADMINISTRATIVE MATTERS**

#### **SUBMISSION OF CLAIMS**

1. Claims are processed through Democratic Services and paid through the payroll system.
2. The following deductions will be applied to late claims:
  - a. 6-12 months' delay – 10% reduction
  - b. more than 12 months' delay – 20% reduction
  - c. more than 2 years' delay – referral to Governance & Ethics Committee for consideration.

#### **INCOME TAX**

3. Tax will be deducted from payments of Basic Allowance and Special Responsibility Allowances. This will be at the standard rate of tax unless a Member makes arrangements with his Tax Inspector for a tax code to be allotted and notified to the County Council.
4. The County Council deals with:

HM Inspector of Taxes  
(Nottingham 1)  
Castle Meadow  
Castle Meadow Road  
Nottingham  
NG2 1AB
5. A return of tax deducted from allowances is made to the Inland Revenue at the end of each financial year and a P60 is provided to each councillor.
6. Arrangements have been made with the Inspector of Taxes (Nottingham 1) whereby Councillors on application can obtain, where appropriate, tax relief on their expenses of office. Further guidance is available from the Chief Finance Officer.

#### **SOCIAL SECURITY**

7. Contributions
  - a. National insurance contributions are payable on any payment of Basic Allowance and Special Responsibility Allowances provided the gross amount reaches a lower earnings limit in a certain period, unless a certificate of non-liability is produced (supplied by the Contributions Agency). The Chief Finance Officer will advise on the detailed operation of the scheme.
8. Benefits

- a. The receipt of Basic and Special Responsibility Allowances affects benefits. Councillors should notify the Benefits Agency of amounts received.
- b. The contribution paid by Councillors counts toward the full range of contributory benefits.

## **TRAVEL AND ACCOMMODATION POLICY**

1. This policy (the Nottinghamshire County Council Travel Policy) covers the approval and booking arrangements for travel and accommodation required in connection with the Council's business. It does not apply to travel and accommodation required in connection with direct service delivery e.g. school, trips, service users' outings, where the relevant Departments will have their own procedures.
2. This policy replaces all previous policies, decisions and/or precedents relating to travel undertaken in connection with the business of the Council.
3. The power to amend this policy is reserved to the full Council.
4. The practices in this policy shall, as far as possible, reflect the contents of the County Council's Members' Allowances Scheme and the Terms and Conditions of Service for Employees (see paragraph 9 of the Financial Regulations and D7 and D10 of the Personnel Handbook).
5. In the event that a conflict arises between this Policy and the Members' Allowances Scheme the Monitoring Officer and the Chief Executive will mediate and determine the matter following consultation with the Leader.

### **GENERAL PRINCIPLES**

6. The policy is based on the following principles:
  - a. the proper conduct of business, and the overall efficiency of the Council;
  - b. transparency and accountability;
  - c. achieving Best Value in the use of the Council's resources, benefiting the community, the Council and councillors;
  - d. meeting the needs of those with disabilities and/or health problems.

### **APPROVAL PROCESSES**

7. The following travel may be undertaken without prior approval:
  - a. day to day travel within Nottinghamshire in connection with Nottinghamshire County Council business;
  - b. travel in connection with training and development events within the East Midlands which have been authorised in accordance with relevant policies.
8. All other travel must be approved in advance in accordance with the following:

Participant	Description	Approval required from
-------------	-------------	------------------------

Councillors, Statutory and other co-opted members	(a) All travel within mainland UK not described in Schedule 2 of the Members' Allowances Scheme.	Policy Committee
	(b) Outside the UK	Policy Committee
Officers	(a) Within the UK	Relevant chief or other officer in accordance with departmental procedures
	(b) Outside the UK	Relevant Corporate Director with a quarterly report to the relevant committee

9. The County Council recognises that, in cases of genuine urgency, it may not be possible to obtain formal approval from the relevant committee prior to the expected date of travel. In these cases, the Urgency Procedure (Part Five of the Constitution) should be used.

### **BOOKING ARRANGEMENTS**

10. With the exception of travel by private car in connection with the day to day business of the Council, all arrangements and/or bookings for travel and accommodation approved under this policy must be made by Transport and Travel Services in the Place Department.

11. Provisional bookings will not be made unless approval has been given in accordance with paragraph 7b of this policy.

### **METHOD OF TRAVEL**

12. At all times, the chosen method of travel must be the most cost-effective method, taking into account the value of time saved, anticipated subsistence and other expenses and any other relevant matters.

