

Date: 3 April 2019



District Council

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: cttee.admin@eden.gov.uk

Dear Sir/Madam

Council Agenda - 11 April 2019

Notice is hereby given and you are hereby summoned to attend a meeting of the Council to be held at 6.45 pm on Thursday, 11 April 2019 at the Council Chamber, Town Hall, Penrith.

1 Apologies for Absence

2 Declarations of Interest

To receive declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

3 Minutes

RECOMMENDATION that the public minutes CI/88/03/19 to CI/97/03/19 of the meeting of Council held on 7 March 2019 be confirmed and signed by the Chairman as a correct record of those proceedings (copies previously circulated).

4 Chairman's Announcements

5 Questions by the Public

To receive questions from the public under Rule 10 of the Constitution

6 Questions by Members

To receive questions from Members under Rule 12 of the Constitution

7 Motions on Notice

To consider motions on notice under Rule 13 of the Constitution

8 Review of the Constitution - Scheme of Delegation and Code of Planning Conduct - Resources Portfolio Holder (Pages 7 - 20)

To consider report G40/19 of the Assistant Director Governance which seeks

approval of Council to authorise the proposed amendments to be made in the Constitution relating to the delegated officer planning decisions and the questioning of members of the public speaking at Planning Committee.

RECOMMENDATIONS that:

1. consideration be given to the approval of the recommended amendments to:
(1) the scheme of delegation as set out in Appendix 1 to this report; and
(2) paragraph 13 of the Council's Code of Planning Conduct and Practice as set out in Appendix 2 to this report.
2. that authorisation be given to the Assistant Director Governance to make the approved amendments to the Planning Code of Conduct.

9 Review of the Constitution - Delegations and Realignment of Officer Responsibilities - Resources Portfolio Holder *(Pages 21 - 24)*

To consider report G43/19 of the Assistant Director Governance which seeks to enable the formal recording of the amendments which are required to be made to the delegations to officers arising from the restructure and realignment of officer responsibilities.

RECOMMENDATIONS that

1. the delegations which are set out in the Appendix to this report (which is to follow) be noted and approved; and
2. the Assistant Director Governance be authorised to approve and authorise any minor or typographical changes to the text of the Constitution following its adoption by Council and arising upon a review of the document prior to its publication following the annual meeting in May.

10 Annual Review of the Constitution - Resources Portfolio Holder *(Pages 25 - 78)*

To consider report G42/19 of the Assistant Director Governance which seeks to enable consideration of the proposed changes to the Constitution and the representations which have been received from Members and Officers and for Council to approve the proposed changes.

RECOMMENDATIONS that:

1. the changes to the Accounting and Audit Rules as set out in Appendix 1 of the report be approved and incorporated in the Constitution;
2. the changes to the Procurement Rules as set out in Appendix 2 of the report be approved and incorporated in the Constitution;
3. the changes to the Officer Employment Procedure Rules set out in Appendix 3 of the report be approved and incorporated in the Constitution;
4. the changes to the Council Procedure Rules and the Code of Planning

Conduct and Practice set out in Appendix 5 of the report be approved and incorporated in the Constitution;

5. the changes to the Accounting and Audit Rules and the Executive Functions Delegated to Officers set out in Appendix 6 of the report be approved and incorporated in the Constitution;
6. the report of the Deputy Chief Executive, set out in Appendix 7, in relation to appointment of Members to the two National Park Authorities is noted; and
7. the Assistant Director Governance be authorised, in consultation with the Members of the Constitution Working Group, to approve and authorise any minor and typographical changes to the text of the Constitution following its adoption by Council and arising upon a review of the document prior to its publication following the Annual Meeting in May.

11 Review of the Constitution - Protocols - Resources Portfolio Holder (Pages 79 - 94)

To consider report G39/19 of the Assistant Director Governance which seeks to consider the following Protocols for inclusion within the Constitution:

- Protocol for the Monitoring Officer;
- Protocol for the Independent Persons; and
- Protocol for the Chairman of the Council.

RECOMMENDATION that Council approve the following Protocols for inclusion within the Constitution:

1. Protocol for the Monitoring Officer;
2. Protocol for the Independent Persons; and
3. Protocol for the Chairman of the Council.

12 Carry Forward of Revenue Budgets - Resources (Pages 95 - 108)

To consider report F25/19 of the Director of Corporate Services which seeks to secure Members' approval of the carry forward of a number of individual unused 2018/2019 budgets into 2019/2020.

RECOMMENDATION that the recommendation from Executive is approved.

13 Proposed Calendar of Ordinary Meetings 2019-2020 (Pages 109 - 116)

To consider report G41/19 which seeks a revision of the draft calendar of meetings

for the 2019-2020 municipal year.

RECOMMENDATION that an amended draft calendar of ordinary meetings 2019-2020 as enclosed as Appendix 2 to this report be approved

14 Date of Next Scheduled Meeting

The next scheduled meeting of Council be confirmed as 16 May 2019.

Yours faithfully



Rose Rouse
Chief Executive

Democratic Services Contact: Claire Watters

Encs

For Attention

All members of the Council

Chairman – Councillor M Robinson (Independent Group)

Vice Chairman – Councillor W Patterson (Independent Group)

Councillors

A Armstrong, Conservative Group
D Banks, Independent Group
K Beaty, Conservative Group
P Breen, Conservative Group
I Chambers, Conservative Group
M Clark, Independent Group
A Connell, Liberal Democrat Group
J Derbyshire, Liberal Democrat Group
M Eyles, Liberal Democrat Group
P Godwin, Independent Group
K Greenwood, Independent Group
L Grisedale, Conservative Group
A Hogg, Conservative Group
D Holden, Liberal Democrat Group
S Jackson, Conservative Group
V Kendall, Conservative Group
T C Ladhams, Independent Group
J C Lynch, Conservative Group

E Martin, Conservative Group
A Meadowcroft, Conservative Group
G Nicolson OBE, Conservative Group
R Orchard, Conservative Group
J Owen MBE, Conservative Group
J Raine, Conservative Group
M Rudhall, Liberal Democrat Group
H Sawrey-Cookson, Independent Group
R Sealby, Conservative Group
L Sharp, Labour
M Slee, Conservative Group
M Smith, Independent Group
V Taylor, Liberal Democrat Group
M Temple, Conservative Group
J G Thompson, Conservative Group
A Todd, Conservative Group
J Tompkins, Liberal Democrat Group
M Tonkin, Independent Group

Please Note:

- 1. Access to the internet in the Council Chamber and Committee room is available via the guest wi-fi – no password is required**
- 2. Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting (unless stated otherwise)**

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Report No: G40/19

**Eden District Council
Accounts and Governance Committee
Council**

11 April 2019

Review of the Constitution - Scheme of Delegation and Code of Planning Conduct

Portfolio:	Resources and Eden Development
Report from:	Assistant Director Governance
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To seek the comments of Accounts and Governance Committee on the proposals prior to submission to Council.
- 1.2 To seek the approval of Council to authorise the proposed amendments to be made in the Constitution relating to the delegated officer planning decisions and the questioning of members of the public speaking at Planning Committee.

2 Recommendation

- 2.1 Consideration be given to the approval of the recommended amendments to:
 - (1) the scheme of delegation as set out in Appendix 1 to this report; and
 - (2) paragraph 13 of the Council's Code of Planning Conduct and Practice as set out in Appendix 2 to this report.
- 2.2 That authorisation be given to the Assistant Director Governance to make the approved amendments to the Planning Code of Conduct.

3 Report Details

Background

- 3.1 In 2017 the Planning Services Development Manager suggested draft changes to the Constitution at Part 3, paragraph 4.4(1)(a)(i) (page 92 of the Constitution). The rationale behind the proposed changes was to prevent unnecessary applications proceeding to Planning Committee. This matter was considered by Planning Committee on 14 December 2017 having previously been considered by Accounts and Governance Committee on 13 November 2017. The process was put on hold pending the outcome of the Planning Advisory Service Peer Review which commenced in March 2018.
- 3.2 The Planning Advisory Service was invited by the Council to carry out a review of the operation of Planning Committee. This request was made in light

of the Council having been notified by the Ministry of Housing, Communities & Local Government that it had been put at risk of Special Measures designation relating to the quality of its planning performance on the determination of Major planning applications.

- 3.3 The Peer Review involved two Peer Reviewers visiting the Council in March 2018. The process involved interviews with Council officers and interviews with Members of the Planning Committee. The Peer Reviewers also considered Council planning policy and procedure documents and statistical returns to Ministry of Housing, Communities & Local Government. They also attending the Council's Planning Committee Meeting held on 15 March 2018. The review concluded with the publication of a final report in July 2018, the findings of which were presented to an informal meeting of Planning Committee members on 27 September 2018.
- 3.4 The Peer Review report outlined a number of recommended alterations and improvements that could be made to the Council's Planning Committee process. If such changes are to be implemented two of the proposed changes require an alteration to the Council's scheme of delegation, as proposed within this report.

Items Put Before Planning Committee

- 3.5 The Planning Advisory Service Peer Review report highlighted the Council's current 'call-in' procedure and Scheme of Delegation as a particular cause for concern. On this matter, the Peer Review made the following comments:

'Call-in – The ability of only one person to call in an application can put the reputation of the Council at risk, especially if it is not on vitally material planning matters, this needs urgently reviewing.'

'Delegation – Clarification of the scheme of delegation is needed. Applications should only be presented to this important committee when they are clearly in the public interest and there are competing material planning considerations that need to be weighed in the decision making process. The current delegation scheme requires applications to be determined by the Planning Committee when one request is made. This is untenable and leads to a lack of clarity in the role of the Committee.'

- 3.6 The proposed amendments to the scheme of delegation to the Assistant Director Planning and Economic Development are as set out in Appendix 1 to this report. The rationale behind the change is to prevent unnecessary applications proceeding to Planning Committee, reducing the burden on applicants, members of the public, the Planning Committee and Council Officers. In relation to the undue burden placed upon the Planning Committee, the Planning Advisory Service Peer Review specifically listed the following areas:

'1. The ability of any individual resident (who may not be directly impacted by the development) requesting 'presentation' to the Committee without citing any material planning reasons or a 'locus standi' regarding the application.'*

2. Automatic presentation of an application to the committee when the officer recommendation is opposite to the Town or Parish Councils recommendation.'

Locus standi means the ability of a party to demonstrate sufficient connection to or harm from a planning proposal to justify their participation.

- 3.7 It is considered that there is merit in the suggestion that any application which is subject to a request by a Member to proceed to Planning Committee should be justified by (a) valid planning reason(s). Furthermore, it is considered that this should be limited to the relevant Ward Member in which the application is located. There should be consistency in this and any objections should be justified by valid planning reasons in order to merit an application being brought to Planning Committee for consideration.
- 3.8 Valid planning reasons relate to either references to relevant development plan policies or material considerations. The Council cannot take non-valid planning reasons into account when determining a Planning Application. Material considerations are matters that should be taken into account in deciding a planning application and include (but are not limited to):
- Overlooking/loss of privacy;
 - Loss of light or overshadowing;
 - Parking;
 - Highway safety;
 - Traffic;
 - Noise;
 - Effect on listed building and conservation area;
 - Layout and density of building;
 - Design, appearance and materials;
 - Government policy;
 - Disabled persons' access;
 - Proposals in the Development Plan;
 - Previous planning decisions (including appeal decisions);
 - Nature conservation.
- 3.9 Valid planning reasons exclude objections made on the following grounds:
- Devaluation of property;
 - Loss of view;
 - Effect on trade/commercial competition;
 - Effect on private or civil rights;
 - Personal or financial circumstances or the character of the applicant;
 - Third party interest; or
 - Matters covered by other legislation or controls including Building Regulations and licensing.

- 3.10 The constitution in its current form, leaves the Council vulnerable to challenge where items are more susceptible to being refused for non-material and valid reasons. This is a frequent occurrence with items on the Planning Committee agenda. Furthermore, the ability for a single member of the public to 'call in' an application without valid planning reason, can provide a false hope and expectation to members of the public that an application may be approved or refused, when in fact there is no planning basis or merit for doing so. This frequently results in items being put before Members of the Planning Committee to determine, where there is no planning judgement or option available. In such circumstances the Planning Committee faces a situation whereby it is only able to reasonably approve or refuse the recommendation without leaving the Council vulnerable to challenge and the potential for awards of costs.
- 3.11 In the 2017/2018 financial year, a total of 10 planning appeals were decided by the Planning Inspectorate against refusals to grant planning permission by Eden District Council. 4 of the appeals were dismissed and 6 were allowed. In relation to the 6 appeals that were allowed, 4 related to decisions made by the Planning Committee contrary to officer recommendation.
- 3.12 The amendment to prevent major applications being brought to Planning Committee solely by virtue of being major is that in the event that there are no objections from statutory bodies or the public, there is no reason why such applications cannot be determined under delegated powers. Clearly if Officers have any difficulties or consider it appropriate to consult Members then a decision could nonetheless be taken by the Planning Services Development Manager to seek the views of Members by taking the report to Planning Committee. If such a major application were controversial or sensitive it would be brought to Planning Committee automatically.
- 3.13 The proposed amendments and the comments which have been made on them have been considered by the Working Group established by the Accounts and Governance Committee. The Working Group has proposed that the valid planning grounds should be included in the Appendix 1 to provide clarity.

Questioning of Public Speakers

- 3.14 A further recommendation relates to the ability of Members of the Planning Committee to ask questions of speakers, both for and against an application, following their presentation to the committee as set out in paragraph 13 of the Code of Planning Conduct and Practice. This matter is currently enabled through Part 5 (d) (paragraph 13.4) (page 309 of the Constitution). The rationale behind this proposed change relates to concerns regarding the appropriateness of the Members questioning members of the public, and the impact that this has upon Members' Debate. Appendix 2 to this report sets out a suggested revision to paragraph 13 of the Code of Planning Conduct and Practice
- 3.15 In general, public speaking, particularly at a large public meeting such as Planning Committee, can be a nerve wracking and daunting experience for members of the public. For people unaccustomed to public speaking, presenting before the Planning Committee can be intimidating and often at

times highly emotional. Such feelings are often exacerbated by the frequent prolonged periods of questioning by Members of the Planning Committee.

3.16 In addition it is considered that the benefit and usefulness of much of the additional information obtained through the public questioning is in itself questionable. In many instances the information obtained, and debate that follows, often relates to non-material planning matters which are not relevant and cannot be taken into consideration in the determination of an application. It is considered more appropriate for Members' questions to be directed towards Planning Officers.

3.17 Furthermore, the questioning of speakers by Members frequently leads to debate, often on non-material planning matters. The main negative effect of this being that it stifles debate when later required in the consideration of the application. This can lead to the perception that items are not being properly debated and considered by the Planning Committee, adversely affecting its reputation. This matter was highlighted within the Planning Advisory Service Peer Review Report which noted:

'...there is concern that the current practice of questioning speakers turns into debate and the normal rules of asking questions only through the Chairman are lost.'

3.18 The issue has been considered by the Accounts and Governance Committee's Working Group. The Working Group has proposed that the Chairman should be able to seek a contribution from a member of the public where she/he may be able to assist on a relevant matter. The general questioning of members of the public is proposed to be discontinued.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Decent Homes for All;
- Strong Economy, Rich Environment;
- Thriving Communities; and
- Quality Council

4.2 This report meets the Quality Council corporate priority.

5 Consultation

5.1 The Planning Committee considered the proposals set out within this report on the 13 December 2018. The Committee made the following resolution:

- that the views of Planning Committee will be presented to a meeting of the Accounts and Governance Committee, with the matter being the subject of a final decision by Council.

5.2 The Planning Committee raised the following comments:

1. Members have gone against Officer recommendations on a number applications coming to the Planning Committee because of objections raised by Parish Councils and members of the Public.
2. The questioning of speakers can provide clarification for Members.
3. The questioning of speakers can be intimidating.
4. The questioning of speakers is not permitted within other Councils.

5. Reducing the number of applications coming to the Planning Committee would reduce the length of the meetings, this could in turn, encourage public involvement.
 6. The Peer Review has recommended additional training.
- 5.3 The Accounts and Governance Committee considered the proposals set out within this report on the 21 February 2019. The Committee made the following resolution:
- the Constitution Review Working Group collate the views of the Accounts and Governance Committee and report back via email, prior to a formal response being submitted to Council on 11 April 2019.
- 5.4 The Accounts and Governance Committee raised the following comments:
1. the recommendations arise from the Peer Review of the Planning Committee;
 2. there was support for the proposed changes to the Scheme of Delegation, with some reservations;
 3. there are concerns regarding restricting Member requests for an application to proceed to Planning Committee to the relevant Ward Member as neighbouring Wards may also be affected by the application;
 4. there are concerns that members of the public may not be aware of what constitutes a 'valid planning reason';
 5. Parish Councils have excellent local knowledge of their Ward;
 6. there are concerns that reducing the opportunity for Parish Councils to bring applications to the Planning Committee may make the process more remote from the public's perspective;
 7. Parish Council involvement may be the only way an applicant can have their application heard by the Planning Committee; Parish Councils could still bring applications before the Planning Committee if they presented a valid planning reason;
 8. Parish Councils often bring applications to the Planning Committee without attending the Planning Committee meeting this means that nothing has been added to the debate as their written objections are already considered by Officer and are included in the decision making process. Parish Councils can't be forced to attend Planning Committee meetings;
 9. Parish Councils can still request to speak at Planning Committee meetings; questioning speakers allows Members to clarify areas of concern, the five minutes given for representations may not be long enough for speakers to cover all their points;
 10. findings from the Peer Review noted that the questioning of speakers was not restricted to material planning considerations;
 11. the speakers can find the process daunting, being asked questions can be distressing;
 12. other District Councils in Cumbria and the surrounding Counties do not question speakers; and
 13. Members would be able to put questions to Officers.

- 5.5 Council is recommended to have regard to the comments and recommendations of the Planning Committee and Accounts and Governance Committee when considering this report.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015. There are no financial implications of the recommendations.

6.2 Legal

- 6.2.1 The Constitution has over recent years been reviewed on an annual basis. No legal implications are considered to arise from the proposed amendments to the Constitution.

