CONSTITUTION OF THE COUNCIL

- Articles of Constitution
- Terms of Reference for Committees
- Scheme of Delegation
- Standing Orders, Rules of Procedure, Financial Regulations
- Codes of Conduct and Protocols
- Members' Allowances Scheme
- Management Structure

April 2019
# CONSTITUTION OF THE COUNCIL – APRIL 2019

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PART 1

Summary and Explanation
Summary and Explanation

The Council's Constitution

Runnymede Borough Council's constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The law requires some of these processes, while others are a matter for the Council to choose.

The Constitution is divided into fifteen Articles, which set out the basic rules governing the Council's business. Detailed procedures and Codes of Practice are provided in separate rules and protocols which follow the Articles.

Contents of the Constitution

Article 1 of the Constitution commits the Council to serve its local community by enhancing the quality of life for all residents of the Borough whilst maintaining rigorous control of its financial affairs. The Constitution is intended to provide effective procedures and methods of working to fulfil this task. Articles 2 to 15 explain the rights of residents and how the key parts of the Council operate.

How the Council Operates

The Council is composed of forty-one Councillors. One third of them are elected each year, in three years out of every four (in the fourth year there is an election for the County Council). Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards and Audit Committee ensures that they are provided with training and advice on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide on the Council's overall policies and set the budget each year. There is also a variety of procedures which enable committees, political groups, and individual Councillors to ensure that matters of importance to the Borough are debated and that decisions of Committees are reviewed where necessary.

Committees make most organisational decisions. The Council has five functional 'policy' Committees which deal with the provision and administration of the Council's services. Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Two specialist Committees deal with licensing and regulatory matters where applicants and objectors have a right to be heard. They may form Sub Committees. Other Sub-Committees may be formed for special projects, particularly if time limited.

Meetings of the Council's Committees are open to the public except where personal or confidential matters are being discussed. There is an opportunity given at Planning Committee, and full Council meetings, for Members of the public to make points or ask questions.

There is an overview and scrutiny Committee (known in Runnymede as the 'Overview and Scrutiny Select Committee') which supports the work of the other Committees and the Council as a whole. It can allow residents to contribute to the Council's views on matters of local concern, by holding special hearings on particular decisions or topics. The Overview and Scrutiny Select Committee can make reports and recommendations to policy Committees, and the Council as a whole, on its policies, budget and service delivery. The Overview and Scrutiny Select Committee also monitors the decisions of the other Committees. It can 'call-in' a decision which has been made by a Committee but not yet implemented. This enables it to consider whether the decision is appropriate. The Committee may recommend that the policy Committee or Full Council reconsider the decision. It may also be consulted by policy Committees on forthcoming decisions and the development of the policy.

The Overview and Scrutiny Select Committee also functions as the Council's Crime and Disorder Committee under the Police and Justice Act 2006. In this guise it has power to scrutinise the actions of agencies with crime and disorder responsibilities and can require staff of such agencies to come and answer questions. It must consider matters relevant to crime and disorder that individual Councillors may refer to it.
The Council also has Member Working Groups whose work informs the Service Committees and focuses on those issues which are essential in delivery of the Corporate Plan. These Groups do not have decision making powers.

The Council's Staff

The Council's staff ('Officers') give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Codes of Conduct and a protocol govern the relationships between Officers and Members of the Council.

Residents' Rights

Residents have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use certain Council services, for example as a Council tenant, they may have additional rights. These are not covered in this Constitution.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local Councillor
- buy a copy of the Constitution for a reasonable price which the Council will set;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- speak at meetings of the Council and the Planning Committee, in certain circumstances and subject to giving the required notice;
- petition to request a referendum on a mayoral form of executive;
- complain to the Council about any shortcomings in its services or the way people are dealt with;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this if they have first complained to the Council and are dissatisfied with the result.
- petition to the Council’s Monitoring Officer if they have evidence showing that a Councillor has broken the Council's Code of Conduct for Members.
- submit a petition to the Council.
PART 2

Articles of the Constitution

Last revised April 2019
ARTICLE 1 - THE CONSTITUTION

1.01 Powers of the Council

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

1.02 Purpose of the Constitution

The purpose of the Constitution is to assist the Council in its primary aims of enhancing the quality of life of all of the residents of Runnymede, whilst maintaining rigorous financial control of the Council’s affairs. To achieve these aims the Constitution is intended to:

- enable the Council to provide clear leadership to the community in partnership with residents, businesses and other organisations;
- provide a framework within which residents can engage in the process of local authority decision-making;
- support Councillors in representing their constituents effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- provide conflict of interest safeguards if Members are asked to review or scrutinise a decision in which they are directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

1.03 Review of the Constitution

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.
ARTICLE 2 - MEMBERS OF THE COUNCIL

2.01 Composition and eligibility

(a) Composition. The Council comprises forty-one Members, called Councillors. Three Councillors are elected to represent each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) Eligibility. Only registered voters of the Borough or those living, working or owning land in the Borough are eligible to hold the office of Councillor.

2.02 Election and terms of Councillors

Election and terms. A third of all Councillors are elected on the first Thursday in May (or whatever date is fixed by law) in each year. Councillors will normally serve for four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later. If there is a vacancy because of a Councillor’s death, resignation, or some other reason, a by-election will be held in the manner required by the Local Government Act 1972.

(a) Key roles. All Councillors will:

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

(ii) represent their communities and bring their views into the Council’s decision making process, i.e. become the advocate of and for their communities;

(iii) effectively represent the interests of their ward and of individual constituents;

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

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

(vi) maintain the highest standards of conduct and ethics.

(b) Rights and duties

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

(ii) If Councillors receive confidential information or information exempt from public disclosure as Members of the Council, they will follow the Code of Conduct for Members of Runnymede Borough Council in preserving the confidentiality of that information.

(iii) for these purposes, ‘confidential’ and ‘exempt’ information is defined in the Access to Information Rules in Part 4 of this Constitution.

2.03 Conduct

Councillors will at all times observe Runnymede Borough Council’s Code of Conduct for Members, and will have regard to other documents such as the Codes of Conduct for Planning and Licensing matters, the Members’ IT protocols, and the Member/Officer protocol.

2.04 Allowances

Councillors will be entitled to receive allowances in accordance with the most recent Members’ Allowances Scheme approved by the Council.

2.05 Training

The Council will ensure that Councillors have the opportunity of adequate training for their roles and duties. Appropriate training on financial skills will be delivered early in each Municipal Year and prior to budget setting in February. Members that are unable to attend that training will not be able to
participate in decision making at the Corporate Management Committee or the Housing Committee when it considers the Housing Revenue Account until they receive appropriate training. Training on Planning and Licencing matters are specified in the respective Codes of Conduct contained within this Constitution.

To be eligible to sit or substitute onto the Property Acquisitions Sub Committee, Members must have undertaken appropriate training in property – related matters.
ARTICLE 3 - RESIDENTS AND THE COUNCIL

3.01 Residents’ Rights

Residents have the following rights. Their rights to information are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

(a) Voting and petitions. Residents on the electoral roll for the area have the right to vote, and to sign a petition requesting a referendum for an elected Mayor form of Constitution.

A Member of the Council may agree to present a petition on any subject at a meeting of the Council.

Petitions may also be presented in accordance with the Petitions Scheme set out in Part 4 of this Constitution.

(b) Information. Residents have the right to:

(i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) see reports and background papers, and any records of decisions made by the Council; and

(iii) inspect the Council’s accounts and make their views known to the external auditor.

(c) Complaints. Residents have the right to complain to:

(i) the Council itself, under its complaints scheme;

(ii) the Ombudsman, after using the Council’s own complaints scheme.

(iii) the Council’s Monitoring Officer, about a breach of the Council’s Code of Conduct for Members.

(d) Speaking at Meetings. Residents may speak or ask questions at meetings of the Council and the Planning Committee by complying with the relevant Standing Orders in Part 4 of this Constitution.

(e) Approaching Councillors. Residents can ask their Councillors for information or help on matters that the Council is involved in or can influence. A Councillor who is approached on a crime and disorder issue has a legal duty to consider it, and might refer it to the Crime and Disorder Committee.

3.02 Residents’ Responsibilities

Residents must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.
ARTICLE 4 - THE FULL COUNCIL

4.01 Subject to any exception in Article 7 or Parts 3 or 4 of the Constitution which accords with the Local Authorities (Alternative Arrangements) (England) Regulations 2001, only the Council will exercise the following functions:

(a) adopting and changing the Constitution including the Code of Conduct for Members;

(b) approving or adopting the policy and financial framework, the budget, the setting of the Council Tax, and any application to the Secretary of State in respect of any Housing Land Transfer;

(c) agreeing and/or amending the Terms of Reference for Committees, deciding on their composition, and making appointments to them (except for authorised substitutions to Committees under Standing Order 22.8);

(d) adopting a Members’ allowances scheme as mentioned under Article 2.04, or the amount of the Mayor’s or Deputy Mayor’s expenses.

(e) changing the name of the area,

(f) conferring the title of Honorary Alderman, or the Freedom of the Borough

(g) giving permission to a committee to appoint a sub-committee;

(h) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills; and

(i) approving the appointment or dismissal of the Head of Paid Service in accordance with Regulation 5 of the Local Authorities (Standing Orders) (England) Regulations 2001.

(j) approval of all property transactions where a borrowing approval is not in place.

(k) all other matters which by law must be reserved to Council.

4.02 The full Council is not required to approve:

(i) amendments or revocations of any plan or strategy necessary to give effect to requirements of the Secretary of State or a Minister made when he was asked to approve it;

(ii) amendments or revocations of any plan or strategy if the Council has delegated the power to amend or revoke it to a Committee, or Sub-Committee or Officer, either in this Constitution or at the time it approved the plan or strategy.

Note: So far as relevant, this Article is intended to incorporate the provisions of Regulation 4 of the Local Authorities (Alternative Arrangements) (England) Regulations 2001. If there is any difference between this Article and that Regulation, the Regulation prevails.

Meanings

(a) Policy and Financial Framework: The policy and financial framework means the following plans and strategies:-

(i) those required by the Local Authorities (Alternative Arrangements) (England) Regulations 2001 to be approved or adopted by the Council:

- Community Safety Strategy;
• Plans and strategies which together comprise the Development Plan;
• A plan or strategy for the control of the Council's borrowing or capital expenditure;
• Plans or strategies, or draft plans or strategies, of any of the above descriptions which have to be submitted to the Secretary of State or a Minister for approval.

(ii) other plans and strategies of a kind which Chapter 9 of DETR Guidance recommends should be adopted by the Council as part of the Policy Framework:

• Policies proposed in Strategic Plan;
• Food Law Enforcement Service Plan;

(iii) other matters:

Policy
• any other corporately binding policy in respect of any matter beyond the terms of reference of a single committee, if not expressly delegated to Committees or Officers;
• Corporate Business Plan
• Licensing Policy
• Equality Policy
• Property Investment Strategy
• Economic Development Strategy

Staff
• Limits on the size of the permanent staff establishment, by reference to cost,
• The corporate management structure.
• Pay Policy Statement

Finance
• Budget (see (b) below)
• Financial Regulations
• Treasury Management Strategy including Annual Investment Strategy
• Prudential Indicators
• Financial Forecast
• Annual Investment Strategy if changed after prior approval
• Appointment of External Auditors

General administration
• Corporate organisation and structure, including Terms of Reference of Committees and Calendar of Meetings (except minor additions/deletions to the Calendar).
• Making and amendment of Standing Orders*, except where necessary only for legal compliance.
Elections

- Appointment of an Electoral Registration Officer
- Appointment of a Returning Officer for Local Government Elections

Name and status of area and individuals

- Power to change the name of a district
- Power to confer the title of honorary alderman or to admit a person as honorary freeman

Miscellaneous Statutory and Regulatory Functions

- Power to make, amend, revoke or re-enact bylaws under any legislation
- Power to promote or oppose local or personal Bills

(b) **Budget:** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, and the setting of virement limits, but does not include the approval of supplementary estimates and other minor variations to budget or capital programme so far as these are delegated to a Committee.

(c) **Housing Land Transfer:** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

Runnymede Borough Council Investments (Surrey) Ltd and Runnymede Borough Council Services (Addlestone One) Ltd - To agree 5 year rolling Business Plans for these companies.

4.03 Council Meetings

There are three types of Council meeting:

(a) the annual meeting;

(b) ordinary meetings (including the "special" budget meeting);

(c) extraordinary meetings.

and they will be conducted in accordance with the Standing Orders in Part 4 of this Constitution.

4.04 Debate

The Council will give particular attention to matters highlighted by a Committee as especially suitable for Council debate.

The Council has provided a procedure for members of the public to address the Council, or to ask a question, during its formal meetings, as set out in Standing Order 12.
ARTICLE 5 - THE ROLE OF THE MAYOR

5.01 Role and function of the Mayor

The Council will elect the Mayor annually. The Mayor, and in his or her absence the Deputy Mayor, will have the following roles and functions:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

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

3. to ensure that debate at Council meetings is conducted in a way that is appropriate for the business in hand, and so that different points of view are properly heard;

4. to promote public involvement in the Council’s activities;

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

6. to be the non-political representative of the Council. A protocol on the Role of the Mayor is contained in this Constitution.
ARTICLE 6– OVERVIEW AND SCRUTINY SELECT COMMITTEE/CRIME AND DISORDER COMMITTEE

6.01 Terms of Reference

The Council will appoint an overview and scrutiny Committee to discharge the functions conferred by regulations under Section 32 of the Local Government Act 2000. In Runnymede, the overview and scrutiny committee is titled the Overview and Scrutiny Select Committee.

The Overview and Scrutiny Select Committee will have nine Members, or as the Council may decide.

6.02 General Role

Within this Constitution, the Overview and Scrutiny Select Committee may:

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

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

(iii) consider any matters affecting the area or its inhabitants; and

(iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by any Committee.

6.03 Specific Functions

(a) Policy development and review. The Overview and Scrutiny Select Committee may:

(i) assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues;

(ii) conduct research, community and other consultation in the analysis of policy issues and possible options;

(iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(iv) question Members of policy Committees and Chief Officers about their views (in the case of Officers, professional views) on issues and proposals affecting the area; and

(v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny. The Overview and Scrutiny Select Committee may:

(i) review and scrutinise decisions made by, and performance of, policy Committees and Council Officers, both in relation to individual decisions and over time;

(ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(iii) question Members of policy Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

(iv) make recommendations to the appropriate policy Committee and/or Council arising from the outcome of the scrutiny process;
(v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny Committee and local people about their activities and performance; and

(vi) question and gather evidence from any person (with their consent).

(c) **Finance.** The Overview and Scrutiny Select Committee may be allocated funding for its role by the Council, and will exercise overall responsibility for the finances made available to it.

(d) **Annual Report.** The Overview and Scrutiny Select Committee must report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 The Overview and Scrutiny Select Committee may form sub-committees from amongst its membership, or advisory panels from any suitable persons whether its Members or not.

6.05 **Procedures of Overview and Scrutiny Select Committee**

The Overview and Scrutiny Select Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

6.06 **The Crime and Disorder Committee**

The Overview and Scrutiny Select Committee will also sit as the Council’s Crime and Disorder Committee under section 19 of the Police and Justice Act 2006. It will meet in this capacity as required, but by law must do so at least once in every twelve months. When it does so, it must not exercise any functions other than its functions under the 2006 Act. Its terms of reference are set out in Part 3 of this Constitution and its proceedings will be conducted in accordance with the Crime and Disorder Committee Procedure Rules set out in Part 4.
ARTICLE 7 - POLICY AND OTHER COMMITTEES

7.01 Policy and Other Committees

The Council will appoint the Committees set out in the left hand column of the table ‘Responsibility for Functions’ in Part 3 of this Constitution to discharge the functions described in the right hand column of that table.

7.02 The Council may change any of Part 3 of this Constitution, and will ensure that the revised version is publicly available. The Council may delegate the power to revise all or part of Part 3 to Committees, Sub-Committees, or Officers.

7.03 Picking out matters for Council attention

Where a Committee considers that particular elements of a proposal being recommended to Council are especially suitable for debate in that forum, it will identify them in the recommendation.

7.04 Conflicts of Interest - Membership of Committees and Overview and Scrutiny Select Committees

If the Overview and Scrutiny Select Committee is scrutinising specific decisions or proposals in relation to the business of a Committee of which the Councillor concerned is a Member, then the Councillor must have regard to the Code of Conduct (part 5 of this Constitution).
ARTICLE 8 - THE STANDARDS AND AUDIT COMMITTEE

8.01 Standards Committee

The Council will appoint a standards committee in accordance with the Localism Act 2011. The Committee will also have responsibilities for the oversight of the internal audit function and of the Council’s systems of internal control as set out in 8.03, and will be known as the Standards and Audit Committee. It will be politically balanced.

8.02 Composition

The Standards and Audit Committee will be composed of ten Councillors.

Full Council will appoint independent persons who can be consulted when issues concerning conduct arise.

8.03 Role and Function

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

(a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
(b) assisting the Councillors and co-opted Members to observe the Members’ Code of Conduct;
(c) advising the Council on the adoption or revision of the Members’ Code of Conduct;
(d) monitoring the operation of the Members’ Code of Conduct;
(e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members’ Code of Conduct;
(f) granting those dispensations to Councillors and co-opted Members from certain requirements relating to interests arising under the Members’ Code of Conduct which are not delegated to the Monitoring Officer to determine, in accordance with the relevant legislation and in consultation with the Independent persons.
(g) considering appeals by Councillors and co-opted Members, where no dispensation has been granted by the Monitoring Officer;
(h) assessing and considering complaints about the conduct of Councillors, and co-opted Members which are not determined by the Monitoring Officer under delegated authority, in the manner required by law and in accordance with the procedures in force;
(i) dealing with any reports from the Monitoring Officer on any matter referred to the Monitoring Officer; including complaints about the Council;
(j) taking an overview of Local Government and Social Care Ombudsman investigations and considering their outcomes where appropriate;
(k) considering appeals against dismissal and grievances (including salary gradings) by employees of the Council;
(l) considering matters arising from internal audit and control reports;
(m) considering the Council’s corporate systems and controls, compliance with legislation and control procedures,
(n) in relation to risk management oversight of all risk analysis and risk assessment, risk response, and risk monitoring including:
   - the establishment of risk management across the organisation, including partnerships;
   - awareness of the Council’s risk appetite and tolerance;
• reviewing the risk portfolio;
• being appraised of the most significant risks;
• determining whether management’s response to risk and changes in risk are appropriate.

(o) considering the scope of internal audit activity;
(p) considering such matters arising from external audit as may be referred to it by the external auditor;
(q) recommend appointment of external auditors;
(r) to recommend to Council individuals suitable for appointment as Independent Persons;
(s) determining the expenses and allowances of the Independent Persons following their initial determination by the Monitoring Officer in consultation with the Leader of the Council and Chairman of this Committee.

8.04 **Hearings**

All hearings and assessments of complaints against Members will be conducted in accordance with the current legal requirements and (subject to that) the provisions set out in the Administrative and Procedural Standing Orders in Part 4 of this Constitution.
ARTICLE 9 - AREA COMMITTEES

9.01 Area Committees

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

9.02 Conflicts of Interest - Membership of Committees and Overview and Scrutiny Select Committees

If the Overview and Scrutiny Select Committee is scrutinising specific decisions or proposals in relation to the business of a Committee of which the Councillor concerned is a Member, then the Councillor must have regard to the Code of Conduct (part 5 of this Constitution).

9.03 Area Committees - Access to Information

Area Committees will comply with the Access to Information Rules in Part 4 of this Constitution.
ARTICLE 10 - JOINT ARRANGEMENTS

10.01 Arrangements to promote well-being

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

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

(c) exercise on behalf of that person or body any functions of that person or body.

10.02 Joint Arrangements

(a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions of any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint Committee with these other local authorities.

(b) Details of any delegations to joint Committees will be found in the Council's scheme of delegation in Part 3 of this Constitution.

10.03 Access to Information

(a) The Access to Information Rules in Part 4 of this Constitution apply.

(b) If the joint Committee contains Members who are on the executive of any participating authority then the Access to Information rules in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 will apply.

10.04 Delegation to and from Local Authorities

The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.

10.05 Contracting Out

The Council may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994.

The Council may also arrange for other functions to be carried out by a contractor, where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.
ARTICLE 11 - OFFICERS

11.01 Management Structure

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

(b) Chief Officers. Subject to any changes approved by the authority, the Council will engage persons for the following posts, who will be designated Chief Officers:

<table>
<thead>
<tr>
<th>Post</th>
<th>Functions and areas of responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Overall corporate management and operational responsibility (including overall management responsibility for all Officers)</td>
</tr>
<tr>
<td></td>
<td>Ensuring appropriate professional advice to all parties in the decision making process.</td>
</tr>
<tr>
<td></td>
<td>Together with the Monitoring Officer, to maintain a system of record keeping for all the Council's decisions.</td>
</tr>
<tr>
<td></td>
<td>Representing the Council on partnership and external bodies (as required by statute or the Council).</td>
</tr>
<tr>
<td></td>
<td>Human Resources, Communications, Commercial Services, Property Advice and Management, Corporate Policy and Strategy, Procurement.</td>
</tr>
<tr>
<td>Corporate Head of Law and Governance</td>
<td>Corporate administration and governance, legal services, democratic services, local land charges.</td>
</tr>
<tr>
<td>Assistant Chief Executive</td>
<td>Council tax and non-domestic rates collection, central accounting services, all other central financial functions and advice, benefits, internal audit, IT matters, Customer Services Centre.</td>
</tr>
</tbody>
</table>

There are also a number of Corporate Heads with responsibility for specific service areas and these are shown on the Management Structure Chart at the end of the Constitution.

(c) Head of Paid Service, Monitoring Officer and Chief Finance Officer. The Council designates the following posts as shown:

<table>
<thead>
<tr>
<th>Post</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Head of Paid Service (Section 4, Local Government and Housing Act 1989)</td>
</tr>
<tr>
<td>Corporate Head of Law and Governance</td>
<td>Monitoring Officer (Section 5, Local Government and Housing Act 1989)</td>
</tr>
<tr>
<td>Assistant Chief Executive</td>
<td>Chief Finance Officer (Section 151, Local Government Act 1972 and Section 114, Local Government Finance Act 1988).</td>
</tr>
</tbody>
</table>

Such posts will have the functions described in Article 11.02-11.04 below.

(d) Structure. The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out in Part 7 of this Constitution.

11.02 Functions of the Head of Paid Service
(a) **Discharge of functions by the Council.** The Head of Paid Service will advise the Council as required on issues such as the Pay and Workforce.

(b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 11.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for Members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making and activity.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards and Audit Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Audit Committee, and will assist the Committee in considering allegations that a Member has broken the Code of Conduct.

(d) **Conducting investigations.** The Monitoring Officer will conduct or arrange investigations into allegations against Members referred to the Council and other matters received under relevant regulations, and arrange for the Standards and Audit Committee to receive reports or recommendations in respect of them.

(e) **Proper Officer for access to information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant Officer reports and background papers, are made publicly available as soon as possible.

(f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, and probity to all Councillors.

(g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

(h) **Designation of Deputy.** The Monitoring Officer will designate an Officer to deputise for him in his absence. He has presently designated the Legal Services Manager.

### 11.04 Functions of the Chief Finance Officer

(a) **Ensuring financial lawfulness and prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Finance Officer will provide advice on the scope of powers and authority to take financial decisions, the avoidance of maladministration in such matters, and financial propriety and probity to all Councillors, and will support and advise Councillors and Officers in their respective roles.

(c) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

### 11.05 Duty to provide sufficient resources to the Head of Paid Service, the Monitoring Officer and Chief Finance Officer
By law, the Council must provide the Head of Paid Service, the Monitoring Officer and Chief Finance Officer with such staff, accommodation and other resources as are in the opinion of those Officers sufficient to allow their duties to be performed.

11.06 **Conduct**

Officers, and where relevant Members, will comply with the Officers’ Code of Conduct, the Monitoring Officer Protocol and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

11.07 **Employment**

The recruitment, selection and dismissal of Officers will comply with the relevant Standing Orders set out in Part 4 of this Constitution, and with the Council’s current Human Resources Policies and Procedures approved by the Council.
ARTICLE 12 - DECISION MAKING

12.01 Responsibility for decision making

The Council will issue and keep up to date a record of what Committees, sub-committees, and Officers have responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of the Constitution. If there is a conflict between Part 3 and any other part of this Constitution as to delegations and responsibilities, Part 3 will prevail.

12.02 Principles of decision making

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

PRINCIPLES OF DECISION MAKING

(a) proportionality (i.e. the action must be proportionate to the desired outcome);

(b) due consultation and the taking of professional advice from Officers;

(c) respect for human rights;

(d) a presumption in favour of openness; and

(e) clarity of aims and desired outcomes.

12.03 Decision making by Council bodies acting as Tribunals

The Council, a Committee, or an Officer acting as a tribunal or in a quasi judicial manner will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention of Human Rights. The same applies when the decision maker is determining the civil rights and obligations, or the criminal responsibility, of any person.
ARTICLE 13 – FINANCIAL MANAGEMENT AND CONTRACTS

13.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

13.02 Contracts

Every contract made by the Council will comply with the Standing Orders for Contracts set out in Part 4 of this Constitution.
ARTICLE 14 - REVIEW AND REVISION OF THE CONSTITUTION

14.01 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. He or she will report annually to the Corporate Management Committee and any other Committees he or she considers suitable.

14.02 Protocol for monitoring and reviewing of Constitution by Monitoring Officer

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

1. observe meetings of different parts of the Member and Officer structure;

2. undertake an audit trail of a sample of decisions;

3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders;

4. compare practices in this authority with those in other comparable authorities, or national examples of best practice; and

5. report to the Corporate Management Committee.

14.03 Changes to the Constitution

Changes to the constitution will only be approved by the full Council after consideration of the proposal by Corporate Management Committee, together with the results of any required public consultation. The Constitution and Legislation Member Working Group will make recommendations on any changes to Corporate Management Committee.
ARTICLE 15 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

15.01 Suspension of the Constitution

Part 2 of this Constitution may not be suspended. The Rules in Part 4 may be suspended to the extent permitted within those Rules and the law. Other parts of the Constitution may be suspended or amended in any lawful manner from time to time.

15.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. The Mayor’s ruling will have regard to the purposes of this Constitution contained in Article 1.

15.03 Publication

(a) The Corporate Head of Law and Governance will give a printed copy of this Constitution to each Chairman of a policy Committee, and of the Overview and Scrutiny Select Committee, the Leader of opposition group(s), and will notify each Member of how to access the document electronically as soon as practicable after that Member has signed his or her declaration of acceptance of office on being elected to the Council.

(b) The Corporate Head of Law and Governance will ensure that the Constitution is available to view on the Council’s website and can be accessed by Members, staff, and the public (subject to technical incidents). Alternatively or in addition, he or she will ensure that copies are available for inspection at the Civic Centre, and can be purchased on payment of a reasonable fee.

(c) The Corporate Head of Law and Governance will ensure that copies available for inspection or purchase are kept up to date with any amendments and suspensions which have effect for a period of more than three months.
Schedule 1: Description of Alternative Arrangements

The following parts of this Constitution constitute the alternative arrangements:

1. Article 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (Policy Committees).
PART 3

Responsibility for Functions

Last revised April 2019
COMMITTEE RESPONSIBILITIES

The table on the next pages shows the responsibilities allocated to each Committee. The Scheme of Delegation which follows identifies those which must be the subject of recommendation to the full Council and those which the Committee may decide itself. The table and Scheme must be read subject to the General Note (paragraph 1) and Standard Duties (paragraph 2) below.

Member Working Groups are not Committees and have no decision-making powers, but can fulfil an important research and advisory function. They should be constituted in accordance with the protocol set out in paragraph 3 below.

The Constitution uses the phrase "delegated function" to refer to a function which may be exercised by a Committee, Sub-Committee or Officer.

1. GENERAL NOTE

1.1 Notwithstanding anything else in this document, if a particular matter or project falls under the Terms of Reference of more than one Committee, the Council may designate one Committee as the “lead” Committee for that subject. The lead Committee shall then have all the powers and functions of other relevant Committees in relation to that subject. It may also if it wishes refer any aspects of the matter to another appropriate Committee for decision, recommendation to Council, or comment to the lead Committee. (See also 1.4 below).

1.2 No Committee or Sub-Committee or Officer shall take any action requiring expenditure unless suitable budgetary provision has been approved.

1.3 Decisions on the matters set out in Article 4, or asterisked in the Scheme of Delegation, are reserved to the Council, and the role of each Committee in such matters is to make appropriate recommendations to the Council. However, if it is lawful for a Committee to take the decision, and if in the opinion of the Chairman and Vice-Chairman (or the person presiding at the Meeting of the Committee in question) a decision on the matter is needed so urgently that it cannot reasonably be delayed until the next Meeting of the Council, the matter in question shall become a delegated function for the purposes of that decision only.