### **TRAVEL WITHIN THE UK (MAINLAND)**

13. Public transport should normally be used, unless the use of private/self-drive hire/civic cars is proved to be the most cost effective option, taking into account mileage charges, anticipated subsistence, other expenses and any other relevant consideration including but not limited to those at paragraph 58

14. The use of private cars to attend events out of the County area must be determined in relation to the following criteria:

- a. cost in comparison to other options;
- b. availability of public transport;
- c. business requirements;

- d. disability or health considerations.
15. Other options which must be considered prior to approving the use of private cars are:
- a. car sharing;
  - b. use of hire cars/pool cars;
  - c. use of civic cars.
16. Any travel by train within mainland UK will usually be standard class fare unless travel by other classes of ticket is cheaper overall.
17. Any councillor or officer requesting first class rail travel must give reasons which shall be recorded in the register referred to the section below.
18. Councillors are encouraged to purchase appropriate railcards if eligible, in which case the Council will reimburse two-thirds of the cost. Councillors should advise Transport and Travel Services that they have a railcard at the time of booking, to ensure that a reduced price ticket is obtained.
19. Air travel within mainland UK will be permitted only where the cost/convenience brings benefits to the Council.

#### **TRAVEL TO NORTHERN IRELAND/REPUBLIC OF IRELAND/OUTSIDE THE UK**

20. Where available, and subject as follows, economy class should be used for all air, sea or land (i.e. rail) travel where this the most cost effective.
21. The County Council recognises that there will be occasions where it is not appropriate to use economy class i.e. where there are health or disability issues to be considered. In these cases, a higher class of travel may be permitted, wherever possible, subject to prior approval being by Policy Committee.

#### **ACCOMMODATION**

22. Mid-range hotels of good standard with appropriate business facilities will be chosen within safe and reasonable access to where the business of the visit is to take place.
23. For conferences, the added value of all-inclusive packages will be evaluated against making separate hotel arrangements.

#### **SUBSISTENCE AND OTHER EXPENSES**

##### **WITHIN THE UK (INCLUDING NORTHERN IRELAND)**

24. All costs of the approved method of travel will be paid by the County Council.
25. Subsistence allowances may be claimed in exceptional circumstances. They will be the same for councillors, Statutory Co-optees, other co-opted Members and officers. Details of the amounts which may be claimed are in the Members' Allowances Scheme.
26. Claims should be made on the forms provided as follows:

- a. officers – from their Department;
- b. councillors and others covered by the Members' Allowances Scheme – from Democratic Services.

27. Receipts should be obtained for all expenditure incurred.

## **OUTSIDE THE UK**

28. Accommodation will be booked and paid for by Transport and Travel Services in the Place Department on behalf of the County Council.

29. Subsistence allowance may be claimed for actual reasonable expenses incurred on meals, beverages, transport within the foreign country, laundry, 'phone calls etc.

- a. The current maximum amount for subsistence per 24 hours for countries within the European Union is £75.00 (plus £10 per day for unreceipted out of pocket expenses).
- b. For travel to other destinations, Transport and Travel Services will calculate a maximum amount for subsistence per 24 hours. That amount will be notified to relevant committee when approval is sought for the travel to be undertaken.

30. The above rates assume that all meals (excluding breakfast) will have to be paid for from the subsistence allowance. If meals are provided as part of the visit and at no personal cost to the Council's representative(s) the daily allowance will be reduced by 20% for each meal provided.

31. Receipts must be obtained wherever practicable for all claimable expenditure. Where this is not possible, a written statement will be required from the person claiming allowances.

## **ADMINISTRATION OF THE POLICY**

32. All travel tickets and/or accommodation required under this policy must be booked through Transport and Travel Services in the Place Department.

33. Before any bookings are made, Transport and Travel Services will require written confirmation of approval. Where the cost is to be met by a Department, the appropriate budget code(s) for the expenditure will also be required.

34. Subject to normal formalities, Transport and Travel Services can arrange advances of cash, foreign currency and travellers' cheques. Any unspent

cash/currency or travellers cheques must be returned to Transport and Travel Services within one month of return from the visit.

35. All claim forms, together with receipts and details of expenses incurred must be submitted within one month of return from the visit.

36. County Council credit cards must only be used for claimable expenses incurred in carrying out the County Council's business and all receipts/vouchers in respect of any expenditure met in this way must be passed to Financial Services within one month of return from the visit.



37. Where the Council's representative wishes, for personal reasons, to extend their stay at the destination to which they have travelled, this is permitted on the strict understanding that no additional cost falls to be met by the Council and that all expenses in connection with the extension of stay are reimbursed before the date of outward travel.
38. Where the Council's representative is accompanied by a partner, the Council must be reimbursed for all expenses to be incurred in respect of travel arrangements made by Transport and Travel Services in respect of the partner before the date of outward travel.

## **RECORD KEEPING**

39. Transport and Travel Services will maintain a public register of the following information in respect of each item or travel undertaken under this policy:
  - a. name of traveller/participant;
  - b. purpose of travel/visit;
  - c. dates of travel;
  - d. destination;
  - e. method/class/cost of travel and/or accommodation;
  - f. cost of insurance;
  - g. amount(s) of allowances paid;
  - h. details of the date approval was given and the identity of the decision maker (including details of specific additional approvals from time given in respect of, for instance, travel by other than standard class);
  - i. the date on which the Council's representative(s) submitted a report on the outcome/value of the visit, where appropriate.
40. The register shall be available for public inspection and shall be published on the Council's website.
41. Annual reports shall be made which shall give:
  - a. details of the totality of travel undertaken under this policy;
  - b. information as to occasions upon which other than standard/economy class travel or its equivalent has been used.