6.3 Human Resources

- 6.3.1 There are no human resources implications arising out of the proposals within this report.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no implications arising from this report.
Health, Social Environmental and Economic Impact	There are no implications arising from this report.
Crime and Disorder	There are no implications arising from this report.
Children and Safeguarding	There are no implications arising from this report.

6.5 Risk Management

Risk	Consequence	Controls Required
Over time the Constitution ceases to be fit for purpose and does not include the provisions which are considered to be necessary and required.	Risk of decisions being challenged due to not being made in accordance with proper administrative requirements.	Annual consideration given to the need to review the Constitution.

7 Other Options Considered

- 7.1 The Committee could decide to support the proposed amendments to the constitution in full or in part or resolve not to support the proposed amendments at all.

8 Reasons for the Decision/Recommendation

8.1 To enable amendments to the Constitution.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	1 April 2019
Monitoring Officer (or Deputy)	1 April 2019
Relevant Assistant Director	

Background Papers:

Appendices:

1. Proposals for amendments to the scheme of delegation to the Deputy Director Technical Services. The current wording is set out at page 92 of the Constitution.
2. Proposals for amendments to Paragraph 13 of the Code of Planning Conduct and Practice. The current wording is set out at pages 308 to 310 of the Constitution.

Contact Officer: Mrs L Tremble, Assistant Director
Governance Direct Dial 01768 212249

Proposals for amendments to the scheme of delegation to the Deputy Director Technical Services. The current wording is set out at page 92 of the Constitution.

4.4 Delegation of Council Functions to the Council's Officers

1. Town and Country Planning and Development Control.

a) Delegations to ~~Assistant~~ Deputy Director ~~Technical Services~~ Planning and Economic Development:

- i) to determine all planning applications and to make observations on all statutory and other notifications except:
 1. applications ~~where~~ for which an approval would be contrary to policy - ie departures and potentially justifiable exceptions;
 2. applications which are considered by the Deputy Assistant Director ~~Technical Services~~ Planning and Economic Development to be of a ~~major~~, controversial or sensitive nature, or which have aroused significant public interest on valid planning grounds;
 - ~~3. applications which have aroused significant public interest on valid planning grounds;~~
 - ~~3~~4. applications for which ~~where~~ an objection from a statutory consultee (as set out in the The Town and Country Planning (Development Management Procedure) (England) Order 2015) is received on valid planning grounds and ~~he/she~~ the Deputy Assistant Director ~~Technical Services~~ Planning and Economic Development is inclined to approve the application;
 - ~~5. the approval of applications subject to a parish council objection on valid planning grounds or the refusal of applications which have received a representation in support from a Parish Council;~~
 - ~~4~~6. applications subject to a request by an objector to address the Planning Committee and that objection is based on valid planning grounds;
 - ~~5~~7. applications subject to a request by a ~~a the local ward~~ member on valid planning grounds to have the matter determined by the Planning Committee.

Valid planning grounds excludes objections made on any of the following grounds:

- Devaluation of property;
- Loss of view;
- Effect on trade/commercial competition;
- Effect on private or civil rights;

- Personal or financial circumstances or the character of the applicant;
- Third party interest; or
- Matters covered by other legislation or controls including Building Regulations and licensing.

Valid planning grounds include:

- Overlooking / loss of privacy;
- Loss of light or overshadowing;
- Parking;
- Highway safety;
- Traffic;
- Noise;
- Effect on listed building and conservation area;
- Layout and density of building;
- Design, appearance and materials;
- Government policy;
- Disabled persons' access;
- Proposals in the Development Plan;
- Previous planning decisions (including appeal decisions);
- Nature conservation.

Proposals for amendments to Paragraph 13 of the Code of Planning Conduct and Practice. The current wording is set out at pages 308 to 310 of the Constitution

13. Public Hearings at Planning Committee

- 1) Many Local Planning Authorities permit members of the public to address the Committee about a particular proposal prior to the consideration of the application. Procedures vary across the country but all are designed to provide as fair an opportunity as possible for a balance of views to be provided between those supporting and those opposing an application.
- 2) Members of the public are permitted to address the Planning Committee and the following protocols relate to the procedures adopted:
- 3) Protocols:
 - a) In accordance with the Council Procedure Rules, any person (including Members, Parish representatives, applicants, objectors and supporters) may seek to address the Planning Committee by making representations, responding to questions from the Chair in accordance with 4.j) below ~~answering questions~~ or giving evidence at a meeting, in relation to any matter which appears on the agenda for that meeting.
 - b) Any person who wishes to address the committee should request to do so in writing to the Deputy Chief Executive by no later than midday one clear working day before the day of the meeting (that is not counting the day of the meeting or the day notice is given - so for a meeting on a Thursday, notice must be given by no later than midday on the preceding Tuesday).
 - c) In addition to the above provisions, on receipt, within the time frame given, of a material objection to a planning application the objector will be advised by the case officer, in acknowledging receipt of the objection, of the opportunity to address committee when the application is determined. They will be supplied with a form which they can return if they want to avail themselves of that opportunity. The request should be made promptly and in any event within ten days of the day the form referred to above is sent to the objector. A request under this paragraph (which is not withdrawn) will trigger the requirement that an application be determined by the Planning Committee rather than by the Planning Services Development Manager under his delegated

authority. However, if at any time it is decided to exercise delegated authority to determine the application in accordance with the objection, the application will be determined by the Planning Services Development Manager, rather than by the Planning Committee, and there will be no opportunity to address the committee.

- d) The participation of any Member or member of the public will in all cases be at the discretion of the Chairman of the Committee. Ordinarily approval will be granted, but on occasion the Chairman may refuse the request on the grounds mentioned in the Council Procedure Rules. A request will generally be refused if the representation does not relate to material planning considerations.
 - e) If a presentation from an objector is agreed the opportunity will also be given for the applicant to respond.
 - f) If a hearing is agreed the case officer will liaise with the person making the request and the applicant to set up the arrangement. Details of the procedure on the day will be sent to each party appearing. In the event that two or more requests are received from the public to make a presentation about a particular proposal, efforts will be made to reduce this to one person. Equally the applicant will be expected to be represented by one person. In the event of disagreement the Committee will ordinarily hear no more than two representations, which will usually be limited to the two parties living nearest to the application site. In respect of major applications generating significant public interest, the Chairman will give consideration to allowing more parties to speak.
 - g) On the day of the Committee, hearings will take place as the item arises on the agenda unless altered by the Chairman.
- 4) The following procedure will apply:
- a) The Planning Officer will briefly outline what the proposal is about;
 - b) Any person making representations objecting to the grant of permission or seeking the imposition of conditions will address the Committee for up to five minutes ~~from the area of the top table~~. In the event that two representations are made these will each be for a maximum of 2.5 minutes;

~~c) Members may then ask questions to clarify any points that have been made;~~

~~cd)~~ Any person making representations in support of the application (other than the applicant or his/her representative) will then address the committee for up to five minutes. As in relation to objectors, up to five minutes shared between supporters will be permitted.

~~e) Members may then ask questions to clarify any points that have been made;~~

~~df)~~ Any Parish representative will then be permitted to address the Committee for up to five minutes;

~~g) Members may again ask questions to clarify any points that have been made~~

~~eh)~~ If a member of the Council (Planning Committee member or not) wishes to advise the Committee of any representation or lobby he or she has received about the application a similar presentation should then be given but in the case of a committee member the presentation should be purely factual and not opinionated;

~~fi)~~ The applicant (or appointed agent or representative) will then be permitted to address the Committee for up to five minutes, again from the area of the top table;

~~j) Members again may then ask questions to clarify any points that have been made;~~

~~gk)~~ Representatives of the public will then be thanked for their contribution by the Chairman and advised that no further contribution will be permitted from them unless a matter is put to a person in accordance with 4 j) below on the proposal as the Committee considers, then decides the application;

~~hl)~~ The Planning Officer will then conclude the presentation on the application picking up on any points from the presentations that might be misleading in a ~~non-material~~non-material manner;

~~im)~~ The opportunity will then be given for the officer to be questioned by the Committee; and

~~i)~~ If a Member of the Committee has a question, that is materially relevant to the determination of the application, where the Officer does not hold the information requested, but ~~the relevant speaker~~ a person who has spoken on the application may do so ~~be able to assist with, then the Chair may use their~~his / her discretion to ask the relevant speaker to ~~answer the question~~provide the information requested if he or she is able to do so.

j) The Committee will then debate the proposals and come to a decision.

k) If, particularly in relation to applications generating major public interest, more persons are permitted to address the committee, no person will be allowed to address the committee for longer than five minutes and the applicant will normally be given the opportunity to address the committee for an equivalent amount of time to that afforded in total to those objecting to the application.

Report No: G43/19

**Eden District Council
Accounts and Governance Committee
Council**

11 April 2019

Review of the Constitution - Delegations and Realignment of Officer Responsibilities

Portfolio:	Resources
Report from:	Assistant Director Governance
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To enable the formal recording of the amendments which are required to be made to the delegations to officers arising from the restructure and realignment of officer responsibilities.

2 Recommendation

It is recommended that

- 2.1 the delegations which are set out in the Appendix to this report be noted and approved; and
- 2.2 the Assistant Director Governance be authorised to approve and authorise any minor or typographical changes to the text of the Constitution following its adoption by Council and arising upon a review of the document prior to its publication following the annual meeting in May.

3 Report Details

- 3.1 Council has approved a restructure and realignment of the officer roles and responsibilities. The restructure included the establishment of different posts and a change in titles. The former Deputy Chief Executive has a general authority to make consequential changes to the Constitution to take account of decisions of Council (Article 14.2 of the Constitution).
- 3.2 The appendix which is attached to this report sets out the delegations to officers and to whom the various functions and responsibilities have been assigned as a consequence of the restructure. No additions, variations or amendments have been made to the nature of the delegations. There are other reports on this Agenda which deal with variations to the Constitution. The only changes which have been made to which this report relates are to the person who is authorised to carry out a particular function. Variations have also been made to the text of the Constitution arising from the changes in officer designations. Those variations arise frequently in the text of the Constitution. All changes are shown as tracked in the appendix.

- 3.3 The officers concerned have been notified of the allocation of the delegations which have been made arising from the implementation of the restructure. Council is requested to note and approve the delegations. The report has been submitted to the Accounts and Governance Committee for its consideration prior to Council.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:

- Decent Homes for All;
- Strong Economy, Rich Environment;
- Thriving Communities; and
- Quality Council

- 4.2 This report meets quality council corporate priority

5 Consultation

- 5.1 The proposed changes to the scheme of delegation have been notified to the relevant officers and have been raised with the constitutional working group established by the Accounts and Governance Committee.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.

There are no proposals in this report that would reduce or increase resources.

6.2 Legal

- 6.2.1 The Council is required to set out the various delegations which are made to officers so that there is clarity and certainty of roles, powers and responsibilities.

6.3 Human Resources

- 6.3.1 There are none arising from this report.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are none arising from this report.
Health, Social Environmental and Economic Impact	There are none arising from this report.
Crime and Disorder	There are none arising from this report.
Children and Safeguarding	There are none arising from this report.

6.5 Risk Management

Risk	Consequence	Controls Required
Relevant and appropriate delegations are not made to appropriate people.	Actions may be delayed, inhibited or prevented. Challenges may be made to actions purportedly taken.	A clear and specific delegation of functions, roles and responsibilities to officers as required to enable activities to be undertaken effectively.

7 Other Options Considered

7.1 None.

8 Reasons for the Decision/Recommendation

8.1 To provide a formal record to be included within the Constitution and publicised of delegations to officers.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	2 April 2019
Monitoring Officer (or Deputy)	2 April 2019
Relevant Assistant Director	

Background Papers:

Appendices: Appendix 1 - Constitution of Eden District Council

Contact Officer: Mrs L Tremble, Assistant Director Governance

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Report No: G42/19

**Eden District Council
Accounts and Governance Committee
Council**

11 April 2019

Annual Review of the Constitution

Portfolio:	Resources
Report from:	Assistant Director Governance
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To enable consideration of the proposed changes to the Constitution and the representations which have been received from Members and Officers and for Council to approve the proposed changes.

2 Recommendation

It is recommended that

- 2.1 the changes to the Accounting and Audit Rules as set out in Appendix 1 of the report be approved and incorporated in the Constitution;
- 2.2 the changes to the Procurement Rules as set out in Appendix 2 of the report be approved and incorporated in the Constitution;
- 2.3 the changes to the Officer Employment Procedure Rules set out in Appendix 3 of the report be approved and incorporated in the Constitution;
- 2.4 the changes to the Council Procedure Rules and the Code of Planning Conduct and Practice set out in Appendix 5 of the report be approved and incorporated in the Constitution;
- 2.5 the changes to the Accounting and Audit Rules and the Executive Functions Delegated to Officers set out in Appendix 6 of the report be approved and incorporated in the Constitution;
- 2.6 the report of the Deputy Chief Executive, set out in Appendix 7, in relation to appointment of Members to the two National Park Authorities is noted; and
- 2.7 the Assistant Director Governance be authorised, in consultation with the Members of the Constitution Working Group, to approve and authorise any minor and typographical changes to the text of the Constitution following its adoption by Council and arising upon a review of the document prior to its publication following the Annual Meeting in May.

3 Report Details

- 3.1 The Constitution is required to be reviewed on an annual basis. The review is undertaken by Accounts and Governance Committee which recommends to Council what amendments, if any, should be made to the formal Constitution.
- 3.2 A Constitution Working Group was established by the Accounts and Governance Committee. The Working Group has considered all of the representations and suggestions which have been made in the review of the Constitution. The representations which were made together with the response of the Working Group with the comments of the Monitoring Officer are set out below.

Accounting and Audit Rules (Appendix 1)

- 3.3 The suggestions which were made by the Assistant Director Finance were accepted. A new paragraph 4.1.8 was proposed and accepted. The Rules have been amended to refer to the changes which have been made to the officer designations arising from the restructure.

Procurement Rules (Appendix 2)

- 3.4 A number of amendments were suggested. The proposed amendments which were accepted are shown tracked in the appendix setting out the Procurement Rules. The deletion of paragraph 3.8 was not accepted. There should be clarity in a written form of any contract which is to be made by the Council. The paragraph sets out that a formal written agreement should be made where the purchase of the goods, works or services so requires and this is considered to be entirely appropriate.
- 3.5 The proposed deletion of the reference to 'Open Tendering' was not accepted. Under the Procurement Rules which are comprised in the Public Contract Regulations 'Open Tendering' is the preferred method and it should be retained in order to be compliant with the relevant Regulations. However, the paragraph does require updating as indicated.
- 3.6 The 'Special List' of provisions have been varied. It is considered that the Rules should make it absolutely clear that any exercise has to be undertaken in compliance with the Public Contract Regulations. A 'Special List' may be undertaken in appropriate circumstances when in compliance with the relevant regulations.
- 3.7 The proposed deletion of paragraph 4.10.5 is not accepted. The paragraph sets out that, ordinarily, the weighting given to price should be between 60 and 100%. The paragraph does enable a different weighting to be given where there are specific reasons for this approach. The reasons will be required to be submitted to and approved by the appropriate Executive Member so that there is a formal record. It is considered that this approach is appropriate.
- 3.8 The Rules have been amended to refer to the appropriate officer designations following the restructure.

Officer Employment Procedure Rules (Appendix 3)

- 3.9 The Officer Employment Procedure Rules have been amended to take specific account of the Standing Orders Regulations as they apply to the appointment of specific staff and disciplinary action which may be taken in

relation to them. The Procedure Rules have also been amended to refer to the changed designations following the restructure.

Representation from Councillor Raine (Appendix 4)

- 3.10 The representation made by Councillor Raine was not accepted by the Working Group or the Monitoring Officer. The Constitution is clear that decisions which are made by the Executive or Portfolio Holders can be called in having regard to the criteria which are specified in the Constitution. It is considered that the criteria remain those which are relevant and appropriate. The call in of decisions of the Executive is an element of the scrutiny process in holding the Executive to account.

Comments from Member Services (Appendix 5)

- 3.11 It is suggested that amendments are made to the provisions relating to the submission of petitions and motions on notice. It is recognised that, in each case, under the existing procedure a petition or a motion on notice may be received after the time by which it could be included in the formal agenda for a meeting. Consequently it is considered that the formal provisions should be amended. The Working Group considered the issue and suggested that a petition or a motion on notice should be submitted nine calendar days before the meeting. As a consequence, a petition or a motion on notice which was to be submitted for a meeting of Council on a Thursday would be required to be submitted on or before the Monday of the preceding week.
- 3.12 It is suggested that it should be clarified that a person making representations to the Planning Committee should only be able to speak once. This was considered and accepted by the Working Group. It is proposed that a new paragraph should be included in Clause 13 of the Code of Planning Conduct and Practice in the following terms:
- ‘a person making a representation to the Committee may only speak once subject to paragraphs f and j of this Code.’

Comments of the Head of Revenues and Benefits (Appendix 6)

- 3.13 The comments have been accepted for incorporation into the revised version of the Constitution.

Report from the Deputy Chief Executive (Appendix 7)

- 3.14 The comments and proposed practices in relation to appointments to the two National Park Authorities have been accepted by the Constitution Working Group.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
- Decent Homes for All;
 - Strong Economy, Rich Environment;
 - Thriving Communities; and
 - Quality Council
- 4.2 This report meets the quality council corporate priority

5 Consultation

- 5.1 Consultation has taken place with Officers and Members. All responses to the annual review of the Constitution have been considered by the Constitution Working Group.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.

There are no direct financial implications.

6.2 Legal

- 6.2.1 This Council will, and must take account of, comply with, and where appropriate, promote any relevant statutory provision or change of recommended practice in its Procurement Rules. The Procurement Rules prescribe the detailed provisions which must be met on the conduct of any procurement and how the relevant statutory provisions are to be applied.

6.3 Human Resources

- 6.3.1 There are no implications arising from this report.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no implications
Health, Social Environmental and Economic Impact	There are no implications
Crime and Disorder	There are no implications.
Children and Safeguarding	There are no implications.

6.5 Risk Management

Risk	Consequence	Controls Required
The Procure Rules are in appropriate, incorrect or unclear.	Action taken in compliance with the Rules may be inappropriate.	An annual review of the constitutional provisions which has regard to any changes in practice and legislative provision with account being taken of recommended best or good practice.