1.4 If at least thirty per cent of the full number of voting Members of a Committee so request at any time before the vote is taken, the decision on a particular item of business before the Committee shall be referred to the full Council even though it is normally a delegated function. This will not prevent the Committee from debating the matter and making a recommendation.

Such a request cannot be made if:

- the item has been identified on the written agenda as the subject of an urgently needed decision and the Chairman's agreement under 1.3 above; or

- the delay caused by referring the decision to the Council will lead to breach of a legislative or contractual deadline; or

- the Chairman of the meeting is satisfied, having consulted any or all of the Chief Executive, Monitoring Officer, Chief Financial Officer, and other appropriate and available staff, that the Council's interests will be substantially prejudiced by the delay.

1.5 Committees shall not appoint sub-committees except with the agreement of the full Council, which must have regard to regulations and the Secretary of State's guidance concerning the appointment of sub-committees.

1.6 Decisions of Committees or Sub-Committees taken in the exercise of delegated functions are the decisions of the Council for all purposes, unless rescinded in accordance with Standing Orders. For most decisions there will be a four working day delay before they can be implemented, to allow the Overview and Scrutiny Select Committee the right of call-in under Standing Order 27.8 (in Part 4 of this Constitution).
1.7 Decisions taken by Officers in the exercise of delegated functions are the decisions of the Council for all purposes unless rescinded in accordance with Standing Orders.

1.8 Where a function delegated to an Officer requires consultation or agreement with the Chairman of a Committee, and the Chairman is absent, that function may be fulfilled by his Vice-Chairman, or in his absence the Chairman of Corporate Management Committee (or if absent the Vice-Chairman), unless a different rule is given in the note of delegation.

2. **STANDARD DUTIES**

Each Committee has the following standard functions and authority:

2.1 To set objectives and quality standards for the efficient provision of services within the Committee's Terms of Reference;

2.2 To set a realistic programme to achieve the objectives and standards mentioned in 2.1 above and to examine performance against the programmes and estimates from time to time adopted by the Council;

2.3 To determine the content of any representations to be made to central Government departments, Local Authority Associations, Members of Parliament, and any national body or organisation, regarding current or proposed legislation or policy relating to matters within the Committee's Terms of Reference; save that representations on technical or procedural points may be made by the appropriate Chief Officer or as provided within the Scheme of Delegation.

2.4 The approval of capital schemes for which estimate provision has already been approved;

2.5 To make recommendations to the Corporate Management Committee regarding the necessity for the compulsory purchase of land for any function within the Committee's Terms of Reference;

2.6 To make nominations or appointments to any body whose functions touch and concern the Committee's terms of reference. The Corporate Management Committee, however, has authority to make any nomination or appointment it considers appropriate.

3. **MEMBER WORKING GROUPS**

3.1 The Council has eleven Member Working Groups which are attended by Councillors and Lead Senior Officers. Their work informs the service Committees and focuses on those issues which are essential in delivering the Corporate Plan.

3.2 The views of a working group are advisory only, and Officers may not act upon them without the authority of the relevant Committee, Sub-Committee, or authorised Officer.

3.3 In all publicity and communications with members of the public, it must be made clear that the responsibility for the relevant decisions lies with the relevant Committee, Sub-Committee, or authorised Officer.
<table>
<thead>
<tr>
<th>Committee</th>
<th>Membership (Note: this may be varied by resolution of the Council)</th>
<th>Functions within Committee terms of reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Corporate Management</td>
<td>Twelve Members of the Council</td>
<td>1.1 The documents, policies and decisions comprised within the Policy Framework, so far as not within the terms of reference of any other Committee.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.2 Corporate Organisation and structure, including the Constitution.</td>
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<td></td>
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<td>1.3 Any matter not within the terms of reference of another policy Committee.</td>
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<td>1.4 Management of the Council's financial strategy, affairs and functions, including collection and administration of local taxation</td>
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<td>1.5 Asset Management Planning Strategy property reviews, Property Investment Strategy.</td>
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<td></td>
<td>1.6 Purchase up to £20m in value, management and disposal (where borrowing approval is in place) of real property including the Council's Offices and Depots. (Note: other Committees may have management responsibilities restricted to service purposes).</td>
</tr>
<tr>
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<td>1.7 Town centre and other regeneration or improvement schemes promoted by the Council other than as housing authority.</td>
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<td>1.8 Exercise of the Council's powers as Trustee of any land held by the Council in trust for purposes within the Committee's remit, through a Management Committee where appointed.</td>
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<tr>
<td></td>
<td></td>
<td>1.9 Electoral matters.</td>
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<tr>
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<td>1.10 Staffing organisation and establishment, policies on pay, pensions, compensation and matters with an additional budgetary impact.</td>
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<tr>
<td></td>
<td></td>
<td>1.11 The procurement and use of</td>
</tr>
<tr>
<td>Committee</td>
<td>Membership (Note: this may be varied by resolution of the Council)</td>
<td>Functions within Committee terms of reference</td>
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<tr>
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<tr>
<td></td>
<td></td>
<td>information and communications technology</td>
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<td>1.12 Central professional and administrative services</td>
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<td>1.13 Insurance</td>
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<td>1.14 Equality Policy</td>
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<td>1.15 Community Right to Challenge and Community Right to Bid for Assets of Community Value</td>
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<td>1.16 General administrative matters.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.17 Appointment and nominations to any outside bodies (if no appointment is made by another Committee under para 2.6 of the list of Standard Duties).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.18 If urgent, and with the consent of the Chairman of that Committee, to exercise any function of another policy committee.</td>
</tr>
<tr>
<td></td>
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<td>1.19 To exercise the Council’s powers and rights as a shareholder in respect of any company in which the Council has a shareholding.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.20 Economic Development</td>
</tr>
<tr>
<td>Property Acquisitions Sub-Committee (5 Members)</td>
<td>To consider and approve property acquisitions up to a value of £10M.</td>
<td></td>
</tr>
<tr>
<td>Committee</td>
<td>Membership</td>
<td>Functions within Committee terms of reference</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2. Environment &amp; Sustainability</td>
<td>Ten Members of the Council</td>
<td>2.1 Pollution control, environmental protection, and statutory nuisances (other than control of private housing standards).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.2 Food legislation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.3 Public health functions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.4 Refuse collection.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.5 Recycling of waste.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.6 Energy management (other than in Council homes).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.7 Sustainability and climate change Strategy and Policy and Flooding and emergency planning.</td>
</tr>
<tr>
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<td>2.8 The provision and management of parking, and the fixing of parking charges. Decriminalised parking enforcement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.9 Street trading.</td>
</tr>
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<td></td>
<td></td>
<td>2.10 All highways functions exercisable by the Council Transportation and Infrastructure</td>
</tr>
<tr>
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<td>2.11 Amenity management and maintenance on highways and public spaces, other than parks and Council open spaces.</td>
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<tr>
<td></td>
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<td>2.12 Street naming and numbering.</td>
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<tr>
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<td>2.13 All land drainage functions exercisable by the Council.</td>
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<tr>
<td></td>
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<td>2.14 Animal Licensing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.15 The Runnymede Business Partnership, and relationships with Chambers of Commerce and other organisations relevant to the economic well-being of the Borough.</td>
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<tr>
<td></td>
<td></td>
<td>2.16 DSO vehicles</td>
</tr>
<tr>
<td>Committee</td>
<td>Membership</td>
<td>Functions within Committee terms of reference</td>
</tr>
<tr>
<td>-----------</td>
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<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Housing</td>
<td>Ten Members of the Council</td>
<td>3.1 Provision, assistance, or procurement of Council, social, and affordable housing (except functions under the Planning Acts), and the making of recommendations to Corporate Management Committee for any property acquisition or disposal to achieve these objectives.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.2 Management of Council housing, including energy management.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.3 Homelessness Strategy and Temporary Accommodation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.4 Sale of Council Houses.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5 Private housing standards (including control of houses in multiple occupation) and grants.</td>
</tr>
<tr>
<td></td>
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<td>3.6 Private Sector Renewal Strategy.</td>
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<tr>
<td></td>
<td></td>
<td>3.7 Exercise of the Council’s powers as Trustee of any land held by the Council in trust for purposes within the Committee’s remit, through a Management Committee where appointed.</td>
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<td>3.8 HRA Business Plan.</td>
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<td>3.9 Housing Capital Programme.</td>
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<td></td>
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<td>3.10 Tenant Strategy and Policy.</td>
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<td>3.11 Housing and Council Tax benefits.</td>
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<td>3.12 Disabled Facilities Grants.</td>
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<td>3.13 Independent Retirement Living Service</td>
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<tr>
<td>Committee</td>
<td>Membership (Note: this may be varied by resolution of the Council)</td>
<td>Functions within Committee terms of reference</td>
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<tr>
<td>4. Community Services</td>
<td>Ten Members of the Council</td>
<td>4.1 Provision and management of all the Council's indoor and outdoor sporting, leisure and recreational facilities (including allotments) and events, and the making of recommendations to Corporate Management Committee for any property acquisition or disposal to achieve these objectives.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4.2 Services for older persons, including Community Meals services, Community Alarm/Careline system, Day Centres, and Community Transport, Handyperson Scheme, Home Improvement Agency and the making of recommendations to Corporate Management Committee for any property acquisition or disposal to achieve these objectives.</td>
</tr>
<tr>
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<td>4.3 Services and activities for youth and children including Splash and playschemes, Youth Council, and Youth Festival.</td>
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<td>4.4 Other personally based services provided by the Council.</td>
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<td></td>
<td></td>
<td>4.5 Relations with the local Leisure Trust, Community Foundation for Surrey, and other bodies working in partnership with the Council or in its area on matters within the Committee's terms of reference.</td>
</tr>
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<td>4.6 Appointment of Trustees to Leisure Trust</td>
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<td>4.7 Grounds Maintenance</td>
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<td>4.8 Chertsey Museum.</td>
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<td>4.9 Support and development of sports, the Arts and other leisure activities in the Borough.</td>
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<td></td>
<td>4.10 Tourism.</td>
</tr>
<tr>
<td>Committee</td>
<td>Membership</td>
<td>Functions within Committee terms of reference</td>
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<td>4.11</td>
<td>Relationships with the Third Sector</td>
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<td>4.12</td>
<td>Grant Aid not expressly delegated to another Committee.</td>
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<tr>
<td>4.13</td>
<td>Equalities issues (other than in relation to staff employment by the authority) and liaison with local bodies concerned with such issues.</td>
<td></td>
</tr>
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<td>4.14</td>
<td>Consultations on health service provision.</td>
<td></td>
</tr>
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<td>4.15</td>
<td>Cemeteries, crematoria and closed churchyards.</td>
<td></td>
</tr>
<tr>
<td>4.16</td>
<td>Burials and cremations which are the Council's responsibility.</td>
<td></td>
</tr>
<tr>
<td>4.17</td>
<td>Exercise of the Council's powers as Trustee of any land held by the Council in trust for purposes within the Committee's remit, through a Management Committee where appointed.</td>
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<tr>
<td>4.18</td>
<td>Community Safety including Safer Runnymede</td>
<td></td>
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<td>4.19</td>
<td>Armed Forces Covenant</td>
<td></td>
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<tr>
<td>4.20</td>
<td>Yellow Bus Scheme</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Planning</th>
<th>Fifteen Members of the Council</th>
<th>5.1</th>
<th>All functions under the Planning Acts or any other function of the Council as Local Planning Authority except property management, acquisition and disposal.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>5.2</td>
<td>Building Control and dangerous and dilapidated buildings and structures.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5.3</td>
<td>Car parking standards and general strategy, but not provision or management of specific parking, or car park charges.</td>
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<td></td>
<td></td>
<td>5.4</td>
<td>High hedges under part 8 Anti-Social Behaviour Act 2003.</td>
</tr>
<tr>
<td>Committee</td>
<td>Membership (Note: this may be varied by resolution of the Council)</td>
<td>Functions within Committee terms of reference</td>
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<td>-----------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>
| 6. Licensing | Eleven Members of the Council (The Committee may form Sub-Committees for discharge of any of its functions) | 6.1 All matters relating to the discharge by the Council of its licensing functions under the Licensing Act 2003.  
6.2 All functions of the authority which relate to licensing functions under the Licensing Act 2003, but are not licensing functions.  
6.3 Any non-licensing matter which is referred to the Licensing Committee under Section 7 (5) (b) of the Licensing Act 2003, subject (except in cases of urgency) to consideration of the report of any of the authority's other Committees which have responsibility for the matter concerned. |
| 7. Regulatory | Five Members of the Licensing Committee | 7.1 All licensing and registration functions of the Council which are neither within the terms of reference of the Licensing Committee nor committed to any other Committee.  
7.2 Busking and Street Entertainment Policy.  
7.3 Gambling Act 2005 & Policy.  
7.4 Public Charitable Collections.  
7.5 Hackney Carriage and private hire policies and procedures. |
| 8. Englefield Green | The Members of the Council for Englefield Green East and West Wards, together with the Mayor and Deputy Mayor (if lawful) and two residents’ representatives. | a) To make recommendations to the Council on annual and capital expenditure on the land known as Englefield Green leased from the Crown.  
b) To exercise the Council's powers and duties on all other matters relating to Englefield Green under the Crown lease |
<table>
<thead>
<tr>
<th>Committee</th>
<th>Membership (Note: this may be varied by resolution of the Council)</th>
<th>Functions within Committee terms of reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Standards and Audit Committee</td>
<td>Ten Members of the Authority</td>
<td>The functions set out in Article 8 of this Constitution.</td>
</tr>
<tr>
<td>10. Crime and Disorder Committee</td>
<td>The same as the Overview and Scrutiny Select Committee</td>
<td>The functions given to the Committee under section 19 and Schedule 8 of the Police and Justice Act 2006, including review or scrutiny of action taken by responsible authorities exercising crime and disorder functions and power to make reports thereon to the Council; For the avoidance of doubt these matters will normally include the Community Safety Strategy and the Safer Runnymede initiative</td>
</tr>
<tr>
<td>11. Overview &amp; Scrutiny Select Committee</td>
<td>Nine Members of the Authority</td>
<td>The functions set out in Article 6 of this Constitution</td>
</tr>
<tr>
<td>12. All Committees</td>
<td></td>
<td>Any licensing matter referred to the Committee under Section 7 (5) (a) of the Licensing Act 2003, subject except in cases of urgency to consideration of a report from the Licensing Committee.</td>
</tr>
</tbody>
</table>

**JOINT COMMITTEES**

Joint Committee for the oversight of delivery of Surrey Public Authority Services ("Surrey First")

One Member appointed by Runnymede Borough Council to Joint Committee comprising the Surrey local authorities and the Surrey Police Authority.

- oversee joint working arrangements of the Authorities;
- promote good working practice amongst the Authorities;
- appoint such task groups or sub-committees as it considers necessary;
- identify the range of services for inclusion in a Joint Venture Company ("JVC");
- approve the draft Articles and Memorandum of Association of the JVC;
- approve the draft revised Terms of Reference for the Joint Committee to provide for governance and oversight of the JVC, and manage the project budget.
<table>
<thead>
<tr>
<th>Surrey Police and Crime Panel</th>
<th>One Member appointed by Runnymede Borough Council to Joint Committee comprising the Surrey local authorities and two Independent Members.</th>
<th>Functions as set out in the Police Reform and Social Responsibility Act 2011.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Runnymede Joint Committee</td>
<td>Six members appointed by Runnymede Borough council and 6 Members appointed by Surrey County Council</td>
<td>The governance arrangements for the Joint Committee are appended</td>
</tr>
</tbody>
</table>
DRAFT Runnymede Joint Committee

Constitution

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Section 1 – Context and Purpose

Runnymede Joint Committee is a Joint Committee of Surrey County Council and Runnymede Borough Council and is set up under the provisions of Section 102 of the Local Government Act 1972. The Joint Committee aims to improve outcomes and value for money for residents in Runnymede by strengthening local democracy and improving partnership working within the Borough of Runnymede.

In addition to carrying out the functions previously performed by the Local Committee (Runnymede), the remit of the Joint Committee has been expanded in order to support the two councils in working together effectively.

Whilst the Joint Committee is responsible for making decisions relating to the delegated functions, the day-to-day operational arrangements relating to any particular function continues to be managed by the local authority having responsibility for that function.

By working together, the Joint Committee provides the opportunity to identify local solutions and seek to jointly deliver local government service improvements for the residents, businesses and visitors to Runnymede. Both councils will be proactive in bringing issues to the Joint Committee and seeking to deliver local priorities together.

The Joint Committee provides a single place for residents to engage with both authorities and a forum to debate cross cutting issues. Meetings of the Runnymede Joint Committee are held in public, and local people are able to participate during parts of the meeting as set out in Section 3 of this document.

This Constitution includes the standing orders that apply to the Joint Committee. These need to also be read in the light of the individual Constitutions of each of the two Councils which continue to apply as appropriate to decisions delegated by each relevant authority.

There will be a review by both authorities towards the end of the first 12 months of the operation of Joint Committee in order to determine if any changes should be made.
Section 2 – Functions and Funding

The scope and overall purpose of the Runnymede Joint Committee is as set out in Section 1. The general remit of the Joint Committee is set out below and the more specific delegated functions are outlined in later sections.

(A) General Remit

The general remit of the Runnymede Joint Committee is:

1. To identify and agree opportunities for the closer alignment of County and Borough services in Runnymede and provide a forum to debate cross cutting issues.

2. To make decisions on local services and budgets delegated to it by either Surrey County Council or Runnymede Borough Council.

3. To make comments on policy, strategy, services, priority community work, or other matters specifically referred to it by the County Council or the Borough Council.

4. To champion joint working and provide political oversight of key County and Borough partnership initiatives and strategies.

5. To seek solutions to local concerns relating to Council services under the remit of the Joint Committee.

6. To identify and set local priorities through an annual priority setting meeting.

7. To build community leadership, and provide opportunities for local engagement.

8. To ensure that local authority services within the Borough of Runnymede are carried out in accordance with both Surrey County Council’s and Runnymede Borough Council’s core values, policies, strategies and within approved budgets.
(B) Delegated Powers

The services identified below are delegated by Surrey County Council (SCC) or Runnymede Borough Council (RBC) as indicated, for decision making or consideration by the Runnymede Joint Committee, in accordance with the relevant legislation.

In discharging the delegated powers, the Runnymede Joint Committee must have due regard at all times to the approved policies, budgets and financial regulations of the Council delegating the functions, and act in accordance with Standing Orders at Section 3 of this Constitution.

Set out below is a list of the functions that are delegated to the Runnymede Joint Committee. Additional functions and matters for determination may be delegated to the Committee in the future if agreed by both local authorities, which will then form part of an amended Constitution, which shall need Member approval before both Councils so that their respective Constitutions are duly updated to reflect such changes. The SCC Partnership Committee Officer will maintain a record of all additional delegated functions and will ensure that any such additions are reported to the Joint Committee at the next meeting after the delegation takes place.

Executive Functions delegated by Surrey County Council

In relation to the Borough of Runnymede the Joint Committee will take decisions delegated to it by the SCC Cabinet on the following local services and budgets, to be taken in accordance with the financial framework and policies of the respective Councils and within agreed performance and resources:

(i) Changes which amount to more than 15% in the hours of opening for local libraries (whether managed directly by Surrey County Council or under a community partnership agreement.) (SCC)

(ii) Community safety funding that is delegated to the Joint Committee from Surrey County Council (SCC).

(iii) Decisions in relation to highways and infrastructure:

a. The allocation of the Surrey County Council highway capital budget and highway revenue budget which are devolved to the Joint Committee for minor highway improvements and highway maintenance within the Committee’s area including the scope to use a proportion of either budget to facilitate local highways initiatives (SCC).

b. To allocate funds to review on-street parking management, including local on-street parking charges where appropriate and to approve the statutory advertisement of Traffic Regulation Orders (TROs) relating to on-street parking controls (SCC).

c. To agree local speed limits on County Council roads within its area, and to approve the statutory advertisement of speed limit orders, taking into account the advice of the Surrey Police Road Safety and Traffic Management Team and with regard to the County Council Speed Limit Policy (SCC).

d. To approve the statutory advertisement of all legal orders or appropriate notifications relating to highway schemes within the delegated powers of the Joint Committee (SCC).

e. Where, under delegated powers, the Parking Strategy and Implementation Team Manager or Highways Area Team Manager has chosen to refer the decision on whether a TRO should be made to the Joint Committee, the Committee will make that decision (SCC).

f. To consider applications for stopping up a highway under section 116 of the Highways Act 1980 when, following the consent of RBC, unresolved objections have been received during the period of
(iv) Decisions on funding when a budget is allocated to the Joint Committee by Surrey County Council’s Cabinet. (SCC)

Non-Executive Functions delegated by Surrey County Council

The Joint Committee will deal with all those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except for those separately referred to in the County Council’s Scheme of Delegation (or within the terms of reference of other Committees).

Decisions delegated by Surrey County Council and Runnymede Borough Council

Apportion any resources for Early Help services in accordance with the approved local Early Help priorities that may be delegated to the Joint Committee by Surrey County Council and/or Runnymede Borough Council, in relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Runnymede Borough Council (SCC/RBC).

Service Monitoring and Issues of Local Concern - advisory functions

The Joint Committee will play an important advisory role in shaping the development and delivery of services locally across both authorities. It will:

(i) Act as a one stop shop for residents to engage with both authorities, debate cross cutting issues, raise issues of concern and seek to influence the respective Councils in the light of local need.

(ii) Monitor formal decisions taken by officers under delegated powers and provide feedback to improve service standards.

(iii) Be consulted on any issues referred to it by either Council or produce responses as appropriate.

The Joint Committee may:

(i) Consider the use of developer infrastructure funding in regard to proposed and planned strategic infrastructure schemes, identifying common objectives and supporting the pursuit of joint funding bids whether wholly or partly in Runnymede.

(ii) Influence the development of a joint vision for the place shaping agenda including regeneration and town centre management.

(iii) Influence the development of the Family Support Programme in Runnymede and monitor its performance. Provide political oversight and advice to the Early Help Advisory Board and advise on priorities for the Early Help offer locally.

(iv) Consider the more effective use of existing public sector property assets in the borough and the potential opportunities that may exist for development where this could be in the mutual interest of both authorities where expediency allows.

(v) Review and influence any new proposals for on and off street parking and enforcement locally including the use of budgets.

(vi) Influence priorities for the provision of integrated Health and Social Care and Older People’s Services locally.

(vii) Influence action plans for the deprivation task groups established within the borough.

(viii) Facilitate partnership work with schools, Multi Academy Trusts, governors and other partners to promote high educational standards and the fulfilment of potential for all children locally.
(C) **Funding**

(i) With regards to budget setting and planning, Surrey County Council and Runnymede Borough Council will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.

(ii) **Provision of venue:**
The meetings will normally be held in Runnymede Borough Council venues, unless alternative arrangements are jointly agreed with Surrey County Council.

(iii) **Committee management:**
Committee management and associated costs for the Joint Committee will be provided by Surrey County Council.

(iv) Any members’ costs and expenses resulting from the Joint Committee (including those in relation to Chairman and Vice Chairman roles) will be funded and administered by their respective authorities.

(D) **Withdrawal from the Joint Committee**

The operation of the Joint Committee will be reviewed by both authorities after the first 12 months. At this point or at any future point either Council may give 6 months’ notice in writing of their intention to withdraw from the Committee and return to operating as a SCC Local Committee under the SCC Constitution.
1. MEMBERSHIP AND ATTENDANCE OF MEMBERS AT MEETINGS

1.1. Membership of the Runnymede Joint Committee shall be all county councillors with electoral divisions in Runnymede, one Surrey County Council Cabinet Member (who may also be a county councillor with an electoral division in Runnymede), and an equivalent number of borough councillors who should be politically proportionate to the Borough Council. At least one borough councillor shall be a member of the Council’s Corporate Management Committee. If there is no Surrey County Council Cabinet Member with an electoral division in Runnymede the County Council shall appoint a specific Cabinet member to the Runnymede Joint Committee and the Borough Council would be entitled to appoint an additional borough councillor representative on the Joint Committee to ensure equity.

1.2. No substitutes shall be permitted for the members on the Joint Committee. Members will be appointed to the committee at the first business meeting of the respective Council at the start of each municipal year. All borough and county councillors on the Joint Committee will have equal voting rights on all issues being considered.

1.3. A person shall cease to be a member if he/she ceases to be a member of the County Council, a member representing an electoral division in Runnymede or the relevant Cabinet Member, or in the case of a member of the Borough Council, ceases to be a member of that Council, or the relevant Corporate Management Committee Member or resigns from the Runnymede Joint Committee.

1.4. Surrey County Council or Runnymede Borough Council may, through their respective Councils, co-opt representatives from the voluntary sector, public authorities or businesses in Runnymede onto the Joint Committee. These representatives will be able to take part in discussions on agenda items, but will not be able to vote on any item for decision.

1.5. Any Surrey County Councillor or Runnymede Borough Councillor may attend the meeting of the committee and, with the Chairman’s consent, speak on the matter or provide written representation.

2. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

2.1. From 2018/2019 Municipal Year, the offices of Chairman and Vice-Chairman shall alternate between the two Councils every year, with the County Council providing the Chairman in 2018/19. If the appointed Chairman is representing Surrey County Council, the Vice-Chairman must be a Runnymede Borough Council representative and vice-versa with the appointments made in accordance with each authority’s usual procedures.

2.2. The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Runnymede Joint Committee, continue in office until a successor is appointed. If a Chairman or Vice-Chairman does not complete a full term of office, a further member from the same Council shall be appointed for the remainder of that term in accordance with each authority’s usual procedures.

2.3. In the absence of the Chairman and the Vice-Chairman at a meeting, the members of the Committee shall elect a chairman for that meeting.

3. MANAGEMENT OF THE COMMITTEE

3.1. The County Council’s Community Partnerships Team shall act as the Committee Manager for the Runnymede Joint Committee and shall be responsible for preparing and circulating agendas for meetings, advising on constitutional matters and for producing the decisions and minutes.
4. FORMAL MEETINGS

4.1. There shall be between 4 and 8 formal meetings of the Runnymede Joint Committee each year as determined by the Chairman and Vice-Chairman and as set out in the calendar of meetings published on the council’s website.

4.2. The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Runnymede Joint Committee to consider a matter that falls within its remit but cannot await the next scheduled meeting, provided at least five clear working days notice in writing is given to the Committee Manager.

4.3. Formal meetings of the Joint Committee and its sub-committees shall be held in public except when exempt or confidential information is being considered and the press and public can be excluded in accordance with the Local Government Act 1972.

4.4. Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

5. DELEGATED POWERS

5.1. The delegated powers mean those powers to be discharged by the Runnymede Joint Committee as set out in Section 2(B) of this Constitution.

5.2. The Runnymede Joint Committee shall discharge the delegated powers within the budgetary and policy framework set by Surrey County Council in the case of county functions or by Runnymede Borough Council in the case of borough functions.

5.3. When discharging the delegated powers the Runnymede Joint Committee shall take decisions only after taking into account advice given in writing or orally from relevant officers of Surrey County Council or of Runnymede Borough Council as appropriate, including legal, financial and policy advice.

5.4. If the Joint Committee is to make a key decision delegated to it by either Surrey County Council Executive or Runnymede Borough Council, then the Joint Committee must follow the constitution of the authority delegating the decision, including publishing it in the monthly forward plan in the case of Surrey County Council.

6. OVERVIEW AND SCRUTINY

6.1. Executive decisions made by the Runnymede Joint Committee which are delegated from Surrey County Council are subject to scrutiny in accordance with Surrey County Council’s constitution.

6.2. The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their ‘call-in’ function shall be in accordance with the Constitutions of Surrey County Council or Runnymede Borough Council depending on which authority delegated the decision in question.

Call In of Joint Committee Decisions

6.3. The SCC Cabinet or RBC Overview and Scrutiny Select Committee may, dependent on which Council delegated the function or resources, require referral, for review and final determination any decision (other than Surrey County Council Non Executive Functions), taken by the Joint Committee, which has significant policy or budgetary implications or is outside of the authority delegated to the Joint Committee, subject to notice of requirement for referral being given within 5 working days of publication of the decision.

6.3.1 Notice of referral may be given by the Leader or Deputy Leader of the relevant authority, or two or more members of the SCC Cabinet or RBC Overview and Scrutiny Select Committee as appropriate.

6.3.2 All members of the Joint Committee will be notified that a decision taken by the Committee has been required for referral by SCC Cabinet or RBC Overview and Scrutiny Select Committee.
6.3.3 The decision will be considered by the SCC Cabinet or RBC Overview and Scrutiny Select Committee at its next appropriate meeting in discussion with the Joint Committee Chairman and Vice-Chairman and no action will be taken to implement it in the meantime.