## **PART B – CODES OF CONDUCT AND GUIDANCE FOR COUNCILLORS AND OFFICERS**

### **CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS**

#### **INTRODUCTION**

1. The public is entitled to expect the highest standards of conduct from all Councillors and co-opted members of the County Council.
2. The Code sets out the standards of service that are expected from Councillors and co-opted members of the Council. In particular, Councillors and co-opted members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.
3. It is important Councillors and co-opted members understand their position as regards standards of conduct, and if in any doubt should seek guidance. This is because in some circumstances a breach of the Code could be a criminal offence and because any person could make a complaint to the Council if they believe a Councillor or co-opted member has breached the Code.
4. This Code is adopted in accordance with Section 27(2) of the Localism Act 2011. This Code is accompanied by a Councillors' Interests Protocol and a Procedure for Dealing with Conduct Allegations.

#### **UNDERLYING PRINCIPLES**

5. As a Councillor or co-opted member of the Council you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership – the seven 'Nolan Principles' of public life.
6. This Code applies when you are acting in your capacity as a Councillor or co-opted member. This includes attendance at formal committee meetings, acting as a formal representative of the Council, discharging your electoral division functions, meetings with County Council officers and site visits. Also all telephone calls, emails, letters and social media posts where it could be perceived that you are acting in your capacity as a Councillor or co-opted member.
7. It may sometimes be difficult to distinguish between whether you are acting in a public or private capacity, for example on social media and when attending public events. You are an ambassador for the County Council whenever you are in public, whether on social media or in person. You should bear in mind at all times and in all situations the obligations you have under this Code.

#### **GENERAL CONDUCT**

8. Accordingly, when acting in your capacity as a Councillor or co-opted member:
  - a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;

- b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
- c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
- d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
- e) You must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions;
- f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below;
- g) You must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- h) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example, by respecting others and not bullying, intimidating or harassing any person, or behaving in an improper or offensive manner (including by using offensive language or making personal remarks abouts individuals), by respecting the confidentiality of information you receive, and by not conducting yourself in a manner which is likely to bring the authority into disrepute.

## **POLICIES, PROTOCOLS AND PROCEDURES**

- 9. You must comply with the Council's adopted policies, protocols and procedures including:-
  - a. Policies
    - i. Councillor Divisional Fund Policy and Guidance
    - ii. Equality and Diversity Policy
    - iii. ICT policies and Councillor's ICT Acceptable Use Guidance
    - iv. Information Management policies
    - v. Travel and Accommodation Policy
  - b. Protocols
    - i. Councillor Interests Protocol
    - ii. Councillor Gifts and Hospitality Protocol

- iii. Councillor Use of Resources Protocol
  - iv. Councillors' Social Media Protocol
  - v. Protocol for Councillor and Officer relationships
  - vi. Protocol for involvement in outside bodies
- c. Procedures/Schemes
- i. Councillors' Allowances Scheme
  - ii. Disclosure and Barring Scheme checks procedure
  - iii. Procedure rules for meetings of Full Council and Committees

## REGISTERING AND DECLARING PECUNIARY AND NON-PECUNIARY INTERESTS

10. You must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interest (we have set out the definition of a Disclosable Pecuniary Interest in the Councillor Interests Protocol which accompanies this Code), where the pecuniary interest is yours, or that of your spouse, civil partner, or a person you are cohabiting with. **Failure to do so is a criminal offence.** On re-election you must check, within 28 days, whether any amendment is needed to the information you provided previously. Again, **failure to do so is a criminal offence.**
11. You must declare any Disclosable Pecuniary Interests to any meeting of the Council at which you are present and have an interest in any matter being considered. **Failure to do so is a criminal offence.**
12. Following any disclosure at a meeting of a Disclosable Pecuniary Interest not already on the Council's register, you must notify the Monitoring Officer of the interest within 28 days of the date of disclosure. **Failure to do so is a criminal offence.**
13. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function in relation to any business in which you have a Disclosable Pecuniary Interest. **Failure to do so is a criminal offence.** Additionally, you are required to leave the room in which the meeting is being held whilst the matter is under consideration in accordance with the Council and Committee procedure rules.
14. In addition you must declare any Private Interests, both pecuniary and non-pecuniary, to any meeting of the Council at which you are present and have an interest in any matter being considered. You may still participate in the item

under discussion and vote, although depending on the circumstances you may decide it would be more appropriate not to.

15. A Private Interest is where a decision in relation to that interest might reasonably be regarded as affecting the wellbeing or financial standing of you or a member of your family or a person you have a close association with, more than it would other people in your electoral division or the County Council's area. It may also include other positions held where relevant, for example membership of a board or association or being a school governor. In

short, anything you think the public would expect to know about if, as a Councillor or co-opted member, you were involved in a matter relating to it.