7 Other Options Considered

- 7.1 The other options which were considered are made clear in the commentary on the representations which were made.

8 Reasons for the Decision/Recommendation

- 8.1 To enable appropriate amendment to be made to the Constitution. It is also necessary and essential that any changes which are made are introduced with the new Council which will be elected in May 2019 so that the changes apply from the next annual meeting.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	3 April 2019
Monitoring Officer (or Deputy)	2 April 2019
Relevant Assistant Director	

Background Papers:

Appendices:

Appendix 1 - Accounting and Audit Rules
Appendix 2 - Procurement Rules
Appendix 3 - Officer Employment Procedure Rules
Appendix 4 - Email from Councillor J Raine
Appendix 5 - Comments from Member Services
Appendix 6 - Comments from the Head of Revenues and Benefits
Appendix 7 - Report from the Deputy Chief Executive

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G Accounting and Audit Rules 2017

1. General

- 1.1 These Rules, in conjunction with the Procurement Rules, comply with the requirements for Standing Orders under Section 135 of the Local Government Act 1972.
- 1.2 The purpose of the Rules is to ensure that the Council's financial affairs are conducted with openness, probity and accountability. The ~~Director of Finance~~Assistant Director Finance is responsible to the Council for the proper administration of the financial affairs of the Council, as required by Section 151 of the Local Government Act 1972.
- 1.3 In these Rules the following definitions apply:

Chief Officer	One of the following: Chief Executive, Deputy Chief Executive, Director of Finance <u>Director of Corporate Services, Director of People and Place</u>
Contract	Any form of contract, agreement, or other arrangement, for the supply of goods, services, or works
Director of Finance <u>Assistant Director Finance</u>	<u>Chief Finance Officer, it</u> Includes the Director's Chief Finance Officer's appointed deputy, the Assistant Director Financial Services.
Executive Member	A member of the Council's Executive
Leader	The Leader of the Council, as appointed by full Council
Management Team	The <u>senior leadership team comprising the</u> Chief Executive, <u>Director of Corporate Services and Director of People and Place.</u> Deputy Chief Executive, Director of Finance, Deputy Directors and Assistant Director Commercial Services and Assistant Director Organisational Development.
Senior Manager	Any officer who is part of Management Team and the Assistant Director Legal Services, Assistant Director Financial Services, Assistant Director Revenues and Benefits, Assistant Director Customer Services and Transformation <u>A Chief Officer, Assistant Directors and any Heads of Service.</u>

Services	Includes all services which the Council purchases, or obtains, including advice, specialist consultancy work and agency staff
Virement	Where one or more budgets are reduced to fund an increase in another budget(s). There is no net change in the total budget arising from a virement. <u>Also includes grossing up of budgets where additional income is received.</u>
Works	Covers all construction and property-related procurement

- 1.4 Each Senior Manager shall consult the ~~Director of Finance~~Assistant Director Finance with respect to any matter which is liable to affect the approved income or expenditure contained in the annual budget of the Council.

2. Budget

- 2.1 The form of capital and revenue estimates shall be determined by the ~~Director of Finance~~Assistant Director Finance.
- 2.2 Estimates of capital and revenue income and expenditure shall be prepared by each Senior Manager, in conjunction with the ~~Director of Finance~~Assistant Director Finance, who shall collate the estimates for consideration by Management Team and the relevant Executive Members and submit them to the Executive. The Executive shall submit a draft budget to the Scrutiny Co-ordinating Board at the latest by the first working day after 14 December each year. The Scrutiny Co-ordinating Board shall respond by the first working day after 21 January each year. The Executive shall consider the response of the Scrutiny Co-ordinating Board and then recommend a budget to the Council at a meeting by the end of January each year.
- 2.3 Upon approval by the Council of the capital estimates, each Senior Manager, in conjunction with the ~~Director of Finance~~Assistant Director Finance, shall be authorised:
- to take steps to enable land required for the purposes of the programme to be acquired in due time; and
 - to prepare a scheme and estimate, including a financial appraisal, for approval by the appropriate Executive Member.
- 2.4 Any proposals which commit future budgets to a level of expenditure greater than that provided for in the current year shall be reported by the relevant Senior Manager to the appropriate Executive Member and the Executive. The ~~Director of Finance~~Assistant Director Finance shall be consulted on the draft report.

2.5 Each Senior Manager shall ensure that the authorised budget holders in his or her department monitor the revenue and capital budgets for which they are responsible. The ~~Director of Finance~~Assistant Director Finance shall ensure that the Financial Management System is up-to-date and that all authorised budget holders are appropriately trained in its use.

2.6 Where there is, or may be, any material variation (over 10%) in the actual expenditure, or income against the approved estimate, for any service or business unit, it shall be the duty of the Senior Manager concerned to consult with the ~~Director of Finance~~Assistant Director Finance and to report to the Executive Member as appropriate. There is no authority for officers to overspend. When an overspend is projected, a virement or supplementary estimate must be identified.

3. Accounting

3.1 All accounting procedures and records of the Council and its officers shall be determined by the ~~Director of Finance~~Assistant Director Finance. Such procedures shall have regard to current statutory requirements. Where such procedures and records are maintained in a department other than that of the ~~Director of Finance~~Assistant Director Finance, the ~~Director of Finance~~Assistant Director Finance shall, before making any changes, consult the relevant Senior Manager of the department concerned.

3.2 The duties of providing information regarding sums due to, or from the Council, or of calculating, checking and recording these sums, shall, as far as possible, be separated from the duty of collecting or disbursing them.

4. Virements (see definition in paragraph 1.3)

4.1 Revenue

4.1.1 Virements can relate to either:

- the current budget only; or
- to the base recurring budget.

This should be clearly stated on the virement form (see 4.1.6 below).

4.1.2 Virements can relate to non-staff costs and staff costs (but see 4.1.5 below).

4.1.3 Any virement requested must be appropriately approved as follows:

Value of Virement	Virement Between			
	Expenditure Codes within a Business Unit or Service	Business Units or Services within a Portfolio	Portfolios	Any Property Maintenance Budgets
Less than £10,000	Budget Manager	Budget Manager	Relevant Executive Members (Portfolio Holders)	Budget Manager
£10,000 or more but less than £20,000	Relevant Senior Manager	Relevant Senior Manager	Relevant Executive Members (Portfolio Holders)	Relevant Senior Manager
£20,000 or more but less than £50,000	Relevant Senior Manager	Relevant Executive Member (Portfolio Holder)	Relevant Executive Members (Portfolio Holders)	Relevant Executive Members (Portfolio Holders)
£50,000 or more	Relevant Senior Manager	Full Council	Full Council	Full Council

No virement request will be processed by the Financial Services Section until evidence of approval, as above, is received (see 4.1.6 below).

4.1.4 Virement resulting from tender submissions will not require Executive Member approval where such virement:

- a) results from a tender being in excess of budget provision; and
 - b) does not exceed 10% of the agreed budget for the scheme; and
 - c) can be funded from uncommitted schemes within the same portfolio.
- Any such virement shall be reported to the relevant Executive Member.

4.1.5 When a recurring virement increases the permanent staffing establishment by more than a 0.5 full time equivalent, the virement must be approved by the Executive.

4.1.6 To make a virement the relevant budget holder should e-mail a completed virement form to the Financial Services Section (Fin.Man@eden.gov.uk). The form is available on SharePoint: Corporate Centre/Financial Services Forms and Procedures/Virement Form. Where the approval of the relevant Senior Manager or the relevant Senior Manager and the Executive Member is required by these Rules, the virement form should be forwarded by the budget holder for approval by e-mail. After the final approval by the relevant Senior Manager or the Executive Member, the virement form and covering e-mail should be forwarded to the Financial Services Section (Fin.Man@eden.gov.uk).

4.1.7 Virements should not be artificially disaggregated.

4.1.8 The virement rules can be applied to grossing up of income and expenditure budgets, for example, on receipt of additional grant, external contributions or draw down from an earmarked reserve (unless specific delegations are in place). Where this is the case, the limits for expenditure codes within a

business unit or service should be applied unless greater than £50,000 in which case Portfolio Holder approval should be sought.

4.2 Capital

4.2.1 The provisions, as set out in 4.1, shall apply to capital.

5. Supplementary Estimates

5.1 A supplementary estimate is an addition to the Council's agreed budget. Supplementary estimates can be one-offs, or recurring. In either case, supplementary estimates should only be considered after all other options, such as virements, or savings, have been considered.

5.2 All supplementary estimates, either revenue or capital, require the approval of the Executive. Referral to Council is not required if the value of a supplementary estimate is less than £50,000. For this purpose, a recurring supplementary estimate is evaluated as five times the annual value.

5.3 Once approved by the Executive, or Council, the Financial Services Section will amend the budgets held within the Financial Management System.

6. Advance Accounts

6.1 The ~~Director of Finance~~Assistant Director Finance shall provide such advance accounts as he / she considers appropriate for such officers of the Council as may need them. Advance accounts for petty cash purposes shall be maintained on the Imprest system. Arrangements for safe custody of Imprest advances shall be subject to the approval of the ~~Director of Finance~~Assistant Director Finance.

6.2 No income received on behalf of the Council may be paid into an advance account, but must be banked or paid to the Council as provided elsewhere in these Rules.

6.3 Payments shall be limited to minor items of expenditure (less than £50) and to such other items as the ~~Director of Finance~~Assistant Director Finance may approve and shall be supported by receipted vouchers.

6.4 An officer responsible for an advance account shall, if so requested, give to the ~~Director of Finance~~Assistant Director Finance a certificate as to the state of his / her advance account.

6.5 On leaving the employment of the Council, or otherwise ceasing to be entitled to hold an advance, an officer shall account to the ~~Director of Finance~~Assistant Director Finance for the amount advanced to him/her.

7. Internal Audit

- 7.1 This section is based on the 2017 Public Sector Internal Audit Standards (PSIAS) issued by the Relevant Internal Audit Standard Setters which includes the Chartered Institute of Public Finance and Accountancy (CIPFA) for UK Local Government Authorities. It also complies with the provisions of the Accounts and Audit Regulations 2015.
- 7.2 Internal Audit shall annually undertake an objective assessment of the framework of risk management, control and governance processes within the Council.
- 7.3 The ~~Director of Finance~~Assistant Director Finance will maintain an adequate and effective system of Internal Audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control. Such proper internal control practices for Internal Audit are those included in the PSIAS. The ~~Director of Finance~~Assistant Director Finance will also conduct an annual review of the effectiveness of the system of internal control.
- 7.4 The ~~Director of Finance~~Assistant Director Finance shall be Head of Internal Audit (or Chief Audit Executive as defined in the PSIAS). He / she is responsible for overseeing the work of the in-house Auditor and the external contractor, as well as submitting various reports to the Accounts and Governance Committee, as detailed in 7.5 and 7.8 below. He/she must also ensure that there are established policies and procedures to guide the Internal Audit activity.
- 7.5 The ~~Director of Finance~~Assistant Director Finance must deliver an annual Audit Opinion and report for consideration by the Council to inform the Annual Governance Statement. The annual internal Audit Opinion must conclude on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control. The annual report must include the Opinion, a summary of the work that supports the Opinion and a statement on conformance with the PSIAS and the results of the quality assurance and improvement programme.
- 7.6 When any non-conformance with the PSIAS impacts on the overall scope or operation of the Internal Audit activity, the ~~Director of Finance~~Assistant Director Finance must disclose the non-conformance and the impact of this to Management Team and the Accounts and Governance Committee. If the deviation is significant, consideration must be given to including it in the Annual Governance Statement.
- 7.7 The ~~Director of Finance~~Assistant Director Finance also has some operational responsibilities for some of the functions that are audited. Given Eden's small size, it is not practicable to comply with PSIAS 1130.A2, which requires that such work is overseen by a party outside the Internal Audit activity. To ensure that as much independence and objectivity as possible is maintained in such circumstances, the ~~Director of Finance~~Assistant Director Finance as Head of Internal Audit, does not undertake any actual audit assignments. The Senior Auditor and external contractor are given full authority to report directly to the Chief Executive, the ~~Deputy Chief Executive~~Director of Corporate Services or the Accounts and Governance

Committee, if they have any concerns about suppression of audit evidence, or the conduct of the ~~Director of Finance~~Assistant Director Finance.

- 7.8 Those functions of an audit committee relating to Internal Audit shall be undertaken by the Accounts and Governance Committee. These responsibilities are:
- a) to consider the Strategic Internal Audit Plan report. This shall be submitted each year after consideration by the Council's Management Team. This will also consider the adequacy of audit resources;
 - b) to consider internal audit reports. Summaries of individual audit reports are to be submitted after agreement of the final report with management. This will also detail any recommendations rejected and any failure to implement recommendations from the previous audit;
 - c) to consider the annual Internal Audit report and annual Internal Audit Opinion. These shall be submitted within three months of the end of each financial year;
 - d) to monitor the implementation of agreed audit recommendations. Such monitoring shall be reported to each meeting;
 - e) to consider any other audit and financial investigation reports;
 - f) to approve the Internal Audit Charter. This shall be submitted each year after consideration by the Council's Management Team. The Internal Audit Charter is a formal document that defines Internal Audit's purpose, authority and responsibility. Key requirements of the Charter are included in these Rules;
 - g) to receive reports on the results of external and periodic internal assessments of the Internal Audit service.
- 7.9 Senior Managers are responsible for ensuring that appropriate and adequate internal controls exist, independently of any Internal Audit activity. Senior Managers must establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their performance targets.
- 7.10 When an Internal Audit report is issued, it is for management to decide whether to accept and implement audit findings and recommendations. Any decision to reject a formal recommendation must be justified, in writing, on the Schedule of Recommendations issued by Internal Audit within the audit report at the end of each audit assignment. It is the Head of Internal Audit's duty to consider taking matters to a higher level of management or to the Accounts and Governance Committee, if non-acceptance of a recommendation would lead to an unacceptably high risk.
- 7.11 The ~~Director of Finance~~Assistant Director Finance and all Internal Audit staff shall have authority at all reasonable times to:

- a) enter lawfully on any Council premises or land;
 - b) have access to all records, documents and correspondence relating to any financial or other transactions of the Council;
 - c) require and receive such explanations from all officers and Members of the Council as deemed necessary concerning any matter under examination; and
 - d) require any officer or Member of the Council to produce cash, stores, or any other Council property under his or her control.
- 7.12 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores, or other property of the Council, or any suspected financial irregularity in the exercise of the functions of the Council, the Senior Manager concerned shall, forthwith, notify the ~~Director of Finance~~, Assistant Director Finance or Internal Audit, who shall ensure that such steps have been, or are taken, as he / she considers necessary, by way of investigation and report. The ~~Director of Finance~~ Assistant Director Finance will keep the relevant Senior Manager appropriately informed of any matter under investigation.
- 7.13 Internal Audit has the right to report directly to the Chief Executive, the ~~Deputy Chief Executive~~ Director of Corporate Services, external audit, the Accounts and Governance Committee, or the Leader of the Council, if warranted by the circumstances.
- 7.14 An internal and external protocol shall co-ordinate its work with the appointed external auditor for the benefit of the Council and to avoid duplication of effort. An Internal Audit protocol shall be maintained to set out the basis for the managed audit arrangements between the Council's Internal Audit service and the external auditor.
- 7.15 The performance of Internal Audit will be monitored on an ongoing basis as part of the routine policies and practices used to manage the activity. Periodic assessments will be conducted to evaluate conformance with the Definition of Internal Auditing, the Code of Ethics and the Standards contained within the PSIAS.
- 7.16 External assessments of the Internal Audit service must be conducted at least once every five years by a qualified, independent assessor, or assessment team from outside the Council. This assessment may take the form of a full external assessment or a self-assessment with independent external validation.
- 7.17 Internal Audit will co-ordinate the Council's response to the National Fraud Initiative and investigate a sample of returned matches, in particular, 'key' and 'recommended' matches. Matches will also be investigated by other sections with responsibility for their associated match categories.

- 7.18 Senior Managers or other managers entering into agreements with third parties shall include a requirement that the Council's Internal Audit Section has a right of access to all documentation and records in which the Council has a financial interest.

8. Banking Arrangements, Cheques and BACS

- 8.1 All arrangements with the Council's bankers shall be made by the ~~Director of Finance~~Assistant Director Finance, who shall be authorised to operate such banking accounts as he may consider necessary.
- 8.2 All cheques shall be ordered only on the authority of the ~~Director of Finance~~Assistant Director Finance, who shall make proper arrangements for their safe custody.
- 8.3 Cheques on the Council's main banking accounts shall be signed by the ~~Director of Finance~~Assistant Director Finance, or other officer authorised to do so. All cheques drawn for an amount of £10,000 or more shall be countersigned by an authorised officer of the ~~Director of Finance~~Assistant Director Finance's ~~Department~~Section.
- 8.4 The use of BACS should be maximised both for payments and income.