6.3.4 The Joint Committee Chairman or Vice-Chairman may attend the SCC Cabinet or RBC Overview and Scrutiny Select Committee meeting, as appropriate, for the consideration of the matter and speak on the item.

6.3.5 The SCC Cabinet or RBC Corporate Management Committee (further to the recommendation from the RBC Overview and Scrutiny Select Committee) may accept, reject or amend the decision taken by the Joint Committee. A report on the decision taken by the Cabinet or Corporate Management Committee will be made to the next appropriate meeting of the Joint Committee, and to all the Members of either Surrey or Runnymede Borough Council, as appropriate, for information.

The following general provisions apply to the consideration of all matters within Runnymede Joint Committee’s remit.

7. NOTICE OF MEETING

7.1. The date, time and place of the fixed meetings of Runnymede Joint Committee will be accessed through both the Surrey County Council and Runnymede Borough Council websites. The notice, agenda, reports and other documents prepared for the Runnymede Joint Committee will be posted on the Surrey County Council website (with links from the Runnymede Borough Council website) and sent to Members of the Committee not less than five clear working days before the date of the meeting.

7.2. Only the business on the agenda will be discussed at a meeting of the Runnymede Joint Committee except for urgent matters raised in accordance with the provisions in Section 100B(4)(b) of the Local Government Act 1972.

8. SPECIAL MEETINGS

8.1. A special meeting of the Runnymede Joint Committee will be convened to consider specific matters within its terms of reference at the discretion of the Chairman, or the Vice-Chairman in his/her absence. At least five clear working days’ notice of a special meeting must be given.

9. AGENDAS


9.2. Agendas for meetings of the Runnymede Joint Committee shall be published by the SCC Committee Manager five clear working days in advance of a meeting, and copies will be made available via the County Council and Runnymede Borough Council websites.

9.3. Members of the Runnymede Joint Committee may suggest items for inclusion in the agenda within its remit. These will be added to the forward programme in consultation with the Chairman and Vice-Chairman of the Runnymede Joint Committee.

10. DECISIONS AND MINUTES

10.1. The decisions from the meeting shall be published on the County Council’s website, with links from the Runnymede Borough website, within three clear working days of the Committee.

10.2. The minutes of a meeting shall be published on the County Council’s website, with relevant links, as soon as is reasonably practicable.
10.3. At the meeting, the Chairman will move the formal motion “That the minutes of the last meeting be confirmed and signed by the chairman” and there may only be discussion if there is disagreement about their accuracy which will be resolved by a vote as detailed in Section 24 of this document.

10.4. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of signing of minutes.

11. CONFIDENTIALITY OF PAPERS

11.1. All Members must respect the confidentiality of any papers made available to them for the purpose of meetings of the Runnymede Joint Committee or otherwise for so long as those papers remain confidential.

12. QUORUM

12.1. The Chairman will adjourn the meeting if there is not a quorum present.

12.2. The quorum will be four voting members, two from Surrey County Council and two from Runnymede Borough Council.

13. MEMBER QUESTIONS TO THE RUNNYMEDE JOINT COMMITTEE

13.1. Any Member of either Council may, with the Chairman’s consent, ask one or more questions on matters within the Constitution of the committee.

13.2. Notice of questions must be given in writing to the SCC Community Partnerships Team by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.

13.3. Questions may be asked without notice if the Chairman decides that the matter is urgent.

13.4. Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.

13.5. Every question will be put and answered without discussion.

13.6. Copies of all questions will be circulated to Members before the start of the meeting.

13.7. Questions may be answered orally or in writing.

13.8. If the Chairman is unable to answer any question at the meeting he/she may send a written answer to the Member asking the question.

13.9. At the discretion of the Chairman, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original.

13.10. A record of all questions and answers will be included in the minutes of the meeting.

14. PUBLIC PARTICIPATION IN RUNNYMEDE JOINT COMMITTEE

14.1. PETITIONS

14.1.1. Any member of the public who lives, works or studies in the Runnymede Borough area may present a petition, containing 30 or more signatures or at the Chairman’s discretion, relating to a matter within the Constitution of the Committee. The presentation of a petition on the following business will not be allowed:

14.1.1.1. matters which are “confidential” or “exempt” under Part VA of the Local Government Act 1972;
14.1.1.2. planning applications and planning policy and licensing and/or regulatory matters; and

14.1.1.3. matters in relation to a public rights of way under consideration by the Joint Committee.

14.1.2 A spokesperson for the petitioners may address the committee on the petition for up to 3 minutes or longer if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the committee or to the SCC Cabinet, Cabinet Member, RBC Corporate Management Committee or relevant committee of either SCC or RBC at the discretion of the Chairman.

14.1.3 Notice must be given in writing to the SCC Community Partnerships Team at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through Surrey County Council’s e-petitions website as long as the minimum number of signatures has been reached 14 days before the meeting.

14.1.4 No more than three petitions may be presented at any one meeting of the committee unless agreed otherwise by the Chairman.

14.1.5 The Community Partnerships Team may amalgamate within the first received petition other petitions of like effect on the same subject.

14.1.6 The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman's discretion.

14.2. PUBLIC QUESTIONS AND STATEMENTS

14.2.1 At the start of any ordinary meeting of the Committee, any member of the public who lives, works or studies in the Runnymede Borough area may ask one question or make a statement relating to a matter within the Committee's Constitution. The Chairman may alternatively permit the question to be asked or the statement to be made at the start of an item on the agenda which it relates to.

14.2.2 Questions or statements will not be allowed on matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985 or on planning applications or on rights of way matters under consideration.

14.2.3 Notice of questions or statements must be given in writing or by email to the SCC Community Partnerships Team with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.

14.2.4 The Community Partnerships Team may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be made available for members of the Joint Committee and any member of the public in attendance.

14.2.5 Questions and statements will be taken in the order in which they are received by the SCC Community Partnerships Team. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.

14.2.6 Following any initial reply to a question, one or more supplementary question/s in relation to the response provided may be asked by the questioner at the discretion of the Chairman. The provision of answers to supplementary questions being asked and any discussion of these questions will be at the discretion of the Chairman.
14.2.7 The total number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman. The Chairman may decide that questions or statements can be held over to the following meeting, or dealt with in writing and may disallow questions or statements which are repetitious.

14.2.8 When dealing with an item in which public participation has occurred, the Chairman shall clarify the point at which public participation concluded and the Committee’s formal discussion and decision making of the item is taking place.

14.3. PUBLIC SPEAKING IN RELATION TO RIGHTS OF WAY

14.3.1 Rights of Way application decisions are quasi-judicial decisions. They are therefore subject to specific rules. The reason for the rules about public speaking reflect the right of all individuals to a fair hearing.

14.3.2 Members of the public and their representatives may address the Runnymede Joint Committee on any applications relating to public Rights of Way being considered by the committee.

14.3.3 Speakers must first register their wish to speak by telephone or in writing to the Community Partnerships Team by 12 noon one working day before a meeting stating on which item(s) they wish to speak.

14.3.4 Only those people who have previously made written representations in response to a Rights of Way application will be entitled to speak.

14.3.5 Speakers must declare any financial or personal interest they may have in the application.

14.3.6 Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.

14.3.7 The time allowed for public speaking will be limited to 15 minutes overall for objectors and 15 minutes overall for supporters per item, and to 3 minutes per speaker.

14.3.8 Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.

14.3.9 No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.

14.3.10 Speeches will precede the Committee’s formal discussion on each application requiring the committee’s attention.

14.3.11 The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the Committee.

15. RIGHT TO SPEAK AT COMMITTEE

15.1 A Member of the Joint Committee may speak on any business on the published agenda of the committee. Matters not relevant to the business on the agenda will be not permitted.
15.2 A Member may only speak once on a motion and amendment except:

15.1.2 The mover may reply to the debate but, in doing so, may only answer statements and arguments made in the course of the debate. He/she may not introduce any new matter;

15.1.3 The mover of a motion may speak during the debate on any amendment to the motion;

15.1.4 A Member who has already spoken may speak on a point of order or may, at the Chairman’s discretion, explain any statement made by him/her which he/she believes has been misunderstood;

15.1.5 The Chairman may speak before the mover of the motion or amendment replies to the debate.

15.1.6 A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately and reserves his/her right to speak later.

16. RELEVANCE

16.1 Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.

17. POINTS OF ORDER

17.1 Any Member wishing to raise a point of order must say at the outset the Standing Order or rule of debate which he/she believes has been infringed. Every point of order will be decided immediately by the Chairman whose decision will be final.

18. LENGTH OF SPEECHES

18.1 Except with the consent of the Chairman, the following time limits will apply to speeches:

(a) The mover of a motion or an amendment. (5 minutes)
(A Member may not speak for more than five minutes unless he/she has a seconder).

(b) The mover of a motion either speaking to an amendment or replying to the debate. (3 minutes)

(c) The mover of an amendment replying to the debate on the amendment. (3 minutes)

(d) The seconder of a motion or an amendment. (3 minutes)

(e) A Member speaking on a report or in a debate. (3 minutes)

19. AFTER REPLY DEBATE IS CLOSED

19.1 After the reply is made, the motion or amendment under discussion will be put from the Chair.

20. PROCEDURE FOR MOTIONS AND AMENDMENTS

20.1 Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing to the Community Partnerships Team and read aloud before it is put to the meeting.

20.2 A Member may not move or second more than one amendment on any motion.
20.3 Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Committee.

20.4 With the consent of the Committee a Member may:

20.4.1 Alter a motion of which he/she has given notice; or

20.4.2 With the consent of his/her seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under the following Standing Order).

21. AMENDMENTS

21.1. Every amendment must be relevant to the motion under discussion and will either:

21.1.1 Leave out words

21.1.2 Add words, or

21.1.3 Leave out words and add others.

21.2 An amendment which forms the negative of the motion will not be allowed.

21.3 Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the Chairman decides otherwise.

21.4 If an amendment is defeated, other amendments may be moved on the motion.

21.5 If an amendment is carried, the motion as amended will become the substantive motion on which further amendments may be moved.

22. PROCEDURAL MOTION

“That the question be now put”

22.1 Any Member may, at the close of the speech of another Member, move “That the question be now put”.

22.2 If he/she considers that there has been adequate debate, the Chairman may put the motion “That the question be now put” without debate. If the motion is carried:

(a) The Chairman may speak to the motion or amendment under debate, if he/she has not already spoken; and

(b) The mover of the motion or amendment may reply.

22.3 The motion or amendment will then be put.

23. INTERRUPTIONS AND DISORDERLY CONDUCT

23.1 If a member of the public interrupts the proceedings at a meeting the Chairman may ask him/her not to interrupt.

23.2 If the interruption continues the Chairman may order his/her removal from the room.

23.3 If there is general disturbance in all or part of the public gallery the Chairman may order that part to be cleared.

23.4 If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the Chairman, “That the named Member be not further heard”. If this motion is seconded it will be put to the vote and determined without discussion.
23.5. If the motion is carried and the misconduct continues the Chairman may adjourn or suspend the sitting of the Committee for as long as he/she considers appropriate.

24. VOTING

24.1. Voting will be by show of hands unless a Member demands a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment will be recorded and entered in the minutes.

24.2. On a formal motion put from the Chairman (e.g. “That the report be received”), the question may be decided by the voice of the Members, unless any Member demands a show of hands.

24.3. If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.

24.4. The person presiding at the meeting, having already voted, may in the event of a tie exercise a casting vote by way of a second vote.

25. MEMBERS’ CODE OF CONDUCT

25.1. Members are bound by the Code of Conduct of the authority which appointed them to the Runnymede Joint Committee and should particularly observe the provisions of their respective Codes concerning the declaration of interests when attending meetings of the Runnymede Joint Committee.

26. INTERESTS OF MEMBERS

26.1. At any meeting where a Member becomes aware that a matter under consideration relates to:

26.1.1 One of their interests that they must disclose in accordance with their respective Council’s Codes not already entered on the relevant Council’s register and/or

26.1.2 the donor of any gift and/or hospitality they have accepted and not yet entered on the relevant Council’s register the Member must disclose the interest to the meeting and, within 28 days, notify this to either the County Council’s Monitoring Officer in the case of County Councillors or the Borough Council’s Monitoring Officer in the case of Borough Councillors for inclusion in the register.

27. PARTICIPATION IN RELATION TO DISCLOSABLE PECUNIARY INTERESTS

27.1. A Member with a disclosable pecuniary interest in any matter must:

27.2. not participate in any discussion or vote relating to the matter;

27.2.1 Withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting;

27.2.2 Not exercise functions in relation to that matter; and

27.2.3 Not take any steps in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them) unless he/she has obtained dispensation from either Monitoring Officer for their Authority or the County Council’s Audit and Governance Committee for County Councillors or the Borough Council’s Standards and Audit Committee.

28. ATTENDANCE OF MEMBERS

28.1. Members will sign a register of attendance.

29. EXCLUSION OF THE PRESS AND PUBLIC

29.1. The Runnymede Joint Committee may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of
the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure of Exempt or Confidential information as defined by the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

30. **SUB-COMMITTEES AND TASK GROUPS**

30.1. The Runnymede Joint Committee may appoint:

30.1.1 Sub-Committees with power to act to discharge any of its functions as agreed by the Joint Committee.

30.1.2 Task Groups which cannot make decisions but may consider specific matters and report back to a future meeting of the Runnymede Joint Committee.

31. **CONDUCT AT MEETINGS**

31.1. The conduct of meetings and the interpretation of these Standing Orders are at all times a matter for the Chairman of the meeting whose ruling is final.
CONCEPT AND LAYOUT OF THE SCHEME

- The Schedule starting on page 58 is the prime component of the Scheme. It defines the functions which must be exercised at Committee level, or be recommended to Council.

- Functions not listed for Council or Committee may be exercised by the Officer (or Officers) identified from Annex 1.

- There are some specific delegations identified in Annexe 2 which will be exercised by Officer(s) specified.

- Where under this Scheme a function may be exercised by an identified Officer, the function may also be exercised by any Officer on the identified Officer’s staff acting within arrangements authorised by the identified Officer. The Council authorises such Officers to act accordingly.

- Annexe 3 sets out guidance to Officers for informing and consulting Members, and requires specific consultation for some functions. The Schedule and Annexe 2 are subject to Annexe 3. However consultation or agreement with others is only a prerequisite for the exercise of the function if expressly mentioned in Annexe 1 or 2.

- Annexe 4 sets out the Council’s Consultation guidance as a matter of guidance to Committees, Sub-Committees, and Officers.

USE OF THE SCHEME

If a decision includes any matter which is a Committee responsibility it must be taken by the Committee and not by an Officer.

An Officer may ask Committee to decide any matter, even if he or she has the power, if he or she considers it appropriate on the basis of political or public interest, or for any other reason. He or she should also refer a matter to Committee if there is any doubt as to whether it is within the range of functions committed to Officers.

Committees may delegate additional specific matters to Officers, and with the approval of Council may reserve additional matters to themselves.

OFFICERS MUST BEAR IN MIND THE POSSIBLE NEED TO INFORM OR CONSULT MEMBERS, AS DESCRIBED IN ANNEXE 3, AND THE GENERAL CONSULTATION GUIDANCE IN ANNEX 4.

INFORMATION REPORTS

Committees may decide what reports they want from Officers on the exercise of delegated functions. In any case, Officers must report at suitable intervals on the progress of projects or other action initiated by the Committee.

DEFINITIONS

In this Scheme, “policy” or “policies” refers to matters of general principle for exercising a function, the setting of conditions or limitations on the way in which it is to be exercised, the setting of matters to be taken into account in exercising it, and the setting of particular objectives and/or targets for its exercise. These expressions do not include the making of decisions on individual matters within whatever criteria are set.

If any decision raises a new issue of policy, the Officer concerned must make a report to the appropriate Committee and ask it to consider the policy before taking the decision, with Council approval if necessary.

Officers’ general powers and duties
To avoid any doubt, provided budgetary provision is available, Officers are instructed and authorised to:

- Do all things necessary to manage the Council’s finances and property in accordance with the law and Council policy (including Financial Regulations);

- Do all things necessary to manage the Council’s staff in order to discharge the Council’s functions, in accordance with the law and Council policy;

- Do all things necessary to conduct the Council’s office administration efficiently, in accordance with the law and Council policy;

- Do all things necessary to maintain the Council’s property and equipment in accordance with the law and Council Policy;

- Take any administrative or practical step necessary for the implementation of any Council or Committee decision;

- Alter fees and charges within a financial year, notwithstanding the fact that they might have been approved with the budget, to respond to market conditions, changes in tax or other legislation, or for other sufficient cause, provided that no adverse budgetary consequences are anticipated. For the avoidance of doubt this includes power to set promotional prices and incentives.

- Respond to any matter (except development proposals) on which the Council is consulted and which does not raise any new issues of policy;

- Exercise any power or duty of the Council to take action for the safety, health or protection of people or property;

- Serve notices exercising statutory powers or duties, in accordance with any relevant Council policy, as the need may arise (unless listed below for a Committee);

- Respond or serve counter-notice to any formal notice served on the Council;

- Enter into contracts as necessary to implement the Council’s agreed decisions and policies, subject to budgetary provision and provided the contract raises no new issues of principle. Except as provided in Standing Orders for Contracts, this function is exercisable only by the Corporate Head of Law and Governance, subject to appropriate discussion with staff of other departments.

- Recover costs, debts, or other money due to the Council where the Council is authorised to do so under any enactment, provided that the Chief Officer of the service involved considers it reasonable to do so;

- Take and defend legal proceedings where necessary to protect the Council’s interests, recover money or compensation due to the Council, or enforce a regulatory power within Council policy, provided the Corporate Head of Law and Governance believes that there is a good chance of success, and save that if the Council’s own costs of the action are likely to exceed five thousand pounds, specific authority must be obtained. This authority includes any proceedings of any description in any Court. Proceedings may be settled or compromised without Committee authority provided that the total cost to the Council does not exceed five thousand pounds.

- The Assistant Chief Executive and Corporate Head of Law and Governance are authorised under Section 223 of the Local Government Act 1972 to authorise such named Officers as they see fit to take proceedings in the Magistrates’ Court to recover Council Tax and National Non-Domestic Rates.

- Administer formal cautions within any guidelines approved by the Council;

- Serve notice requiring information where required for any Council function.

If there is a conflict between this list and the Schedule, this list prevails.
SCHEDULE

MATTERS RESERVED TO COMMITTEE OR COUNCIL

The purpose of this Schedule is to define what has to be decided at Member level. It is not to define the Committees’ terms of reference, which may be wider than the matters listed below. The Terms of Reference are set out in an earlier section, starting on page 31.

The following functions must normally be handled by Committee, Sub-Committee, or Council. The Terms of Reference set out earlier indicate which Committee or Sub-Committee has responsibility. Most matters can be dealt with by the appropriate Committee or Sub-Committee. Under the Constitution, there are some matters in which full Council must normally take the decision. As a guide only, the asterisks below are intended to identify these.

To avoid doubt, any function delegated to an Officer in the Scheme of Delegation to Officers dated January 1998, as amended from time to time, is still exercisable by the appropriate Officer ascertained from this Constitution.

General

1.1 Any matter reserved to the full Council by Article 4 of the Constitution;*one of the effects of this is that full Council must consider matters of policy going beyond the terms of reference of a single committee;

1.2 The setting of charges for the exercise of any function (except as listed above under “Officers’ General Powers and Duties”);

1.3 Any matter where the law states that Committee/Council must make the decision;

1.4 Financial or business planning for any function.

1.5 The setting of policy, subject to any specific delegation to Officers

1.6 Corporate Business Plan*

Specific functions

2 Staff

2.1 Any proposal which will result in a reduction in staffing numbers by virtue of compulsory redundancy* or which has an additional budgetary impact (budgetary impact in excess of £50,000 must be recommended to Full Council)*.

2.2 The corporate management structure*.

2.3 Pay Policy statement*

3 Finance

3.1 Approval of revenue estimates and annual budget* (but not including the Council Tax base).

3.2 Approval of Capital Programme*

3.3 Capital Estimates up to £250,000. Capital estimates over £250,000 must be recommended to Full Council (as a general principle, the Corporate Management Committee will approve a capital estimate only when it is content to authorise a project to proceed, though the Council may earlier have included the proposal in the capital programme). This does not apply to property transactions. Refer to standing orders for acquisition and disposal of property.

3.4 Revenue and capital expenditure forecasts.

3.5 Financial Regulations*.

3.6 General financial management policy
3.7 Approval of supplementary revenue/capital estimates up to £250,000. Only Supplementary estimates over £250,000 must be recommended to Full Council. The Housing Committee can agree any HRA related supplementary estimate up to £100,000 providing there are sufficient HRA working balances in the relevant financial year. Any expenditure above this amount and all General Fund expenditure must be referred to Corporate Management Committee for approval.

3.8 Annual Investment Strategy if changed after prior approval*

3.9 Treasury Management Strategy* and Treasury Annual Report*

3.10 Financial Forecast*

3.11 Statement of Accounts

3.12 Virements within limits specified in Financial Regulations

3.13 Variations to capital programme up to £250,000. Variations over £250,000 must be reported to Full Council

3.14 Borrowing limits*.

3.15 The writing off of debts exceeding £15,000 for any one matter.

3.16 The charge to be made for any service, so far as not delegated to an Officer (as to which see above under “Officers’ General Powers and Duties”)

3.17 Members Allowances and appointment of Independent Remuneration Panel*

3.18 Appointment of external auditors *

4 Real Property

4.1 Property Investment Strategy (including any changes to rates of return and yields)*

4.2 All property transactions, subject to borrowing approval being in place, and if no borrowing approval in place the decision be made by Full Council. Refer to standing orders for Acquisition and Disposal of property.

4.3 Except for sales of council houses and DIYSO properties

- The appropriate Committee must approve disposal of land exceeding £100,000 in value with disposal of land below a value of £100,000 delegated to Officers;
- The appropriate Committee must approve the Grant of Rights exceeding £100,000 in value with Grant of Rights below a value of £100,000 delegated to Officers;
- The appropriate Committee must grant any lease for a term in excess of 10 years with a grant of any lease for under 10 years delegated to Officers;
- The appropriate Committee must grant any lease where the annual rent is in excess of £100,000 and grant of any lease where annual rent is below £100,000 be delegated to Officers.

4.4 The form of any proposed development or redevelopment of Council land.

4.5 Deciding or changing the purpose for which a particular property is to be held.

5 General administration

5.1 Corporate organisation and structure, including Terms of Reference of Committees and Calendar of Meetings*.

5.2 Information Systems Strategy and Information and Communication Strategy.

5.3 Procurement or replacement of IT equipment and software exceeding £20,000 in value.
5.4 Replacement of CCTV and other Safer Runnymede equipment if the value expended exceeds the remaining balance of contributions to the Equipment Replacement Reserve.

5.5 Procurement of goods, works, or services where Standing Orders require a Committee report.

5.6 Making and amendment of Standing Orders*, except where necessary only for legal compliance.

5.7 Response to Government and other consultations involving new issues of policy.

5.8 Any function exercisable by the Council as Trustee, if it would be a Committee matter for a function exercisable in the Council’s own right.

5.9 Risk Management Policy & Strategy

6 Grant aid

6.1 The award of Grant Aid of any description exceeding £10,000 in value in one financial year.

7 Council, social, and affordable housing


7.2 The formulation of initiatives to meet affordable housing targets.

7.3 Rents and rent policy.

7.4 Scheme for the allocation of Housing accommodation and the determination of priorities between individuals and groups, but not the making of minor amendments

7.5 Programmes for improvement of Council housing stock.

7.6 Strategies for housing and assisting the homeless.

7.7 New build.

7.8 The approval of projects to be undertaken with other bodies

8 Community Services

8.1 Provision of new land or premises.

8.2 Improvement of facilities to a cost greater than £20,000.

9 Matters relating to Highways

9.1 Comment on County Highways policy.

9.2 Approval of input to Local Transport Plan, and funding bids relating to it.

9.3 Comment on schemes of the County Council or DETR when consulted.

9.4 Control of trading on the highway, except enforcement.

All other highway-related functions may be exercised by Officers, subject to any special conditions set

10 Car Parks

10.1 Car park provision and the making and amendment of off-street parking places orders, except consolidation orders.
11 Drainage

11.1 Approval of land drainage improvement schemes where the cost exceeds £20,000

12 Leisure Services

12.1 Provision of new premises, land, parks or open spaces.

12.2 Improvement of facilities to a cost greater than £20,000.

13 Appointments

13.1 Power to make and revoke appointments to any body or partnership or joint working Group as envisaged by Article 10 in connection with the discharge of any function unless specifically delegated to Officers.

14 Waste Management

14.1 Waste Management Action Plan

15 Audit

15.1 Annual report on Internal Audit

16 Licensing and Registration

16.1 Note: by statute, the Licensing Committee has exclusive responsibility for licensing matters under the Licensing Act 2003. Any delegations to sub-committees or Officers are for that Committee alone and are set out in the Council’s Licensing Policy. In the event of any conflict on 2003 Act licensing matters with the provisions below, the Licensing Policy prevails.

16.2 Approval of standard licence or registration conditions and procedures for any matter under the relevant Committee’s Terms of Reference. (Note: this does not prevent the appropriate Committee or Officer from varying such conditions or imposing special conditions where they see fit on individual cases.

16.3 The determination of licensing or other applications requiring a hearing by virtue either of legal requirements or of any procedure adopted by the authority.

16.4 Licensing Policy*

16.5 Gambling Policy

16.6 Hackney Carriage and Private Hire Policy

17 Elections

17.1 Appointment of an Electoral Registration Officer*

17.2 Appointment of a Returning Officer for Local Government Elections*

17.3 Representations to Local Government Commission or Boundary Commission and comment on proposals affecting electoral areas.

17.4 Approval of Polling Districts and Polling Places (except in case of emergency).

17.5 Changes in rates of pay for Presiding Officers and Poll Clerks in Local Government Elections outside the annual cost of living settlement.

18 Name and status of area and individuals

18.1 Power to change the name of a district*

18.2 Power to confer the title of honorary alderman or to admit a person as honorary freeman*
19 Miscellaneous Statutory and Regulatory Functions

19.1 Application of Schedule 2 to the Noise and Statutory Nuisance Act 1993 to the area

19.2 Power to make, amend, revoke or re-enact bylaws under any legislation*

19.3 The adoption of standards for houses in multiple occupation (but not their waiver or amendment in individual cases)

19.4 Power to promote or oppose local or personal Bills*

19.5 The determination of appeals against decisions made by or on behalf of the authority, unless specifically delegated to Officers

19.6 Functions in relation to the Local Government Pension Scheme, including functions relating to the award of discretionary payments in cases of redundancy, etc.

19.7 Power to make closing orders with respect to premises where meals or refreshments are supplied for consumption off the premises

19.8 Duty to approve authority’s statement of accounts, income and expenditure and balance sheet

20 Standards and Audit Committee

20.1 The whole of the Committee’s functions except for those matters expressly delegated to the Monitoring Officer.

21 Crime and Disorder Committee – explanatory note

21.1 The Committee has no power to determine action and must make recommendations to Council, but Council may authorise Officers to exercise Crime and Disorder functions as it chooses.

22 Englefield Green Committee

22.1 The whole of the Committee’s functions except the following matters, delegated to Officers:

- Grounds maintenance issues (such as grass cutting, litter clearance and road repairs)
- Replacement of existing furniture and fittings (Bins, signage, benches, etc.)
- The erection of new small scale signage
- Play equipment maintenance
- Tree and woodland management
- Routine maintenance and repairs

23 Planning

23.1 All Planning Decisions* are delegated to the Corporate Head of Development Management and Building Control and in the absence of that post holder, and where appropriate, the Development Manager, Assistant Development Manager and the Major Projects Team Leader except in the following circumstances:

Decisions reserved to the Planning Committee:

23.2 All applications required to be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009;

23.3 Any applications where any Member so requests to the CHDMBC providing a written reason, within 28 days of the registration of the application;
23.4 Any applications which are likely to have significant implications in the opinion of the CHDMBC;

23.5 Any applications which are recommended for approval and that seek planning permission for 1,000 square metres or more of new non-residential floor area or for six or more new dwellings

23.6 Any applications which are recommended for approval but on which an objection has been received from a statutory consultee, which has not been resolved by negotiation or through the imposition of conditions;

23.7 Any applications submitted by, or on behalf of, a Councillor of the Authority (or their spouse/civil partner or a person with whom they are living as spouse/civil partner), or by any member of the Council's staff (or their spouse/civil partner or a person with whom they are living as spouse/civil partner):

23.8 Any applications, except ‘Householder applications’, applications for advertisement consent, applications for works to TPO trees, applications in respect of trees in Conservation Areas or applications for minor non-residential alterations or extensions (industrial / commercial / leisure etc extensions, alterations and change of use resulting in less than (net) 250 sq. m of additional floorspace) submitted by or on behalf of the Council for its own developments or on land where the Council is the land owner;

23.9 Any applications which are recommended for approval where objections have been received from more than two parties**, except in the case of applications for certificates of lawfulness or applications for Prior Notifications.