16. Where you are concerned that the disclosure of an interest would lead to you or a person connected with you being subject to violence or intimidation, you may request the Monitoring Officer to agree that the interest is a “sensitive interest”.
17. If the Monitoring Officer agrees, then at a meeting you merely have to disclose the existence of the sensitive interest rather than the detail of it. Where it is a Disclosable Pecuniary Interest, the Monitoring Officer will also exclude the detail of the sensitive interest from the Council’s publicly available version of the register. If circumstances change, you should notify the Monitoring Officer so that the public register can be amended accordingly.
18. The Council has adopted a Councillor Interests Protocol to accompany this Code of Conduct; Councillors and co-opted members should refer to it for further information and guidance.



# **OFFICER CODE OF CONDUCT**

## **INTRODUCTION**

1. The public is entitled to expect the highest standards of conduct from all officers of the County Council.
2. The Code sets out the standards of service that are expected from officers of the Council. In particular, officers should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.
3. The Code should be read and operated in conjunction with the Council's Constitution and the Personnel Handbook. It is important officers understand their position as regards standards of conduct, and if in any doubt should seek guidance.

## **UNDERLYING PRINCIPLES**

4. All officers of the Council must at all times observe this Code. Failure to comply with the Code and the standards of service expected could result in disciplinary action.
5. All officers must act within the law whilst undertaking their official duties. Where an officer is a member of a professional body, the officer must also comply with any standards of conduct which are set by that body.
6. Officers are expected to:
  - a. Provide the highest possible standard of service to the public. Where officers are aware of any contraventions of this Code, illegality, misconduct or breach of procedure they should notify their line manager;
  - b. Provide appropriate advice to Councillors and other officers with impartiality.
7. Officers must consult the Monitoring Officer and the Chief Finance Officer if they have doubts about the legality of a decision, or suspect maladministration or financial impropriety.
8. The Code does not seek to address every possible circumstance, and simply because a particular action may not be addressed within the Code, this does not condone that action by omission.

## **PERSONAL INTERESTS**

9. Officers must declare to their Corporate Director any financial interests or non-financial interests which could or could be perceived to conflict with their role with the Council.
10. A record of any such interests will be maintained by the relevant Corporate Director.
11. Officers who have a direct or indirect financial interest in any contract must ensure that their Corporate Director is aware and should have no involvement with the award of or management of that contract.

12. If an officer is not sure about whether they have an interest, they should seek advice from the Monitoring Officer.

## **BRIBERY AND CORRUPTION**

13. Officers must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity as a result of any such gift, etc.

14. It should be stressed that this covers all aspects of an officer's responsibilities. For example, showing favouritism to a client in the provision of a service in return for a favour or gift would be corrupt. As would awarding a contract to a contractor as a direct result of receiving a gift.

15. In particular:

- a. Officers should not accept a gift or hospitality from a contractor or other person outside the Council if they know or suspect that it is offered or provided with the expectation that a commercial or contractual advantage will be provided in return;
- b. Officers should not accept a payment from a contractor or other person outside the Council if they know or suspect that it is offered or provided with the expectation that they will obtain a commercial or contractual advantage in return;
- c. Officers should not give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a commercial or contractual advantage will be received, or to reward a commercial or contractual advantage already given.

## **WHAT TO DO IF YOU ARE OFFERED A GIFT**

16. It is reasonable to accept a modest gift of a promotional character given to a wide range of people, and not uniquely to the officer, such as calendars, diaries, pens and other articles of use in the office or job. Modest gifts at the conclusion of any courtesy visit to a factory or firm of the sort normally given by that firm may also be accepted.

17. From time to time, officers may be offered other higher value or personal gifts. You need to consider why you have been offered the gift. If you are in doubt as to the motive behind the gift, you should seek advice from your Corporate Director as to whether it is appropriate to accept it. No gift worth over £25 should be accepted under any circumstances. Any gift offered, whether accepted or refused, should be recorded in the departmental gift and hospitality register.

## **WHAT TO DO IF YOU ARE OFFERED HOSPITALITY**

18. Officers of the Council should only accept offers of hospitality if they are invited in their role as a Council representative. Offers to attend purely social or sporting functions should be accepted only when these are significant for Nottinghamshire, or where the Council should be seen to be represented. Acceptance of such invitations should be cleared in advance with the relevant Corporate Director, and should be recorded in the departmental gift and hospitality register.



19. When hospitality has to be declined, the third party offering the hospitality should be courteously but firmly informed of the procedures and standards operating within the Council. When receiving hospitality, officers should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
20. There may be circumstances where it will not always be possible, or even desirable, to reject offers of hospitality on a modest scale. Acceptable examples would include official hospitality at a function organised by a public authority; refreshments following a site visit; or a working lunch of a modest standard to enable the parties to continue to discuss business. The decision whether to accept or not must depend on the circumstances in each case. These circumstances will also determine whether the hospitality needs to be entered in the register of officers' interests. If in doubt officers should err on the side of caution and enter the appropriate details in the departmental register of officers' interests.