9. Contracts for Building, Construction, Engineering, or Consultancy Work

- 9.1 These Rules apply to the accounting treatment of contracts after they have been awarded. The tendering and award of contracts for building, construction, engineering, or consultancy work, is covered by the Procurement Rules. Nothing in these Rules shall detract from duties or responsibilities of the officers, or consultant, as specified in the contract.
- 9.2 A written agreement specifying conditions of engagement, including the basis of remuneration, shall be entered into with every consultant appointed for the purpose of any contract work. The agreement shall specify that any consultant engaged by the Council will be subject to the requirements of these Rules.
- 9.3 Where contracts provide for payment to be made by instalments, the officer responsible for the contract shall maintain a record of the state of account of the contract. Once the final account is agreed, the ~~Director of Finance~~Assistant Director Finance should be notified.
- 9.4 Payments to contractors on account of contracts for works shall be made only on a certificate issued by the relevant Senior Manager of the department concerned, officer, or consultant engaged by the Council, as may be appropriate. Each certificate shall show as follows:
- a) the amount of the contract;
 - b) the value of the work executed to date;

- c) the total amount previously certified;
 - d) the retention money; and
 - e) the amount to be certified for payment. All certificates shall be issued and payments on account to contractors shall be made promptly.
- 9.5 Subject to the provisions of the contract, in each case, every extra provision or variation shall, unless otherwise evidenced to his or her satisfaction, be authorised in writing by the relevant Senior Manager.
- 9.6 The relevant Senior Manager may issue variations for constructional reasons and those arising from unforeseen circumstances occurring during the period of the contract, from errors in the preparation of contract documents, or from subsequent legislation, provided that any extra provisions or variations which, together with previously approved extra provisions or variations, will cause the contract sum to be exceeded by 10%, or £50,000, whichever is the lower, shall be reported to the appropriate Executive Member, as soon as is practicable. The report shall also show the cumulative effect of approved extra provisions and variations on the original tender figure;
- 9.7 Variations not covered by paragraph 9.6 above, for example, improved finishes, specifications, services, or extra accommodation, and so on, may be issued by the relevant Senior Manager in respect of any variation which involves additional expenditure and the estimated cost of which exceeds 5% of the contract sum, or £5,000, whichever is the higher, provided that such variation shall be reported to the appropriate Executive Member as soon as practicable.
- 9.8 In any contract where price fluctuations are a contractual commitment, the following shall apply:
- a) when tenders are reported, an estimate of total price fluctuations shall be included in the report so that the Executive Member may have a realistic assessment of the final cost; and
 - b) during the contract, actual and estimated price fluctuations shall be monitored regularly.
- 9.9 Senior Managers responsible for contracts must ensure that suitable procedures are followed for the effective cost control of all contracts. A cost statement shall be prepared quarterly for each contract exceeding £50,000 in value, taking into account all known factors, for example, variations, adjustment of prime cost sums, provisional sums and other items.
- 9.10 The ~~Director of Finance~~ Assistant Director Finance shall have the opportunity to examine the final measurement and valuation of all relevant documents prior to issue of the final certificate by the Council. The relevant Senior Manager in charge of the contract shall ensure that adequate site records relating to items, such as day works and instructions to the contractor, are maintained.

- 9.11 The ~~Director of Finance~~Assistant Director Finance shall, to the extent he / she considers necessary, examine final accounts for contracts and he / she shall be entitled to make all such enquiries and receive such information and explanations as he / she may require in order to satisfy himself as to the accuracy of the accounts.
- 9.12 Where the completion of the contract is likely to be delayed, it shall be the duty of the relevant Senior Manager to take any necessary action and to report to the Executive Member concerned.
- 9.13 Disputed or contentious claims not clearly within the terms of the contract shall be referred to the ~~Deputy Chief Executive~~Assistant Director Governance for consideration of the Council's legal liability, and to the ~~Director of Finance~~Assistant Director Finance for financial consideration, before a settlement is reached. Any such settlement shall be reported to the appropriate Executive Member.
- 9.14 Every three months the Executive Member will receive a 'contracts' report. This will detail progress, including financial, on each contract within his/her portfolio.

10. Land and Property

- 10.1 The ~~Deputy Chief Executive~~Assistant Director Governance shall maintain a terrier of all land and property owned or controlled by the Council, recording the holding portfolio, purpose for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.
- 10.2 The ~~Deputy Chief Executive~~Assistant Director Governance shall notify Management Team of details of rights and liabilities in respect of properties coming into the ownership or control of the Council. The ~~Deputy Chief Executive~~Assistant Director Governance shall also notify Management Team of the disposal of properties.
- 10.3 The ~~Deputy Chief Executive~~Assistant Director Governance shall keep all title deeds securely.
- 10.4 The ~~Director of Finance~~Assistant Director Finance shall maintain a register of all of the Council's assets, in compliance with the requirements of CIPFA. This is to include any plant and machinery of a value of £10,000 or more.

11. Income

- 11.1 The collection of all money due to the Council shall be under arrangements approved by the ~~Director of Finance~~Assistant Director Finance.
- 11.2 ~~Each Senior Manager shall furnish the Director of Finance with details of work done, goods supplied, or services rendered, to enable him / her to record correctly all sums due to the Council and to ensure that invoices are sent out~~

~~expeditiously.~~ Each Senior Manager shall arrange for the input of details to the financial management system (or spreadsheet where agreed with the Assistant Director Finance) for work done, goods supplied, or services rendered, to enable the correct recording of all sums due to the Council and to ensure that invoices are sent out expeditiously.

- 11.3 Except where the ~~Director of Finance~~ Assistant Director Finance has otherwise agreed, all receipt forms, books, tickets and other similar items (including electronic formats) shall be ordered and supplied to departments by the ~~Director of Finance~~ Assistant Director Finance, who shall satisfy himself / herself as to the arrangements for their control.
- 11.4 All monies received by an officer on behalf of the Council shall be paid promptly to the ~~Director of Finance~~ Assistant Director Finance, or to the Council's bank account. No deduction may be made from such money, save to the extent that the ~~Director of Finance~~ Assistant Director Finance may specifically authorise.
- 11.5 Personal cheques shall not be cashed out of the money held on behalf of the Council.
- 11.6 Every transfer of Imprest, petty cash, and so on, from one member of staff to another, shall be evidenced in the records of the departments concerned, by the signature of the receiving officer.
- 11.7 The ~~Director of Finance~~ Assistant Director Finance shall, in conjunction with the Senior Manager concerned, submit to the relevant Executive Member, as part of the annual budget cycle, a report on fees and charges for the forthcoming year, except where setting charges has been delegated to him. Non-delegated fees and charges are:

Communities Portfolio Holder - Leisure Charges

Services Portfolio Holder - Cemetery Charges

Services Portfolio Holder - Car Parking Charges

12. Insurances

- 12.1 The ~~Director of Finance~~ Assistant Director Finance shall arrange all insurance cover and negotiate all claims in consultation with other officers where necessary.
- 12.2 Senior Managers shall give prompt notification to the ~~Director of Finance~~ Assistant Director Finance of all new risks and the acquisition of properties, vehicles, plant and equipment which require to be insured and of any alterations affecting existing insurances.

- 12.3 Senior Managers shall immediately notify the ~~Director of Finance~~Assistant Director Finance and then confirm in writing any loss, liability, or damage, or any event likely to lead to a claim, and inform the Police where necessary.
- 12.4 The ~~Director of Finance~~Assistant Director Finance shall, annually, or at such other shorter period as he may consider necessary, review all insurances in consultation with other Senior Managers as appropriate.
- 12.5 Senior Managers shall consult the ~~Director of Finance~~Assistant Director Finance and the ~~Deputy Chief Executive~~Assistant Director Governance in respect of the terms of any financial indemnity which the Council is requested to give.

13. Inventories

- 13.1 Inventories shall be maintained by all departments of all items of office furniture, fittings and equipment with a purchase value of £250 or over. The form in which the inventories shall be kept shall be determined by the ~~Director of Finance~~Assistant Director Finance.
- 13.2 A register of IT equipment, including personal computers, will be maintained by the shared IT Services Manager.
- 13.3 Each Senior Manager shall carry out an annual check of all items on the inventory, for taking action in relation to disposals, or obsolete equipment and amending the inventory accordingly. Any disposals must be in accordance with the guidelines published on SharePoint.
- 13.4 The Council's Insurance Officer will annually ask departments for an updated copy of the inventory lists.
- 13.5 The Council's property shall not be removed, otherwise than in accordance with the ordinary course of the Council's business, or used otherwise than for the Council's purposes.

14. Write-Offs and Losses

- 14.1 Each Senior Manager shall inform the ~~Director of Finance~~Assistant Director Finance, in writing, of proposed write-offs and losses of any assets (stock, equipment, and so on).

15. Investments, Borrowings and Trust Funds

- 15.1 All investments and borrowing must be in compliance with the Council's Treasury Management Strategy (see also section 23).
- 15.2 All investments of the Council's money shall be made in the name of the Council by the ~~Director of Finance~~Assistant Director Finance.

- 15.3 All negotiable instruments, bonds and securities in the name of the Council, or its nominees, shall be held in custody of the ~~Director of Finance~~Assistant Director Finance.
- 15.4 All borrowings shall be effected in the name of the Council, by the ~~Director of Finance~~Assistant Director Finance, in accordance with the statutory requirements in force at the time of the borrowing.
- 15.5 The ~~Director of Finance~~Assistant Director Finance shall be the Council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing of money by the Council.
- 15.6 All trust funds shall, wherever possible, be in the name of the Council.

16. Payment of Accounts

- 16.1 The ~~Director of Finance~~Assistant Director Finance shall be responsible for making all payments of monies due from the Council, with the exception of payments from approved petty cash or advance accounts, or approved corporate credit/procurement cards. This requirement relates to supplier invoices, Housing Benefit, Council Tax and National Non-Domestic Rates refunds.
- 16.2 The Senior Manager issuing the order shall be responsible for examining, verifying and certifying the related invoice(s). A list of officers authorised by each Senior Manager to raise orders and authorise invoices, claim forms and other vouchers on his behalf, shall be agreed by Management Team on an annual basis.
- 16.3 Before authorising an invoice, the authorising officer shall have satisfied himself that:
- a) the work, goods or services to which the account relates have been received, carried out, examined and approved;
 - b) the prices, calculations, discounts, other allowances, credits and tax are correct;
 - c) the relevant expenditure has been properly incurred, is within the relevant estimate provision and is correctly coded;
 - d) appropriate entries have been made in inventories, stores, records or stock books as required; and
 - e) the account has not been previously passed for payment and is a proper liability of the Council.
- 16.4 Accounts shall be authorised on the electronic creditors' system, without delay. The certification details shall be fully completed in line with the electronic creditors' system. The 'description of work' field shall include a

readily understood description. This is part of the information required by the Code of Data Transparency and is published on the Internet.

- 16.5 Any amendment to an account shall be made through the electronic creditors' system, stating briefly the reasons where they are not self-evident. VAT tax invoices may not be amended. Adjustments to any invoice must be made by the issue of a credit note or supplementary invoice and must be agreed with the supplier.

- 16.6 Each Senior Manager shall, on request, notify the ~~Director of Finance~~Assistant Director Finance of all outstanding expenditure relating to the previous financial year.

17. Lost Property

- 17.1 The ~~Director of Finance~~Assistant Director Finance shall determine how lost property is dealt with. Detailed guidance is available on the Corporate Section of SharePoint.

- 17.2 Private property is not covered by the Council's insurance.

18. Salaries

- 18.1 The payment of all salaries, compensation and other emoluments to all employees, or former employees of the Council, shall be made by the ~~Director of Finance~~Assistant Director Finance, or under arrangements approved and controlled by him / her.

- 18.2 Each Senior Manager shall inform the Human Resources Section, in the prescribed form, of all matters affecting the payment of such emoluments and in particular:

- a) appointments, resignations, dismissals, redundancies, retirements, deaths, suspensions, secondments and transfers;
- b) absences from duty for sickness, or other reason, apart from approved leave;
- c) changes in remuneration, other than normal increments and pay awards and agreements of general application; and
- d) information necessary to maintain records of service for superannuation, income tax, national insurance, statutory sick pay, and so on; and
- e) engagement of any temporary staff.

- 18.3 The Human Resources Section will pass the information referred to in 18.2 to the Financial Services Section. If this is received by the seventh day of the month, it will be paid in that month.

- 18.4 Appointments of all employees shall be made in accordance with the Council's approved establishment and its Pay Policy.
- 18.5 All time records or other pay documents shall be in a form prescribed or approved by the ~~Director of Finance~~Assistant Director Finance, authorised by the Senior Manager of the department concerned. The names of officers authorised to sign such records shall be sent to the Financial Services Section by each Senior Manager.
- 18.6 When temporary staff are engaged, prior to any payment being made, a completed IR35 assessment will be forwarded to finance confirming whether the engagement will be on or off payroll. This applies equally to engagement of non-temporary staff through third party companies.

19. Security

- 19.1 Each Senior Manager is responsible for maintaining proper security, at all times, for all buildings, stocks, stores, furniture, equipment, cash and all things under his or her control. The ~~Director of Finance~~Assistant Director Finance shall be consulted in any case where security in regard to cash or financial arrangements is thought to be defective, or needing special security arrangements. Relevant Senior Managers shall also inform the Chief Executive of the existence of any special security risks, or the need for improvement in security arrangements.
- 19.2 Keys to safes and similar receptacles are to be either carried on the person of those responsible, or secured in a locked key cupboard. The loss of any such keys shall be reported to the relevant Senior Manager forthwith.
- 19.3 Each Senior Manager shall be responsible for maintaining proper security and privacy of all personal information held within his or her department.

20. Stocks and Stores

- 20.1 Each Senior Manager is responsible for the care and custody of the stocks and stores in his or her department.
- 20.2 Stocks shall not be in excess of normal requirements.
- 20.3 Senior Managers shall arrange for periodic examinations of stocks and shall ensure that all stocks are checked at least once in every year.
- 20.4 The ~~Director of Finance~~Assistant Director Finance shall be entitled to receive from each Senior Manager such information as he / she requires in relation to stores for the accounting, costing and financial records, including a certificate signed by a Senior Manager as to the level of stocks and stores under his or her control. Any surplus requirements shall be disposed of.

21. Travelling and Subsistence Allowances

- 21.1 As far as possible, all claims for payment of car allowances, travelling, subsistence and incidental expenses, shall be submitted electronically via the Transfare system by the deadline date which is posted on the Transfare system each month. Any claims submitted on paper claims to be submitted by the seventh of the month for payment in that particular month. All claims, either electronic or manual, shall be authorised by an authorised officer.
- 21.2 The certification by, or on behalf of the relevant Senior Manager, shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 21.3 Subject to 21.4 claims by Senior Managers (other than the Chief Executive) shall be authorised by another Senior Manager with more seniority.
- 21.4 Claims by the Chief Executive shall be certified by the ~~Deputy Chief Executive~~Director of Corporate Services. Claims by the ~~Director of Finance~~Assistant Director Finance shall be certified by the Chief Executive or ~~Deputy Chief Executive~~Director of Corporate Services. Claims by the ~~Deputy Chief Executive~~Director of Corporate Services or Director of People and Place shall be certified by the Chief Executive or ~~Director of Finance~~Assistant Director Finance.
- 21.5 Officers' claims submitted more than three months after the expenses were incurred will be paid only with the express approval of the ~~Director of Finance~~Assistant Director Finance.

22. Agency Services

- 22.1 These Rules shall apply to services carried out by the Council on behalf of another public body, except where the body concerned has financial regulations in force which apply to the works or services carried out on its behalf.

23. Code for Treasury Management

- 23.1 This Council has adopted the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code), as described in Section 5 of the Code:
- 23.2 This Council will create and maintain as the cornerstones for effective treasury management:
- a) a Treasury Management Policy Statement, stating the policies, objectives and approaches to risk management of its treasury management activities; and
 - b) suitable Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and

objectives and prescribing how it will manage and control those activities.

- 23.3 The content of the Treasury Management Policy Statement and TMPs will follow the recommendations contained in ~~Sections 6 and 7 of~~ the Code, subject only to amendment, where necessary, to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key principles;
- 23.4 The Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual Strategy and Plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs;
- 23.5 The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Scrutiny Co-ordinating Board. The Council delegates responsibility for the execution and administration of treasury management decisions to the ~~Director of Finance~~Assistant Director Finance, who will act in accordance with the Council's Treasury Management Policy Statement and TMPs ~~and CIPFA's Standard of Professional Practice on Treasury Management~~.
- 23.6 The Council nominates the Scrutiny Co-ordinating Board to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies.
- 23.7 The Treasury Management Policy Statement will set out how the Council guards against Money Laundering.
- 23.8 Full Council will review its treasury management policies twice a year.
- 23.9 The Council will consider an annual Strategy and Plan in advance of the year, reviewed after six months and an annual report after its close in the form prescribed in its TMPs. The Scrutiny Co-ordinating Board will review the Council's treasury investments at each of its scheduled meetings.

24. Determination of Borrowing Requirement

- 24.1 Under the CIPFA Prudential Code for Capital Accounting (which is an approved practice under the Local Government Act, 2003), the Council is required to determine its borrowing limits each year. The ~~Director of Finance~~Assistant Director Finance will include this as part of the annual update of the Treasury Management Strategy. This shall be taken to Council annually.

25. Reporting of Fraud, Theft and Corruption

- 25.1 Whenever any matter arises which involves, or is thought to involve, fraud, theft or corruption, the matter shall be reported immediately (via the relevant Senior Manager if preferred) to the ~~Director of Finance~~Assistant Director Finance or, in his / her absence, the Senior Auditor, who shall take such steps

as he / she considers necessary by way of investigation and report, as detailed, in the Anti-Fraud, Theft, Bribery and Corruption Strategy (this is available on Corporate Centre page of SharePoint).

Senior Managers shall, meanwhile, take any appropriate action to prevent further loss and secure records and documentation against removal or alteration. Definitions are given below as a guide:

Theft	Dishonestly appropriating property belonging to another, with the intention of permanently depriving them
Fraud	The intentional distortion of financial statements, or other records, by persons, internal or external to the organisation, carried out to conceal the misappropriation of assets, or otherwise, for gain
Corruption	The offering, giving, soliciting, or acceptance of an inducement, favour or reward, which may influence the actions taken by the Council, its Members, or officers. It also includes using personal relationships to influence actions
Bribery	The offering, promising, or giving of a financial or other advantage, to a person with the intention of bringing about another's improper performance of an activity, or rewarding such improper performance. Bribery can arise where the acceptance of an advantage, in the knowledge that it is offered, promised, or given, constitutes an improper performance of an activity.

26. Management of Partnerships

- 26.1 The Council has a Protocol for Partnership Arrangements. This can be found on the Corporate Centre page of SharePoint. Any officer considering entering into any partnership shall comply with the Protocol.
- 26.2 Prior to entering into any formal partnership arrangements, the ~~Director of Finance~~ Assistant Director Finance and the ~~Deputy Chief Executive~~ Assistant Director Governance shall be consulted.
- 26.3 The ~~Director of Finance~~ Assistant Director Finance will maintain a database of all partnerships that have either a significant legal or financial commitment. This will be updated on an annual basis.

27. Emergency Events

- 27.1 In an emergency, it is important to balance the need to respond promptly and the need to retain accountability. Part of properly dealing with financial matters is to ensure that the appropriate organisation pays for goods and

services in the first instance and that records are such as to enable the billing of third parties and the claiming of Government emergency funds.