**For this purpose objections received from different members of the same household or address shall count as coming from a single party.

23.10 Any applications for Minor Material Amendments (made under s73 of the Town and Country Planning Act 1990, or any section which revokes or re-enacts that section) or applications for Reserved Matters following the grant of Outline Planning Permission, that do, in the opinion of the CHDMBC have significant implications.

23.11 The making of Directions restricting permitted development under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order which revokes and re-enacts that Order.


23.13 All necessary approvals for the Compulsory Purchase of land under the Town and Country Planning Act and determinations as to whether to appropriate land for planning purposes, or dispose of such land held for planning purposes under section 232 and 233 of the Act.

23.14 The adoption of documents as part of the Development Plan, including any Development Plan Documents and Supplementary Planning Documents.

*For the avoidance of doubt Planning Decisions include, but are not limited to:

Development Management decisions including the determination of all forms of application under the Town and Country Planning Act; the making of Tree Preservation and Tree Replacement Orders and Dangerous Tree Notices, the consideration and taking of enforcement action under that Act, Temporary Stop Notices, Stop Notices, Planning Contravention Notices, Enforcement Notices, Breach of Condition Notices, Section 215 Notices, Planning and Listed Building enforcement Orders, Dangerous Tree Notices; the screening and consideration of proposals under the EIA Regulations and NSIP matters; the agreement and execution of Planning Performance Agreements, the agreement and execution of Agreements under Section 106 of that Act or any other part; the taking and defending of any legal proceedings pursuant to, or seeking to resolve, actions taken under that Act (including applications for Injunctions and taking of direct action in relation to planning enforcement matters, including operational development, engineering operations,
material change of use, trees and listed building matters); decisions necessary to progress and resolve appeals to the Secretary of State or courts in respect of such decisions and actions; and including any revocation, modification or rescission of such decisions.

Strategy and Policy Making and Progression including all necessary agreements or authorisations in the consideration of designation of neighbourhood areas and neighbourhood forum, and all necessary agreements or authorisation necessary in the consideration of neighbourhood development plans, neighbourhood development orders or community right to build orders.

All necessary approvals to progress any part or all of the Local Plan, including any Supplementary Planning Documents or associated guidance; and the approval of the Annual Monitoring Report and any other evidence base document for Publication.
ANNEXE 1

DIVISION OF OFFICER RESPONSIBILITIES

(Note: The purpose of this annexe is to identify the officer responsible for doing something. It is not in itself a list of delegated powers. Whether specifically stated or not, officers exercising functions are expected to consult other officers whose functions may be affected by their actions. See also Annexe 3.)

Staff
(N.B. refer to Personnel Policies and Procedures handbook)
Appointment and starting terms within established range; disciplinary action; capability matters; dismissal; general management in accordance with established policy and procedures; advancement within salary range in accordance with established policy; variation of terms and conditions within established policy:
The Chief Executive and Corporate Director/Head concerned.

Administration of staff car leasing scheme, car loans, and computer loans:
ACE following consultation with Corporate Director/Head concerned, in case of individual applications.

All other Officer staffing decisions, including variations to gradings and establishment within available flexibility:
CE following consultation with Corporate Director/Head concerned.

Finance
All financial matters delegated to an Officer, including administration and collection of Council Tax and Non-Domestic Rates:
ACE/CHCDCS, subject to consultation with the Corporate Director/Head responsible for any service involved.

Property
Acquisitions, disposals, dealings, rights, statutory powers:
CE and CDCS, subject to considering the advice of a qualified Valuer on significant transactions, and subject to consultation with the Chief Officer or Corporate Director/Head responsible for any service involved.

Legal matters
The initiation or defence of legal proceedings:
CHLG, subject to consultation with the Corporate Director/Head responsible for any service involved.
ACE/CHCDCS for recovery or non-payment of Council Tax, Non-Domestic Rates, or benefit fraud
CHH for recovery of rent, service charges, rechargeable works, homelessness and ASB.
Entering into legally binding obligations (if not delegated to another Officer):
CHLG, subject to consultation with the Corporate Director/Head responsible for any service involved.

Administration
The procurement of goods, materials, labour or services:
CE/ACE and Corporate Director/Head responsible for the service involved, to act in accordance with Standing Orders.
Amendment of Standing Orders where necessary to comply with Legal requirements
CHLG

Insurance
ACE
<table>
<thead>
<tr>
<th>Refuse collection and recycling:</th>
<th>DSO MANAGER/CHES/PEHO</th>
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<tr>
<td>Pollution and nuisance control:</td>
<td>CHES/PEHO</td>
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<td>Food legislation:</td>
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<td>Health and Safety at Work:</td>
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<td>Stray Dogs:</td>
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<td>National Assistance Act burials and cremations and dealing with estates of deceased persons:</td>
<td>CHES/PEHO</td>
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<td>Public Conveniences:</td>
<td>DSO MANAGER/CHES/PEHO</td>
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**Licensing and registration**

All matters not allocated specifically elsewhere: **CHES/PEHO**

Betting Gaming and Lotteries legislation: **CHES/PEHO**

House-to-house and street charitable collections: **CHLG**

Film licensing: **CDCS**

Market and Street trading: **CHES/PEHO** (CHLG for licence consents etc issue and administration)/

Mobile Homes Act 2013 **CHES/PEHO**

Scrap Metal Dealers Act 2013 **CHES/PEHO**

Sunbed Regulations **CHES/PEHO**

Gambling Act 2005 **CHES/PEHO**

Hackney Carriage & Private Hire Licensing Policy **CHES/PEHO**

**Housing**

Council and social housing: **CHH/HEAD OF HOUSING**
Council caravan sites:  
CHH/HEAD OF HOUSING

Homelessness, Housing advice and Housing Register:  
CHH/HEAD OF HOUSING

Mortgages and loans:  
ACE

Private Sector Housing Standards and grants:  
CHES/CHH/HEAD OF HOUSING

Enabling affordable housing:  
CHH/HEAD OF HOUSING

Housing Revenue Account  
ACE/CHH/HEAD OF HOUSING

Services for Older Persons

Generally:  
CHCS

Home Improvement Service:  
CHCS

Housing and Council Tax Benefit  
ACE/CHCDCS

Community Safety Functions:  
CHES/CHCD

Highways Functions and car parking:  
CHCS/PRINCIPAL ENGINEER / PARKING MANAGER

Orders made under the Town Police Clauses Act 1847:  
CHLG

Leisure, sporting, cultural and recreational functions:  
CHCD

Cemeteries:  
CHCD

Grant aid:  

Functions not delegated elsewhere:  
CHCD

Grant aid for sporting, recreational or cultural purposes; including community events (shows) etc:  
CHLG

Grant aid to be paid out of capital monies:  
CHLG
Grant aid for community halls:
CHLG

Rent Grant Aid:
CHCD in consultation with CDCS

Planning grant powers:
CHDMBC

**Community Right to Bid for Assets of Community Value**

Initial application to register an asset as a community asset under Localism Act 2011
CHDMBC/CHCD

Review of a decision to accept a decision to register an asset as a community asset
CE/ACE

**Town and Country Planning:**
CHDMBC/DM/ADM/MPTL/CHEDPP/LPM

**Building Regulation and Building Control:**
CHDMBC/ABCM

**Any function not specified above:**
The Officer designated by the Chief Executive or, in his absence, the Monitoring Officer
ANNEXE 2
FUNCTIONS SPECIFICALLY OR CONDITIONALLY DELEGATED TO OFFICERS

Note 1:
These functions involve some detailed provision, or are exercisable by staff other than CE/ACE/Corporate Heads/Corporate Director. They are exercisable by the named officers regardless of anything in the main Schedule or in Annexe 1 above. Note also the requirements of Annexe 3.

Note 2:
Powers restricted to a single transaction or matter are not noted here, but are minuted and are kept in a publicly available list.

To avoid doubt, any function delegated to an officer in the Scheme of Delegation to Officers dated January 1998, as amended from time to time, is still exercisable by the appropriate officer ascertained from this Constitution.

Works Direct Service Organisation

Scheme of Delegation to the DSO Manager

Note:

a) Functions 1, 2, 3 and 4 may be exercised only with the agreement of the CHES or PEHO or in his absence, the Assistant Chief Executive.

b) All functions are subject to the availability of approved budgetary provision and compliance with Financial Regulations and Standing Orders.

c) The drafting and submission of tenders under Functions 5 and 6 may be carried out only with the agreement of the Assistant Chief Executive and Corporate Head of Law and Governance.

d) No contract for the provision of goods, services or works to the Council may be entered into under these powers so as to last beyond the time at which the function giving rise to the provision is intended or required to be exposed to competitive tendering.

FUNCTIONS

1. The acquisition (other than by way of leasing, contract hire, or hire purchase arrangements), whether at auction or otherwise, of all vehicles, plant and machinery employed in the discharge of any DSO functions, subject to Standing Orders for Contracts.

2. The management, maintenance and disposal of all vehicles, plant and machinery employed in the discharge of any DSO functions.

3. The acquisition (other than by way of leasing, contract hire, or hire purchase arrangements) management and disposal of all materials properly required to discharge the DSO functions.

4. Where required in pursuance of paras. 1, 2 and 3, or for other reasons, the seeking and acceptance, in accordance with Standing Orders for Contracts (and in place of the "relevant Chief Officer"), of the most advantageous tenders for the provision of services or the execution of works in respect of DSO functions.

5. In respect of works contracts with third parties which it is within the Council's power to discharge, where the tender will exceed £50,000, but not £100,000, the identification, in consultation with the Chief Executive and the Assistant Chief Executive, of those contracts for which the Council will submit tenders, and the drafting and submission of such tenders.

6. In respect of works contracts with third parties which it is within the Council's powers to discharge, where the tender will not exceed £50,000, the identification of those contracts for which the Council will submit tenders and the drafting and submission of such tenders, PROVIDED that where the aggregate value of all such contracts running simultaneously exceeds £150,000 the DSO Manager shall first consult the Chief Executive and the Assistant Chief Executive before the submission of any further tenders.
7. The execution of such contracts following successful tenders.
General Delegations

Staffing

Approval of staffing proposals for services being provided in house following a competitive bid, subject to consultation with the Chief Officer or Corporate Head concerned and consideration of the effect on the business or financial plan

CE/ACE/CDCS/CORPORATE HEADS

With the approval of Chief Executive, Corporate Heads may vary the number, grading and salary costs in their business centres within the salary base, except where compulsory redundancies are required.

CE/ACE/CDCS/CORPORATE HEADS

Approval of all employment policies and procedures, responsibility for policies and procedures for operational matters excluding pay policy, pension policy, compensation policy and any further policy which will have an additional budgetary impact.

CE

Except in cases of dismissal, application of employment policies on capability, sickness absence and disciplinary action

LINE MANAGERS

Dismissal of staff

CE/ACE/CDCS/CORPORATE HEADS

Employment Stability Policy

Approval of proposals for salary protection in event of redeployment to a lower graded post for periods longer than one year on exceptional grounds

CE

Salary sacrifice arrangements – agreement in cases where there are advantages to doing so and where costs/additional work could be contained within current budgets and staffing levels.

CE/ACE

Administration

Authorisation of any staff member to act as Proper Officer or for any other statutory purpose (if Committee or Council resolution not required by law), if no other officer specifically nominated for this function

CE

Co-option of Members to the Crime and Disorder Committee:

CHLG

Minor amendments to the Constitutions of the Cabrera Trust Management Committee or the Chertsey Meads Management Liaison Group

CHLG

Calendar of Committee and Council meetings – ad hoc minor changes

CE in consultation with Group Leaders.

Use of funds from New Initiatives Fund

CE in consultation with Leader of the Council

Refuse collection and recycling

Waiver of charges for collection of bulky household refuse for householders in receipt of Council Tax Benefit

DSO MANAGER/CHES/PEHO

Adjustment of trade refuse charges to respond to market, and discounts for customers with two or more containers

DSO MANAGER/CHES/PEHO
Environmental Health

The issue of any notice in an emergency for a function exercisable by
CHES/PEHO - Any Environmental Health Officer, Environmental Health Technician, or Trainee
Environmental Health Officer

Serving of all relevant notices under Part II of the Environmental Protection Act 1990 in particular any
notice which the Authority may serve under Sections 33, 34, 46, 47 and 59 or any subsection
thereunder.
CHES/PEHO

Authorisation of employees of Runnymede Borough Council and other persons who, in pursuance of
arrangements made by the Authority, have the function of giving such notices as ‘Authorised Officers’
for the purposes of giving notices, written warnings and requiring the payment of fixed penalties under
Part II and appropriate sections of the Environmental Protection Act 1990 and associated
Regulations.
CHES/PEHO

The appointment of Health Protection Agency staff as Proper Officers for relevant purposes under the
Public Health (Control of Diseases) Act 1984 and the National Assistance Acts 1948 and 1951
CHES/PEHO

The issue of fixed penalty notices in accordance with the Environmental Protection Enforcement
policies prevailing at the time
CHES/PEHO

Smoke-free legislation –
Authorisation of any such persons as deemed necessary to enforce the smoke-free provisions of the
Health Act 2006 and any Regulations made thereunder.
CHES/PEHO

Sunbeds (Regulation) Act 2010
i) appointment of appropriate authorised Officers under the Act and
ii) institution of legal proceedings in relation to offences under the Act
   i) CHES/PEHO
   ii) CHLG/CHES/PEHO

Sanitary facilities in Council Enforced Premises – discretion to allow deviation from British Standard in
small premises holding less than 20 persons.
CHES/PEHO

Dogs – authorisation of any person (“an authorised person”) to act for the purpose of enforcing the
CHES/PEHO

Licensing

The functions of an authorised person under the Licensing Act 2003
Any Senior Licensing Officer or any Environmental Health Officer

Licensing Code of Conduct and Licensing Rules of Procedure for Sub-Committee Hearings under
Licensing Act 2003 – minor updates and amendments
CHES/PEHO

Performance/exhibitions of hypnotism – licensing
CHES/PEHO

Gambling Policy – non substantive administrative amendments
CHES/PEHO and Senior Licensing Officer

Power to grant or refuse applications for minor variations of a premises licence or club premises
certificate
CHES/PEHO
Littering from vehicles outside of London (Keepers: Civil Penalties) Regulations 2018 – perform any litter authority functions conferred under the Regulations and authorise employees of RBC and other persons, as “authorised officers” for the purposes of the Regulations

CHES/PEHO

Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 authorisation of any persons to act for purposes of enforcing the Regulations and issue of any applicable notices and grant, suspend, vary, revoke or reinstate suspended licenses under these Regulations.

CHES/PEHO

Scrap Metal Dealers Act 2013

i) Issue renewal or vary scrap metal site Licence or collectors licences
ii) Refuse or revoke a scrap metal site licence or collectors licence after consulting CHLG
iii) Hearing oral representations in accordance with schedule 1 Para 7 (8) of that Act

CHES/PEHO

Mobile Homes Act 2013

Issue and transfer site licences, and to issue, revoke or vary a Compliance Notice under Section 9 of the Caravan Sites Act 1960

CHES/PEHO

Hackney Carriage & Private Hire Licensing

CHES/PEHO

Suspension or revocation of or refusal to renew licences of hackney carriage or private hire drivers and vehicle licences under sections 60, 61 and 68 Local Government (Miscellaneous Provisions) Act 1976

CHES/PEHO after consulting CHLG

The suspension or revocation of or refusal to renew or grant licences of hackney carriage or private hire drivers or operators as legislated for under the Local Government (Miscellaneous Provisions) Act 1976 – Section 62 having regard to the Council's policy, medical, technical, or legal advice

CHES/PEHO after consulting CHLG

Exercise of the Private Hire Plate Exemption Policy

CHES/PEHO

Allow specific vehicles to be MOT tested outside the borough, where the nature or size of the vehicle makes this necessary.

CHES/PEHO

Housing

Allocation of additional management/welfare points to applicants in urgent need of housing in exceptional cases.

CHH/HEAD OF HOUSING

Determination of applications made for a review under the Allocations Policy

CHH/HEAD OF HOUSING

Waiver of standard recharges to tenants to avoid unreasonable hardship

CHH/HEAD OF HOUSING

Acceptance of leases of properties for housing purposes for terms of less than seven years

CHH/HEAD OF HOUSING with agreement of CHLG

Use of bonds and/or rent in advance payments flexibly in order to secure private lettings up to a total value of 3 months' rent if required, not exceeding the upper limit of the 4 bedroom LHA rates for RBC at £1598.70 pcm.

CHH/HEAD OF HOUSING

Local Authority Housing Possession Cases (including recovery of rent, mesne profits or damages – authorisation of named Officers to appear in County Court proceedings on behalf of the Council.

CHLG
Discretionary Housing Payments Policy

Amendments to policy to take account of Government guidance
CHH in consultation with Chairman and Vice-Chairman

Purchase of properties on the open market and up to the value of £350,000 where such purchases would have strategic advantages for the Council and would assist in meeting current housing requirements
CHH/HEAD OF HOUSING in consultation with Chairman and Vice-Chairman of Housing Committee

Private Sector Housing

See Schedule below for list of authorised Officers and relevant powers.

Private Sector Housing

Specific Officer Delegations

1. Reference to any Act includes any amendment to, or re-enactment of, that Act and/or any Orders or Regulations made under that Act.

2. Reference to any Order or Regulations includes reference to any Order or Regulations amending or revoking and re-enacting that Order or those Regulations (with or without modification).

3. The named Officers are authorised to:
   a) perform all functions listed below on behalf of the Council and in the Council’s name
   b) act, subject to statutory requirements, within any relevant aspects of the Council's Strategy and Programme.

4. The authorised Officers must
   a) consult with the appropriate professional or technical Officer of the Authority in respect of matters not within the competence of the Nominated Officer; and
   b) maintain an adequate record of action taken.

Authorised Officers

The following Officers are authorised to undertake the functions listed below:-

   CHH and/or Head of Housing
   Private Sector Housing Manager (Enforcement)
   Private Sector Housing Officer
   CHES/PEHO

Functions

Powers of Entry

To authorise any other Officer to exercise the authority's powers of entry pursuant to sections 260, or 319 of the Housing Act 1985 – such authorisation to be in writing.

Notices etc

To issue, serve, review and determine notices, directions and orders pursuant to powers contained in the following legislation:-

- Housing Act 1985 (as amended)
- Housing Grants, Construction and Regeneration Act 1996
- Environmental Protection Act 1990
- Housing(Management of Houses in Multiple Occupation)(England)Regulations 2006

Works in Default
To issue notices of intention to carry out works in default in respect of any failure to comply with any notice served under section 80 of the Environmental Protection Act 1990 and to make any arrangements necessary to carry out those works, subject to the Council's Standing Orders and Financial Regulations.

Financial Assistance

To process and approve all grant applications under the Housing, Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 in accordance with the authority's published policy (Runnymede Renewal) and to make payments in respect of approved grants.

Specific Officer Delegations under Housing Act 2004

Authorised Officers

The following Officers are authorised to undertake the functions listed below:

CHH and/or Head of Housing
CHES/PEHO
Private Sector Housing Manager (Enforcement)
Private Sector Housing Officer (Part 1 only)

Housing Act 2004

Part 1

- Assessment of housing conditions using the Housing Health and Rating System;
- Enforcement of Housing Standards and the service of a range of statutory notices (to which this part applies);
- Emergency measures

Part 2

- Licensing of Houses in Multiple Occupation (HMO's);
- Granting or refusing a Licence;
- Variation and revocation of licensing;
- Enforcement provisions (to which this applies);

Part 4

- Additional control provisions in relation to residential accommodation;
- Overcrowding notices

Part 7

- Supplementary and final provisions including the management regulations in respect of HMO's.

Housing and Planning Act 2016

Enforcement of provisions of the Act

CHES/PEHO
Private Sector Housing Manager (Enforcement)
Private Sector Housing Officer

Smoke and Carbon Monoxide Alarms (England) Regulations 2015

Service of remedial notices under Regulation 5
Private Sector Housing Manager (Enforcement)
Private Sector Housing Officer
All Environmental Health Officers and Environmental Health Technicians
Service of Penalty Charge Notice under Regulation 8 and taking of remedial action under Regulation 7
  CHH/Head of Housing
  CHES/PEHO

Reviews and determinations of penalty charge notices under Regulation 10
  CHH
  CHES/PEHO

  Authorisation of Officers
  The Officers named in the report to Corporate Management Committee 14.12.2017

**Highway related matters**
  Street trading consents
  CHLG with agreement of Chairman and following consultation with Ward Members

**Car Parks**

Temporary waiver of car parking charges by order, notice, or permit, either for individuals or generally, subject to the cost being contained within budget
  CHCS/Parking Manager

The annual grant of one day’s free parking in connection with Magna Carta Day (Egham), the Arts Festival (Addlestone) and Black Cherry Fair (Chertsey)
  CHCS/Parking Manager

**Leisure Facilities**

Adjustment of approved charges for Leisure facilities to respond to market
  CHCD

**Planning**

All planning decisions except for those listed in Scheme of Delegation on page 62/64 of the Constitution
  CHDMBC/DM/ADM/MPTL/CHEDPP/LPM

**Building Control**

Adjustment of fees to respond to market
  CHDMBC/ABCM

**Benefits**

Representation of the Council at Appeals Service hearings
  ACE, CHCDCS, Benefits and Income Manager, Assessment Team Manager

Authority under section 223 Local Government Act 1972 to appear in prosecution proceedings in the Magistrates Court on behalf of the Council where the offender has entered a guilty plea.
  Mrs A Blake (Corporate Fraud Investigator)

**Council Tax and Business Rates**

Authority under section 223 Local Government Act 1972 to appear in the Magistrates Court to recover Council Tax and National Non-Domestic Rate

i) Ms L Norman – CHCDCS
ii) Ms Jackie Jefferies – Senior Recovery Officer
iii) Miss L Lowin – Technical Team Leader
iv) Ms G.McKenna – Revenues Technical Manager

**Council Tax Discretionary Relief Policy**

Any minor updates and/or revisions to Policy except changes of a structural nature
ACE/CHCDCS in consultation with Chairman of Corporate Management Committee

Council Tax Empty and Unoccupied Premiums – decision on whether to not charge or delay application of premium in individual cases
ACE/CHCDCS

**Council Tax Discretionary Relief**

Determination of all category 1 and 2 requests for discretionary relief in respect of hardship resulting from Council Tax support scheme (Category 1) or general hardship (Category 2)
ACE/CHCDCS

**NNDR Discretionary Relief**

Determination of all applications for discretionary relief
CHCDCS/Business Rates’ Manager

Review of decision to grant/refuse relief or an amount of any discretionary relief or to revoke relief
CHCDCS

Determination of appeals against the outcome of a review of a decision to grant/refuse relief or an amount of any discretionary relief or to revoke relief
ACE except where they decide to refer the case to Corporate Management Committee for final decision

**Public Charitable Collections**

Determination and grant of applications for house to house and street collections
CHLG

**Commercial Clothing Collections**

Amend the pre-requisite and other relevant requirements in respect of commercial and charitable clothing collections as necessary.
CHLG

**Council Land - Rights of Access:**

i) the initial fee for pedestrian access rights licences over Council land be determined by the Corporate Head of Law and Governance on a case by case basis:

ii) the initial fee for vehicular (including pedestrian where appropriate) access rights licences over Council land be determined by the Corporate Head of Law and Governance on a case by case basis:

iii) the fees for the grants of any new licences providing rights of access over Council land be reviewed annually by the Corporate Head of Law and Governance and

   a) the fees will be reviewed in line with inflation, by indexing by the Government’s preferred measure of Consumer Prices Index (CPI);

   b) the Council’s legal costs for this work will be reviewed annually in line with CPI and will be set at £250 per case initially;

   c) whilst a one year Licence can be granted if desired by the resident concerned, the following will be offered by Officers;

      A 5 year Licence, subject to full payment up front by the 5 years, with no CPI uplift during the term of the licence, or a 10 year Licence, on the same basis as for the 5 year licence.

CHLG

**Community Safety**

Anti-Social Behaviour Crime & Policing Act 2014 –
Application to Court under the Act for injunctions, Criminal Behaviour Orders and Orders for Possession of dwellinghouses on grounds of anti-social behaviour
CE/CHES/CHH/CHCD in consultation with CHLG

To issue the following under the Act:
   i) Community Protection Notices;
   ii) Public Space Protection Orders;
   iii) Closure Notices in respect of premise; and
   iv) Fixed Penalty Notices in respect of any breaches of the above Notice and Order and in respect of littering from vehicles.
CE/CHES/CHH/CHCD

Property

Runnymede Borough Council Investment (Surrey) Ltd and RBC Services (Addlestone ONE) Ltd:

i) To act as the Council’s proxy to attend meetings of these companies and cast votes at such meetings on behalf of the Council in accordance with decisions made by Corporate Management Committee CE or CHLG as substitute

ii) To sign any documents the Council is required to sign in its capacity as shareholders of these companies CE or CHLG or substitute

Signing off SANGS payments
CHLG or Legal Services Manager

- Grant and Renewal of leases including new rents and rent reviews, whether to or from the Council, for a term exceeding three years, where any premium or when the total rent payable under the lease for this three year period does not exceed £100,000, unless compelled by statute, where satisfied the tenant meets all necessary tenancy requirements.
   CDCS (in consultation with ACE or CHLG)

Cemeteries

Deed of Grant of Exclusive Right of Burial
Green Spaces Manager or any officer that he authorises when absent

Allotments

Signing of agreements for allotment plots
Green Spaces Manager or any officer that he authorises when absent
The purpose of this note is to instruct staff when the Council requires Members to be informed or consulted about Council activities and proposals. It includes the "Ward Member" role which every Member exercises, as well as additional responsibilities that may be given to particular Members.

This note deals both with guidance to staff and with requirements under the Scheme of Delegation.

GUIDANCE

1. Consultation by staff with Leader and Deputy Leader of the Council

The Leader and Deputy Leader of the Council shall be told about any of the matters listed in 2 below. Any other matter not listed below which has corporate or policy implications, consultation be undertaken if your respective Corporate Head, Director or Chief Executive deems it would be appropriate for them to be advised.

2. Consultation by staff with Chairman of Committee

Chairmen should be told about significant matters affecting their function, including:

- The progress of projects.
- Proposed reports to Committee.
- Matters which may affect any aspect of local policy.
- Legislative changes.
- Matters arousing significant comment from Ward Members or the public eg land disposals.
- Matters likely to arouse such comment.

3. Consultation by staff with Ward Members

It is important that Ward Members are informed by staff when local issues, events or consultations are likely to affect a significant number of residents in their Wards. On some occasions wider consultation with the appropriate Chairman and Ward Members may not always be possible owing to legal or commercial sensitivity. If an issue or consultation applies to the whole Borough, all members shall be advised. Whilst it may be appropriate to inform and consult the Leader/Deputy Leader of the Council and relevant Chairman on matters where litigation is either proposed or ongoing, it may not be possible to discuss this with the appropriate Ward Members until such time as determined by the CHLG due to legal reasons.

In addition, although Member consultation may not be required formally, it is often helpful and proper that staff seek the views of relevant Members, especially Ward Members, before determining a course of action. Examples of such circumstances include:

- proposed land transactions having an impact on the neighbourhood eg removal of covenants or disposal of open space;
- sensitive matters;
- proposed works with a clear physical effect, where there is more than one option available to secure the objective.
- where the impact of the proposal will affect one element of the community to a greater extent.

Officers should keep this in mind and if in any doubt, consult their Corporate Head/Director. Corporate Heads/Directors should take steps to keep staff aware of the need to inform.
1. Any consultation required in the Scheme of Delegation or Standing Orders (e.g. Standing Order 42)

2. Ward Members:
   - Disposals of land or rights over land (Chairman of Corporate Management Committee must be consulted).
   - Street naming

There must be no objection to the Officer’s proposed decision. If there is, the Officer must report to Committee or, if essential, act under Standing Order 42 with the agreement of the appropriate Chairman.

Method of communication

E-mail is acceptable for communication of information or for less formal kinds of consultation unless the Member has requested a different method. A record should be kept on the file. However, where formal consultation or agreement is required as a condition of exercising a delegated power, then, until these instructions are changed, written hard copy should be sent, with a copy on the file. If the matter is urgent, there is no objection to a telephone, fax or e-mail contact, confirmed as soon as possible by email. A template for communication can be found at the end of Annexe 4.
Consultation guidance

The purpose of this document is to provide guidance to Officers and Members on the principles which should be considered before undertaking consultation on behalf of the Council.