### **RECEIVING SPONSORSHIP OR GRANT AID**

21. Officers must provide details to their Corporate Director of any benefit they (or their partner, spouse or relative) may be likely to receive as a result of any proposed Council sponsorship or grant aid.

### **USE OF PUBLIC FUNDS**

22. Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

### **POLITICAL NEUTRALITY**

23. Officers serve the Council as a whole. It follows they must serve all Councillors and not just those of the majority group, and must ensure that the individual rights of all Councillors are respected.
24. Officers may be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
25. Officers must follow Council policies and must not allow their own personal or political opinions to interfere with their work.

### **EQUALITY ISSUES**

26. The Council believes in equality and will not tolerate any harassment, intimidation, unfair discrimination or victimisation, by officers.
27. The Council has a statutory duty to promote equality. Officers should not by their manner or speech be discriminatory with regards to a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
28. Each officer has a duty to ensure that the appropriate standards of conduct are upheld both by themselves and by colleagues at all times.

## **THE RELATIONSHIP BETWEEN OFFICERS AND COUNCILLORS**

29. Officers should refer to the Protocol for Councillor/Officer Working Relations in Part Six of this Constitution.

## **THE RELATIONSHIP BETWEEN OFFICERS AND THE PUBLIC**

30. Officers should always remember their responsibilities to the community of Nottinghamshire and ensure courteous, efficient and impartial service delivery to all groups and individuals they have dealings with.

31. Officers should be cautious when blogging or using social networking sites outside of work and avoid publishing, or allowing to be published, any material, including comments or images, which could damage their professional reputation and/or bring the Council into disrepute.

## **THE RELATIONSHIP BETWEEN OFFICERS AND CONTRACTORS**

32. All relationships of a business or private nature with external contractors, or potential contractors, should be made known to an appropriate senior manager.

33. Officers must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

34. Officers who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

35. Further guidance on the procedures to follow during the tendering process is contained in the Financial Regulations in Part Six of this Constitution.

## **APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

36. Officers involved in appointments should ensure that these are made on the basis of merit.

37. In order to avoid any possible accusation of bias, officers wherever possible should not be involved in an appointment where they are related to an applicant, or have a

close personal relationship outside work with him or her. If they must be involved, then the relationship must be disclosed to all the parties.

38. Similarly, officers should not be involved in decisions relating to discipline, promotion or pay adjustments for any officer who is a relative, partner etc.

## **WORKING FOR OUTSIDE ORGANISATIONS**

39. Officers working for outside organisations should refer to the Protocol for Involvement in Outside Bodies.

## **USE OF COUNCIL PREMISES OR FACILITIES FOR WORK NOT CONNECTED WITH THE COUNCIL**

40. Officers must not use the Council's premises or facilities for activities which are not connected with their employment with the Council, for instance the use of email,

telephones, computers, photocopiers, typists, etc. A small amount of personal use may be acceptable.

## **PUBLIC SPEAKING**

41. Where officers are invited to address public meetings, undertake radio or television interviews etc, they will be acting as the representative of the Council, and as such should communicate the policies and procedures of the County Council in a factual and unbiased way. Officers must not express personal views in such situations.
42. If in a private capacity an officer is invited to comment publicly on Council policies, they should reflect upon the impact of this on the County Council's reputation and consider whether it is appropriate to comment.

## **OFFICERS FACING CRIMINAL CHARGES**

43. Any officer facing criminal charges must inform their line manager without delay.

## **HEALTH AND SAFETY**

44. It is the responsibility of all officers to take reasonable care for the health and safety of themselves and others.

## **DISCLOSURE OF INFORMATION**

45. Officers must not disclose information given to them in confidence without consent, unless the circumstances are exceptional. In this situation, advice should be sought from their line manager.
46. Officers disclosing personal information must comply with the Data Protection Act.
47. Officers should not use confidential information obtained in the course of their employment with the Council for personal use, nor should they pass it on to others who might use it for unauthorised purposes.
48. Guidance about the information which Councillors and the public are entitled to is contained in Part Three of this Constitution.

# **PROTOCOL FOR COUNCILLOR AND OFFICER RELATIONSHIPS**

## **INTRODUCTION**

1. Mutual trust and respect between Councillors and employees is at the heart of good governance for councils. They are essential elements of the partnership necessary for the effective running of a local authority.
2. This protocol is a written guide to the basic elements of the relationships between Councillors and employees and seeks to:
  - a. promote trust, openness, fairness and honesty;
  - b. define roles to clarify responsibilities, avoid conflict, prevent duplication and secure compliance with the law and codes of conduct;
  - c. maintain and enhance the integrity of local government which demands the highest standards of personal conduct.
3. This protocol should be read and operated in conjunction with the Council's constitution, codes of conduct relating to Councillors and employees and relevant legislative requirements.
4. Unless the context otherwise requires, reference to a Councillor will include reference to a co-opted member.

## **UNDERLYING PRINCIPLES**

5. Councillors and employees must at all times observe this protocol.
6. Councillors and employees must always respect the roles and duties of each other as set out below.