- 27.2 In the initial stages of an emergency there may be a need to commit expenditure very rapidly. The ~~Director of Finance~~Assistant Director Finance, or if he/she is unavailable, any other Senior Manager, or the ~~Assistant Director Financial Services~~Assistant Director Finance's appointed Deputy, can authorise any reasonable expenditure.

As soon as possible, the ~~Director of Finance~~Assistant Director Finance, or the ~~Assistant Director Financial Services~~, will liaise with the Chief Executive or the ~~Deputy Chief Executive~~Director of Corporate Services (or, if unavailable, any other member of Management Team) and the Leader (or, if unavailable, the Deputy Leader or any other Executive Member) to agree:

- a) an initial emergency budget; and
 - b) an emergency scheme of budget delegation: the normal delegated levels may not give the required level of flexibility in responding to any emergency. Any such emergency delegation scheme should be for a limited life. The Eden Emergency Response Plan sets out a pro-forma delegation which should be followed.
- 27.3 Unless anticipated gross expenditure is in excess of £500,000, the budgets and expenditure against them will be reported to the next normal meeting of the Executive, or Council, whichever comes first.
- 27.4 If the anticipated gross expenditure is in excess of £500,000, a special Council will be convened, as soon as practicable, to agree the budgets set up and the financial implications of the emergency.
- 27.5 The detailed codes set up by the Financial Services Section should be used for all expenditure and income associated with the emergency.
- 27.6 If the Financial Management System is available, orders should be placed using the system. However, if speed is of the essence, orders may be placed by telephone, with the Financial Management System being used as a confirmation; and
- 27.7 If the Financial Management System is not available, telephone orders can be made, with an appropriate note being sent through to the Financial Services Section.

28. Annual Revision

- 28.1 These Accounting and Audit Rules shall be reviewed annually by the ~~Deputy Chief Executive and the Director of Finance~~Assistant Director Finance as part of the annual review of the Constitution.

29. Effective Date

29.1 This revision is effective from ~~20 April 2018~~ 12 April 2019.

H. Procurement Rules

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H Procurement Rules 2018

1. General

- 1.1 The Rules, in conjunction with the Accounting and Audit Rules, comply with the requirements for Standing Orders under S135 of the Local Government Act 1972.
- 1.2 Procurement is the process by which the Council manages the acquisition of all its goods, services and works: land acquisition and disposal are excluded.
- 1.3 These Procurement Rules provide a corporate framework for the procurement of all goods, services and works for the Council. The Rules are designed to ensure that:
- all procurement activity is conducted with openness, probity and accountability and compliance with Public Procurement Legislation; and the Council obtains value for money and the required level of quality and performance in all its procurement.
- 1.4 In these Rules the following definitions apply:

Authorised Officer	Any officer who, by the nature of his or her job, or as directed by a manager, is authorised to undertake procurement activity
Chief Officer	One of the following: Chief Executive, Deputy Chief Executive, Director of Finance <u>Director of Corporate Services, Director of People and Place</u>
Contract	Any form of contract, agreement, or other arrangement, for the supply of goods, services, or works
Director of Finance <u>Assistant Director Finance</u>	Includes the <u>Assistant</u> Director's <u>appointed</u> deputy, the Assistant Director Financial Services
Executive Member	A Member of the Council's Executive
Goods	All supplies and materials that the Council purchases, or obtains
Guidance	The Council's Procurement Guidance for Officers <u>The Council's Procurement Procedures</u>
Leader	The Leader of the Council, as appointed by full Council
Management Team	The Chief Executive, Deputy Chief Executive, Director of Finance, Deputy Directors Technical and Environmental Services and Assistant Director

	Commercial Services and Assistant Director Organisational Development <u>The senior leadership team comprising the Chief Executive, Director of Corporate Services and Director of People and Place.</u>
Senior Manager	Any officer who is part of Management Team and the Assistant Director Legal Services, Assistant Director Financial Services, Assistant Director Revenues and Benefits and the Assistant Director Customer Services and Transformation <u>A Chief Officer, Assistant Directors and Heads of Service.</u>
Senior Auditor	The Council's in-house Internal Auditor
Services	Includes all services which the Council purchases, or obtains, including advice, specialist consultancy work, agency staff, and so on
Works	Covers all construction and property-related procurement

1.5 All values referred to in the Rules are exclusive of VAT.

1.6 Throughout these Rules the ~~Director of Finance~~Assistant Director Finance shall deputise for the Senior Auditor in his absence, and vice versa.

1.7 Every procurement made by, or on behalf of the Council, shall comply with these Rules and no exception from any of the provisions is allowed, except by agreement of:

- a) procurement exercises less than £60,000 - the relevant ~~Deputy Director~~(Assistant) or Assistant Director ~~and the Director of Finance~~;
- b) procurement exercises of £60,000 or more, but less than £100,000 - the Executive; and
- c) procurement exercises of £100,000 or more - Council.

1.8 The specified limits apply to contracts with a fixed or known value.

2. Orders for all Work, Goods and Services

2.1 Official orders shall be in the manner approved by the ~~Director of Finance~~Assistant Director Finance and shall be issued only by authorised officers. A list of authorised officers shall be submitted by each Senior Manager to the ~~Director of Finance~~Assistant Director Finance on an annual basis.

- 2.2 Official orders shall be issued for all work, goods, or services to be supplied to the Council, except for supplies of public utility services, periodical payments, such as rents or rates, petty cash purposes, or where a formal contract is entered into, or such other exceptions as the ~~Director of Finance~~ Assistant Director Finance may approve.
- 2.3 No order shall be issued for work, goods, or services, unless the cost is covered by an approved budget, or by special financial provision. Under no circumstances shall personal goods/requirements be ordered via an official Council order.

3. Procurement Exercises Under £60,000

- 3.1 The following apply where any individual purchase or contract is less than £60,000 in total. Artificial breaking down of any procurement exercise so that individual elements are less than this limit is not permitted.
- 3.2 Purchases of less than £5,000 do not require competitive quotes. However, officers are encouraged to obtain comparisons and should be satisfied that the purchase gains value for money for the Council. This can be done by contacting suppliers directly and using catalogues, or various internet sites. Other relevant sources are trade magazines and recommendations from other staff/councils. It is suggested that, where the value of the procurement exercise is greater than £500, a record is made of why the supplier was chosen.
- 3.3 ~~Chief Officers~~ A Senior Manager shall obtain at least two competitive quotations where the estimated cost of the goods or services exceeds £5,000, but is less than £10,000.
- 3.4 For procurement exercises of a value from £10,000 or more but less than ~~£2560,000~~, a minimum of three quotations should preferably be sought and for £25,000 to £60,000 a minimum of four written quotations should be sought. Where the opportunity is advertised it shall be published on ~~both The Chest and the Council's website~~. Less than three quotations may be sought in special circumstances where it is not practicable to do otherwise. In such cases, the relevant Senior Manager shall keep a written record detailing the reasons for waiving the rules. For quotes of ~~£25,000 or more~~ but below the EU threshold the, use of The Chest is considered best practice (see 4.6.1.2 below).
- 3.5 An exception to the above is where use is made of a framework arrangement or Cumbria County Council's Corporate Procurement and Contract Management Team (the County Council's purchasing organisation). In such cases, while no further quotes are required, the Authorised Officer should be satisfied and able to demonstrate that they are achieving value for money. The use of frameworks is another means of securing procurement. Where suppliers are part of a framework, then only these suppliers need be contacted.

3.6 In general, where it is a price only tender, the lowest price should be accepted. It is assumed that the quotation process will have been clear on setting out the required specification. However, each Senior Manager can approve a written request from an Authorised Officer, with stated reason, to accept a quotation other than the lowest, where there is good reason to do so. Such approved requests shall be recorded and all relevant documents and correspondence retained by the relevant Senior Manager.

3.7 Procurement (corporate credit) cards can be used for purchases. All procurement cards must be specific to individual officers, with an individual total credit limit, as authorised by the ~~Director of Finance~~ Assistant Director Finance. ~~Advice on the use of procurement cards is set out in the Procurement Guidance for Officers.~~

3.8 Any purchase of goods, works, or services which requires the Council to enter into a formal written agreement with the supplier, shall not take place until the terms of that agreement have been referred to the ~~Deputy Chief Executive~~ Assistant Director Governance and approved by him/her.

4. Procurement Exercises of £60,000 or more

4.1 When the estimated value of the goods, works, or services to be procured is £60,000 or more, the relevant Senior Manager shall invite competitive tenders on the following basis:

Numbers of Tenders to be Sought

The following should normally be the minimum number of tenders sought:

Tender Value £	Number of Tenders To Be Sought
	Minimum
More than £60,000 but less than EU Procurement threshold <u>£100,000</u>	43
£100,000 or more <u>Procurements above the EU procurement threshold must be tendered in line with the Public contracts Regulations 2015.</u>	4

The relevant Senior Manager shall have authority to accept a tender and direct that a contract be entered into on the basis set out in paragraphs 4.10 and 4.11 below.

4.2 The relevant Senior Manager shall determine which one of the following tender procedures is adopted:

a) Open Tendering

At least ~~fourteen~~ thirty days' notice is to be given on the ~~Council's website and~~ The Chest stating the nature, purpose and extent of the proposed contracts, inviting tenders and stating the date by which tenders must be received. ~~Information published on the Council's website shall direct external parties to The Chest. If considered appropriate, the relevant Senior Manager may consider giving similar notice in appropriate publications.~~

b) Special List

In ~~special~~ appropriate circumstances and subject to compliance with the Public Contracts Regulations if applicable, the relevant Senior Manager may compile a Special List of tenderers for the procurement of works, goods or services, provided that:

- i. the estimated value of the works, or the supply of goods or services, does not exceed £100,000;
- ii. the tenderers shall be persons who, in the professional judgement of the relevant Senior Manager, have the skills and capacity to efficiently complete the work, the goods, or services; and
- iii. prior to the invitation to tender, the relevant Senior Manager shall have recorded the list of tenderers, together with his/her reasons for using a Special List and inclusion of specific tenderers thereon and shall have such action approved by the Assistant Director Finance ~~Director of Finance~~.

When a Senior Manager considers that a Special List would be appropriate for the carrying out of works, goods, or services, but the estimated value is £100,000 or more, such a Special List ~~can~~ must be approved by Council, or the Executive ~~(if less than £500,000).~~

All procurement activity valued above the relevant EU threshold must be conducted in line with the Public Contracts Regulations 2015, having regard to how they apply the and any particular circumstance.

4.3 Sub-Contracts and Nominated Suppliers

The relevant Senior Manager shall have authority to include sub-contractors and/or nominated suppliers within a larger overall contract,

providing that the selection, tender and subsequent award have been in accordance with these Rules.

4.4 Work, Goods, or Services Undertaken by Consultants

Any architect, engineer, surveyor, or other consultant (not being an officer of the Council), who is appointed by the Council for the purchase or carrying out any work, or the provision of goods, or services, shall ensure throughout the appointment that he / she shall:

- a) comply with these Rules;
- b) at any time during the carrying out of the contract, produce to the relevant Senior Manager, or his/her representative, on request, all the records maintained by him in relation to the contract; and
- c) on completion of a contract, transmit all such records, as requested, to the relevant Senior Manager.

4.5 Exceptional Cases

4.5.1 The Executive may decide that only one tender shall be sought where the goods, works, or services to be executed:

- a) constitute an extension of the existing contract, provided that the relevant Senior Manager may authorise an extension to a cost up to 10% above the approved allocation, or £100,000, whichever is the lesser; or
- b) constitute the continuation of a programme of works commenced by a contractor and the relevant Senior Manager certifies that there are exceptional circumstances why he/she should seek, or negotiate, a tender from that contractor only.

4.5.2 More than one tender need not be sought where:

- a) the goods to be supplied are proprietary articles, or are sold only at a fixed price and no satisfactory alternative is available; or
- b) the relevant Senior Manager certifies that the works to be executed, or the goods to be supplied, are required so urgently as not to permit the invitation of more than one tender; or
- c) the works to be executed, or the goods to be supplied, consist of repairs to, or the supply of parts of, existing proprietary machinery or plant.

4.5.3 Procurement can be made using a framework agreement, or Cumbria County Council's Corporate Procurement and Contract Management Team (the County Council's purchasing organisation).

4.6 Forms of Tendering

4.6.1 Electronic Tendering

4.6.1.1 All procurement processes must be conducted electronically, either via e-mail or through the Council's electronic tender system is the North West e-Tendering portal, 'The Chest'. Detailed guidance is available in the [Procurement Guidance for Officers](#) [Procurement Procedures](#).

4.6.1.2 Any invitation to quote or tender should include a Specification detailing the Council's requirements to be published on the system.

4.6.1.3 Use of The Chest prevents tenders being opened until after the expiry of the published closing date. When a procurement exercise is being carried out via The Chest, tenders submitted by any other means and opened prior to the return deadline will be excluded from the process.

4.6.2 Opening of Tenders

4.6.2.1 Electronic tenders shall be released by the appointed verifier. Appointed verifiers are allocated the responsibility by the system.

4.7 Tenders

4.7.1 ~~Where the tenders are received electronically via The Chest, all relevant detail will be recorded on the portal using the system's comprehensive audit trail. A record of tenders received should be made as soon as they have been opened. This record should be in a form agreed by the Director of Finance (see Guidance), signed by those present and filed in the Tendering Opening File which is kept in the safe and a copy retained by the relevant Senior Manager.~~

It is a requirement for records of procurement activity, including all quotations and tenders received to be stored securely in electronic format. Tender submissions, quotations received, evaluation documents and any final reports detailing the selection outcome should be stored centrally within the procurement section of SharePoint.

A record of all Tenders received should be made as soon as they are opened and the record kept by the Procurement Officer.

A record of all documentation to be kept electronically is listed in the Procurement Procedures.

4.8 Late Tenders

4.8.1 Any tender submitted in competition received after the specified time may be viewed to ascertain the name of the tenderer, but no details of the

tender shall be disclosed. The tenderer shall be notified that the Council will be unable to accept the late submission.

4.8.2 Notwithstanding these provisions, the Senior Auditor and the relevant Senior Manager shall have discretion to determine that any such tender can be considered if:

- a) there is evidence of submitting in time for delivery by the due date in the normal course of delivery; or
- b) in special circumstances, the reason presented is viewed as legitimate by the Senior Auditor and relevant Senior Manager; and
- c) that, in their opinion, the late tender has not prejudiced the tendering process.

providing always that the other tenders have not then been opened and the circumstances justifying any such acceptance reported by them to the next available Member meeting.

4.9 **Errors**

4.9.1 Where examination of tenders reveals errors or discrepancies which would affect the tender evaluation in an otherwise successful tender, the tenderers shall be given the details of such errors and discrepancies and afforded an opportunity of confirming or withdrawing the offer. If the tenderer withdraws, the next tender in competitive order shall be examined and dealt with in the same way. Any exception to this procedure may be authorised only by, or on behalf of the Executive or Council, after consideration of a report by the relevant Senior Manager.

4.10 **Basis of Acceptance**

4.10.1 Tenders should be sought on one of two bases:

- a) Most Economically Advantageous Tender (MEAT); or
- b) the lowest price.

The basis of any criteria for acceptance must be made clear in the tender documentation.

4.10.2 In general, MEAT is likely to be the more appropriate basis. An award on the basis of lowest price should be reserved for commodities such as gas, paper, where it is possible to precisely specify the good, or supply, to be procured.

4.10.3 If the basis is MEAT, the assessment of how this will be done should be set out in the tender documents. This should state:

- a) the categories of assessment;
- b) any weighting for each category; and
- c) how the assessment is to be carried out.

4.10.4 Further detail ~~on this~~ on the methods of assessment ~~is~~ are set out in the Procurement Procedures and standard Instructions for Tenderers. ~~Guidance for Officers~~.

4.10.5 Unless there are ~~exceptional~~ specific reasons to provide otherwise, the weighting given to price should be between 60% and 100%. A figure lower than 60% will require the approval of the appropriate Executive Member.

4.11 **Acceptance**

4.11.1 Tenders sought in accordance with these Rules may be accepted by the relevant Senior Manager, subject to:

- a) the works or goods being included in an approved revenue or capital programme;
- b) the tender to be accepted not exceeding (as opened) by more than 10%, the cost figure approved by the appropriate Member for the works, goods, or services;
- c) if the budget is exceeded, the excess can be met by virement through the procedures laid down by the Accounting and Audit Rules: the relevant Senior Manager shall formally record the virement by filling in a virement request form; and
- d) where the accepted sum is £100,000 or more, the acceptance shall be reported to the appropriate Executive Member.

4.11.2 The proposed acceptance of any tender not in accordance with this section shall be referred for consideration by the Executive (if less than £500,000), or Council. The provisions above also apply where goods, or the rights to operate income-generating services, are being sold.

4.12 **Form of Contract**

4.12.1 A contract shall be drawn up in writing in a form approved by the ~~Deputy Chief Executive~~ Assistant Director Governance and shall specify:

- a) the goods or services to be procured (including any appropriate technical specification(s));
- b) the price to be paid, with a statement of discounts, or other deductions;

- c) the times, or times at, or by which, the contract is to be performed;
and
- d) all other material items.

4.13 **Assignment**

- 4.13.1 In every written contract for the execution of the work, or the supply of goods or materials, the following clause shall be inserted:

'The contractor shall not transfer or assign, directly or indirectly, to any other person, any part of this contract without the express written permission of the Council. A sub-letting of any part(s) of the contract, except to the extent permitted in writing by the Council officer concerned, is prohibited'.

4.14 **Liquidated Damages**

- 4.14.1 Liquidated damages are a pre-estimate of the loss that may arise if the contractual provisions of a contract are not met. It may be appropriate to include liquidated damages in some contracts. The amount to be specified in each such contract shall be determined by the relevant Senior Manager.

4.15 **Performance Bonds**

- 4.15.1 Where a contract is for the execution of the works or is estimated to be £100,000 or more in value or amount, the relevant Senior Manager shall consider whether the Council should require security for its due performance and shall either certify that no such security is necessary or, in consultation with the ~~Director of Finance~~ Assistant Director Finance, shall specify in the conditions of tender the nature and amount of the security to be given. In the latter event, the Council shall require and take a bond or other sufficient security for the due performance of the contract.