The decision on whether to consult will depend on the issues, the nature and the impact of the decision. If you are unsure whether you have a legal duty to consult you should first liaise with the Legal team. Where the duty to consult is imposed by statute, then the procedure to be adopted is also likely to be prescribed by the legislation. In all other cases, if a decision is made that consultation is appropriate then there is no simple one size fits all approach. The type and scale of consultation should be proportionate to the potential impacts of the decision being taken. The requirements will therefore vary from one context to another but there are a number of guiding principles which should be considered for all consultation undertaken by the Council. These principles build on the Government’s Revised Consultation Principles, 2016 and are listed below.

Key principles for consultation

A. Consultations should have a clear purpose and start at an appropriate stage
   The purpose of the consultation should be clear. Engagement should begin early when views can genuinely be taken into account. To avoid creating unrealistic expectations, it should also be apparent what aspects are being consulted on and are open to change.

B. Consultations should take account of the groups being consulted
   Some laws impose requirements for the Government to consult certain groups on certain issues. Consider the full range of people (both users and non-users), business and voluntary bodies affected by the policy/decision, and whether representative groups exist. Ensure they are aware of the consultation and can access it. Consider how to tailor consultation to the needs and preferences of particular groups, such as older people, younger people or people with disabilities that may not respond to traditional consultation methods. Where the matter affects people with protected characteristics the Council’s Equalities Group should be consulted well in advance of designing the consultation to ensure equalities issues can be suitably addressed. If the consultation affects staff then HR and UNISON should also be consulted well in advance.

C. Consultations should be clear and concise
   Information provided to stakeholders should be easy to comprehend - it should be in an easily understandable format and use plain English. You should provide enough information to ensure that those consulted understand the issues, but avoid lengthy documents when possible. Every effort should be made to provide any evidence base to enable contestability and challenge. Give thought to the questions you are asking – always look to discover views related to desired outcomes rather than methods and limit the number of questions to those that are necessary.

D. Consultations should last for a proportionate amount of time
   If the required length of the consultation is not determined by a legal requirement then the period of consultation should be determined after taking into account the nature and impact of the proposal. Typically it will vary between two and 12 weeks. Consulting for too long will unnecessarily delay policy development/decision making. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses. Purdah (pre-election period) should be avoided wherever possible. If consultation is required during the Purdah period, then the Corporate Head of Law & Governance should first be consulted to discover whether this will be acceptable. When the consultation spans all or part of a holiday period, consideration should be given to what impact there may be and appropriate mitigating action should be taken. There may also be circumstances where new information comes to light which requires the consultation process to be re-opened.

E. Responses to consultations should be published in a timely fashion and facilitate scrutiny
   It is important that you feed back the results to everyone who has given up their time to take part. This will encourage them to take part in future consultation exercises. If participants do
not see anything happening as a result of their involvement they will be disillusioned, dissatisfied and much less willing to get involved again. There must be clear evidence that the decision makers have considered the consultation responses before taking the decision. You should then publish the findings and decision on the same page as the original consultation within 12 weeks of the consultation closing. If this is not possible you should provide an explanation why. You should also allow appropriate time between closing the consultation and implementing policy/decision.

Consultation Checklist for staff

- Are the key aims of the consultation clear?
- Have you considered what other consultations are being undertaken internally and/or by our partners? Try to avoid consultation overload/duplication by looking for opportunities to undertake joined up consultation if appropriate.
- Have you identified all your stakeholders and planned how you wish to consult them? Consider service users, non-users, and other interested parties (Members, staff, partners, local businesses, educational institutions, and charities/voluntary sector). The following interest versus power grid can help to map your stakeholders and how you therefore wish to communicate with them.

- Has the Council’s Equalities Group been consulted in advance of designing the consultation to ensure equalities issues can be suitably addressed?
- If the matter involves staff, have HR and UNISON been consulted well in advance?
- Does the planned timeline meet the aims of the consultation? Consider if it enables the consultation to commence at an informative stage; allows a reasonable time to prepare the materials; gives enough advance notice to participants if it involves face-to-face engagement; allows enough time for people to respond after considering holiday periods; allows enough time for the Communications Team to provide proportionate promotional support; allows the Corporate Leadership Team to review (where appropriate); if it can meet associated committee deadlines and dates; and allows enough time between closing the consultation and implementing policy/decision.
- Are the methods of engagement the most appropriate for the target audience and the complexity of the consultation? The associated factors to consider and main advantages and disadvantages of the different methods are shown below.
Advantages and disadvantages of different engagement methods

<table>
<thead>
<tr>
<th>Consultation method</th>
<th>Considerations</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
</table>
| **Focus groups**    | · Requires skilled facilitators  
· Selection of group of prime importance  
· May need several groups to gain different perspectives  
· Generally 8–10 people per group | · Allows brainstorming of ideas  
· Can be designed to involve hard-to-reach groups  
· Can explore complex issues  
· Provides in-depth information  
· Useful for building on survey findings  
· Allows interaction and spontaneity between participants | · Can be costly and time-consuming  
· Requires specialist expertise to facilitate discussion  
· Lack of confidentiality  
· Can only achieve limited representation  
· Discussions can be difficult to transcribe and analyse. |
| **Surveys – Telephone** | · Needs statistical and research expertise to administer and avoid bias  
· How to access hard-to-reach groups  
· How to provide feedback to respondents  
· May need external resources and trained researchers. | · Can ensure a good response rate  
· Easier to engage with hard-to-reach groups  
· Can be used to obtain responses from demographically representative sample  
· Allows issues to be explored in depth  
· Allows flexible structure of interview  
· May be used to explore sensitive issues. | · Interviewer cannot respond to any questions  
· Not necessarily representative  
· Can be costly and time consuming  
· Personal safety of field-workers may be at risk  
· Specific skills are required to conduct the interview  
· Can be difficult to analyse. |
| **Consultation documents** | · Writing and editing skills needed  
· Administration of responses/feedback  
· Full details need to be provided  
· Publicise event  
· Allow time to respond | · Good starting point for consultation  
· Provides detailed information on the issue  
· Elicits a considered view | · Can be costly to produce and circulate  
· Not always read by target audience  
· Needs to be accessible by all, eg other languages, etc.  
· May have poor response rate  
· Resource intensive. |
| **Forums** | · Needs effective management | · Regular process of engagement  
· Useful link between partner agencies and local people  
· Can be used to seek local committed involvement  
· Relatively cheap | · Attendees are unlikely to represent all views  
· Can be dominated by the most vocal.  
· Agenda can be taken over. |
| **Seminars/workshops** | · Requires skilled facilitators | · Opportunity to share large amounts of information  
· Large numbers of people can participate  
· Opportunity for dialogue between all key stakeholders  
· Opportunity to engage | · Requires a great deal of organisation and specialist moderation skills  
· Can be costly and time consuming  
· Can be dominated by the most vocal. |
### Website
Using information technology to inform and gather feedback, eg. online questionnaires
- **Website**
  - Access to computers may be limited
  - Cost effective
  - Quick response rate
  - Easy to keep information current
  - Potentially wide-reaching
  - Can be used to engage with some hard-to-reach groups
  - Useful for panel surveys.
- **Website**
  - Will not reach everyone
  - Requires technical expertise
  - May exclude some groups, eg. elderly, low income
  - Results can be unrepresentative.

### Public meetings
**Formal meetings with scheduled agendas.**
Used to provide information, seek views and develop/endorse local plans and strategies for the community or whole town.
- **Public meetings**
  - Hold at times/locations to suit target communities
  - Publicity for event
  - Clearly defined objective
  - Defined meeting structure
  - Staffing and facilitation.
  - Opportunity to provide information and receive feedback.
  - Builds relationships with local community
  - Can be used to seek local committed involvement
  - Relatively cheap
  - Allows public to let off steam.
- **Public meetings**
  - Attendees are unlikely to represent all views
  - Large group may be a barrier
  - Can be dominated by the most vocal
  - Turnout can be poor
  - Can be difficult to separate individual and general complaints

### Exhibitions and roadshows
Used to provide information and to obtain views on specific projects or services.
- **Exhibitions and roadshows**
  - Suitable venues
  - Publicise the event
  - Effective in publicising services/organisations
  - Gives public flexibility to attend
  - Allows contact with public
- **Exhibitions and roadshows**
  - Groups reached dependant on location/timing.
  - Likely to obtain views of a small number of people who are not representative.
  - Feedback may be limited.

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- Do the questions at least initially seek views on the desired outcome(s) rather than the desired process? *Once you have established their actual desired outcome, it might be that the desired outcome can be delivered more effectively with an alternative process.*
- Has an appropriate Privacy Notice been written and made clear to all participants to comply with GDPR?
- Are there enough people available to facilitate any face-to-face engagement? *Consider facilitators and scribes and whether it is appropriate to have independent facilitation.*
- Has consideration been given to what background information should be made available depending on the complexity? *Also consider whether it should be provided in advance if it is for a focus group.*
- Does the available budget enable the consultation to be delivered as desired? *Also consider whether incentives may be necessary to encourage people to take part.*
- Have the purpose and details of the consultation been shared with the relevant Members in advance of publication/commencement by using the template below?
- Has the Chairman of the relevant Committee signed off the consultation documents before publication/commencement (by giving the Chairman at least five working days for consideration (longer may be required for more complex consultations))?
- Have participants/stakeholders been made aware when the outcomes will be decided and how they can access any related documents e.g. analysis documents and/or decision making reports?
- Remember you can only retain personal information related to participants according to the Retention & Disposal Schedule (see Data Protection Officer for further information if you are unsure).
Template to be used for Member information/consultation

Subject:

Wards involved/affected:

Name, extension and e-mail address of Officer dealing with this matter *(if different to who is sending the email):*

**Action required:** *(Delete as appropriate)*

1. None - to note for information only
2. Informal - feedback that may be felt to be useful. Please respond by: *(Insert date)*
3. Formal consultation requiring response in five working days please

**Proposed action/initiative:**

**Brief details of proposed actions or initiative:**

**Proposed commencement and finish dates for proposed actions or initiatives:**

**Is the action being taken under officer delegated authority (see Scheme of Delegation in this Constitution)?** Yes/No *(Delete as appropriate)*
PART 4

Rules of Procedure
Administrative & Procedural Standing Orders

Last revised APRIL 2019
# GUIDE TO CONTENTS OF

**ADMINISTRATIVE AND PROCEDURAL STANDING ORDERS**

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STANDING ORDERS - DEFINITIONS AND STATUS
1. **DEFINITIONS**

1.1. In Standing Orders 1 to 51, the following terms have the following meanings. However a different meaning may be given if it is essential in order for the words to make sense in the passage:

"Authority" - the Runnymede Borough Council, or one of its Committees, Sub-Committees or Officers acting on the Council's behalf, using powers which have been delegated lawfully;

"Chairman" - the Member currently appointed or elected to be chairman of a committee or sub-committee;

"Chief Executive" - the head of the Council's paid service, designated under section 4 of the 1989 Act;

"Chief Officer" - a statutory or a non-statutory chief officer, as defined in section 2 of the 1989 Act;

"Committee" - a committee of the Council (whether a policy committee, an overview and scrutiny committee or other committee set up under the Council's statutory powers);

"Constitution" - the Council's constitution under Section 37 of the 2000 Act;

"Council" - the Runnymede Borough Council acting by the Council;

"employee" - an employee of the Council or the holder of a paid office appointed by the Authority, other than the Mayor, Deputy Mayor, any Councillor and any local officer of dignity appointed by the Authority under powers conferred by a Royal Charter;

"leader of a political group" - the person named as leader in a notice delivered to the proper officer by a political group under regulation 7 of the Local Government (Committees and Political Groups) Regulations 1990;

"Leader of the Council" or "Leader" – the leader of the majority group if there is one; otherwise a Member who is appointed as Leader by the Council should the Council choose to do so;
"majority group" - a political group which includes either:

(i) more than half of the Members of the Council, or
(ii) exactly half of the Members of the Council, including the Mayor

"Mayor" - the Member elected to be Mayor of Runnymede;

"Deputy Mayor" - the Member appointed to be Deputy Mayor of Runnymede;

"meeting" - a meeting of the Council, a committee or sub-committee;

"Member" - in relation to the Council, this means a Member of the Council; in relation to any committee or sub-committee it means a person who has been appointed as a Member of that committee or sub-committee, whether or not he is entitled to vote;

"minority group" - a political group which is not the majority group, if there is a majority group. If there is no majority group, the Council may designate any political group or groups as a minority group for the purposes of Standing Orders;

"monitoring officer" - the person designated as monitoring officer under section 5 of the 1989 Act. If that person is unable to act owing to absence or illness, the expression means a person nominated as his deputy under subsection (7) of that section or ;

"officer" - a member of the Council's staff;

"person presiding" - the person who is entitled, or appointed, to preside at any meeting. If an officer is the person presiding under one of these Standing Orders, he has no vote of any kind.

"policy committee" - a committee of the Council set up to discharge particular functions, with decision-making powers.

"political group" - any political group constituted in accordance with regulation 7 of the Local Government (Committees and Political Groups) Regulations 1990;

"rescind" and "rescission" - have the meaning given by Standing Order 25.18 and 25.19.
(repeated in 39.15 and 39.16)

"Overview and Scrutiny Select Committee" - any committee named by the Council as such or designated as an overview and scrutiny committee under the 2000 Act; such
committees are overview and scrutiny committees for the purposes of the 2000 Act and regulations made under it.

"second tier officer" - an officer graded SMC or SMD on the Runnymede local salary scales who reports directly to a Chief Officer;

"Standards Committee" - means the committee set up under the Localism Act 2011 however named.

"sub-committee" - a sub-committee of a committee;

"Vice-Chairman" - the Member currently elected to be Vice-Chairman of a committee or sub-committee;

"the 1972 Act" - the Local Government Act 1972;

"the 1989 Act" - the Local Government and Housing Act 1989;


“the 2011 Act” – the Localism Act 2011.

"the whole number of Members" - in relation to the Council, the total number of persons who may become Members of the Council, not counting any person who is a member of the Council only by virtue of section 3(3) or section 5(2) of the 1972 Act (Chairman and Vice-Chairman to remain Members until replaced). (As at the date of adoption of these Standing Orders, this number is forty two);

"without comment" - in relation to the moving, seconding or putting of a Motion, this means without any Member speaking except to indicate the wording of the Motion, the fact that it is being moved, seconded or put, or (in the case of the person presiding) the effect of adopting the Motion.

"working days" - means any day upon which the Civic Centre at Addlestone are open to the public, excluding Saturdays, Sundays and Bank Holidays.

1.2 As long as the context of a passage allows;

- singular expressions include plural meanings.

- plural expressions include singular meanings.

- masculine references include feminine meanings.
feminine references include masculine meanings

References to the Mayor, or Chairman, in the context of the person presiding at a meeting, include anyone lawfully presiding at the meeting. In the absence of the Mayor or Chairman, the Deputy Mayor or Vice-Chairman respectively may exercise any of the Mayor’s or Chairman’s functions (as the case may be) under these Standing Orders.

1.3 Any reference in any Standing Order to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that Standing Order bearing that number.

2. STANDING ORDERS - STATUS

2.1 No Committee, Sub-Committee or Officer may change, revoke, or suspend these Standing Orders 1 to 51.

2.2 The Council must not change or revoke these Standing Orders without having first considered a report from a suitable committee. Any Motion to change or revoke these Standing Orders at a Council meeting must be referred to the next meeting of an appropriate Committee, as identified by the Council, and shall be considered again at the next Council meeting. This procedure does not apply if the Motion is on the recommendation of a Committee.

2.3 A Standing Order cannot be revoked or suspended if it reproduces a statutory requirement. It is not necessary for the exact words of the statute to be repeated in the Standing Order. Such Standing Orders are to be identified in bold type with the relevant statutory reference following, but the presence or absence of bold type or of a reference does not affect the operation of this paragraph.

2.4 Any of the other Standing Orders 1 to 51 may be suspended by the Council provided that either

(a) notice of intention to move the suspension has been included in the agenda for the meeting; or

(b) at least two thirds of the whole number of Members of the Council are present.

2.5 A suspension under paragraph 2.4 means that the Standing Order suspended is not in force during the period of suspension. The period can be specified in the resolution to suspend the Standing Order, but must not extend beyond the next annual meeting of the Council. If no period is specified the suspension lasts only for the meeting at which it is adopted.
2.6 The Corporate Head of Law and Governance must arrange to provide a printed copy of these Standing Orders to each Chairman of a policy Committee, and of the Overview and Scrutiny Select Committee and will notify each Member of how to access the document electronically as soon as possible after that Member has signed his or her Declaration of Acceptance of Office under Section 83 of the 1972 Act.

2.7 The person presiding at any meeting decides all questions about the meaning or relevance of these Standing Orders. His decision shall be final for the purposes of that meeting.
STANDING ORDERS
FOR COUNCIL MEETINGS
3. MEETINGS OF THE COUNCIL

3.1 The Annual Meeting of the Council shall be held on a convenient day in May in accordance with the provisions of the Local Government Act 1972, and other meetings of the Council for the transaction of general business shall be held during the year on such dates and at such times as the Council may determine. (1972 Act, Schedule 12, paras 1 & 2).

4. EXTRAORDINARY MEETINGS OF THE COUNCIL

4.1 The Mayor may at any time call an extraordinary meeting of the Council. (1972 Act, Schedule 12, para 3)

4.2 If the office of Mayor is vacant, or if the Mayor is unable to act for any reason, the Deputy Mayor may at any time call an extraordinary meeting of the Council. (1972 Act, Section 5 (3)).

4.3 If the offices of Mayor and Deputy Mayor are both vacant, or if both the Mayor and Deputy Mayor are unable to act for any reason, the Leader of the Council may at any time call an extraordinary meeting of the Council.

4.4 If the Mayor, Deputy Mayor or Leader of the Council refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by five members of the Council, has been presented to him, or if, without so refusing, the Mayor, Deputy Mayor or Leader of the Council does not call an extraordinary meeting within seven days after the requisition has been presented to him, then any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Council. (1972 Act, Schedule 12, para 3).

4.5 The Monitoring Officer may call an extraordinary meeting of the Council if he considers it necessary to discharge his statutory powers and duties.

4.6 Where any person or persons decide to call an extraordinary meeting of the Council, he/they shall signify to the Chief Executive that he has/they have done so, the business to be transacted, and the date and time for which the meeting is called. The Chief Executive shall thereupon ensure that the notices and summonses required by paragraph 4(2) of schedule 12 to the 1972 Act are published and sent. (1972 Act, Schedule 12, para 4).

4.7 Any extraordinary meeting of the Council is to be held at the Civic Centre or another suitable place chosen by the Mayor (or in the absence of the Mayor, or Deputy Mayor, the Chief Executive).
4.8 No extraordinary meeting may be called except to transact business which, in accordance with the relevant enactments and these Standing Orders, may be transacted at that meeting.

5. **ELECTION OF MAYOR AND APPOINTMENT OF DEPUTY MAYOR**

5.1 The election of the Mayor from amongst the Members of the Council shall be the first business transacted at the Annual Meeting. (1972 Act, Section 4).

5.2 The procedure shall be that set out in Standing Order 25.5, save that the proposer may have up to five minutes to advance the case for his nominated candidate and the seconder one minute, whether or not any other candidates have been nominated.

5.3 The Council shall at the Annual Meeting appoint a Member of the Council to be Deputy Mayor (1972 Act, Section 5).

5.4 The procedure shall be that set out in Standing Order 25.5, save that the proposer may have up to five minutes to advance the case for his nominated candidate and the seconder one minute, whether or not any other candidates have been nominated.

6. **APPOINTMENT OF LEADER**

6.1 If there is no majority group, the Council itself may appoint a Leader to exercise any functions falling to the Leader under these Standing Orders, the Terms of Reference, Scheme of Delegation, statute, or any other lawful authority.

6.2 However created, the Leader may appoint a Deputy Leader to exercise his functions in his absence. He must make the appointment by notice in writing to the Chief Executive.

7. **PROCEDURE BEFORE THE NOMINATION AND ELECTION OF MAYOR AND DEPUTY MAYOR**

7.1 The Authority will follow the procedure set out below before the election of the Mayor and the appointment of the Deputy Mayor in any year;

    i) the appropriate Committee will consider candidates for the office of Mayor before the end of February in each calendar year;

    ii) that Committee will recommend one Member of the Council to be nominated as Mayor for the following Municipal Year. This recommendation will be considered at the first ordinary meeting of the Council after that Committee meeting; and
iii) if the Council approves the recommendations of the Committee, the nominee will be put forward as a candidate for the office of Mayor at the Annual Meeting in the next Municipal Year, provided that they are still a Member of the Council.

**Deputy Mayor**

i) the March meeting of Council will consider candidates for the office of Deputy Mayor.

ii) if there is more than one nomination, the selection of Deputy Mayor will be conducted by secret ballot. In the event of an equality of votes on the nomination, the Mayor would exercise a casting or second vote.

iii) the nominee will be put forward as a candidate for office of Deputy Mayor at the Annual Meeting in the next Municipal Year, provided that they are still a Member of the Council.

Failure to follow this procedure will not prevent the Council from electing a Mayor and appointing a Deputy Mayor at the Annual Meeting.

7.2 In the event of a casual vacancy in the office of Mayor an election to fill the vacancy must be held in accordance with Section 88 of the 1972 Act.

8. **CHAIRMANSION OF COUNCIL**

8.1 The Mayor, if present, shall preside at each Meeting of the Council. If the Mayor is absent then the Deputy Mayor shall preside. (1972 Act, Schedule 12, para 5).

8.2 If both the Mayor and the Deputy Mayor are absent then the Chief Executive or another officer representing him shall become the person presiding and the first business of the meeting must be to elect a Member (but not the Leader or Deputy Leader) to take the chair and to preside over the rest of the meeting. That person shall have all the powers of the Mayor under these Standing Orders.

8.3 The election of a Member to preside shall be conducted in accordance with Standing Order 25.5 (voting on appointments).

9. **QUORUM**

9.1 No business may be transacted at a meeting of the Council unless at least one quarter of the whole number of Members of the Council are present. (1972 Act, Schedule 12, para 6). If there is no quorum at the time the meeting is summoned to start, the Mayor will allow a delay of 15 minutes to see if a quorum assembles. If there is still no quorum at the end of that period, the meeting must be reconvened at another time. (Note: on the adoption of these Standing Orders the whole number of Members was 41 and a quorum was therefore 11.)
9.2 If, during any meeting of the Council, the Mayor after counting the number of Members present declares that there is not a quorum present, the meeting is automatically adjourned for fifteen minutes.

9.3 If, after fifteen minutes, there is still no quorum present, the meeting shall end.

9.4 The Mayor may fix a date and time to deal with any business which cannot be considered because of Standing Order 9.1 or 9.3 above. If he does not do so the business must be considered at the next ordinary meeting of the Council.

9.5 Where more than one-third of the whole number of Members of the Council become disqualified or have left office at the same time, then, until the number of Members qualified and in office rises to at least two-thirds of the whole number of members of the Council, the quorum of the Council shall be determined by reference to the number of Members of the Council remaining qualified instead of by reference to the whole number of Members of the Council. (1972 Act, Schedule 12, para 45).

10. ORDER OF BUSINESS

10.1 Business will be taken in the following order at every Council meeting, unless the order is altered under Standing Order 10.2.

(a) To choose a Member of the Council (but not the Leader or Deputy Leader) to preside if the Mayor and Deputy Mayor are both absent;

(b) To consider any business which is legally required to be done before any other business.

(c) To approve the Minutes of the last meeting of the Council as a correct record, and have them signed by the Mayor.

(d) Mayor's announcements.

(e) Speaking or questions from members of the public under Standing Order 12.

(f) In the case of an extraordinary Council meeting, to consider the business set out in the summons.

(g) Any of the following matters, if included in the Summons:

i. a change in the name of the area of the authority under Section 74 of the 1972 Act;
ii. the promotion or opposition of a Bill under Section 239 of the 1972 Act;

iii. the grant of the title of honorary alderman, or the admission of an honorary freeman, under Section 249 of the 1972 Act;

iv. a report from the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988;

v. a report of the monitoring officer under Section 5 of the 1989 Act.

(h) To receive petitions.

(i) To answer questions asked under Standing Order 13.

(j) To finish business (if any) left over from the last meeting.

(k) To consider recommendations from Committees.

(l) To consider matters referred to the Council under Standing Order 25.10.

(m) To consider decisions the subject of notice by a Member under Standing Order 25.12.

(n) If any Notices of Motion have been lodged under Standing Order 15, to consider them in the order in which they were received.

(o) Any other lawful business set out in the Summons for the meeting.

10.2 The order of business in Standing Order 10.1 may be altered by

(a) The Mayor's direction, provided that no Member present objects; or

(b) a resolution of the Council, which must be moved, seconded and put without comment.

10.3 Neither the Mayor nor the Council can alter the order of items as set out in Standing Order 10.1 (a) - (h) (except (e))

10.4 If the Mayor decides that an item of business which was not set out on the Summons for the meeting should be taken as a matter of urgency under Section 100 B of the 1972 Act because of special circumstances, the Council will consider the matter at the end of the other items of business, unless it is taken earlier under 10.1 above.
10.5 An item of business specified on the agenda for the meeting may be withdrawn before the meeting starts by the Chief Executive or Corporate Head of Law and Governance with the agreement of the Mayor. In such a case no Motion shall be moved thereon, and the item shall not be subject to comment by any Member except the Mayor announcing the withdrawal.

11. **MINUTES**

11.1 Minutes of every meeting of the Council shall be submitted to, and signed at, that meeting or at the next suitable meeting of the Council. (1972 Act, Schedule 12, para 41). Any ordinary meeting of the Council may be regarded as suitable for this purpose.

11.2 The Mayor will ask whether the Council is content that the minutes submitted to the meeting be approved as a correct record.

11.3 The Council must not discuss the minutes except to debate their accuracy. If a Member wishes to challenge the accuracy of the minutes, he must propose a correction by Motion. The Mayor must sign the minutes as soon as questions relating to their accuracy (if any) have been disposed of, or as soon as it is clear there are none.

12. **SPEAKING AND QUESTIONS BY THE PUBLIC**

12.1 A member of the public who lives, works, attends an educational establishment, or owns or leases land in the Borough may ask one question or speak once at a Council meeting in accordance with this Standing Order. This right does not apply to the Annual meeting, a meeting convened primarily for the purpose of setting the budget or Council Tax, or an extraordinary Council meeting.

12.2 A person who wishes to speak or ask a question must submit a written request to the Council's Chief Executive. The written request must arrive by 12.00 noon on the fifth working day before the Council Meeting (i.e. for a meeting on Thursday the request must arrive by 12.00 noon on the Thursday beforehand).

12.3 The written request must state:

a) the topic the person wishes to speak about or the wording of the question he or she wishes to ask;

b) an address, e-mail address, or fax number at which the person can be contacted before and after the meeting.
c) whether the person lives, works, attends an educational establishment, or owns or leases land in the Borough if so, details.

12.4 The question or topic must relate to a matter which concerns the Council's powers or duties, or which affects the Borough or its inhabitants. It may not relate to a specific planning application or decision upon action under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of any individual, or a matter which is exempt from disclosure or confidential under the 1972 Act. A question may not be asked again if it or one to the same effect has been asked within the previous six months.

12.5 Following receipt of a written request the Chief Executive will ensure that the applicant is contacted and told whether their request complies with paragraphs 12.1 to 12.4 above, and if so what the procedure will be at the meeting.

12.6 At the Council meeting the Mayor will call applicants who have satisfied 12.1 to 12.4 above in the order of receipt of their written requests until the time allowed under Standing Order 12.12 has expired.

12.7 On being called by the Mayor the member of the public will have a maximum of five minutes to speak on the topic which he or she requested, or to make any introductory remarks and to ask the question as set out in his request.

12.8 A question may be answered by the Mayor, the Leader of the Council, or an appropriate Committee Chairman or Vice-Chairman as determined by the Mayor. The Councillor called may decline to answer, or may give an answer:

a) orally at the meeting; or

b) in writing despatched by the Corporate Head of Law and Governance as soon as possible after the meeting.

In either case the Councillor may refer to a publication where the answer, or further details, may be found. (if the Councillor declines to answer, the questions will not be referred to another Member).

12.9 If the questioner did not use the full five minutes in asking the question (not counting the Councillor's reply) he or she may ask one supplementary question within any time remaining, without any introductory or supporting remarks. The supplementary question must be relevant to the subject of the first question. The same Councillor shall be called to answer and shall have the same options as in 12.8 above.