## **THE ROLE OF MEMBERS**

7. It is the role of Councillors:
  - a. To represent the people within their communities and bring their views into the Council's decision making process through working individually or in partnership
  - b. To promote the interests of the people of Nottinghamshire when acting collectively as the Council's decision-makers
  - c. To promote the social, economic and environmental wellbeing of the community.
  - d. Collectively to agree the policy of the County Council
  - e. To deal with individual casework and act as an advocate for constituents in resolving concerns or complaints.
  - f. To balance different interests within their electoral division and represent the division as a whole.

- g. To represent the Council on external bodies as required.
- h. To promote the highest standards of conduct and ethics.

## **THE ROLE OF OFFICERS**

8. It is the role of officers:
- a. To serve the community of Nottinghamshire and to deliver the highest standards of service in the most cost effective, efficient and professional manner.
  - b. To implement the policies and decisions made by Councillors.
  - c. To provide professional and technical advice.
  - d. To carry out the functions delegated to them, including the management of staff.
  - e. To provide help, support and advice to Councillors in respect of their duties and responsibilities
  - f. To report to Government departments, as required.
  - g. To represent the Council on external bodies as required.

## **THE RELATIONSHIP BETWEEN EMPLOYEES AND COUNCILLORS**

9. The relationship between employees and Councillors should be characterised by mutual respect and courtesy and recognition of each other's roles and responsibilities.
10. Collaborative working between Councillors and employees is essential but close personal familiarity can lead to damaging assumptions by others. Councillors and employees should inform the Monitoring Officer of any relationship either personal or family, or business connection which might be seen as unduly influencing their work in their respective roles. The Monitoring Officer will consider what action, if any, should be taken.
11. With the exception of staff specially appointed to support political groups, employees work to the instructions of their managers not individual Councillors.
12. Councillors must not require employees to change their professional advice or take any action which the employee considers unlawful or illegal or which would amount to maladministration or breach of a statutory duty.
13. Councillors should not raise matters relating to the conduct or capability of a Council employee or of employees collectively at meetings held in public or in the press. Any concerns should be raised using the procedure set out at paragraph 25 below.

14. The advice provided and actions taken by employees should be sensitive to the political nature of the organisation, but their advice should always be independent and unbiased.
15. Members must consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration and financial impropriety and if they have doubts as to whether a particular decision is or is likely to be contrary to the policy framework or budget.
16. The Council has a statutory duty to positively promote equality. Councillors and employees should not by their manner, speech, or in any written communication, be discriminatory with regards to a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

## **OFFICER RELATIONSHIPS WITH PARTY GROUPS**

17. It must be recognised by all employees and Councillors that in discharging their duties employees serve the Council as a whole and not exclusively any political group, combination of groups or individual Councillors.
18. Employees may properly be called upon to provide advice and information to political groups but must at all times maintain political neutrality. All employees must, in their dealings with political groups and individual Councillors, treat them in a fair and even handed manner.
19. Employees must respect the confidentiality of any party group discussions at which they are present and unless they are requested to do so by that party group, must not relay the content of such discussions to another party group or to any other Councillor.
20. The only basis on which the Council can lawfully provide support services (eg stationery, typing, printing, photocopying) to Councillors is to assist them in discharging their role in their official capacity as Councillor. Such support services must therefore only be used for Council business. They must never be used for party political or campaigning activity or for private purposes.

## **EMPLOYEES TO KEEP COUNCILLORS INFORMED ABOUT LOCAL ISSUES**

21. To enable them to carry out their divisional role effectively, Councillors need to be fully informed about matters affecting their division. Corporate Directors must ensure that their staff are aware of the requirement to keep local Councillors informed.
22. Whenever a public meeting is organised by the Council to consider a local issue it is recommended that all Councillors representing the divisions affected should be invited to attend the meeting.

## **MEDIA RELATIONS**

23. All relations with the media must be conducted in accordance with the Council's agreed procedures and the law on Local Authority publicity.

24. Employees will make every effort to keep Councillors informed of media interest in Council activities relevant to their responsibilities and the electoral divisions they represent, especially regarding strategic or contentious matters.

## **COMPLAINTS/CONCERNS**

### **PROCEDURE FOR COUNCILLORS**

25. If a Councillor is dissatisfied with the conduct, behaviour or performance of an officer they should raise the matter privately with the relevant Corporate Director. If their concerns relate to a Corporate Director the concern should be raised with the Chief Executive. If the concerns relates to the Chief Executive then the concern should be raised with the Monitoring Officer and Service Director responsible for Human Resources.

### **PROCEDURE FOR EMPLOYEES**

26. If an employee is unhappy with the conduct or behaviour of a Councillor they should seek to resolve the matter by appropriate discussion and involvement of their Corporate Director.

27. In the event that matters remain unresolved they should inform the Monitoring Officer who will consider what action should be taken.