4.16 **Specifications and Standards**

- 4.16.1 All tenders shall include a written specification of the proposed works, goods, or services.
- 4.16.2 Where an appropriate standard, as formulated by a European Standards body and implemented by a British Standard specification, is current, all goods and materials used or supplied and workmanship shall be required to conform with that standard, or other equivalent European Standard, as a minimum requirement.

4.17 **Cancellation**

- 4.17.1 In every written contract, a clause shall be inserted to secure that "the Council shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the

contractor shall have offered, or given, or agreed to give to any person, any gift or consideration of any kind, as an inducement or reward for doing, or forbearing to do, or for having done or forborne to do, any act in relation to obtaining, or the execution of the contract, or any other contract with the Council, for the showing or forbearing to show, favour or disfavour to any person in relation to the contract, or any other contract with the Council, or if the like acts shall have been done by any person employed by him or acting on his behalf (whether with or without the knowledge of the contractor) or, if in relation to any contract with the Council, the contractor or any person employed by him, or acting on his behalf, shall have committed any act of dishonesty or corruption."

4.18 Health and Safety

- 4.18.1 All contracts entered into shall comply with the provisions within the Council's General Health and Safety Policy and procedures in relation to contracts and contractors.

4.19 Public Procurement Requirements

- 4.19.1 On procurement exercises over the European Union financial thresholds, the Public Procurement Regulations may apply and must always be followed. The current thresholds for specified categories of goods and services are set out in the Procurement [Procedures](#) [Guidance for Officers](#).
- 4.19.2 The Public Procurement Regulations shall also be considered and the principles used as guidance for procurement exercises under the European Union financial thresholds.
- 4.19.3 For procurement exercises above European Union financial thresholds, under UK law the opportunity must be advertised on the UK Government Contracts Finder system.

4.20 Project Management Arrangements

- 4.20.1 All procurement exercises with an expected lifetime cost in excess of £1,000,000, or involving substantial organisational change, must be conducted in accordance with PRINCE II (see Guidance) and both the project mandate and the project brief must be agreed by Management Team.

5. Procurement Guidance for Officers

- 5.1 The detailed implementation of these rules is supported by Guidance which is available in the Procurement section of SharePoint. All officers undertaking procurement exercises should be familiar with the Procurement [Procedures](#) [Guidance for Officers](#).

6. Diversity

6.1 All procurement exercises shall be undertaken in a non-discriminatory way and promote equality of opportunity.

6.2 Supporting detail on achieving diversity is set out in the Procurement ~~Procedures~~ Guidance for Officers.

7. Emergency Situations

7.1 In the acute phase of an emergency, goods and services may be procured on the process that best fits the situation. As far as possible, the approval of the ~~Director of Finance~~ Assistant Director Finance, Chief Executive, ~~Deputy Chief Executive~~ Director of Corporate Services or Emergency Co-ordinator (under the Eden Emergency Response Plan), shall be obtained. A note shall be kept of the procurement basis and sent at a convenient time to Financial Services.

7.2 After the acute phase is over, Procurement Rules should be followed wherever practicable. If this is not considered appropriate in particular instances, dispensation can be obtained from the ~~Director of Finance~~ Assistant Director Finance, or the Chief Executive, or ~~Deputy Chief Executive~~ Director of Corporate Services. They will forward details to Financial Services for record purposes. Dispensations from Procurement Rules will be reported to the next Executive meeting.

8. Conflict of Interest

8.1 If it comes to the knowledge of a Member or an employee of the Council that a contract in which he or she has a disclosable pecuniary interest has been, or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Council's ~~Deputy~~ Chief Executive. The ~~Deputy~~ Chief Executive shall report any such declarations to the Executive and Accounts and Governance Committee.

9. Annual Revision

9.1 These Procurement Rules shall be reviewed annually by the ~~Director of Finance~~ Assistant Director Commissioning and Finance Technical Services and ~~Deputy Chief Executive~~ as part of the annual review of the Constitution.

10. Effective Date

10.1 This revision is effective from ~~20 April 2018~~ 12 April 2019.

I Officer Employment Procedure Rules

1. Recruitment and Appointment

a) Declarations

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

b) Seeking support for appointment

- i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No Member will seek or canvass support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service, Chief Officers, Deputy Directors and Assistant Directors

- a) Where the Council proposes to appoint a chief officer or a Deputy Director or an Assistant Director including the Head of Paid Service (other than on an acting basis) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:
 - i) draw up a statement specifying:
 - (1) the duties of the officer concerned; and
 - (2) any qualifications or qualities to be sought in the person to be appointed;
 - ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - iii) make arrangements for a copy of the statement mentioned in paragraph i) above to be sent to any person on request.

3. Appointment of Head of Paid Service

- a) ~~The full Council will approve a recommendation to appoint the Head of Paid Service having regard to any recommendation on such an appointment by the Human Resources and Appeals Committee. This recommendation should be made and approved before an offer of appointment is made to that person.~~ The Human Resources and Appeals Committee will consider and make a recommendation to Council on the appointment of a person as the Head of Paid Service to the Council.
- b) When considering the appointment of the Head of Paid Service the Human Resources and Appeals Committee must have in its membership at least one Executive Member.
- c) The Human Resources and Appeals committee shall undertake a recruitment process to determine who should be recommended to be appointed as the Head of Paid Service. At the conclusion of the recruitment process:
 - i) the Human Resources and Appeals Committee must notify the Proper Officer of the name of the person to whom the Committee wishes to recommend to be appointed and of any other particulars which are relevant to the appointment;
 - ii) the Proper Officer must notify every Member of the Executive of the Council of:
 - (1) the name of the person whom the Committee wishes to recommend to be appointed;
 - (2) any other particulars relevant to the appointment which the Committee has notified to the Proper Officer; and
 - (3) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Executive to the Proper Officer; and
- d) An offer of an appointment as the Head of Paid Service can only be made following consideration by Council if
 - (1) the Leader has, within the period specified in the notice under sub-paragraph c)(iii) notified the Committee that neither he / she nor any other Member of the Executive has any objection to the making of the offer;
 - (2) the Proper Officer has notified the Committee that no objection was received by him / her within that period from the Leader; or

(3) the Committee is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

e) Full Council must consider and approve the appointment of a person as the Head of Paid Services before an offer of appointment is made to such a person. The report to Council from the Committee on the appointment of the Head of Paid Service must set out the details of the proposed appointment and the outcome of the consultation with the Leader.

4. **Appointment of Chief Officers and Deputy Chief Officers**

a) Chief Officers

The Human Resources and Appeals Committee will appoint any chief officer other than the Head of Paid Service and any deputy chief officer. The current Chief Officers are the Deputy Chief Executive Director of Corporate Services and the Director of Finance Director of People and Place in addition to the Head of Paid Service.

5. b) ~~Appointment of Deputy Directors and~~ Assistant Directors and Heads of Services

The ~~Deputy Directors and~~ Assistant Directors and Heads of Service report to the Chief Officers and act as their deputies. The ~~Deputy Directors and~~ Assistant Directors and Heads of Service will be appointed by the Human Resources and Appeals Committee. ~~The Deputy Directors are those for Environmental Services and Technical Services.~~ The Assistant Directors are those for Commercial Services, Customer Services and Transformation, Human Resources and Organisational Development, Legal Services and Revenues and Benefits. Governance, Finance, Commissioning and Technical Services, Planning and Economic Development and Community Services. The Heads of Service are Revenues and Benefits, Transformation and Customers and Policy and Human Resources. The Assistant Directors and Heads of Service are the Council's Deputy Chief Officers.

c) The Appointment Process for Chief Officers and Deputy Chief Officers

The Human Resources and Appeals Committee shall undertake a recruitment process to determine who should be recommended to be appointed as the Chief Officer or Deputy Chief Officer. The Committee or Sub-Committee must have in its membership at least one Executive Member.

d) An offer of appointment as a Chief Officer or Deputy Chief Officer must not be made by the Committee until:

- i) the Committee has notified the Proper Officer of the name of the person to whom the Committee wishes to recommend to be appointed and of any other particulars which are relevant to the appointment;
- ii) the Proper Officer has notified every Member of the Executive of the Council of:
 - (1) the name of the person to whom the Committee wishes to recommend to be appointed;
 - (2) any other particulars relevant to the appointment which the Committee has notified to the Proper Officer; and
 - (3) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Executive to the Proper Officer; and
- e) An offer of an appointment as a Chief Officer or a Deputy Chief Officer can only be made following consideration by Council if
 - (1) the Leader has, within the period specified in the notice under sub-paragraph c)(iii) notified the Committee that neither he / she nor any other Member of the Executive has any objection to the making of the offer;
 - (2) the Proper Officer has notified the Committee that no objection was received by him / her within that period from the Leader; or
 - (3) the Committee is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

65. Appointment of Officers below Chief Officer, ~~and Deputy Directors and Assistant Directors~~ Chief Officer

The appointment of any officer below the level of a Chief Officer or Deputy ~~Director or Assistant Director~~ Chief Officer is the responsibility of the Head of Paid Service or an officer nominated by him/her and may not be made by Members.

76. Disciplinary Action in respect of the Head of Paid Services, Monitoring Officer and Chief Finance Officer

- a) The Council's Head of Paid Services, Monitoring Officer and Chief Finance Officer (the relevant officers) may not be dismissed other than in accordance with the procedure set out in these rules and Schedule 3 to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

- b) The Human Resources and Appeals Committee and any Sub-Committee which may be established is appointed to and shall advise the Council on matters relating to any proposal or recommendation to dismiss any of the relevant officers.
- c) The Human Resources and Appeals Committee or any Sub-Committee which may be established shall include at least two independent persons whenever it is considering any matter relating to the proposed or prospective dismissal of any of relevant officers.
- d) The Human Resources and Appeals Committee or any Sub-Committee which may be established may provide advice, views and recommendations to the Council in relation to the proposed or prospective dismissal of any relevant officer.
- e) The Council, in considering whether or not to approve the dismissal of any relevant officer, must consider:
 - i) any advice, views and recommendations of the Human Resources and Appeals Committee on the proposed dismissal;
 - ii) the conclusions of any investigation into the proposed dismissal; and
 - iii) any representations made by the relevant officer.
- f) Any relevant officer may be suspended on full pay for the purpose of investigating alleged misconduct; and such suspension must terminate no later than on the expiry of two months beginning on the day on which the suspension takes effect, unless the Human Resources and Appeals Committee or any Sub-Committee which it may establish directs that it may continue beyond that period. The Council must approve any dismissal of any relevant officer before notice is given to that person of dismissal.
- g) Notice of dismissal may not be given until:
 - i) the Proper Officer has been notified of the name of the person whom it is proposed should be dismissed together with any other relevant particulars;
 - ii) the Proper Officer has notified every Member of the Executive of the name of the person the Council proposes to dismiss and of any other relevant particulars and of the period within which any objection to the dismissal may be made by the Leader; and
 - iii) either
 - (1) the Leader has notified the Proper Officer that neither he nor any other Member of the Executive has any objection to the proposed dismissal; or

- (2) the Proper Officer has notified the Council that no objection was received by him in the relevant period; or
 - (3) the Council is satisfied that any objection received from the Leader is not material or not well founded.
- h) The Proper Officer for these purposes is the Monitoring Officer in relation to a proposal to appoint or dismiss the Head of Paid Service or the Chief Finance Officer and the Head of Paid Service in relation to a proposal to discuss the Monitoring Officer.

7. Disciplinary Action and Dismissal in respect of Chief Officers and Deputy Chief Officers

Notice of the dismissal of a Chief Officer or a Deputy Chief Officer must not be given until:

- a) the person or Committee (dismissor) undertaking the function of disciplinary action has notified the Proper Officer of the name of the person it is proposed should be dismissed and any other particulars which the dismissor considers to be relevant to the dismissal;
- b) the Proper Officer has notified every member of the Executive of
 - i) the name of the person whom the dismissor proposes should be dismissed;
 - ii) any other particulars relevant to the dismissal which have been notified to the Proper Officer by the dismissor; and
 - iii) the period within which any objection to the dismissal is to be made to the Proper Officer by the Executive Leader on behalf of the Council.
- c) either
 - i) the Executive Leader has notified the dismissor, within the period specified, that neither he / she nor any member of the Executive has any objection to the dismissal.
 - ii) the Proper Officer has notified the dismissor that no objection has been received from the Executive Leader within the specified period;
 - iii) the dismissor is satisfied that any objection received from the Executive Leader within the specified period is not material or is not well-founded.

8. Dismissal of and Disciplinary Action against other Officers **Members**

- 8.1 The dismissal of or the taking of disciplinary action against any officer of the Council apart from the Head of Paid Service, a statutory Chief Officer, a non-statutory Chief Officer and a Deputy Chief Officer must

be discharged by the Head of Paid Service or by an officer nominated by him / her.

- 8.2 Members will not be involved in the disciplinary action against any officer except where such involvement is necessary for any investigation or inquiry into the alleged misconduct is specifically provided for under any part of these Officer Employment Procedure Rules or is in accordance with the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of a specified form of disciplinary action.

From: [Joan Raine](#)
To: [Karen Edmondson](#)
Cc: [Andrew Connell](#); [Karen Greenwood](#); [Valerie Kendall](#); [Douglas Banks](#); [John Owen](#); [Gordon Nicolson](#)
Subject: FW: Newly published decision: Annual Review of Fees and Charges
Date: 11 December 2018 13:41:41

Hello Karen

In response to the letter sent on Mathews behalf regarding the constitution review, please see my query sent earlier this month.

I'm well aware that the scrutiny system is set up to hold the executive to account, the option of a call in when a decision to put best practise into place as is the case below appears ridiculous to me.

The last call in "which I chaired" appeared to me and other councillors on the scrutiny co bd, to fall into that ridiculous category, but obviously the call in request was validated by Matthew and deemed suitable to be called in.

It would be interesting to know how much officer time was spent on that that call in, luckily the timing of the call in coincided with the planned scrutiny co bd meeting was held prior to the Scrutiny co bd.

Serious consideration must be taken on what can be called in, bearing in mind that a call in will not always coincide with the scrutiny co bd calendar and councillors expenses will be added on if a special meeting takes place.

Although this may fall outside the remit of the Constitution review, it may be the opportunity to draw to your attention, as members of the scrutiny co bd were puzzled as to why the last call in request fit the correct criteria and was validated, a training session for all councillors would be beneficial and clarify the situation.

Kind Regards

Joan Raine

From: Joan Raine

Sent: 01 December 2018 16:03

To: cttee admin

Cc: Douglas Banks; Matthew Neal; Paula Breen

Subject: RE: Newly published decision: Annual Review of Fees and Charges

Hi The answer to this question is probably in the constitution, I suppose my curiosity is heightened due to the recent call in!

Why is the decision to review the Annual fees and charges a decision which can be called in? Surely if this was called in it would be a premature decision and a similar situation to the last call in as no real decision has actually been made. A call in after the fees and charges have been reviewed could be expected and much more likely. I expect this decision falling below the category of non- key decision is something which should be looked at in the next constitution review.

Regards

Joan

Council Procedure Rules

13. Motions on Notice

a) Notice

Except for motions which can be moved without notice under Rule 14 below, written notice of every motion, signed by the member giving the notice, must be delivered to the ~~Deputy Chief Executive~~Assistant Director Governance not later than ~~five clear working~~nine clear calendar days (that is not counting the day of the meeting or the day of delivery) before the date of the meeting. These will be entered in a book open to public inspection.

26. Public Arrangements - Petitions

- a) This Standing Order shall apply to ordinary meetings of Council, except the Annual Meeting.
- b) A person who lives, works or studies in the Eden District may present a petition about any matter on which the Council has power to act.
- c) Petitions containing 500 signatures or more will be subject to debate by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting.
- d) Details of each petition to be submitted to Council should be delivered to the ~~Deputy Chief Executive~~Chief Executive no later than ~~five working~~nine clear calendar days (that is not counting the day of the meeting or the day of delivery)~~days~~ before the meeting of the Council concerned.
- e) Only the petition organiser may speak and such speech shall not exceed five minutes inclusive of the reading of the substance of the petition. At the conclusion of the speech the petition will be discussed by councillors for a maximum of fifteen minutes.

Code of Planning Conduct and Practice

13. Public Hearings at Planning Committee

(New Paragraph)

..) A person making a representation to the Committee may only speak once subject to paragraphs f and j of this Code.

Comments from the Head of Revenues and Benefits

In Accounting and Audit Rules

- 11.2 Each Senior Manager shall furnish the Director of Finance with details of work done, goods supplied, or services rendered, to enable him / her to record correctly all sums due to the Council and to ensure that invoices are sent out expeditiously.

This needs to be updated to reflect revised procedures – something along the lines of:

- 11.2 *Each Senior Manager shall arrange for the input of details to the financial management system (or spreadsheet where agreed with the ~~Director of Finance~~ Assistant Director Finance) for work done, goods supplied, or services rendered, to enable the correct recording of all sums due to the Council and to ensure that invoices are sent out expeditiously.*

In Schedule 2 - Executive Functions Delegated to Officers

- c) Specific Delegation to the identified Officers

- iii) To the Director of Finance

5. administer the Assisted Car Purchase Scheme of the Council;

This needs to be deleted as this scheme has ceased.

8. write off for accountancy purposes all bad debts not exceeding £5000 provided always that recovery of the debt shall not thereby be prejudiced and to write off any amount as remitted by the Magistrates on committal applications;

Following an audit report the wording needs to be updated to clarify that the £5,000 is per account

19. determine applications for village hall grants, discretionary business rates and relief and discretionary housing payments in accordance with Council policies

Constitution Working Group

15 January 2019

Full Council Appointments to the two National Park Authorities

Report of the Deputy Chief Executive

The rules regarding local authority appointments are set out in paragraph 2 of Schedule 7 of the Environment Act 1995. In particular paragraph 2(5) stipulates that if a person is appointed as a local authority member to a National Park:

- “(a) he shall hold office from the time of his appointment until he ceases to be a member of that council; but
- (b) his appointment may, before any such cessation, be terminated for the purposes of, and in accordance with, sections 15 to 17 of the Local Government and Housing Act 1989 (political balance).”

Eden District Council's practice for many years has been to nominate a member every year at the May AGM. That practice was questioned when the Council voted to replace the incumbent Yorkshire Dales National Park Authority (YDNPA) nominee with a different Councillor in May 2018.