12.10 No Councillor or member of the public may speak during this process except
a) the Mayor;

b) the member of the public in speaking on the nominated topic or in asking the specified question, under 12.7; or exercising the right to ask one relevant supplementary question under 12.9;

c) the Councillor called upon to answer any such question and supplementary question.

12.11 After the member of the public has finished speaking on the specified topic, or as the case may be after the relevant Councillor has answered or declined to answer the specified question and any supplementary question, the Council shall proceed to the next business without any further comment.

12.12 The Mayor will continue calling applicants under 12.6 until thirty minutes have elapsed since the first was called. The applicant last called may complete his or her speech or question (including any supplementary question) and any answers may be given.

The Corporate Head of Law and Governance will ensure that a written response from the Councillor determined by the Mayor under 12.8 (who may decline to answer) is sent to any questioner whose question was accepted but who has not been dealt with.

The minutes of the meeting shall record any questions asked and answers (whether orally or in writing) either verbatim or as a fair summary.

13. QUESTIONS FROM MEMBERS OF THE COUNCIL

13.1 i) A Member of the Council may not ask more than one question at any Council meeting, if the requirements of this Standing Order are satisfied.

ii) The question must be for the Mayor, the Leader of the Council, or the Chairman of any Committee.

iii) The question must relate to a matter which concerns the Council's powers or duties, or which affects the Borough or its inhabitants.

iv) The Member asking the question must give written notice of it to the Chief Executive. The Notice must arrive by 9.30 a.m. on the eighth working day before the Council meeting at which he or she wishes to ask it. (For a meeting on a Thursday, notice must arrive by 9.30 a.m. on the Monday of the previous week, if there are no intervening Bank Holidays).
13.2 Questions shall appear on the agenda in the order in which proper notice was received. At the meeting the Mayor shall call questions in the same order, unless he or she decides to vary it in order to group subject matter or for any other reasonable cause.

13.3 Every question must be put and answered without debate or comment from any other Member. The person to whom a question has been put is not obliged to answer.

13.4 An answer may be given:

(a) orally at the meeting; or

(b) by referring to a publication where the relevant information may be found; or

(c) in writing, to be circulated to Members of the Council by the Corporate Head of Law and Governance as soon as possible after the meeting.

13.5 If the person questioned answers at the meeting by method (a) or (b) above, the questioner may ask one supplementary question which must be relevant to the subject of the first question. The use of artificial first questions as a device allowing an unforeseeable supplementary question is not permitted. If in the opinion of the Mayor a supplementary question does not reasonably and fairly relate to the subject matter of the first question, he may prohibit it and no response shall be offered to it. The questioner may not otherwise speak in response to the answer given, either to the original question or any supplementary question.

13.6 After the original questioner has asked a supplementary question, declined to do so, or been prohibited from doing so, up to two other members may be allowed to ask one supplementary question each, without prior notice, on the same conditions as set out in 13.5 above.

13.7 The Mayor shall allow 30 minutes (if necessary) for questions and their replies at the meeting. If a question is being dealt with at the time limit, the answer must be completed within 5 minutes. Other questions will be deferred to the next meeting of the Council.

14. CONSIDERATION OF RECOMMENDATIONS FROM COMMITTEES

14.1 Except under Standing Order 25.10 or 25.12 below, or on reference from a Committee or Overview and Scrutiny Select Committee, or consequentially upon notice of Motion under Standing Order 15, the Council will not review decisions already made by Committees or officers exercising the Council's functions under Section 101 of the 1972 Act.
14.2 The Corporate Head of Law and Governance will send to each Member with the Council Summons a report of the recommendations being made to the Council by each Committee, in addition to the record of decisions required by Standing Order 25.9.

14.3 After the Mayor has announced that the next business is to consider the recommendations from a Committee:

a) the Mayor will call the paragraph number relating to, or otherwise identify, each recommendation in turn as it is reached;

b) after the Mayor has called the recommendation, the Chairman or another Member of the Committee may move that the recommendation be adopted. The mover may alternatively propose a decision different to the one which the Committee has recommended, or give further explanation of anything which appears in the report

c) as he moves the Motion the mover may indicate corrections to the report, and

d) after the Motion has been seconded, each recommendation will be debated in accordance with the procedural rules under Standing Order 17.

14.4 A Member may ask a question relating to any recommendation. This right is in addition to the right to ask questions given by Standing Order 13, and no notice is necessary. The question must be addressed to the mover of the Motion for adoption of the recommendation. That Member may decline to reply, or reply in one of the forms set out in Standing Order 13.4. He must indicate his response when the time comes for his final right of reply under Standing Order 17.11.

14.5 After the exercise of the final right of reply, there will be no further comment or question or discussion on that recommendation, and the Motion must be put to the vote.

14.6 Following the vote on the recommendation the Mayor shall proceed to the next numbered paragraph in the Committee's report.
15. NOTICES OF MOTION

Notice by Members

15.1 Any Member of the Council may propose a Motion at any meeting of the Council. No Member may propose more than one Motion at the same meeting. He must give notice in accordance with this Standing Order. A Motion may not be moved if it or one to the same effect has been moved within the previous six months.

15.2 No notice is needed in order to move the Motions set out in Standing Order 16. Subject to the powers of the Mayor to control debate, and to other provisions of these Standing Orders, there is no limit on the number of such Motions which may be moved by one Member at the same meeting.

15.3 A notice of Motion must be in writing and signed by the Member giving it. The notice must be delivered to the office of the Chief Executive by 9.30 a.m. on the eighth working day before the meeting of the Council at which it is to be considered. The Chief Executive must date the Notice with the date of receipt, number it and any other notices in the order in which they are received, and enter all notices in a book which is open to inspection by every Member of the Council. If it is not possible to give the period of notice required above the Motion may be accepted only if the Mayor considers that circumstances exist under Section 100B of the 1972 Act to justify consideration at the meeting. The Member must deliver his notice in writing to the Chief Executive as long as possible before the meeting with a note of the circumstances upon which he wishes the Mayor to rely under Section 100B(4) of the 1972 Act.

Notices of Motions must be set out in Summons

15.4 The Chief Executive must set out, in the summons for every Council meeting, all Motions for that meeting of which notice has been received. The agenda must list the Motions in the order in which they were received, except for notices which have been withdrawn by the Members giving them, or Motions which cannot be considered because of Standing Order 15.7.

Dealing with Notices of Motion at the Council Meeting

15.5 If a Member, or another Member on his behalf, does not move a Motion of which he gave notice when it is reached on the agenda, it shall be treated as withdrawn unless the Council agrees to postpone it. It cannot then be moved without fresh notice.

15.6 Once a Motion has been moved and seconded it must be dealt with in one of the following ways:
a) unless (b) below applies, the Motion may be discussed according to the normal rules of debate but shall not be the subject of a final vote. It shall however be open to any Member at any stage during the debate to propose that the Motion be remitted to the appropriate Committee with a specified expression of the Council's preliminary opinion upon it. The mover or seconder of the original Motion may move such a proposal as he or she moves or seconds the original Motion, or any Member may do so subsequently. Once such a proposal is moved and seconded, it shall become the Motion under debate for the purposes of these Standing Orders.

If a proposal to remit the Motion to the appropriate Committee with an expression of opinion is moved, seconded, and carried, then the Motion shall stand referred to such Committee or Committees as the Corporate Head of Law and Governance shall determine as appropriate under the Terms of Reference. If no such proposal has been carried, then the Motion shall still stand referred to such Committee or Committees as the Corporate Head of Law and Governance shall determine as appropriate, but without any expression of Council opinion. In either case the Committee or Committees in question must consider the Motion and may either take action if they have delegated power to do so, or make a report and recommendation to the appropriate Committee or the Council in accordance with the Terms of Reference. The mover of the Motion may attend the relevant Committee meeting or meetings, and explain his Motion in addition to his rights (if any) to participate as a Committee Member.

b) the Motion can only be determined at the Council meeting if (i), (ii) or (iii) below applies, as to which the opinion of the Mayor shall be final.

(i) the Member giving the notice and the Mayor both agree before the meeting that the matter is exceptionally urgent and will not allow delay for report to the appropriate Committee. Before deciding whether or not to agree the Mayor shall consult the Chief Executive and any Member or Members he sees fit. If the Member giving the notice of Motion believes that it should be dealt with under this procedure he must so inform the Mayor and the Chief Executive at the time he gives his notice. If the Mayor subsequently agrees that the Motion may be determined at the Council meeting, this shall if possible be specified in the summons.

(ii) the Motion seeks only:

- an expression of support or disapproval for some action being undertaken by another person or body; or
- the sending of greetings or congratulations to a person or body; or
• a result that does not require the Council to do anything new or to stop doing something and that carries no adverse legal or financial consequences.

(iii) in a case not meeting the conditions in (i) or (ii) above, the Mayor, the Leader of the Council, and the Chief Executive all agree that the Motion is such that it can safely be determined at Council without consideration of a report from a Committee.

15.7 Members may only move Motions which are relevant to the Council's powers or duties or to the interests of the inhabitants of the Borough. If the Chief Executive receives notice of a Motion which he considers irrelevant, illegal, improper, ultra vires, or incomprehensible, he must immediately refer it to the Mayor, and must not insert it on the Council summons and agenda without the Mayor's consent. If the Mayor refuses to accept the notice of Motion the Chief Executive will inform the Member who gave it.

16. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

16.1 The following Motions and amendments may be moved without notice under Standing Order 15:

1. To appoint a Chairman for the meeting.

2. To correct the minutes.

3. To change the order of business set out in the summons.

4. To remit a matter to a committee.

5. To set up a committee or appoint its members, as a consequence of a matter mentioned in the summons to the meeting.

6. To adopt recommendations of committees or officers and to take any action resulting from such adoption.

7. To instruct under Standing Order 25.17 that no action be taken to implement a decision which has been the subject of debate or discussion at that meeting under Standing Order 25.10, pending a report on the possibility of rescission or amendment.

8. A Motion of which notice has been given under Standing Order 25.10.

9. That leave be given to withdraw a Motion.

10. A Motion which may be moved during debate, under Standing Order 17.15.
11. That the meeting terminate at specified time under Standing Order 21.1.

12. To authorise the sealing of documents.

13. To suspend Standing Orders, in accordance with Standing Order 2.4.

14. To give consent of the Council, where the consent of the Council is required by these Standing Orders.

17. RULES OF DEBATE FOR COUNCIL MEETINGS

Motions and Amendments

17.1 The Mayor must not allow discussion on a Motion or amendment unless it has been proposed and seconded. He may require it to be put into writing and handed to him for him to read to the Council before it is discussed further and must in any event ensure that the Meeting is aware of the words of the Motion or amendment before it is debated.

Seconder’s Speech

17.2 The Member who seconds a Motion or amendment may speak then or, if he says so at the time, reserve his speech until later in the debate.

Only one Member to Stand at a Time

17.3 Members must stand when they wish to speak and wait until called by the Mayor. If two or more Members stand, the Mayor shall call on one to speak and any others must sit down. When a Member is speaking, other Members must stay seated unless they wish to make a point of order or give a personal explanation.

Content and Length of Speeches

17.4 Members must not speak about anything except the subject under discussion, a point of order, a personal explanation or a personal interest. Members must not speak for longer than 5 minutes except with the Mayor’s consent.

Speaking more than once

17.5 A Member who has spoken on a Motion shall not speak again whilst it is the subject of debate, except:

(a) to speak once on each amendment;
(b) if the Motion has been the subject of a vote on an amendment since that Member last spoke, to move a further amendment;
(c) if the first speech was on an amendment, to speak on the substantive Motion;
(d) in exercise of any right of reply given by Standing Order 17.11 to 17.14 inclusive;
(e) on a point of order (see Standing Order 17.18);
(f) by way of personal explanation (see Standing Order 17.18);
(g) in relation to a personal interest (see Standing Order 26);
(h) to ask a question, provided that the Member has not already done so on the Motion in question.

**Amendments to Motion**

17.6 An amendment must be relevant to the Motion. It must take the form of a proposal:-

(a) to leave out words;
(b) to leave out words and insert or add others;
(c) to insert or add words;

but the effect of the proposal must not be to negate the Motion before the Council. The proposal is to be treated as negating the Motion if following its adoption the Motion would be of no effect or have a sense opposed to the original wording. For this purpose a Motion is to be read as a whole, and an amendment which negates one sentence or paragraph is not automatically to be treated as negating the whole. A Member wishing to propose a contrary Motion may not do so unless and until the original Motion is lost.

17.7 Once an amendment has been moved, no further amendments may be moved until the first amendment has been disposed of. This rule does not prevent a Member giving advance notice to the Mayor prior to the vote being taken on the amendment under discussion that he intends to move a further amendment.

17.8 If an amendment is lost, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall become the substantive Motion upon which any further amendment may be moved.

**Alteration of Motion**

17.9 A Member may, with the consent of the Mayor, without comment -

(a) alter a Motion of which he has given notice, or
(b) with the further consent of his seconder alter a Motion which he has moved

if (in either case) the alteration is one which could be made as an amendment thereto.
Withdrawal of Motion or Amendment

17.10 The mover of a Motion or amendment may withdraw it with the consent of his seconder and of the Council. Consent is to be given without comment. Once the mover of a Motion or amendment has asked permission to withdraw it, no other Member may speak upon it unless permission is refused.

Rights of Reply

17.11 The mover of an original Motion has the right to reply at the close of debate on the substantive original Motion, immediately before it is put to the vote.

No other Member shall speak between the mover exercising this right of reply and the vote being taken.

17.12 If an amendment is moved to the original Motion under discussion the mover of that original Motion shall have a right of reply at the close of debate on the amendment immediately before it is put to the vote, but he shall not otherwise speak during the debate on the amendment. If he does so, he shall forfeit his right of reply.

17.13 The mover of an amendment shall have a right of reply to the debate on his amendment immediately before the right of reply allowed to the mover of the original Motion under Standing Order 17.12. above.

17.14 A Member exercising a right of reply shall confine himself to answering previous speakers and shall not introduce new matters or material; the Mayor's ruling on this shall be final and not open to comment.

Motions Which May Be Moved During Debate

17.15 When a Motion is under debate no other Motion shall be moved except the following -

(a) to amend the Motion;
(b) to refer a recommendation of a committee back to that committee for reconsideration;
(c) to defer consideration of the matter until the next ordinary meeting of the council or until such a date as the Council may specify;
(d) to adjourn the meeting;
(e) to proceed to the next business;
(f) that a Member named under Standing Order 24.1 be not further heard;
(g) to exclude the public under Section 100A(4) of the 1972 Act.
Action upon special Motions moved during debate

17.16 A Motion specified in para 17.15 (b) - (g) above (a "special Motion") may be moved without comment by any Member (other than the proposer or seconder of the Motion and amendment (if any) under debate), at the conclusion of a Member's speech or immediately after the vote on an amendment has been concluded. If the special Motion is seconded the Mayor shall proceed as follows:

(a) on a Motion to refer a committee's recommendation back to that committee for reconsideration: The Mayor shall give the Chairman of that committee (or if absent the Member who moved the recommendation for adoption) the right of reply, after which he shall put the special Motion to the vote without comment;

(b) on a Motion to defer consideration of the matter: The Mayor may refuse to accept the special Motion if he considers that the matter before the meeting can be sufficiently discussed at the meeting. If he so refuses, no further Motion to defer consideration shall be moved except by the Mayor. If the Mayor accepts the special Motion he shall put it to the vote without comment after giving the mover of the original Motion alone a right of reply. If the special Motion is passed the matter shall stand deferred to the next ordinary meeting of the Council unless a different arrangement is specified in the special Motion.

(c) on a Motion to adjourn the meeting: The Mayor may refuse to accept the special Motion if less than three hours have elapsed since the start of the meeting. If he so refuses no further Motion to adjourn the meeting shall be moved until three hours have so elapsed. If the special Motion is moved and seconded after such a period, or if the Mayor accepts an earlier Motion for adjournment, he shall immediately put it to the vote without giving the mover of the Motion or amendment under debate the right of reply. If the special Motion is passed Standing Order 9.4 shall apply.

(d) on a Motion to proceed to next business: The Mayor may refuse to accept the special Motion if he thinks that the Council needs to reach a decision on the matter at that meeting. No such Motion shall be moved in relation to a debate on the adoption of a committee recommendation. If the Mayor accepts the special Motion he shall give the mover of the original Motion a right of reply and then put the special Motion to the vote without comment. If the special Motion is carried the Council shall proceed to the next business on the agenda without a vote or further debate on the original Motion or any amendments. If it is lost the debate on the original Motion shall continue and no further Motion to proceed to next business shall be moved in respect of that matter.
on a Motion that a Member named under Standing Order 24.1 be not further heard: The Mayor shall put the special Motion to the vote without comment. If it is passed the named Member shall not be permitted to speak again during the meeting on any Motion or amendment relating to the same matter.

Motions to exclude the public: Unless the Motion appears on the agenda, the Mayor shall ascertain the grounds for the Motion and ascertain from the appropriate officers present whether the public can lawfully be excluded. If so, he shall allow the mover of the original Motion a right of reply on the proposal to exclude the public and shall then put the special Motion to the vote. If it is passed the Mayor may at his discretion either immediately require the public to leave the room in which the debate is being held or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.

Mayor’s Discretion to put Question

17.17 The Mayor may curtail the debate at any time if he considers that the Council has sufficiently discussed the matter. He shall thereupon give the movers of the Motion and amendment (if any) their rights of reply and put that Motion or amendment to the vote.

Points of Order/Personal Explanation

17.18 If a Member stands to raise a point of order or give a personal explanation he is entitled to be heard at once.

(a) A point of order relates only to an alleged breach of a Standing Order or statutory provision. The Member must specify which Standing Order or statutory provision is involved, and how he thinks it has been broken. Notwithstanding the 2011 Act, or Standing Order 26, an alleged failure to declare a personal interest shall not be treated as a point of order under this provision.

(b) A personal explanation must be restricted to a relevant part of a speech made by him earlier which appears to have been misunderstood.

The Mayor's ruling on a point of order or on the admissibility of a personal explanation is final and no Member shall pass further comment.
Respect for Mayor

17.19 If the Mayor stands during the debate, any Member standing must sit down and the whole Council must be silent. The Mayor may interrupt the debate to restore order by using the command "order", or by striking the gavel, or by using the electronic interruption. The Council must then be silent until the Mayor calls upon a Member to speak.

17.20 All Members must address the Mayor when speaking during a Council meeting.

18. MOTIONS AFFECTING STAFF

18.1 If at any of its meetings the Council considers the appointment, promotion, dismissal, salary, superannuation, or conditions of service of any person employed by it, or the conduct of such a person, it must not discuss the matter until it has decided whether or not to exclude the public under Section 100 A (4) of the 1972 Act.

19. PETITIONS

19.1 Any member of the Council has the right to present a petition at a meeting of the Council. The petition must not be signed by Members of the Council. It must be relevant to the Council's functions, or the whole or part of its area or some or all of its residents. The Member who wishes to present the petition must check that these requirements are satisfied.

19.2 A Member who wishes to present a petition must notify the Chief Executive, or the Corporate Head of Law and Governance, that he wishes to present the petition, before the start of the meeting.

19.3 Petitions shall be presented to the Council as required under Standing Order 10. The Member presenting it has a maximum of 5 minutes to do so. He must do no more than read out or summarise the prayer of the petition, inform the Council of the number and description of the persons signing it, and make any relevant supporting remarks that he thinks fit. He shall then hand the petition to the person presiding.

19.4 Petitions shall be presented at any Council meeting in the order of which notice of them has been received.

19.5 Following the presentation of a petition, and subject to Standing Order 19.6 below, the Council shall refer it to the earliest meeting of the appropriate Committee at which it is practical for the relevant officers to present a report, unless the petition contains an allegation that a Member is in breach of the Code of Conduct for Runnymede Members, in which case it must be referred to the Standards Committee as well as the appropriate Committee;
19.6 The rights given by this Standing Order are supplementary to the other processes arising from the Council's Scheme for Responding to Petitions set out in this Constitution, and in particular there is no lower limit on the number of signatures on a petition that may be presented to Council under this Standing Order. In the event of any conflict between the provisions of this Standing Order and the Scheme for Responding to Petitions, the Scheme shall prevail.

19.7 Nothing in this Standing Order affects the right of an Overview and Scrutiny Select Committee to select any matter within its terms of reference for scrutiny or review.

19.8 There is to be no debate on the merits of the petition at the meeting at which it is presented.

20. OFFICERS' ADVICE AT COUNCIL MEETINGS

20.1 The Chief Executive or his representative may inform the Council as to matters of law, procedure, or record, at the invitation of the Mayor.

20.2 If the Chief Executive, the Monitoring Officer, the Chief Financial Officer, or a Chief Officer with relevant responsibilities, so requests, the Mayor must allow him the opportunity to offer essential advice to the Council before a matter is put to the vote. The Officer may require that this is to be achieved by referring the matter to the appropriate Committee to consider the Officer's report.

20.3 The Mayor or the Council may request oral advice from any Chief Officer (or representative) present and the Officer may then speak if he or she is able to offer the advice immediately. If the Officer is unable to offer the requested advice immediately, the Council must consider whether the matter should be referred to the appropriate Committee to allow the advice to be prepared and offered.

21. ENDING OF MEETING BY RESOLUTION

21.1 If at least 3 hours have elapsed since a Council meeting began, any Member may move without comment that the meeting shall end at a specified time.

21.2 The Mayor may refuse to accept the Motion if a Motion proposing a finish time has been rejected earlier in the same meeting. If the Motion is accepted, it shall be seconded and put without comment.

21.3 If the Motion is passed, when the time specified in it arrives:

(a) no further points of order shall be raised except by the Mayor;
(b) the Mayor shall interrupt the discussion of the question then before the meeting;

(c) the Mayor must allow the mover of the Motion then under discussion to reply to the debate for not more than five minutes, unless he seeks leave to withdraw his Motion;

(d) unless the Motion has been withdrawn, the Mayor shall put, without further discussion, all the questions necessary to dispose of that Motion;

(e) all outstanding Committee recommendations must be deferred to the next suitable Council meeting;

(f) Any Motions of which notice has been given under Standing Order 15 will be deferred to the next suitable Council meeting or, if the Member who has given notice so requests, to the next meeting of the appropriate Committee (as designated by the Mayor).

(g) the Mayor shall then close the meeting.

22. APPPOINTMENT OF COMMITTEES AND SUBSTITUTION OF MEMBERS

22.1 Subject to sections 101 and 102 of the 1972 Act and other appropriate legislation, at their annual meeting the Council:

a) shall approve the Constitution for the coming Municipal Year;

b) shall appoint policy and regulatory Committees and the Overview and Scrutiny Select Committees, the Standards and Audit Committee, the Licensing Committee, and any other Committees the Council deems appropriate in accordance with the Constitution. The terms of reference and numbers of voting Members of each committee shall be recorded in the Constitution;

c) may resolve that non-voting Members shall also be appointed to any such committee where it is lawful to do so;

d) if it resolves to make appointments under sub-paragraph (c), shall specify what number of appointments are to be made, and what functions in relation to the committee each person so appointed may exercise; and

e) shall specify which Members of the Council shall be eligible for an appointment to a particular Committee in accordance with Standing Order 22.8, in place of any Member appointed under Standing Order 22.1 (b).
22.2 No Committee shall have power to appoint a Sub-Committee without the approval of the Council, unless the Sub-Committee is referred to in the Constitution.

22.3 The Council may at any time amend resolutions made under paragraph 22.1 in accordance with the 2000 Act.

22.4 Every committee set up under this Standing Order, and every sub-committee set up by such a committee, shall continue to discharge the functions committed to them until the Council or committee, as the case may be, resolve otherwise.

22.5 Subject to section 102(5) of the 1972 Act (councillor leaving office to cease to be a Member of a committee) and Standing Order 22.6 to 22.8, every person appointed as a voting Member of such a committee or sub-committee and every person appointed to exercise other functions in relation to a committee shall continue as such until the appointment is terminated by the authority.

22.6 Whenever

a) the Council is required to review the allocation of seats on committees between political groups, or
b) the Council resolves to carry out such a review, or
c) a committee is required to review the allocation of seats on a sub-committee between political groups, or
d) a committee resolves to carry out such a review the Corporate Head of Law and Governance shall submit a report to the Council or committee (as the case may be) showing what allocation of seats would in his opinion best meet the requirements of section 15(4) of the 1989 Act.

22.7 In the light of such a report, the Council or committee, as the case may be, shall determine the allocation of seats to political groups.

22.8 Whenever -

i. an appointment of a voting Member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and
ii. whenever such an appointment falls to be terminated in accordance with such wishes, then:

the Council or the relevant committee as the case may be, or the Chief Executive, Corporate Head of Law and Governance, or Democratic Services Manager, shall make or terminate the appointment in accordance with the wishes of that political group (and this paragraph shall be treated as an arrangement for any of those Officers to perform that function under Section 101 of the 1972 Act).
The wishes of a political group are to be taken as those expressed to the Chief Executive or the Corporate Head of Law and Governance or Democratic Services Manager:

(a) orally or in writing by the leader of the group or by its representative as named in a notice given under regulation 8 (4) of the Local Government (Committees and Political Groups) Regulations 1990; or

(b) in a written statement signed by a majority of the Members of the group.

In the event that different wishes of a political group are notified in accordance with paragraphs (a) and (b) above, the wishes notified in accordance with paragraph (b) shall prevail.

A political group shall express its wishes as to any changes of appointments before the start of the earliest meeting at which they are to take effect, and shall comply with Standing Order 22.1 (e). If neither the Chief Executive nor the Corporate Head of Law and Governance or Democratic Services Manager is available to receive such expression of wishes, the proper officer for the purposes of the Local Government (Committees and Political Groups) Regulations 1990 shall be the most senior member present of the staff of the Corporate Head of Law and Governance, who shall also be authorised to effect the change of appointment in question.

Note: 1. The Membership of the Licensing Committee is not subject to the political balance requirements of the 1989 Act and the above mechanism for changing appointments to it is therefore not available;

2. Members of the Regulatory Committee must be Members of the Licensing Committee.

22.9 The Council may, at any meeting including the annual meeting, appoint a Chairman, or one or more Vice-Chairmen, or both for a committee in accordance with Standing Orders 31.7 and 31.8, provided that a Chairman or Vice-Chairman has not so far been appointed or elected in that municipal year.

23. MINORITY GROUP PRIORITY BUSINESS

23.1 A minority group may require that any one item of business to be placed on the Agenda for any meeting of the Council shall be treated as minority group priority business. It must do this by a notice in writing given to the Chief Executive not later than the latest time for the receipt of notices of Motion for that meeting (see Standing Order 15.3).

23.2 Where the Chief Executive receives more than one such notice for any meeting, he shall decide what notice shall be effective so as to ensure that as far as possible each
minority group's share of effective notices in the period since the last annual meeting of
the Council fairly reflects the relative sizes of those groups.

23.3 The Chief Executive must indicate on the agenda which (if any) item of business is to be
treated as minority group priority business.

23.4 If consideration of an item of minority group priority business has not begun two hours
after the start of the meeting, that item shall be taken immediately after the conclusion of
the business then under discussion.

24. GOOD ORDER IN MEETINGS

Disorderly conduct by Members

24.1 If any Member:

(a) Persistently disregards the ruling of the person presiding; or

(b) Behaves improperly or offensively; or

(c) Deliberately disregards established procedure; or

(d) Deliberately obstructs the business of the meeting;

then the Mayor may name the Member and require him both to apologise and to correct
his behaviour immediately, or to do either.

24.2 If a Member named by the Mayor under the paragraph above continues his misconduct,
the Mayor may do any or all of the following at his discretion at any time during the
meeting:

(a) he may forbid the Member from speaking for some or all of the rest of the
meeting;

(b) he may order the Member to leave the meeting for all or part of the remaining
business.

(c) he may order the Member to be removed from the meeting.

(d) he may adjourn the meeting for 15 minutes or any other period he wishes.

24.3 A Member may not impute improper motives, or use any offensive expression, to any
other Member. The Mayor shall be the sole judge at the meeting of when this rule has
been broken. If a Member ignores or rejects his ruling he shall be dealt with under the
two preceding paragraphs.
**Disturbance by members of the public**

24.4 If a Member of the public interrupts the proceedings the Mayor must warn him. If he continues to interrupt, the Mayor may order him to leave the meeting room. If he does not leave, the Mayor may order him to be removed from the room or the building.

24.5 If a Member of the public persistently creates a disturbance, the Mayor may adjourn the meeting for 15 minutes or any other period he wishes.

24.6 If there is a general disturbance in any part of the Chamber or meeting room open to the public, the Mayor must order that part cleared and may adjourn the meeting for 15 minutes or any other period he wishes.