## **SUMMARY**

28. Councillors and employees can expect the following from each other:

- a. Respect and courtesy
- b. The highest standards of integrity
- c. A working partnership
- d. An understanding of and support for respective roles, work loads and pressures
- e. Confidentiality
- f. A commitment to the Council as a whole

29. In addition Councillors can expect from employees:

- a. Timely responses to enquiries
- b. Professional advice
- c. Regular up to date information

## **PROTOCOL FOR INVOLVEMENT IN OUTSIDE BODIES**

1. The Council is committed to working with other local authorities, the private, voluntary and community sectors to deliver services in the most effective way. As a result Councillors and officers are often required to act as representatives on outside bodies. This document provides guidance for those acting as representatives.

### **APPOINTMENTS TO OUTSIDE BODIES**

2. The Council's Policy Committee is responsible for deciding which organisations are included on the list of Outside Bodies and each committee will determine which outside bodies it should receive regular updates from.

### **SUPPORT FOR REPRESENTATIVES ON OUTSIDE BODIES**

3. The Council will provide indemnity insurance in appropriate circumstances.
4. The Council will make every effort to maintain a fact sheet on each outside body, stating the purpose of representation, the responsibilities of Council representatives on those bodies, and the insurance position.
5. The Council has produced guidance regarding representatives' specific responsibilities when sitting on different types of bodies, such as limited and local authority companies, statutory bodies and charities. Further support is available from Democratic Services.

### **RESPONSIBILITIES OF COUNTY COUNCIL REPRESENTATIVES ON OUTSIDE BODIES**

6. Representatives must ensure they understand the capacity in which they are appointed to the outside body. This is important for two reasons:
  - a. The terms of appointment could mean that the individual takes on formal responsibilities, such as those of a company director or charitable trustee, and in some cases, personal liability. Representatives need to understand the extent of their role and be satisfied that appropriate indemnity insurance cover is provided either by the Council or the outside body.
  - b. In some instances the primary purpose is to represent the interests of the County Council, and in some the main duty is to the outside body. This may affect the considerations that are taken into account when contributing to the outside body's decision-making. Also, it is possible that a conflict of interest will arise between the Council and the outside body, for example where there is a disagreement over a funding issue. In the event this happens the representative must be clear in whose interests they are acting. If a conflict does arise the representative must seek advice from the Council's Monitoring Officer.
7. Representatives must follow the Council's Code of Conduct for Councillors and Co-opted Members or the Code of Conduct for Officers when they are acting in that capacity, including where they are representing the Council on an outside body. They must also ensure they follow any separate code of conduct that applies to the outside body. In the unlikely event there is a conflict they must seek advice from the Council's Monitoring Officer.



8. Representatives should always consider their duty of confidentiality to the Council, and where appropriate, to the outside body.
9. Representatives must report back to the relevant County Council committee as required.
10. It is good practice to check when first appointed whether expenses for travel and/or subsistence should be claimed from the County Council or the outside body.

## **PART C – EMPLOYMENT PROCEDURE RULES**

### **INTRODUCTION**

1. The Council has developed these regulations in order to outline the process to be followed when appointing or dismissing employees or taking disciplinary action against employees.
2. These regulations also deal with who has responsibility for changes to staffing structures. Staffing structures specify the number and types of posts that exist in each department.

### **APPOINTMENT AND DISMISSAL - SENIOR EMPLOYEES**

3. The Senior Staffing Sub-Committee is responsible for the appointment and dismissal of, and the taking of disciplinary action against, the following employees (who will be known as “Senior Employees” for the purposes of these regulations):
  - a. Chief Executive;
  - b. Corporate Directors;
  - c. Service Directors;
  - d. where the statutory role of the Head of Paid Service, Chief Finance Officer or Monitoring Officer is held by another post holder, that post holder.
4. The Senior Staffing Sub-Committee will meet as and when required.
5. The appropriate committee Chairman for the post being considered will always be present as a member of the Senior Staffing Sub-Committee. Where the issue being considered relates to the Chief Executive or a Corporate Director, the Senior Staffing Sub-Committee will have a membership of nine; otherwise the Senior Staffing Sub-Committee will have a membership of five.
6. The Senior Staffing Sub-Committee will be required to follow the Council’s Recruitment and Selection Policy.

### **APPOINTMENTS**

7. The Council may choose to appoint any of the Senior Employees from an internal pool of candidates or by externally advertising.
8. The Council will draw up a job description and person specification which will be sent to any person on request.
9. The Senior Staffing Sub-Committee will draw up a shortlist of candidates for interview and assessment and will interview all short-listed candidates in accordance with:
  - a. the Recruitment and Selection Policy; and
  - b. the advice of an appropriate HR advisor.

10. The preferred candidate will be offered the post subject to satisfactory references and pre-employment checks.
11. A final decision in respect of the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer rests with Full Council.
12. Where a reorganisation affects the structure/numbers of Senior Employee posts, posts in the new structure will be filled in line with the enabling process agreed at the time. Any competitive interviews will be carried out by the Senior Staffing Sub-Committee in accordance with the enabling process.