Paragraph 2(7) of the Environment Act 1995 provides that “the appointment of any person as a local authority member of a National Park authority may provide that he is not to be treated for the purposes of sub-paragraph (5) above as qualifying for his appointment by virtue of his membership of any council other than that specified in the appointment.”

Eden District Council's interpretation of the above has been that it enables the Council as the appointing authority to limit the term of the appointment of its nominee to an National Park Authority to a lesser term than the remainder of the terms of officer of the Councillor, hence its current practice.

Knowles on Local Authority meetings states at paragraph 4.5.6 that “.. where the local authority ...itself appoints its representative on another local authority or other public body, the local authority can always revoke the appointment and substitute another representative at any time.”

YDNPA's view is that a member should remain on the Authority as the constituent district council's appointee until such time as the next elections unless, of course, in the meantime the councillor resigns from their role on the Authority or ceases to be a member of the constituent council.

YDNPA's concern is that if Eden's practice was adopted amongst all of its 8 constituent councils it would be extremely problematic in terms of decision making and governance. It would mean that each year YDNPA could have up to 15 new

members (out of a total of 25) ie 60 %. All would have to be trained and be brought up to speed with the relevant policies and issues relating to membership of the Authority.

This would also be at odds with the appointment of Secretary of State appointments who are appointed for 4 year terms and parish members who are appointed for the term of their election .

The basis for both national and constituent authority appointments therefore is one of continuity. The Lake District National Park Authority have been consulted and their views align with those of YDNPA.

The Monitoring Officer therefore intends to seek member appointments at Council at its AGM to LDNPA and YDNPA for a term equivalent to such members' term of office. It is intended to bring a report in these terms to the next Accounts and Governance Committee.

M Neal
Deputy Chief Executive

Report No: G39/19

**Eden District Council
Council**

11 April 2019

Review of the Constitution - Protocols

Portfolio:	Resources
Report from:	Assistant Director Governance
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

1.1 To consider the following Protocols for inclusion within the Constitution:

- Protocol for the Monitoring Officer;
- Protocol for the Independent Persons; and
- Protocol for the Chairman of the Council.

2 Recommendation

It is recommended that Council approve the following Protocols for inclusion within the Constitution:

- 2.1 Protocol for the Monitoring Officer;
- 2.2 Protocol for the Independent Persons; and
- 2.3 Protocol for the Chairman of the Council.

3 Report Details

3.1 The Accounts and Governance Committee, at its meeting on 21 February recommended that the following Protocols be considered by Council for inclusion within the Constitution.

Protocol for the Monitoring Officer

3.2 The role of the Monitoring Officer is a significant one and it is important that there is a full understanding of the rights, obligations and purpose of the role.

3.3 It is considered that it would be good practice for the Council to introduce an appropriate Protocol and Appendix 1 to this report sets out the suggested Protocol for approval. The document is based on a template which has been used nationally by a number of Councils.

Protocol for the Independent Persons

3.4 The Localism Act includes the requirement for at least one statutory Independent Person to be appointed by the Council. Two Independent Persons have been appointed. The Cumbrian Monitoring Officers have also made provision for the Independent Persons of their respective Councils to be

made available to other Monitoring Officers in the event that the Council's own Independent Persons cannot act due to a conflict of interest or unavailability.

- 3.5 Given that the role of the Independent Person is a significant one it is considered good practice to introduce a Protocol so that Members, the public and the Independent Persons themselves have a full understanding of the rights, obligations and purpose of the role.
- 3.6 It is considered that it would be good practice for the Council to introduce an appropriate Protocol. Appendix 2 to this report sets out the suggested Protocol for approval. The document is based on a template which has been used nationally by a number of Councils.

Protocol for the Chairman of the Council

- 3.7 The Council's Constitution at Article 5 sets out the constitutional responsibilities of the Chairman of the Council. Article 5 is attached as Appendix 3 to this report with a suggested cross-referencing amendment. It is considered that it may also be helpful to set out a more detailed Protocol so that there is an agreed framework within which the Chairman of the Council should be expected to operate. This is presented at Appendix 4 to this report.
- 3.8 It is suggested that the Protocol is not controversial and is a reflection of good practice for any Chairman of the Council that may be appointed in the future.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
- Decent Homes for All;
 - Strong Economy, Rich Environment;
 - Thriving Communities; and
 - Quality Council

- 4.2 This report meets Quality Council corporate priority

5 Consultation

- 5.1 The Resources Portfolio, Chairman and Vice Chairman of Council and the Independent Persons were consulted on the Protocols.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.

There are no proposals in this report that would reduce or increase resources.

6.2 Legal

- 6.2.1 There are no legal implications arising from this proposal.

6.3 Human Resources

- 6.3.1 There are no implications arising from this proposal.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no implications arising from this report.
Health, Social Environmental and Economic Impact	There are no implications arising from this report.
Crime and Disorder	There are no implications arising from this report.
Children and Safeguarding	There are no implications arising from this report.

6.5 Risk Management

Risk	Consequence	Controls Required
That the role of the Monitoring Officer is not properly understood by members and officers.	Potential misunderstandings with officers and third parties.	The adoption of this Protocol.
The role of the Independent Person is not properly understood.	Potential conflict.	The adoption of this Protocol.
The appropriate scale of activity for future Chairmen of the Council is not properly agreed.	Potential misunderstandings with officers and third parties.	The adoption of this Protocol.

7 Other Options Considered

- 7.1 The proposed Protocols are recommended for approval and have been subject to consultation. No other options have been proposed for consideration.

8 Reasons for the Decision/Recommendation

- 8.1 The proposed Protocols are considered to be necessary and appropriate.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	1 April 2019
Monitoring Officer (or Deputy)	1 April 2019
Relevant Assistant Director	

Background Papers:

Appendices:

Appendix 1 - Protocol on the Monitoring Officer

Appendix 2 - Protocol for the Independent Persons

Appendix 3 - Article 5 Chairing the Council

Appendix 4 - Protocol for the Chairman of the Council

Contact Officer:

Mrs L Tremble, Assistant Director Governance

Direct Dial 01768 212249

A Protocol for the Monitoring Officer

1. Introduction

This Protocol describes the principal functions of the Monitoring Officer and the manner in which the Council expects him/her to discharge those functions.

2. Functions

The principal functions of the Monitoring Officer shall be:

- (a) To report to the Council and/or to the Executive in any case where he/she is of the opinion that any proposal, decision or omission of the Council in respect of any reportable incident (being any matter which, in his/her opinion, has given rise to, or is likely to, or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989);
- (b) To investigate any matter which he/she has reason to believe may constitute, or where he/she has received an allegation that a matter may constitute, a reportable incident;
- (c) To act as the principal adviser to the Council's Accounts and Governance Committee;
- (d) To maintain the register of members' interests;
- (e) To act as the proper officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
- (f) Responsibility for Complaints relating to the conduct of members of the Council;
- (g) To consult regularly with the Chief Executive, the Chief Finance Officer and Internal Auditor to identify areas where the probity of the Council can be improved or better protected, and to take appropriate actions;
- (h) To deal with any complaint in respect of any breach of the Council's (or Parish/Town Council's) Members' Code of Conduct, in accordance with the Council's Accounts and Governance Arrangements;
- (i) A power to investigate any application for a dispensation and to report and recommend to the Accounts and Governance Committee where such application is not delegated to him/her;
- (j) To ensure that members and officers of the Council are fully aware of their obligations in relation to probity;
- (k) To report to the Executive and to the Council on the resources which he/she requires for the discharge of his/her functions;
- (l) To report regularly to the Accounts and Governance Committee on the performance of his/her functions and to make any recommendations which would better enable those functions to be performed;

- (m) To undertake all statutory Monitoring Officer functions in respect of Parish/Town Councils within the area of the Council and to provide support and advice to such Parish/Town Councils in maintaining probity, including:-
 - (i) advice on the requirement for members to notify the Monitoring Officer of any disclosable pecuniary interests or other interests and of any changes in such interests, that such declarations will form part of a public register, means of gaining access to that register (including publication on the website), and of any arrangements to ensure that Parish and Town Council Clerks are kept informed of any such declarations;
 - (ii) advice on dispensation requests which may be made to the Parish/Town Council;
 - (iii) advice on any provisions under which individual complaints of misconduct by members may be referred or delegated to the Monitoring Officer and the Accounts and Governance Committee for investigation and determination, and any arrangements agreed by the Monitoring Officer and the Accounts and Governance Committee for dealing with such complaints; and
 - (iv) advice to individual members on enquiries as to their obligations to declare or notify particular interests, on the need to apply for a dispensation, and on any consequent restrictions on the member's participation in consideration of the matter.

3. Resources

For the purpose of carrying out these functions, the Monitoring Officer shall be provided with the following resources:

- (a) The right of access to all documents and information held by or on behalf of the Council, including documents and information held by any officer or member of the Council. For the purpose of clarification, this right does not extend to documents and information held by or on behalf of any political party represented on the Council;
- (b) The right of access to any meetings of officers or members (or both) of the Council, whether or not such meetings include any other persons. For the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party represented on the Council;
- (c) The right to require any officer or member of the Council, or any contractor of the Council, to provide an explanation of any matter under investigation;
- (d) A right to report to the Council, the Accounts and Governance Committee, and to the Executive, including a right to present a written report and to attend and advise verbally;
- (e) The right to require the assistance of any officer of the Council in carrying out an investigation and to delegate to that officer any of the powers of the post of Monitoring Officer;

- (f) A power to mediate a local resolution to any complaint of breach of the Council's Members' Code of Conduct, in accordance with the Council's relevant procedures;
- (g) The right of access to the Head of the Paid Service (the Chief Executive), relevant Directors and the Chief Finance Officer;
- (h) The right, after consultation with the Head of the Paid Service (the Chief Executive) and the Chief Finance Officer, to notify the Police, the Council's auditors and other regulatory agencies of his/her concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions; and
- (i) The right to obtain legal advice at the Council's expense, either internally or from an independent external solicitor or barrister, on any matter which he/she believes may be a reportable incident, and sufficient financial resource to enable him/her to do so.

4. Discharge of Functions

- (a) It is recognised that the Monitoring Officer will be most effective if he/she is able to advise on any issue at an early stage of policy formulation or implementation. Accordingly, officers and members of the Council should routinely inform and consult the Monitoring Officer in respect of new policy proposals and action programmes;
- (b) The Monitoring Officer will seek to resolve potential reportable incidents by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, officers and members of the Council may consult the Monitoring Officer in confidence in respect of any proposal, and the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the officer or member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer;
- (c) Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to mediate the matter amicably, by securing that any failure of process or breach of code is rectified, and that the complainant is informed of the rectification. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.
- (d) In appropriate cases, the Monitoring Officer may rely upon existing processes within the Council (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue;
- (e) In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the Council; and
- (f) Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Chief Executive and the

Chief Finance Officer, he/she is of the opinion that this is necessary in order to respond properly to a reportable incident.

5. Conflicts

Where the Monitoring Officer is in receipt of a complaint or is aware of a potential reportable event relating to a matter upon which he/she has previously advised the Council, he/she shall consult the Chief Executive who may then either refer the matter to the Deputy Monitoring Officer for investigation and report back to the Chief Executive or request a neighbouring Council to make their Monitoring Officer available to the Council to investigate the matter and report to the Chief Executive and/or the Council as appropriate.

Independent Person Protocol for Eden District Council

This Protocol sets out the expected roles and responsibilities of Eden District Council's Independent Person when they are carrying out their function in relation to the assessment of an allegation that a Member, or co-optee, of the District Council, or a Member, or co-optee, of a Town or Parish Council within the District, has failed to comply with the relevant Council's Code of Conduct.

In addition to the roles and responsibilities referred to in this Protocol, under the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, an Independent Person may be appointed by the Council to a panel comprising five members of the Human Resources Committee and at least one other Independent Person for the purposes of advising the District Council on matters relating to the dismissal of a statutory officer of the Council (i.e. Head of Paid Service, Chief Finance Officer or Monitoring Officer).

In addition, the District Council's Monitoring Officer works with neighbouring authorities within Cumbria whose Independent Persons have also agreed to act as additional Independent Persons if circumstances require it.

Roles and Obligations

1. The role of the Independent Person is set down in legislation (section 28 of the Localism Act 2011).
2. The purpose of the Independent Person role is to enable the public to have confidence in how the District Council deals with allegations of misconduct and maintains high ethical standards of conduct for members, ensuring they are adequately trained and understand the code of conduct. The Independent Person is expected to develop a sound understanding of the ethical standards framework as it operates within the Council. The Independent Person may be invited to attend or participate in training events organised by the Monitoring Officer.
3. The Protocol covers both the Independent Person and any reference in this Protocol to the Independent Person covers and Independent Person from a neighbouring authority.
4. In carrying out the role, the Independent Person will ensure that he/she:-
 - (a) acts in accordance with -
 - (i) any relevant legislation or guidance in force at the time; and
 - (ii) the agreed processes/procedures approved by the Accounts and Governance Committee and the Council's Constitution; and
 - (b) acts impartially at all times, without political bias or prejudice and in accordance with the rules of natural justice; and
 - (c) maintains confidentiality at all times.

The Committee

5. The Monitoring Officer's role is to give advice to the Accounts and Governance Committee. The Independent Person is not a member of the Council's Accounts and Governance Committee (or Sub-Committee) but is welcome to attend all meetings. The Independent Person does not have any voting rights when attending a meeting of the Accounts and Governance Committee and may speak at the invitation of the Chairman.
6. The Monitoring Officer will consult the Independent Person on complaints received in accordance with the Council's procedure.
7. While the Monitoring Officer will have regard to the views expressed by the Independent Person, he/she is not bound to accept his/her views on the matter. The Monitoring Officer will inform the Independent Person at the earliest opportunity in the process of an investigation, of the Council's expectations with regards to the timescales for their response during each stage.
8. At the resolution of the complaint, whether there is a formal investigation or not, the Monitoring Officer will advise the Independent Person of the outcome of the complaint.

Conflicts of Interest and Confidentiality

9. The Independent Person should inform the Monitoring Officer if they feel there are circumstances which would suggest that they had a conflict of interest e.g. being a friend of either the complainant or Member concerned or they have previously been involved in the matter. If the Independent Person has a conflict of interest another Independent Person will be consulted.
10. If the Independent Person is conflicted out from dealing with the issue, the Monitoring Officer will consider making a request to use the services of another Independent Person and such person may be from another local authority.
11. All contact with the Independent Person should be made through the Monitoring Officer and should the Independent Person be contacted directly by a complainant or Member, he/she should inform the Monitoring Officer immediately. Where the subject member wishes to speak to the Independent Person, the Monitoring Officer will try and facilitate this in a planned way between the Independent Person and the member.
12. In terms of confidentiality, the Independent Person must not discuss any matters about a complaint, either past or present, with the media or any other third party without appropriate advice having been taken.

Contact

13. The Independent Person must provide the Monitoring Officer with appropriate methods of contact e.g. email and telephone numbers, and must make themselves available at all reasonable times. On those occasions when the Independent Person knows that they will not be contactable, he/she must inform the Monitoring Officer with as much reasonable notice as possible so that arrangements can be made for an Independent Person from a

neighbouring authority to be advised that he/she would be required to stand-in as necessary during this period.

14. The Independent Person should be prepared to give the Accounts and Governance Committee an independent view on the complaint and the merits of the evidence put forward as required to assist the Committee in coming to a decision on the matter.

Article 5 - Chairing the Council

5.1 Role and Responsibilities of the Chairman

The Chairman will be elected by the Council annually. The Chairman and, in his/her absence, the Vice-Chairman will have the following roles and functions:

1. **Ceremonial Role**
 - a) to communicate with the Private and Voluntary Sector organisations across the district;
 - b) to act as official host to visitors to the District;
 - c) to represent the District at ceremonial events;
 - d) to attend civic events and local community activities;
 - e) to carry out all duties in a manner that reflects the position and traditions of the office;
 - f) to act as the representative of the District of Eden on other occasions as determined by the Council; and
 - g) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.
2. **Chairing the Council Meeting**
 - a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community;
 - c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive and do not hold committee chairs are able to hold the Executive and Committee chairmen to account;
 - d) to promote public involvement in the Council's activities;
 - e) to be the conscience of the Council;
 - f) to authorise extraordinary meetings of the Council under the Council's Procedure Rules at Part 4 of this Constitution; and
 - g) to act in a politically neutral and impartial manner when performing all roles as Chairman of the Council.
3. Further guidance is set out in the Protocol for the Chairman of the Council which is contained at Part 5 (xx) of the Constitution.

Protocol for the Chairman of the Council

1. Chairman's Profile

- (a) While in the role, it is expected that the Chairman of the Council ("the Chairman") should reduce his/her political profile while carrying out civic duties as Chairman of the Council, as they need to be able to display even handedness when promoting the Council during the term of office. It would therefore not be appropriate to be associated with issues which could be considered as being contentious or accept invitations from people/organisations who may be involved with a dispute with the Council, or where there is a controversial issue and attendance could add weight to a third party's cause. They should also show no favour (or disfavour) to any political party.
- (b) When chairing a meeting, the Chairman should ensure that there is a fair debate.
- (c) The Chairman needs to ensure that they have a good working knowledge of the Council Procedure Rules. The Monitoring Officer will be available to assist if necessary.

2. Invitations

- (a) Invitations to the Chairman of the Council will be considered at the Chairman's discretion. Organisations are encouraged to submit their invitations as soon as possible.
- (b) Where the Chairman is unable to attend an event, they should ask the Vice-Chairman if they are able to attend.
- (c) Should the Vice-Chairman not be able to attend and the Chairman feels that the attendance of a representative of the Council is important, the Chairman should extend the invitation to an appropriate elected Member.

3. Wearing the Chairman's Chain

The Chairman should wear their Chain of Office on the following occasions, if appropriate:

- At all meetings of the District Council;
- At other meetings where he/she has been asked to preside as Chairman of the District Council;
- When hosting social occasions and attending or representing the Council at formal civic functions within the county; and
- Attending the funeral of a serving or former District Councillor or employee of the Council who dies in service, if deemed appropriate and with the consent of the family.

4. Wearing the Vice-Chairman's Chain

The Vice-Chairman should wear their chain as above when deputising for the Chairman at an event. The Vice-Chairman may choose to wear their chain at an event, irrespective of whether the Chairman is also attending and wearing their chain of office, unless requested not to by the Chairman.