24.7 The Mayor may also exercise any other lawful powers available to him to control the meeting.

**Smoking**

24.8 In accordance with legal requirements smoking is prohibited on Council premises.

**General**

24.9 The decision of the Mayor as to acceptable conduct whether by Members or the public shall be final.

**Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

24.10 Members of the public are permitted to film, audio-record, take photographs or make use of social media (tweet/blog) at Council meetings provided that this does not disturb the business of the meeting. If a member of public wishes to film or audio-record a particular meeting, the relevant Council Officer should be informed prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Mayor will make the final decision in all matters of dispute in regard to the use of social media, audio recording, photography, and filming in a Council meeting.

If the Mayor considers the filming/recording/photography is disrupting the meeting in any way or any pre-meeting agreement has been breached, the operator of the equipment will be required to stop.
If someone refuses to stop recording when requested to do so, theMayor will ask the
person to leave the meeting. If the person recording refuses to leave then the Mayor
may adjourn the meeting or make other appropriate arrangements for the meeting to
continue without disruption. These will be in line with disorderly conduct procedures set
out in the Constitution.

Anyone asked to leave a meeting because they have refused to comply with the Mayor’s
request may be refused permission to film/record/photograph at future Council
meetings.

The Mayor has a right to withdraw consent to film/record/photograph at any time during
the meeting.

**Banners, placards, etc**

24.11 The Mayor may require to be left outside the meeting room any banner, placard, or other
object being carried by any person.

**25. RULES OF PROCEDURE AT MEETINGS**

**Voting**

25.1 Unless one of the paragraphs below applies to the contrary, voting shall be by show of
hands.

25.2 At a meeting of the Council, or at a meeting of a committee or sub-committee, any
Member may request that the vote be recorded to show who voted for and against the
proposal and who abstained. For a recorded vote, the Chief Executive or the Corporate
Head of Law and Governance, or representative, shall call the name of each Member
present and that Member shall speak to indicate whether he votes for or against the
Motion, or abstains, without further comment. At a Council Meeting the Mayor and
Deputy Mayor will be called first. At a Committee or Sub-Committee meeting the
Chairman and Vice-Chairman will be called first. A recorded vote will be taken at the
Special Council meeting which sets the budget.

25.3 Except where a recorded vote has been taken, any Member present at the vote may
immediately afterwards require that his vote or abstention shall be recorded separately
in the minutes.

25.4 The Mayor must ascertain the numbers voting for or against any Motion or amendment,
or for any candidate. He or an officer present shall inform the meeting of the numbers.
Once he has satisfied himself as to the totals his declaration of the result cannot be
questioned.
Voting on nominations and appointments

25.5 Unless Standing Order 5 or 6 applies, the Member nominating each candidate shall be allowed a maximum of two minutes to identify the candidate, and his or her qualifications for the position, to the meeting. If the meeting has to vote on a Motion to nominate, appoint, or elect one or more persons to any position (other than to serve on a body to which statutory political balance rules apply) any other Member wishing to speak on the proposed nomination or appointment shall also have a maximum of 2 minutes.

If more names have been nominated and seconded than the number of vacancies, the following procedure shall be followed:

(a) each Member shall be entitled to vote for as many different individuals as there are vacancies, but need not use all or any of his votes;

(b) for a single vacancy, the person presiding shall put the names of the candidates to the meeting in alphabetical order and the Members voting for each candidate shall indicate their votes by raising their hands;

(c) if there are two or more vacancies on the body in question, an appropriate officer shall call the name of each Member present who shall thereupon state for which candidate or candidates (if any) he is voting. The officer shall keep a tally of votes cast for each person nominated and shall inform the person presiding;

(d) The vacancy or vacancies shall be filled by the nominee or nominees with the greatest number of votes, provided that each received votes from more than half of the Members present and voting (or half together with the Mayor’s second or casting vote). The Mayor or an appropriate officer shall announce the voting figures, and shall identify the successful candidates, to the meeting.

(e) If all the vacancies cannot be filled by candidates satisfying (d) above the candidate with the smallest number of votes shall be struck from the list (subject to this paragraph) and the voting process shall be repeated until this requirement is satisfied for all vacancies. Any candidate whose election has satisfied (d) above is elected. If at least one candidate has been elected, no other candidates will be struck from the list for the next vote.

(f) Any Member may request that the vote on a nomination or appointment be recorded. In such event the vote shall be taken by the method set out in paragraph (c) above regardless of the number of vacancies.
Nomination of Mayor

25.6 Notwithstanding that when the appropriate Committee considers candidates for nomination under Standing Order 7, it is not voting on the appointment or election, and the procedure set out in paragraph 25.5 shall be followed.

Second or casting votes

25.7 If the votes are tied on any issue, the Mayor may use a second or casting vote as follows:

i. if he voted at the same time as the other Members (i.e. used his first vote), he shall use his second vote.

ii. if he did not vote at the same time as the other Members he shall use his casting vote.

iii. he shall not be permitted to delay his first vote in order to ascertain the voting figures and then use it to produce an equality of votes in order to use his second vote.

iv. he may decline, without explanation, to use either his second vote or his casting vote.

If the votes remain tied at the end of the voting process the effect is that no decision has been taken on the matter in question, and the Motion being voted upon is lost.

Record of Attendance

25.8 Every Member attending a meeting of the Council, or any committee or sub-committee, must sign his name in the attendance book or sheet provided for the purpose. Every Member attending some other meeting, conference, inspection or approved duty must sign his name in such register as may be made available for the purpose.

Review of Decisions Made under Delegated Power

25.9 Before every Council meeting the Corporate Head of Law and Governance shall send to every member of the Council a record of the matters considered or decided by the Council, Committees, and Sub-Committees, and decisions taken by officers under Standing Order 42, up to such date as he shall determine. In addition, as soon as reasonably practicable after a Committee or Sub-Committee has met, he will send to each Member of the Council a list summarising the decisions taken at that meeting.

25.10 Matters decided under delegated powers shall not normally be considered by the Council unless otherwise provided in the Constitution. However the leader of any Political Group represented on the Council may serve notice on the Chief Executive that
the Group wishes the Council to have the opportunity of discussing a decision taken by a Committee, a Sub-Committee, or an officer. He must also state which of the courses of action set out in 25.11 a Member of his group will move. Such a notice must be in writing and must be delivered to the Chief Executive by 9.30 a.m. on the eighth working day before the meeting of the Council at which it is to be considered. Each group may only serve one such notice for each meeting. The Chief Executive must ensure that the relevant matter is then included on the Summons for that Council meeting and that a copy of the relevant Committee report or record of officer decision is appended to the Summons, together with any supporting information the Chief Executive decides is necessary.

25.11 No further notice of the proposed Motion is necessary and Standing Order 15 does not apply except for 15.4. When the item of business is reached on the agenda, the only decisions available to the Council are:

a) to take no further action;

b) to request the appropriate Committee to consider the matter and to recommend appropriate policy for similar matters in the future;

c) to request the appropriate Overview and Scrutiny Select Committee to review and report to Council, with the further comments of the appropriate Committee on the merits of the decision;

d) to refer the decision back to the appropriate Committee with a request to consider and report on the possibility of rescission or amendment.

Only the action specified in the notice served under 25.10 may be moved. If the Motion fails or if a Member fails to move it, the effect will be that no further action is taken. No further action may be moved under that notice, nor may the decision in question be the subject of a further notice under 25.10.

25.12 A Member may give one notice that he wishes a single decision made by a Committee, a Sub-Committee or an Officer since the last Council meeting to be the subject of discussion at the next Council meeting. He must give notice in writing to the Chief Executive before 9.30 a.m. on the eighth working day before the meeting of the Council at which it is to be considered. The Chief Executive must ensure that the relevant matter is then included on the summons for that Council meeting and that a copy of the relevant Committee report or record of Officer decision is appended to the summons, together with any supporting information the Chief Executive decides is necessary. If more than one notice is received, the Chief Executive shall place them on the agenda in order of receipt.
When the relevant item of business is reached on the Council Agenda, the Member who
gave the notice may speak first, but neither he nor any other Member may move any
Motion on the matter in question. The normal rules of debate shall apply subject to any
necessary modification to allow for the fact that there is no Motion under debate. During
the discussion Members may pass comment or ask a question of the policy Committee
Chairman for the function concerned. When the Mayor is satisfied that sufficient
discussion has taken place he shall call upon the Chairman to respond to the issues
raised. The Chairman need not make any comment and may, if he
wishes, indicate that additional information will be circulated by an Officer in writing, or
refer a questioner to a document where the relevant information may be found.

Once the Chairman has concluded his or her comments, the discussion on that matter
shall be at an end.

The total time allocated to consideration of all matters raised under this Standing Order
25.12 shall not exceed one hour without the consent of the Mayor. If there is insufficient
time to deal with all such matters, those not reached shall fall, but nothing shall prevent
any Member from exercising any right to request their examination by an Overview and
Scrutiny Select Committee.

**Rescission of Decisions**

25.13 If, a decision was taken more than six months previously, or if the circumstances set out
in Standing Order 25.14 or 25.15 exist:

a) the Council may rescind a decision of a Committee, a Sub-Committee, or an
   officer;

b) a Committee may rescind a decision of a Sub-Committee or officer;

c) an officer may rescind his own decision or that of a predecessor or subordinate.

This power is subject to Standing Order 25.16.

25.14 The circumstances in the case of rescission decided by the Council, or a Committee,
are:

EITHER

a) i. the decision to rescind has been recommended by a Committee or Sub-
   Committee which has considered a written report from the appropriate
   officers as to the legal, financial, and practical effects such rescission
   would have (which advice shall be appended to any report on the matter
to Council); and
ii. the Council or Committee taking the decision to rescind is satisfied, having regard to the time at which the original decision was taken, present Council policy, the Council's legal obligations, and all other relevant matters, that it is appropriate to rescind.

OR

b) if the circumstances set out in a) above do not apply, the decision to rescind is taken by the Council and the following conditions are satisfied:

i. the Council takes the decision after considering the report from a Committee to whom a matter was referred back under Standing Order 25.11 (d); and

ii. there is appended to the Committee's report a copy of the officers' advice mentioned in paragraph (a) (i) above; and

iii. at least two thirds of the whole number of Members are present; and

iv. the Council is satisfied as mentioned in (a) (ii) above.

25.15 In the case of rescission decided by an officer, the circumstances are:

a) that the officer has received written advice from the appropriate officers as to the legal, financial, and practical effects such rescission would have;

b) that the Council's Monitoring Officer has been informed of the proposal and has raised no objection;

c) that the officer is satisfied as mentioned in 25.14 (a) (ii) above.

25.16 A decision or part of a decision which has already been implemented cannot be rescinded. The advice of the Council's Monitoring Officer as to whether a decision or part of a decision has been implemented is final.

25.17 Although the Council or a Committee may be awaiting a further report before reaching a decision on whether to rescind a decision, it may if it sees fit instruct that pending such decision no further action should be taken to implement the decision being reconsidered. Before resolving to issue such an instruction it must take into account advice from the appropriate officers as to the legal, financial, and practical effects such an instruction would have.
Meaning of Rescission

25.18 For the purposes of these Standing Orders the rescission of a decision means cancelling it so that henceforth the effect is as if it had not been made.

25.19 Varying or amending the effect of a decision does not fall to be treated as rescission unless the variation or amendment would have been treated as negating the Motion if it had been proposed as an amendment before the original resolution was passed. However the Council may not vary or amend a Committee’s decision except after a report requested from that Committee under paragraph 25.11 (d) above.

Other restrictions on departure from previous decisions

25.20 Any Motion or amendment to the same effect as a Motion or amendment which has been rejected by the Council, a Committee, or a Sub-Committee within the previous six months is subject to the same restrictions as if it were a proposal to rescind a decision. The same applies to a Motion under Standing Order 25.11 which has failed.

26. INTERESTS OF MEMBERS

26.1 Where any Member has a disclosable pecuniary interest and/or a non-pecuniary interest in a matter under consideration he shall comply with the Code of Conduct for Members set out in Part 5 of this Constitution.

26.2 If a Member is uncertain as to whether the Code affects him in particular circumstances, he may ask for the opinion of the Mayor who must consult the Monitoring Officer or such senior officers as may be available and appropriate to advise on the matter. If the Mayor then expresses the opinion that the Member should withdraw the Member must abide by that opinion for the meeting.

26.3 If a Member is concerned that another Member might have omitted to declare an interest under the Code of Conduct for Members, he may rise and upon referring to this Standing Order shall be entitled to be heard at once. He may then without offering detail or explanation request that a named Councillor be invited to consider whether he should have declared an interest in the matter under debate.

The Mayor shall thereupon invite the named Councillor to consider his position and respond. The named Councillor shall, without further detail or explanation:

i indicate that he or she has no such interest; or

ii declare such an interest, and take any other action required by this Standing Order 26; or
iii seek the opinion of the Mayor under Standing Order 26.2, and abide by that opinion. The Mayor may if he sees fit adjourn the meeting for so long as is necessary to seek advice and offer such opinion in private.
STANDING ORDERS
FOR MEETINGS OF COMMITTEES AND SUB-COMMITTEES
STANDING ORDERS FOR MEETINGS OF COMMITTEES AND SUB-COMMITTEES

27. COMMITTEE AND SUB-COMMITTEE AGENDAS AND TIMETABLE

27.1 The Corporate Head of Law and Governance will prepare a timetable of Committee and Sub-Committee meetings each year and submit it to the Authority for approval. Meetings shall be organised in accordance with the approved timetable. The Corporate Head of Law and Governance may cancel a meeting if he and the Chairman of the Committee or Sub-Committee in question are both satisfied that there is insufficient business to justify the meeting being held, or for other reasons which in their view are sufficient. The date of a meeting may be changed with the consent of the leaders of all political groups. When a meeting is cancelled or the date is changed, the Corporate Head of Law and Governance shall arrange for every Member of the Council to be notified in writing of the cancellation or change and of the reasons for it.

27.2 The Corporate Head of Law and Governance must send out an agenda at least five clear working days before every meeting of a Committee or Sub-Committee, or as soon as the meeting is called whichever is later. The agenda shall be sent to every person entitled to receive the papers of the Committee or Sub-Committee.

27.3 Subject to any requirements of the Chairman, the Corporate Head of Law and Governance must arrange the order of business on the agenda as he thinks will ensure the effective despatch of business.

27.4 The agenda must include:

(a) all items of business referred to the Committee or Sub-Committee by the Council or another committee or sub-committee;

(b) any reports submitted to the Committee or Sub-Committee by a Chief Officer;

(c) any item of business which the Chairman requires to be included;

(d) any other item of business within the Committee's Terms of Reference which two Members of the Committee or Sub-Committee request to be included by notice in accordance with Standing Order 27.5 below. No two Members may give notice of more than one item of business for any meeting under this provision.
27.5 Members who wish to request that a particular item of business be included must give notice in writing to the Chief Executive by 9.30 a.m. on the eighth working day before the date of the meeting.

27.6 If it is impossible to include a report on a particular item on the Agenda before it is despatched, or if a report is proposed to be put to the meeting as a matter of urgency in special circumstances under Section 100 B of the Local Government Act 1972, the Corporate Head of Law and Governance shall circulate it to every person entitled to receive the papers of the Committee or Sub-Committee as soon as practicable after it has been prepared. Wherever possible, all Members of the Council would be given advance warning by email of any such reports. In cases where it is not possible due to operational or administrative reasons to include a report requested by a Member on an Agenda for the meeting in question it will be included on the Agenda for a subsequent meeting.

27.7 An item of business specified on the agenda for the meeting may be withdrawn before the meeting starts by the Chief Executive, Corporate Head of Law and Governance, or whose Department is responsible for the subject matter, with the agreement of the Chairman. In such a case no Motion shall be moved thereon, and the item shall not be subject to comment by any Member except the Chairman announcing the withdrawal.

Call-in

27.8 The Overview and Scrutiny Select Committee has the right, in the exceptional circumstances mentioned in paragraph 12 of the overview and scrutiny procedure rules, to call in any decision of a policy Committee or Sub-Committee, other than a recommendation to the Council or parent Committee, subject to the requirements of this Standing Order. The Overview and Scrutiny Procedure Rules in Part 4 of the Constitution will be followed. If a decision is called in, it shall not take effect until the following procedure has been completed:

a) the request for call-in must be on the standard proforma and specify the reasons for the call-in, by explaining what evidence the Members have to indicate the decision in question was not made in accordance with Article 12 of the constitution or have evidence that Council Policy or legal requirements were disregarded when the decision was made, be signed by at least two Members of the Overview and Scrutiny Select Committee and must be delivered to the office of the Chief Executive before 5.00 p.m. on the fourth working day after the policy committee has taken the decision;

b) no such request can be effective if the Chairman of the Overview and Scrutiny Select Committee agrees that the policy committee or sub-committee has determined that the interests of the Council or the Borough would be prejudiced.
by delay in implementing the decision, and that this determination is correct and that the decision is a reasonable one. Any Officer seeking to rely on this provision must contact the Chairman of Overview and Scrutiny Select Committee to obtain their agreement and explain in the relevant report the justification for such a decision.

c) Call-in requests may not be made in respect of decisions on individual planning applications, enforcement notices, tree preservation orders, the grant or refusal of statutory permits or local authority licences authorising any use of land or activity, or the taking of regulatory or enforcement action under any statute. Any such request is void, but the Overview and Scrutiny Select Committee may consider and pass comment on the merits of the decision or the underlying policy.

d) When an effective call-in request is received, the Corporate Head of Law and Governance must arrange a meeting of the Overview and Scrutiny Select Committee at a time suitable to the subject matter and the urgency of the case. Such a meeting must normally be held within ten days of the receipt of the request;

e) The Committee may consider the matter either by report, advice and debate in the usual manner, or by conducting a scrutiny hearing. The Chairman must determine the method within one working day of being notified of the call-in request (or its receipt if he signed it), and must inform the Corporate Head of Law and Governance. If the Chairman makes no determination the method will be by report, advice, and debate.

f) When it considers the matter, the Overview and Scrutiny Select Committee may either refer the matter back to the policy Committee or Sub-Committee, or report to the Council, with any comments and recommendations it wishes to make.

g) The matter will be reconsidered at the next ordinary meeting of the policy Committee or Sub-Committee, or the Council, unless the matter is sufficiently urgent to require a special or extraordinary meeting. The subsequent decision of the policy Committee or Sub-Committee or the Council upon the matter will not be subject to further call-in.

28. SPECIAL MEETINGS OF COMMITTEES AND SUB-COMMITTEES

28.1 The Chairman of a Committee or Sub-Committee (or in his absence the Vice-Chairman), or the Mayor, may call a special meeting of that Committee or Sub-Committee at any time. The Corporate Head of Law and Governance may call a special meeting to consider business under Standing Order 27.8.
28.2 If:
(a) a requisition for a special meeting of a Committee or Sub-Committee, signed by at least two, or one quarter of the total number, of the voting members of a Committee or Sub-Committee, whichever is greater, has been presented to the Chairman or in his absence the Vice-Chairman; and

(b) either he has refused to call a meeting or, without him so refusing, no special meeting has been called within seven days of the presentation of the requisition,

then any two, or one quarter of the number, of the voting Members of the Committee or Sub-Committee, whichever is greater, may forthwith call a special meeting of the committee or sub-committee.

28.3 Any requisition under Standing Order 28.2 (a) above may be presented by being left with the Chief Executive.

28.4 When a special meeting has been called under this Standing Order, the person calling it must immediately give notice of that fact to the Chief Executive. The notice must state the business to be done. The Chief Executive must fix a date for the meeting which so far as practicable is appropriate for the proper despatch of that business. Standing Order 27.2 will then apply.

29. RIGHTS AND DUTIES OF MEMBERS TO ATTEND MEETINGS

29.1 Except for the cases set out in Standing Order 29.2 below:

(a) Any Member of the Council may attend the meetings of all Committees and Sub-Committees, but may not speak without the permission of the Chairman unless he is a Member of the Committee or Sub-Committee in question. Unless he is such a Member, he may not move a resolution or vote.

(b) A non voting Member of a Committee or Sub-Committee has the right to attend all meetings of that body but may speak only on matters which the Chairman considers reasonably and fairly relate to the purposes for which he was appointed to the body. Non voting Members may not speak on the appointment of a Chairman or Vice-Chairman or be elected to those offices.

(c) A non voting Member of a Sub-Committee may attend meetings of the parent Committee (or Committees in the case of a Joint Sub-Committee). With the Chairman's permission, he may speak on matters relevant to the purpose of his appointment but may not move a resolution.
29.2 In the case of the Committees, Sub-Committees, or other bodies listed in this paragraph, or specified by resolution of the Authority, Members who are not Members of the Committee, Sub-Committee or other body, or who have entered the Meeting late, have no right to attend or speak except with the permission of the Chairman. This permission may be given (if at all) subject to such conditions as to seating position, duration of attendance, and any other matters as the Chairman (acting on legal advice) may think proper. The committees, sub-committees and other bodies are:

(a) The Standards and Audit Committee.

(b) The Licensing Committee and its Sub-Committees.

(c) The Regulatory Committee and its Sub-Committees

29.3 The Overview and Scrutiny Select Committee may require any Member or Officer to attend one of its meetings to provide information or to explain a decision. If a Member fails to attend without reasonable excuse, his conduct shall be referred to the Standards and Audit Committee. If an Officer fails to attend without reasonable excuse, his conduct shall be referred to the Chief Executive. In this paragraph “reasonable” means reasonable in the opinion of the Overview and Scrutiny Select Committee.

29.4 Notwithstanding anything said above, a Member of the Council who has moved a Motion which has been referred to any Committee has the right to attend the meeting, and if he attends must be given an opportunity to explain the Motion.

30. QUORUM

30.1 The quorum of a Committee or Sub-Committee is one quarter of the total number of Members of that Committee or Sub-Committee rounded up to the next whole number, but shall never be less than three.

30.2 If there is no quorum at the time the meeting is summoned to start, the person presiding will allow a delay of fifteen minutes to see if a quorum assembles. If there is still no quorum at the end of that period, the meeting must be reconvened at another time.

30.3 If during any meeting of a Committee or Sub-Committee the person presiding ascertains that a quorum is not present, the meeting shall stand adjourned for fifteen minutes. If after fifteen minutes there is still no quorum present, the meeting shall end.

30.4 The person presiding may fix a date and time to deal with any business which cannot be dealt with because of Standing Order 30.2 or 30.3 above. If he does not do so, the business shall be dealt with at the next timetabled meeting of the Committee or Sub-Committee.
31. ELECTION OF CHAIRMEN OF COMMITTEES AND SUB-COMMITTEES

Chairmen and Vice-Chairmen

31.1 If the Council (or as the case may be the parent Committee) has not appointed a Chairman and Vice-Chairman under 31.7 below, every Committee and Sub-Committee shall, at its first meeting, before proceeding to any other business, elect a Chairman or one more Vice-Chairmen (or if required both) for the municipal year. In addition, a Committee or Sub-Committee may elect an additional Vice-Chairman at any time. (Note: This Standing Order, and so much of 31.2 below as would require a Chairman and Vice-Chairman to be elected for the municipal year, shall not apply to Sub-Committees of the Licensing Committee, Regulatory Committee or Standards and Audit Committee, which are free to elect such Members meeting by meeting.)

31.2 If the Chairman and Vice-Chairman are absent from a meeting, or not yet appointed, the Mayor shall take the chair if present and willing. If the Mayor is absent, or if he does not wish to chair the meeting, the Chief Executive or the Corporate Head of Law and Governance (or a member of his staff) shall become the person presiding and the first business of the meeting shall be to elect a Chairman and Vice-Chairman for the municipal year. If they have already been elected, the Committee or Sub-Committee must elect a Member to take the chair and to preside over the rest of the meeting.

31.3 The election of a Member to preside shall be conducted in accordance with Standing Order 39.6 (voting on appointments).

31.4 If the Chairman or Vice-Chairman enters the meeting after another Member has been appointed to preside, that Member must immediately at the conclusion of the matter under discussion offer the chair to the Chairman or Vice-Chairman. The same shall apply to the Vice-Chairman in relation to the Chairman.

31.5 Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting, except that an officer shall not be entitled to a vote of any kind, nor shall the Mayor or Deputy Mayor presiding under paragraph 31.2 above unless he is a member of the Committee. If the result is that the vote on the appointment of Chairman is tied, all the business of the meeting shall be deferred to a further meeting to be appointed, and the Council (or the parent Committee as the case may be) shall have the power to appoint two Members of the Committee or Sub-Committee to be its Chairman and Vice-Chairman.

31.6 If the Chairman resigns or becomes incapable of acting as such, the Vice Chairman shall become the Chairman until a Chairman is elected at the first meeting after this has occurred, when the Committee or Sub-Committee must elect a Chairman (and if necessary Vice Chairman) for the remainder of the municipal year. If the Vice-Chairman
resigns or becomes incapable of acting as such, the Committee or Sub-Committee must
elect a new Vice-Chairman at its next meeting.

31.7 Notwithstanding anything above:

a) the Council may appoint a Chairman or one or more Vice-Chairmen or both for a
   Committee

b) a parent Committee may appoint a Chairman or one or more Vice-Chairmen or both
   for a Sub-Committee

provided that no such appointment or election has so far been made in that Municipal
Year.

31.8 Whether elected under 31.1 above or appointed under 31.7, a Chairman or Vice-
Chairman must be drawn from the membership of the Committee or Sub-Committee
concerned.

32. MINUTES

32.1 The Minutes of every meeting of a Committee or Sub-Committee shall be drawn up and
   presented to the next suitable meeting of that body, as soon as is consistent with good
   administrative practice.

32.2 The person presiding over the Committee or Sub-Committee shall put the question that
   the Minutes of the meeting of the relevant Committee or Sub-Committee held on the
   specific date be confirmed and signed as a correct record.

32.3 There shall be no discussion on the Minutes, except by way of a Motion relating to their
   accuracy. If no question of accuracy is raised, or as soon as any question is settled, the
   person presiding shall sign the Minutes.

32.4 If the Committee or Sub-Committee is not scheduled to meet again, or is not likely to
   meet in the foreseeable future, the Chairman of the Committee or Sub-Committee (or in
   his absence any Member of it) may sign the Minutes using the above procedure when
   the proceedings of the body are reported to (or at a convenient Meeting of) the Council
   or the Parent Committee, subject to the resolution of all questions as to their accuracy
   which may then be raised by Members who were present at the meeting.

33. SCHEME OF DELEGATION
33.1 A Committee or Sub-Committee shall act in accordance with its terms of reference and delegated powers as agreed by the Council and set out in the Constitution.

34. RULES OF DEBATE

Meetings of Committees and Sub-Committees are to be conducted with as little procedural formality as is consistent with the need for good order and the effective conduct of business. However, the following rules of debate shall be followed:

Motions and Amendments

34.1 A Motion or amendment, other than at the Planning Committee in respect of development management decisions and exceptionally at other Committees where the Chairman may wish to consider the benefits of debating the recommendation before it before a Motion is made, shall not be discussed until it has been proposed and seconded, and the person presiding may require it to be submitted in writing so that he may read it to the Meeting before it is discussed.

34.2 Members must not speak about anything except the subject under discussion, a point of order, a personal explanation, or a personal interest. Members must not speak for longer than 5 minutes except with the Chairman's consent.

34.3 An amendment must be relevant to the Motion. It must take the form of a proposal:-

(a) to leave out words;
(b) to leave out words and insert or add others;
(c) to insert or add words;

but the effect of the proposal must not be to negate the Motion before the Committee or Sub-Committee. The proposal is to be treated as negating the Motion if following its adoption the Motion would be of no effect or have a sense opposed to the original wording. For this purpose a Motion is to be read as a whole, and an amendment which negates one sentence or paragraph is not automatically to be treated as negating the whole. A Member wishing to propose a contrary Motion may not do so unless and until the original Motion is lost.

34.4 Once an amendment has been moved, no further amendments may be moved until the first amendment has been disposed of. This rule does not prevent a Member giving advance notice to the person presiding prior to the vote being taken on the amendment under discussion that he intends to move a further amendment.

34.5 If an amendment is lost, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall become the substantive Motion upon which any further amendment may be moved.
Alteration/Withdrawal of Motion

34.6 A Member who has moved a Motion may alter it or withdraw it with the consent of his seconder.

Rights of Reply

34.7 The same rights of reply shall be available in debate in Committees and Sub-Committees as exist in debate at meetings of the Council (Standing Order 17.11-17.14).

Motions Which May Be Moved During Debate

34.8 When a Motion is under debate no other Motion shall be moved except the following -

(a) to amend the Motion;
(b) to refer a recommendation of a Sub-Committee back to that Sub-Committee for reconsideration;
(c) to defer consideration of the matter until the next ordinary meeting of the Committee;
(d) to adjourn the meeting;
(e) to proceed to the next business;
(f) that a Member named under Standing Order 38.1 be not further heard;
(g) a Motion under Section 100A(4) of the 1972 Act to exclude the public.