### **DISMISSALS AND DISCIPLINARY ACTION**

13. In the case of dismissals, the Senior Staffing Sub-Committee will hear the case against the Senior Employee concerned and the hearing will be conducted in accordance with the Council's Disciplinary Procedure.
14. A final decision in respect of the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer rests with full Council. Full Council will approve such dismissal before the notice of dismissal is issued.
15. The Senior Employee (unless the employee is the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer) will have a right of appeal in accordance with the appeals process set out in the Personnel Handbook.
16. In the case of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, no disciplinary action may be taken until the advice, views or recommendations of an independent panel are considered. The neutral act of suspension for the purpose of investigating the alleged misconduct can be made by:
  - a. the Monitoring Officer in relation to the Head of Paid Service; or
  - b. the Head of Paid Service in relation to the Chief Finance Officer or the Monitoring Officer,

in consultation with the Council Leader and Chairman of the Personnel Committee and any suspension will be on full pay and for a period of no longer than two months.

### **APPOINTMENT OF ASSISTANTS TO POLITICAL GROUPS**

17. The appointment of any person as a political assistant must be done in accordance with legislative requirements.

### **APPOINTMENT, DISMISSAL AND MANAGEMENT OF ALL OTHER EMPLOYEES**

18. The appointment, dismissal and management of employees (except Senior Employees) including disciplinary action will be carried out by properly authorised officers of the Council in line with the Recruitment and Selection Policy, other

employment policy and procedures agreed by the Council and in compliance with statutory obligations.

## **EMPLOYMENT POLICIES AND PROCEDURES**

19. The Council recognises national collective bargaining and acknowledges the role of national negotiating bodies in agreeing a framework of terms and conditions for local government employees.
20. Regular information will be provided to committees as and when required and requested regarding staffing.
21. The Council will develop and amend employment policies as required.
22. Proposals for new initiatives, for changes to existing employment policies and the development of management guidance will be developed by Personnel Committee.
23. Proposals for new employment policies or changes to existing policies will be subject to consultation and negotiation with the recognised trade unions through the agreed mechanisms as set out in the Employment Relations Agreement as amended from time to time. Following consultation changes to existing employment policies and new policy matters will be considered by Personnel Committee and recommended to Policy Committee for approval.
24. Details of approved employment policies and procedures and any changes will be set out in the Personnel Handbook, policy documents or guidelines as appropriate.
25. The Council will recommend that community schools adopt the Council's approved employment policies and procedures; however the adoption or otherwise of such policies will be a matter for the school governing body, if such responsibility rests with them.

## **CHANGES TO STAFFING STRUCTURES**

26. Changes to staffing structures must be made by the relevant committees unless the post is temporary for less than 3 months. In such cases, the relevant Corporate Director can authorise the appointment (provided that, if the requirement for the temporary appointment continues after this time, the relevant committee's approval will be required).
27. A formal report will need to be presented to the relevant committee and will include the required advice and HR comments.
28. The recognised trade unions will be consulted on all proposed changes to staffing structures and any views given should be fully considered prior to a decision being made.

## **CHANGES TO STAFFING AND STRUCTURE RECORDS**

29. The Business Services Centre (BSC) will maintain staffing and structure records. The Chief Executive and his/her nominees must ensure that any changes to the staffing structures within their departments are notified to the BSC immediately after authorisation via the established procedures.

## **PAY AND GRADINGS**

30. Full Council will approve the Council's annual Pay Policy Statement.

31. For posts occupied by staff employed under the NJC for Local Government Services Agreement, the initial grading and any subsequent re-grading will be determined by the application of either the NJC or Hay Job Evaluation Schemes.
32. The re-grading of existing posts following evaluation using the Hay or National Job Evaluation Schemes will be automatically incorporated into contracts of employment.
33. The grading of new posts needs to be detailed in the reports to the relevant Committee regarding establishing those posts.
34. The re-grading of posts for those employee groups where job evaluation is not applied will require authorisation by the relevant Corporate Director (or their nominee) and will be reported back periodically to the relevant Committee for information.
35. With the exception of honoraria and market factor supplement payments that have been considered through the approved process set out in the Personnel Handbook, there is no discretion to apply extensions of pay above or outside of authorised pay bands. All honoraria and market supplement payments will be reported back to the relevant Committee periodically.
36. As a result of national collective bargaining, the Council will implement national pay awards as agreed by the various national joint negotiating bodies from time to time. The Council will determine a local pay structure comprising a number of salary bands, based on the National Pay Spine, extended as appropriate.

## **RESOLUTION OF DISPUTES UNDER THE EMPLOYMENT RELATIONS AGREEMENT**

37. Arrangements for the conduct of relationships with the recognised trade unions will be set out in the Employment Relations Agreement which is agreed between the parties.
38. The Employment Relations Agreement will incorporate the structure and mechanisms for dialogue, consultation and negotiation with recognised trade unions at both corporate and departmental level and will include joint arrangements for the resolution of disputes including the establishment of a Local Joint Resolutions Committee.
39. A separate process for trade union consultation and negotiation with schools may be agreed directly with the relevant trade unions.