5. Support to Charities

- (a) The Chairman should have regard to any advice given by the Monitoring Officer and/or the Chief Finance Officer in respect of any charities he/she supports and the Chairman's budget.
- (b) Should the Chairman decide to support one or more charities, they should be a registered charity. If, in the opinion of the Monitoring Officer and/or Section 151 Officer, a charity is considered to be unacceptable for legal or financial reasons, the Chairman shall have regard to this advice.

6. Chairman's Allowance

- (a) The Chairman receives an annual allowance to cover any necessary costs incurred in carrying out their role, e.g. general expenses and the cost of receptions which they wish to host during their term of office.
- (b) The Chairman has a responsibility to ensure that spending is within this budget and should abide by any rules or guidance given by the Monitoring Officer and/or Chief Finance Officer in this respect.

7. Acceptance of Gifts

- (a) Any personal gifts exceeding £50 in value, received by the Chairman or Vice-Chairman must be declared in the normal way.
- (b) Any gifts which are presented to the Chairman or Vice-Chairman on behalf of the District Council can be accepted and put on display in the Chairman's Room.

8. Pictures of the Chairman and/or Vice Chairman

It is not appropriate for pictures or images of the Chairman or Vice-Chairman acting in their official capacity to appear in any electoral publications.

9. Media

The Council's Communication Officer is able to provide advice and support to the Chairman and/or Vice-Chairman when dealing with the media.

10. Support for the Chairman

The Chairman will be supported by Democratic Services and Secretarial Support and will receive assistance with the following:

- (a) in receiving and following up invitations;
- (b) arranging the Chairman's official functions and other occasions; and
- (c) preparing and circulating to the Full Council meeting, a list of events attended since the last meeting.

11. Chairman's Briefings

- (a) Prior to each meeting of the Full Council, a Chairman's briefing will be arranged with the Chief Executive and Monitoring Officer on the content of the agenda.
- (b) During the year, the Chairman may also wish to be given briefings by officers on other issues as necessary.

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Eden District Council

Executive

2 April 2019

Council

11 April 2019

Carry Forward of Revenue Budgets

Portfolio:	Resources
Report from:	Director of Corporate Services
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To secure Members' approval of the carry forward of a number of individual unused 2018/2019 budgets into 2019/2020.

2 RecommendationExecutive

That Council be recommended to approve that:

- (1) the budgets set out in Appendix A to this report be carried forward from 2018/2019 to 2019/2020 and that this be funded by a supplementary estimate of up to £175,369; and
- (2) it be noted that this will result in a corresponding underspend in 2018/2019.

Council

The recommendation from Executive is approved.

3 Report Details

- 3.1 The Council sets its revenue budgets on an annual basis and there is no automatic carry over of unused budgets into the following year. However, circumstances sometimes arise beyond the control of the budget holder, where expenditure requires re-profiling into the next financial year.
- 3.2 Budgets recommended for roll forward were considered by Portfolio Holders as part of the formal business during January and February 2019. The budgets agreed for recommending roll forward to Executive and Council are shown at Appendix A. These total £175,369.
- 3.3 It is possible that some further spend may occur up to the financial year-end. Where this occurs, the relevant carry forward will be adjusted down as part of the outturn process.

4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Decent Homes for All;
- Strong Economy, Rich Environment;
- Thriving Communities; and
- Quality Council

4.2 The Council's budgets form a major part of the Council's Policy Framework. Carry forward of budgets allows the completion of specific schemes, where spend has not been possible in the current financial year.

5 Consultation

5.1 All requests have been signed off by the relevant Portfolio Holder.

6 Implications

6.1 Financial and Resources

6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-2019 as agreed at Council on 17 September 2015.

6.2.2 Carry forward of budget is purely moving an approved budget from one year to the next. There is no effect on overall finances.

6.2 Legal

6.2.1 Any supplementary estimate of £50,000 or more requires approval by Council under the Accounting and Audit Rules.

6.3 Human Resources

6.3.1 There are no Human Resources implications.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no implications on diversity of equality
Health, Social Environmental and Economic Impact	There are no health, social or environmental impacts.
Crime and Disorder	There are no crime and disorder implications
Children and Safeguarding	There are no implications for children

6.5 Risk Management

Risk	Consequence	Controls Required
Budget is not available to undertake required work.	Work will not take place.	Budget monitoring to identify an underspend and the approval of a carry forward of budget to match the period when the work will take place.

7 Other Options Considered

7.1 No other options have been considered.

8 Reasons for the Decision/Recommendation

8.1 To allow specific revenue expenditure/projects which have not been undertaken during the current year to be funded and undertaken during the subsequent financial year.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	7 March 2019
Monitoring Officer (or Deputy)	10 March 2019
Relevant Director	7 March 2019

Background Papers: January/February 2019 Portfolio agendas and minutes

Appendices: Appendix 1 - Revenue Roll Forwards 2018/2019 to 2019/2020

Contact Officer: Pete Notley, Assistant Director Finance, 01768 212209

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Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Commercial Services	02393	Employment Sites	Commercial Services	£111,780	£94,000	Yes	<p>This budget is used to employ a range of external professional assistance and to provide funding for various technical studies to deliver capital projects that provide an economic benefit to the local area or provide ongoing income to the Council. The projects the finance is used for currently focus on land owned by the Council at Redhills and land owned by the Council at Old London Road. Both projects are progressing well, with an application having been submitted for light industrial units on Old London Road in late 2018 and land studies having been undertaken on the Council-owned land at Rheged.</p> <p>The projects that the finance is spent on does not fall neatly into one financial year and, by the very nature of the projects, further studies and land investigations are required as both sites are developed. It is expected that the bulk of the remaining finance will be required for the projects in the 2019/2020 financial year.</p>

Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Leader	01074	Chairman's Allowance	Civic Duties	£440	£456	No	<p>This roll forward relates to monies raised by the Chairman at her Carol Service in December 2018. As the municipal year runs differently to the financial year, there is always some overlap.</p> <p>The following steps have been taken to ensure it is delivered in the next financial year. The money will be shared out between the Chairman's chosen charities at the end of the municipal year in May 2019.</p> <p>The service/activity could not be completed in year due to the municipal year-end not finishing until May 2019.</p>

Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Leader	01055	Communications	Communications	£4,000	£4,000	No	<p>This roll forward relates to unused budget created for the production of the Council's All About Eden residents' magazine. This communication channel is now closed and will be replaced by a new digital communication channel (using Gov.Direct) from 2019. This roll over will support the start up costs of this new media outlet in 2018/2019.</p> <p>This communication outlet will be vital to the successful launch of the My Eden Account in 2018/2019 and to the further use of the digital platform by our customers.</p> <p>This Council's residents' magazine could not be pursued in 2018/2019 due to insufficient advertising income being generated to cover design, printing and distribution costs.</p>

Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Leader	00050	Chief Executive	Chief Executive	£20,000	£20,000	No	<p>This roll forward relates to work due to be commissioned at the end of the financial year.</p> <p>The following steps have been taken to ensure it is delivered in the next financial year. This is part of a corporate improvement/ development programme.</p> <p>The service/activity could not be completed in year as the funding was awarded late in the year.</p>
Communities	01124	CALC	Community Development and Engagement	£8,290	£4,592	Yes	<p>Assistance by CALC with the devolution project. The following steps have been taken to ensure it is delivered in the next financial year.</p> <p>The budget is to assist with devolution and the project is ongoing into 2022. At the end of each year, remaining monies are rolled forward to make them available for the following year.</p>

Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Communities	02097	Penrith Leisure Centre	Eden Leisure Centre and Appleby Swimming Pool	£38,830	£23,012	No	Works to the Penrith Leisure Centre roof have been delayed due to bad weather when the works were programmed in. This funding was allocated to works required inside, following the roof works. The works to the roof have been ordered and will be completed when the company can reprogramme. The service/ activity could not be completed in year due to inclement weather for the contractor when due to do work on the roof. Other work cannot be undertaken until the roof is sorted.
Communities	02406	Armed Forces Community Support	Community Development and Engagement	£5,000	£5,000	No	The match funding for the project has not been confirmed. It is unlikely that the position will be filled before the end of this financial year. Therefore, this year's funding will need to be rolled forward to next year. The project is going ahead; it has just been delayed until all funding is in place. The project is a partnership. Until all funding is in place, the project cannot go ahead. The grant fund was due to be announced in January, but has been delayed.

Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Resources	01135	Member Training and Development	Member Development	£3,370	£3,230	No	<p>This roll forward relates to monies which were unspent in the Member training budget. The funding had minimal use this year. However, as next year is the beginning of a new four-year cycle, there will be more opportunity to use the money. The following steps have been taken to ensure it is delivered in the next financial year - training sessions are being planned by Member Services, with a training schedule for the full 2019-2020 municipal year being prepared in advance.</p> <p>The monies are requested primarily for external trainings for planning and licensing training, which is mandatory for members of that Committee. Any remaining funds will be used for other courses appropriate for members. The service/activity could not be completed in year due to awaiting undertaking a peer review and also for a Scrutiny Health Check.</p>

Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Resources	01111	Member IT Training	Member Development	£710	£710	No	<p>This roll forward relates to monies which were unspent in the Members' IT training budget. This funding had been set aside for IT training for Members, and was held over due to awaiting the end of this cycle of Members, and for surveys to be undertaken with Members.</p> <p>The following steps have been taken to ensure it is delivered in the next financial year - Member Services will request a representative to attend the Council from ModGov, who supply the Council's agenda management system, to come to the Council offices and spend time with members, familiarising them with how to encourage more use during meetings, with less reliance on paper copies. The service/activity could not be completed in year due to the election cycle, and there being more benefit to a new cohort of Members in May 2019.</p>

Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Resources	01080	Miscellaneous Member Costs	Committee and Member	£540	£540	No	<p>This roll forward relates to monies which were unspent in the Member seminar budget. The funding had minimal use this year. However, as next year is the beginning of a new four-year cycle, there will be more opportunity to use the money.</p> <p>The following steps have been taken to ensure it is delivered in the next financial year - training sessions are being planned by Member Services, with a training schedule for the full 2019-2020 municipal year being prepared in advance. The monies are requested primarily for external trainings for planning and licensing training, which is mandatory for Members of that Committee. Any remaining funds will be used for other courses appropriate for Members. The service/activity could not be completed in year due to few Members taking up places on seminars.</p>

Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Resources	01078	Servicing Committees	Committee and Member Resources	£2,250	£2,250	No	This roll forward relates to a budget that was created to allow the Council to pay Amey to set up and take down the microphones ahead of each Committee meeting. It was soon realised that the Democratic Services Officers were capable of this task and this budget was never used. This budget has been removed for next year. The roll forward is to allow for an officer to attend a one-off course in relation to FOI. This will greatly assist the FOI team and the Data Protection Officer in carrying out their statutory function.
Resources	01001	Register of Electors	Register of Electors	£5,200	£2,579	No	This roll forward relates to budget allocated for staff training on the new Elections software modules, as agreed in a report to Executive. The following steps have been taken to ensure it is delivered in the next financial year - training days have been identified with the software provider at a mutually convenient time, other elections permitting. The service/activity could not be completed in year due to contract signing of new modules, which required a new invoice from Idox. This pushed the payment date and installation of the new modules too far into the election timetable for training to be undertaken before May.

Portfolio	Code	Description	Service	Current Budget	Amount	Roll Forward Previously	Description of Roll Forward
Resources	00202	Customer Services	Corporate Services	£19,340	£15,000	No	This roll forward relates to the monies set aside to launch and market the new digital services and My Eden account. The delayed software is now available to be fine-tuned ahead of launch later in 2019. The service/activity could not be completed in year due to the delay in the availability of the My Eden account software.
				£219,750	£175,369		

Report No: G41/19

**Eden District Council
Council**

11 April 2019

Proposed Calendar of Ordinary Meetings 2019-2020

Portfolio:	All
Report from:	Director of Corporate Services
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To seek a revision of the draft calendar of meetings for the 2019-2020 municipal year.

2 Recommendation

- 2.1 An amended draft calendar of ordinary meetings 2019-2020 as enclosed as Appendix 2 to this report be approved

3 Report Details

- 3.1 On 14 February 2019 Council gave approval to the draft Calendar of Meetings as set out at Appendix 1 to this report. Since then, consideration has been made of the scheduling of meetings immediately post-election. Members are asked to consider a re-scheduling of May's meetings as follows given that with a Council meeting date of 9 May 2019 new Councillors will only take up office on 7 May 2019. Councillors will only be able to be issued with the agenda papers on 7 May which is considered to not be sufficient notice.
- 3.2 It is therefore suggested that:
- Annual Council should be moved back a week to 16 May 2019;
 - The earliest that Executive could take place, with proper notice of the agenda papers would be 28 May. There is a meeting of Executive scheduled for 4 June 2019. It is therefore suggested that there be no meeting of Executive in May. This is in accordance with common practice with other local authorities;
 - Planning Committee to be moved back a week to 23 May 2019 (this will still keep four weeks until the next Planning Committee);
 - Scrutiny Co-ordinating Board to be moved back a week to 30 May 2019;
 - Planning Site Visits meeting to be moved back a week to 6 June 2019.
- 3.3 The suggested amended draft calendar of ordinary meetings 2019-2020 is enclosed as Appendix 2 to this report.
- 3.4 Members are also asked to consider the need for a Council meeting in March 2020. At the meeting on 7 March 2019, there were only 2 items for the

Council to consider. It is suggested that the March designated meeting is provisional with the ability to cancel it, in consultation with the Chairman of the Council in the event that any business could be conveniently carried forward to the April meeting of Council.

- 3.5 The finalised Calendar will be formally approved at the Annual Meeting of Council, as required by the Constitution.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:

- Decent Homes for All;
- Strong Economy, Rich Environment;
- Thriving Communities; and
- Quality Council

- 4.2 This report meets the Quality Council corporate priority

5 Consultation

- 5.1 Not applicable.

6 Implications

6.1 Financial and Resources

- 6.1.1 The recent practice of Council has been to hold between 5 and 6 ordinary meetings of Council per year plus the AGM and budget meeting.

The Executive Procedure Rules provide that the Executive should meet at least 12 times per year. This report is seeking Council's approval for a deviation from the requirement for the next municipal year.

- 6.1.2 There are no proposals in this report which increase or decrease the existing approved budgets.

6.2 Legal

- 6.2.1 There are no direct legal implications arising from this report.

6.3 Human Resources

- 6.3.1 There are no human resources implications arising from this report.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	The report contains provision for the Council to conduct meetings in the community where appropriate.
Health, Social Environmental and Economic Impact	No implications arising from this report
Crime and Disorder	No implications arising from this report

Children and Safeguarding	No implications arising from this report
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6.5 Risk Management

Risk	Consequence	Controls Required
If the Council does not set a Calendar of Meetings there is a risk that business is not concluded and that Members, Officers and the public are unaware of when meetings are due to take place	May cause harm to the Council's reputation.	To publicly publish the Council's Calendar of Ordinary Meetings

7 Other Options Considered

7.1 No other options considered.

8 Reasons for the Decision/Recommendation

8.1 To enable further consideration to be given to the draft calendar of meetings for the 2019-2020 municipal year which can be published for all to see.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	2 April 2019
Monitoring Officer (or Deputy)	2 April 2019
Relevant Assistant Director	

Background Papers: None

Appendices:

Appendix 1: Draft Calendar of Ordinary Meetings 2019-2020

Appendix 2: Amended Calendar of Ordinary Meetings 2019-2020

Contact Officer: Vivien Little, Member Services Team Leader

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EDEN DISTRICT COUNCIL – **DRAFT** CALENDAR OF MEETINGS 2019–2020

Appendix 1

2019	COUNCIL 6.45pm	EXECUTIVE 6.00pm	SCRUTINY CO- ORDINATING BOARD 6.45pm	HOUSING & COMMUNITY SCRUTINY COMMITTEE 6.45pm	ENVIRONMENT & ECONOMY SCRUTINY COMMITTEE 6.45pm	ACCOUNTS AND GOVERNANCE COMMITTEE 6.45PM	LICENSING CTTEE 9.30 am	PLANNING CTTEE 9.30am	Planning Committee (Provisional Site Visit dates) Various
MAY	9 (Annual Meeting)	14	23					16	30
JUNE		4			13	27	5	20	
JULY	11	2	18	4		25	3	18	4
AUGUST								15	1 29
SEPTEMBER	12	3	19			26	4	19	27
OCTOBER		1		10	24		2	17	3 31
NOVEMBER	7	5	14	21		28	6	14	28
DECEMBER		3 10 (Budget)			5		4	12	
2020									
JANUARY	9	21 (Budget)	9	23			8	16	2 30
FEBRUARY	13 (Budget)	4			6	20	5	13	27
MARCH	12	3	26	19			4	19	26
APRIL	23	7			30	2 (Constitution)	1	16	30
MAY									

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EDEN DISTRICT COUNCIL – **DRAFT** CALENDAR OF MEETINGS 2019–2020

Appendix 2

2019	COUNCIL 6.45pm	EXECUTIVE 6.00pm	SCRUTINY CO- ORDINATING BOARD 6.45pm	HOUSING & COMMUNITY SCRUTINY COMMITTEE 6.45pm	ENVIRONMENT & ECONOMY SCRUTINY COMMITTEE 6.45pm	ACCOUNTS AND GOVERNANCE COMMITTEE 6.45PM	LICENSING CTTEE 9.30 am	PLANNING CTTEE 9.30am	Planning Committee (Provisional Site Visit dates) Various
MAY	16 (Annual Meeting)		30					23	
JUNE		4			13	27	5	20	6
JULY	11	2	18	4		25	3	18	4
AUGUST								15	1 29
SEPTEMBER	12	3	19			26	4	19	27
OCTOBER		1		10	24		2	17	3 31
NOVEMBER	7	5	14	21		28	6	14	28
DECEMBER		3 10 (Budget)			5		4	12	
2020									
JANUARY	9	21 (Budget)	9	23			8	16	2 30
FEBRUARY	13 (Budget)	4			6	20	5	13	27
MARCH	12 (provisional)	3	26	19			4	19	26
APRIL	23	7			30	2 (Constitution)	1	16	30
MAY									