Action upon special Motions moved during debate

34.9 A Motion specified in para 34.8 (b) - (g) above (a "special Motion") may be moved without comment by any Member (other than the proposer or seconder of the Motion and amendment (if any) under debate), at the conclusion of a Member’s speech or immediately after the vote on an amendment has been concluded. If the special Motion is seconded the person presiding shall proceed as follows:

(a) on a Motion to refer a Sub-Committee’s recommendation back to that Sub-Committee for reconsideration: The person presiding shall give the Chairman of that sub-committee (or if absent the Member who moved the recommendation for adoption) the right of reply, after which he shall put the special Motion to the vote without comment;

(b) on a Motion to defer consideration of the matter: The person presiding may refuse to accept the special Motion if he considers that the matter before the meeting can be sufficiently discussed at the meeting. If he so refuses, no further Motion to defer consideration shall be moved except by the person presiding. If the person presiding accepts the special Motion he shall put it to
the vote without comment after giving the mover of the original Motion alone a right of reply. If the special Motion is passed the matter shall stand deferred to the next ordinary meeting of the Committee unless a different arrangement is specified in the special Motion.

(c) on a Motion to adjourn the meeting: The person presiding may refuse to accept the special Motion if less than three hours have elapsed since the start of the meeting. If he so refuses no further Motion to adjourn the meeting shall be moved until three hours have so elapsed. If the special Motion is moved and seconded after such a period, or if the person presiding accepts an earlier Motion for adjournment, he shall immediately put it to the vote without giving the mover of the Motion or amendment under debate the right of reply. If the special Motion is passed Standing Order 30.4 shall apply.

(d) on a Motion to proceed to next business: The person presiding may refuse to accept the special Motion if he thinks that the Committee needs to reach a decision on the matter at that meeting. No such Motion shall be moved in relation to a debate on the receipt and adoption of a Sub-Committee report. If the person presiding accepts the special Motion he shall give the mover of the original Motion a right of reply and then put the special Motion to the vote without comment. If the special Motion is carried the Committee shall proceed to the next business on the agenda without a vote or further debate on the original Motion or any amendments. If it is lost the debate on the original Motion shall continue and no further Motion to proceed to next business shall be moved in respect of that matter.

(e) on a Motion that a Member named under standing order 38.1 be not further heard: The person presiding shall put the special Motion to the vote without comment. If it is passed the named Member shall not be permitted to speak again during the meeting on any Motion or amendment relating to the same matter.

(f) Motions to exclude the public: Unless the Motion appears on the agenda, the person presiding shall ascertain the grounds for the Motion and ascertain from the appropriate officers present whether the public can lawfully be excluded. If so, he shall allow the mover of the original Motion a right of reply on the proposal to exclude the public and shall then put the special Motion to the vote. If it is passed the person presiding may at his discretion either immediately require the public to leave the room in which the debate is being held or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.

Chairman’s discretion to put question
34.10 The person presiding may curtail the debate at any time if he considers that the Committee has sufficiently discussed the matter. He shall thereupon give the movers of the Motion and amendment (if any) their rights of reply and put that Motion or amendment to the vote.

**Points of Order/Personal Explanation**

34.11 If a Member stands to raise a point of order or give a personal explanation he is entitled to be heard at once.

(a) A point of order relates only to an alleged breach of a Standing Order or statutory provision. The Member must specify which Standing Order or statutory provision is involved, and how he thinks it has been broken. Notwithstanding the 2011 Act, or Standing Order 40, an alleged failure to declare a pecuniary or non-pecuniary interest shall not be treated as a point of order under this provision.

(b) A personal explanation must be restricted to a relevant part of a speech made by him earlier which appears to have been misunderstood.

The ruling of the person presiding on a point of order or on the admissibility of a personal explanation is final and no Member shall pass further comment.

**Respect for Chairman**

34.12 If the person presiding stands during the debate, the whole Committee must be silent. The person presiding may interrupt the debate to restore order by using the command "order", or by striking the gavel, or by using the electronic interruption. The Committee must then be silent until the person presiding calls upon a Member to speak.

34.13 All Members must address the person presiding when speaking during a Committee meeting.
General

34.14 The person presiding may if he wishes in exercising his control of the debate have regard to the rules of debate for Council meetings in Standing Order 17, but subject to the above is not obliged to follow them.

35. PAPERS AND ADVICE

35.1 A copy of every paper which is circulated to Members for consideration at a meeting of a Committee or Sub-Committee shall be sent to the Chief Officers of the Council who are concerned in the work of that Committee or Sub-Committee.

35.2 Any question as to which Chief Officers are concerned with the work of any Committee or Sub-Committee shall be determined by the Chief Executive.

35.3 Before they conclude their consideration of any question, every Committee and Sub-Committee shall, at his request, afford a Chief Officer who is entitled to receive papers under this Standing Order (or another officer nominated by him) an opportunity to advise on that question, either in writing or orally.

35.4 The Chairman of a Overview and Scrutiny Select Committee may require if he sees fit that the same officer does not advise both a policy Committee and a Overview and Scrutiny Select Committee on the merits of the same decision. This shall not prevent a Overview and Scrutiny Select Committee from requesting or requiring any officer it chooses to attend its meeting to provide information or explanation, in addition to any officer appointed to advise it for that meeting.

36. SUB-COMMITTEES (INCLUDING SUBSTITUTION OF MEMBERS)

36.1 A Committee may not appoint a Sub-Committee unless the Council has expressly agreed to the creation of the Sub-Committee, or it is mentioned in the Constitution.

36.2 Subject to 36.1 every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.

36.3 Every Sub-Committee set up by a Committee shall continue to discharge the functions committed to it until the Committee resolves otherwise.

36.4 Subject to section 102(5) of the 1972 Act (Councillor leaving office to cease to be a Member of a Committee) and Standing Order 36.7, every person appointed as a voting Member of such a Committee or Sub-Committee and every person appointed to exercise other functions in relation to a Sub-Committee shall continue as such until the appointment is terminated by the Authority.
36.5 Whenever
a) a Committee is required to review the allocation of seats on a Sub-Committee between political groups, or
b) a Committee resolves to carry out such a review

the Corporate Head of Law and Governance shall submit a report to the Committee showing what allocation of seats would in his opinion best meet the requirements of section 15(4) of the 1989 Act.

36.6 In the light of such a report, the Committee shall determine the allocation of seats to political groups.

36.7 Whenever -

i. an appointment of a voting Member of a Sub-Committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and

ii. whenever such an appointment falls to be terminated in accordance with such wishes, then:

the relevant Committee or the Chief Executive, the Corporate Head of Law and Governance, or the Democratic Services Manager, shall make or terminate the appointment in accordance with the wishes of that political group (and this paragraph shall be treated as an arrangement for the any of those officers to perform that function under Section 101 of the 1972 Act).

The wishes of a political group are to be taken as those expressed to the Chief Executive or the Corporate Head of Law and Governance or Democratic Services Manager:-

(a) orally or in writing by the leader of the group or by the representative named in a notice given under regulation 8 (4) of the Local Government (Committees and Political Groups) Regulations 1990; or

(b) in a written statement signed by a majority of the Members of the group.

In the event that different wishes of a political group are notified in accordance with paragraphs (a) and (b) above, the wishes notified in accordance with paragraph (b) shall prevail.

A political group shall express its wishes as to any changes of appointments before the start of the earliest meeting at which they are to take effect. If neither the Chief Executive nor the Corporate Head of Law and Governance or Democratic Services Manager is available to receive such expression of wishes, the proper officer for the purposes of the Local Government (Committees and Political Groups) Regulations 1990 shall be the most senior member present of the staff of the Corporate Head of Law and
Governance, who shall also be authorised to effect the change of appointment in question.

36.8 Every Member of a Committee shall be eligible for appointment to a Sub-Committee of that Committee under Standing Order 36.7.

37. MOTIONS AFFECTING STAFF

37.1 If a meeting is to consider the appointment, promotion, dismissal, salary, superannuation or conditions of service of any person employed by the Council, or his conduct, it must not discuss the matter until it has decided whether to exercise the power to exclude the public under Section 100 A (4) of the 1972 Act.

38. GOOD ORDER IN MEETINGS

Disorderly conduct by Members

38.1 if any Member:

(a) Persistently disregards the ruling of the person presiding; or

(b) Behaves improperly or offensively; or

(c) Deliberately disregards established procedure; or

(d) Deliberately obstructs the business of the meeting;

then the person presiding may name the Member and require him both to apologise and to correct his behaviour immediately, or to do either.

38.2 If a Member named by the person presiding under the paragraph above continues his misconduct, the person presiding may do any or all of the following at his discretion at any time during the meeting:

(a) he may forbid the Member from speaking for some or all of the rest of the meeting;

(b) he may order the Member to leave the meeting for all or part of the remaining business

(c) he may order the Member to be removed from the meeting.

(d) he may adjourn the meeting for 15 minutes or any other period he wishes.
A Member may not impute improper motives, or use any offensive expression, to any other Member. The person presiding shall be the sole judge at the meeting of when this rule has been broken. If a Member ignores or rejects his ruling he shall be dealt with under the two preceding paragraphs.

**Disturbance by members of the public**

38.4 If a Member of the public interrupts the proceedings the person presiding must warn him. If he continues to interrupt, the person presiding may order him to leave the meeting room. If he does not leave, the person presiding may order him to be removed from the room or the building.

38.5 If a Member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for 15 minutes or any other period he wishes.

38.6 If there is a general disturbance in any part of the Chamber or meeting room open to the public, the person presiding must order that part cleared and may adjourn the meeting for 15 minutes or any other period he wishes.

38.7 The person presiding may also exercise any other lawful powers available to him to control the meeting.

**Smoking**

38.8 In accordance with legal requirements, smoking is prohibited on Council premises.

**General**

38.9 The decision of the person presiding as to acceptable conduct whether by Members or the public shall be final.

38.10 **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are permitted to film, audio-record, take photographs or make use of social media (tweet/blog) at Committee meetings provided that this does not disturb the business of the meeting. If a member of public wishes to film or audio-record a particular meeting, the relevant Council Officer should be informed prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.
The Chairman will make the final decision in all matters of dispute in regard to the use of social media, audio recording, photography, and filming in a Committee meeting.

If the Chairman considers the filming/recording/photography is disrupting the meeting in any way or any pre-meeting agreement has been breached, the operator of the equipment will be required to stop.

If someone refuses to stop recording when requested to do so, the Chairman will ask the person to leave the meeting. If the person recording refuses to leave then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the Constitution.

Anyone asked to leave a meeting because they have refused to comply with the Chairman’s requests may be refused permission to film/recording/photograph at future Committee meetings.

The Chairman of the meeting has a right to withdraw consent to film/recording/photograph at any time during the meeting.

**Banners, placards, etc**

38.11 The person presiding may require to be left outside the meeting room any banner, placard, or other object being carried by any person.

**39. RULES OF PROCEDURE AT MEETINGS**

**Voting**

39.1 Unless one of the paragraphs below applies to the contrary, voting shall be by show of hands.

39.2 At a meeting of a Committee or Sub-Committee, any Member of the Committee or Sub-Committee may request that the vote be recorded to show who voted for and against the proposal and who abstained. For a recorded vote, the Chief Executive or the Corporate Head of Law and Governance, or representative, shall call the name of each Member present and that Member shall speak to indicate whether he votes for or against the Motion, or abstains, without further comment. The Chairman and Vice-Chairman will be called first.

39.3 Except where a recorded vote has been taken, any Member of the Committee present at the vote and entitled to vote may immediately afterwards require that his vote or abstention shall be recorded separately in the minutes.
39.4 The person presiding must ascertain the numbers voting for or against any Motion or amendment, or for any candidate. He or an officer present shall inform the meeting of the numbers. Once he has satisfied himself as to the totals his declaration of the result cannot be questioned.

39.5 In the Overview and Scrutiny Select Committee, if the Members of a political group have agreed beforehand how they will vote, that fact shall be declared at the meeting and recorded in the Minutes.

**Voting on nominations and appointments**

39.6 Unless Standing Order 5 or 6 applies, the Member nominating each candidate shall be allowed a maximum of two minutes to identify the candidate, and his or her qualifications for the position, to the meeting. If the meeting has to vote on a Motion to nominate, appoint or elect one or more persons to any position (other than to serve on a body to which statutory political balance rules apply) any other Member wishing to speak on the proposed nomination or appointment shall also have a maximum of 2 minutes.

If more names have been nominated and seconded than the number of vacancies, the following procedure shall be followed:

(a) each Member shall be entitled to vote for as many different individuals as there are vacancies, but need not use all or any of his votes;

(b) for a single vacancy, the person presiding shall put the names of the candidates to the meeting in alphabetical order and the Members voting for each candidate shall indicate their votes by raising their hands;

(c) if there are two or more vacancies on the body in question, an appropriate officer shall call the name of each Member present who shall thereupon state for which candidate or candidates (if any) he is voting. The officer shall keep a tally of votes cast for each person nominated and shall inform the person presiding;

(d) The vacancy or vacancies shall be filled by the nominee or nominees with the greatest number of votes, provided that each received votes from more than half of the Members present and voting (or half together with the Mayor’s second or casting vote). The Chairman or an appropriate officer shall announce the voting figures, and shall identify the successful candidates, to the meeting.

(e) If all the vacancies cannot be filled by candidates satisfying (d) above the candidate with the smallest number of votes shall be struck from the list (subject to this paragraph) and the voting process shall be repeated until this requirement is satisfied for all vacancies. Any candidate whose election has
satisfied (d) above is elected. If at least one candidate has been elected, no other candidates will be struck from the list for the next vote.

(f) Any Member may request that the vote on a nomination or appointment be recorded. In such event the vote shall be taken by the method set out in paragraph (c) above regardless of the number of vacancies.

Nomination of Mayor

39.7 Notwithstanding that when the relevant Committee considers candidates for nomination under Standing Order 7, it is not voting on the appointment or election, the procedures set out in paragraph 39.6 shall nevertheless be followed.

Second or casting votes

39.8 If the votes are tied on any issue, the person presiding (if entitled to vote at the meeting) may use a second or casting vote as follows:

\[ \begin{align*}
\text{i.} & \quad \text{if he voted at the same time as the other Members (i.e. used his first vote), he shall use his second vote.} \\
\text{ii.} & \quad \text{if he did not vote at the same time as the other Members he shall use his casting vote.} \\
\text{iii.} & \quad \text{he shall not be permitted to delay his first vote in order to ascertain the voting figures and then use it to produce an equality of votes in order to use his second vote} \\
\text{iv.} & \quad \text{he may decline, without explanation, to use either his second vote or his casting vote}
\end{align*} \]

If the votes remain tied at the end of the voting process the effect is that no decision has been taken on the matter in question, and the Motion being voted upon is lost.

Record of Attendance

39.9 Every Member attending a meeting of any Committee or Sub-Committee must sign his name in the attendance book or sheet provided for the purpose. Every Member attending some other meeting, conference, inspection, or approved duty must sign his name in such register as may be made available for the purpose.

Rescission of earlier Decisions

39.10 If, a decision was taken more than six months previously, or if the circumstances set out in Standing Order 39.11 or 39.12 exist:
a) the Council may rescind a decision of a Committee, a Sub-Committee, or an officer;

b) a Committee may rescind a decision of a Sub-Committee or officer;

c) an officer may rescind his own decision or that of a predecessor or subordinate.

This power is subject to Standing Order 39.13.

39.11 The circumstances in the case of rescission decided by the Council or a Committee are:

EITHER

a) i. the decision to rescind has been recommended by a Committee or Sub-Committee which has considered a written report from the appropriate officers as to the legal, financial, and practical effects such rescission would have (which advice shall be appended to any report on the matter to Council); and

ii. the Council, or Committee taking the decision to rescind is satisfied, having regard to the time at which the original decision was taken, present Council policy, the Council's legal obligations, and all other relevant matters, that it is appropriate to rescind.

OR

b) if the circumstances set out in a) above do not apply, the decision to rescind is taken by the Council and the following conditions are satisfied:

i. the Council takes the decision after considering the report from a Committee to whom a matter was referred back under Standing Order 25.11 (d); and

ii. there is appended to the Committee's report a copy of the officers’ advice mentioned in paragraph (a) (i) above; and

iii. at least two thirds of the whole number of Members are present; and

iv. the Council is satisfied as mentioned in (a) (ii) above.

39.12 In the case of rescission decided by an officer, the circumstances are:
39.13 A decision or part of a decision which has already been implemented cannot be rescinded. The advice of the Council’s Monitoring Officer as to whether a decision or part of a decision has been implemented is final.

39.14 Although the Council or a Committee may be awaiting a further report before reaching a decision on whether to rescind a decision it may if it sees fit instruct that pending such decision no further action should be taken to implement the decision being reconsidered. Before resolving to issue such an instruction it must take into account advice from the appropriate officers as to the legal, financial, and practical effects such an instruction would have.

**Meaning of Rescission**

39.15 For the purposes of these Standing Orders the rescission of a decision means cancelling it so that henceforth the effect is as if it had not been made.

39.16 Varying or amending the effect of a decision does not fall to be treated as rescission unless the variation or amendment would have been treated as negating the Motion if it had been proposed as an amendment before the original resolution was passed. However the Council may not vary or amend a Committee’s decision except after a report requested from that Committee under Standing Order 25.11 (d) above.

**Other restrictions on departure from previous decisions**

39.17 Any Motion or amendment to the same effect as a Motion or amendment which has been rejected by the Council, a Committee, or a Sub-Committee within the previous six months is subject to the same restrictions as if it were a proposal to rescind a decision. The same applies to a Motion under Standing Order 25.11 which has failed.

**Implementation of Committee Decisions**

39.18 A decision of a policy Committee or Sub-Committee which is vulnerable to call-in under Standing Order 27.8 and/or the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution shall not be implemented until the fifth working day after it has been made.
Public Speaking at the Planning Committee

39.19 Provided that at least three written objections to an application for planning permission have been received, a person who has lodged such an objection may speak against the grant of planning permission at the meeting of the Planning Committee at which the application is to be discussed by complying with these paragraphs 39.19 to 39.27.

39.20 A person who wishes to speak against an application for planning permission which appears on the agenda for a meeting of the Planning Committee must make a written request to the Corporate Head of Planning and Environmental Services after the agenda is published but by 12 noon two working days before the Committee meeting (i.e. for a meeting on Wednesday, by 12 noon on the preceding Monday). The written request must state:

i) the planning application number or address, and;

ii) his or her name and address.

No-one may speak against more than one planning application per meeting.

39.21 The Corporate Head of Planning and Environmental Services will notify the applicant for planning permission (through the agent or contact address given on his or her application) of any requests from the public to speak against his or her application. If such a speech is in fact made, the applicant will have the right to speak either in person or through a person appointed to speak on his or her behalf.

39.22 Only one member of the public may speak against a single application. The member of the public who first lodged his or her request to speak under 39.20, and who has notified his or her presence in any register provided or by such other means as the Chairman may approve, shall have this right. The right may be waived in favour of the next person entitled. Alternatively several members of the public may appoint one person to speak on behalf of them provided there is nobody with a prior right to speak who wishes to exercise it.

39.23 With the Chairman’s permission, the right to speak shall also extend to an application linked with the specified application, such as an application for listed building consent. Otherwise a person may speak against only one application at any meeting of the Planning Committee unless the Chairman considers that exceptional circumstances exist. The right to speak does not apply to and cannot be extended to applications for certificates of lawfulness under Section 191 or 192 of the Town and Country Planning Act 1990.

39.24 The speaker shall have a maximum of five minutes to address the Committee and must confine his or her remarks to the application specified in the request. The address shall
be in the form of a statement, and should not attempt to question the applicant or other persons.

39.25 The applicant for planning permission (or a person on their behalf) may register an intention to speak if an objector has requested the right to speak on that application. The applicant must register this intention by notifying an Officer of the Council in the room in which the meeting will be held no later than fifteen minutes before the start of the meeting.

If the applicant does so, he or she will have a maximum of five minutes to address the Committee prior to the debate, following remarks made by any person who has spoken against the granting of planning permission about their application.

39.26 After hearing representations and any remarks on behalf of the applicant, the Committee may proceed to debate and determine the application.

39.27 The minutes of the meeting shall record whether representations were made, and by whom and on whose behalf, but need not report their content.

40. INTERESTS OF MEMBERS

40.1 Where any Member has a disclosable pecuniary interest and/or a non-pecuniary interest in a matter under consideration he shall comply with the Code of Conduct for Members set out in Part 5 of this Constitution.

40.2 If a Member is uncertain as to whether the Code affects him in particular circumstances, he may ask for the opinion of the person presiding who must consult such senior officers as may be available and appropriate to advise on the matter. If the person presiding then expresses the opinion that the Member should withdraw the Member must abide by that opinion for the meeting.

40.3 If a Member is concerned that another Member might have omitted to declare an interest under the Code of Conduct for Members, he may rise and upon referring to this Standing Order shall be entitled to be heard at once. He may then without offering detail or explanation request that a named Councillor be invited to consider whether he should have declared an interest in the matter under debate. The person presiding shall thereupon invite the named Councillor to consider his position and respond. The named Councillor shall, without further detail or explanation:

i indicate that he or she has no such interest; or

ii declare such an interest, and take any other action required by this Standing Order 40; or
seek the opinion of the person presiding under Standing Order 40.2, and abide by that opinion. The person presiding may if he sees fit adjourn the meeting for so long as is necessary to seek advice and offer such opinion in private.
GENERAL PROCEDURES AND ARRANGEMENTS
GENERAL PROCEDURES AND ARRANGEMENTS

41. OFFICERS’ INTERESTS

41.1 If an Officer knows that he has a “disclosable interest” in any contract or other matter, other than:

a) his contract of employment with the authority or

b) the tenancy of any dwelling provided by the authority

he must give written notice of the fact to the Chief Executive as soon as possible. This duty is in addition to any duty under Section 117 of the 1972 Act or other provisions.

41.2 For the purposes of this Standing Order, a "disclosable interest" is an interest which would be a disclosable pecuniary or non-pecuniary interest under the Members’ Code of Conduct if the officer were a Member of the Council.

41.3 The Chief Executive must enter in a register any notice given by an officer under Section 117 of the 1972 Act or paragraph 41.1. This register must be available for inspection by any Member of the Council during office hours.

41.4 Wherever possible, an officer must avoid personal involvement in a matter in which he has declared an interest either by statute or under this Standing Order. If this is not practicable, he must mention in any report on the matter that he has made such a declaration and give brief details of it, in a separate paragraph at the commencement of the report. If he is advising a meeting orally he must mention his declaration orally.

41.5 Officers must also comply with the Code of Conduct for officers adopted by the Authority, which contains further guidance on matters of probity.

42. URGENT ACTION

42.1 If a matter which would ordinarily need a decision or authority from the Council, a Committee (including the Licensing Committee), or a Sub-Committee arises when it cannot reasonably be delayed until the next meeting of the Council or the appropriate Committee or Sub-Committee, then any necessary decision can be taken by a Chief Officer whose departmental functions include the subject matter or by the Chief Executive. The Chief Officer must not act until he has consulted any other relevant Chief Officers and obtained the agreement of the Chief Executive and Chairman and Vice Chairman of the Committee whose functions include the function in question. In the absence of either the relevant Chairman or Vice Chairman the Chief Officer must obtain the agreement of the Leader of the Council, or in his absence the Deputy Leader to ensure two Members are consulted-in regard to the proposed action. In the unlikely
event that both Chairman and Vice Chairman are absent, the Leader and Deputy Leader can act.

If the Chairman and Vice Chairman are Leader and Deputy Leader of the Council and are absent, then the Chairman and Vice Chairman of the Standards and Audit Committee will be consulted on the proposed action.

42.2 Action taken under this Standing Order shall be recorded in writing, signed by the Officer responsible, and countersigned by the Member and Officers consulted.

Officers shall have regard to the Guidance issued by the Corporate Head of Law and Governance set out at the end of this Section of Standing Orders.

42.3 The relevant Chief Officer must notify the Corporate Head of Law and Governance of any action to be taken under paragraph 42.1 above (if practical the Corporate Head of Law and Governance will arrange the despatch of the consultation form to the Member concerned), and the Corporate Head of Law and Governance must maintain a register of such action. A report on the action taken must be submitted to the next practicable meeting of the appropriate Committee but requires no further approval or ratification.

42.4 This procedure may only be used for property acquisitions where the proposed acquisition is in accordance with the Property Investment Strategy adopted by the Council from time to time and the value of the acquisition is no greater than £1m excluding associated costs (e.g. stamp duty, agents fees).

(Note: This Standing Order has been approved by the Licensing Committee for the purposes of licensing functions under the Licensing Act 2003 and so ranks as a delegation of functions agreed by the Committee in accordance with that Act, in addition to its application to other functions of the Council)

43. EXERCISE OF DELEGATED FUNCTIONS AND RECORDING OF DECISIONS MADE BY OFFICERS UNDER DELEGATED POWERS

43.1 If the Council has authorised a Chief Officer to discharge any function under Section 101 of the 1972 Act, and that Chief Officer is absent, then unless the contrary has been expressed by the Authority, the authorisation shall include any second tier Officer reporting to that Chief Officer, any other Officer designated for the purpose by the Council and any Officer expressly authorised for the purpose by the Chief Officer. The same applies to any function or action to be carried out by a particular Chief Officer under any Standing Order of the Council whether under Section 101 of the 1972 Act or otherwise, unless the Standing Order in question provides to the contrary.

43.2 An Officer must produce a written record of any decision they make which falls within Standing Order 43.3 below.
43.3 A decision falls within this Standing Order if it would otherwise have been taken by Council, a Committee, Sub-Committee or a joint committee in which the Council participates, but it has been delegated to an Officer of the Council either –

   a) under a specific express authorisation; or

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

       i) grant a permission or licence;

       ii) affect the rights of an individual; or

       iii) award a contract or incur expenditure, which, in either case, materially affects the Council’s financial position.

43.4 The written record must be produced as soon as reasonably practicable after the decision-making Officer has made the decision and must contain the following information –

   a) the date the decision was taken;

   b) a record of the decision taken along with reasons for the decision;

   c) details of alternative options, if any, considered and rejected; and

   d) where the decision falls under Standing Order 43.3 (a) the names of any Member of the Council who has declared a conflict of interest in relation to the decision.

43.5 The duty imposed by Standing Order 43.2 is satisfied where, in respect of a decision, a written record containing the information referred to in Standing Order 43.4 sub-paragraphs (a) and (b) is already required to be produced in accordance with any other statutory requirement.

43.6 Any Officer exercising the function to which Standing Orders 43.3 to 43.4 apply shall comply with the requirements of the Openness of Local Government Bodies Regulations 2014 in relation to the retention of documents associated with any such decision to facilitate their inspection.
44. ACCESS OF MEMBERS TO DOCUMENTS INFORMATION AND LAND

44.1 Any Member of the Council may inspect any document or other recorded information possessed or controlled by the Council relating to business to be transacted at a meeting of the Council, or of a Committee or Sub-Committee which he is entitled to attend.

44.2 Any Member of the Council may inspect any document which relates to the discharge of a function of the authority by an officer under Section 101 of the 1972 Act.

44.3 If a member of the Council or of a Committee or Sub-Committee wants to enter land or buildings occupied by the Council, and neither the public nor Members normally have access, he must apply to the Chief Executive. The Chief Executive must give permission unless he thinks there is a good reason why access should not be available. He may attach conditions to the permission, which may include a condition that the Member must be accompanied by a specified officer of the authority.

45. THE COMMON SEAL

45.1 The Corporate Head of Law and Governance must keep the common seal of the Council in a safe place.

45.2 If a document needs sealing, the Corporate Head of Law and Governance must arrange this. The common seal is to be affixed to a document only on the authority of:

a) a resolution of the Council; or

b) a resolution of a Committee or Sub-Committee exercising delegated powers; or

c) a decision by the Council, or by a duly authorised Committee, Sub-Committee or officer, to do anything where a document under the common seal is necessary to complete the action.

45.3 The affixing of the common seal is to be authenticated by the signature of the Chief Executive or of the Corporate Head of Law and Governance. In the absence of both Standing Order 45.4 will apply. Each document sealed must be numbered consecutively and noted together with the nature of the authorisation in a register kept by the Corporate Head of Law and Governance. Each entry in the register shall be signed by the person who has authenticated the seal.

45.4 If both the Chief Executive and the Corporate Head of Law and Governance are absent the affixing of the common seal may be authenticated by the signature of
a) any Solicitor employed within the department of the Corporate Head of Law and Governance; or in the absence of any Solicitor

b) any Chief Officer.

45.5 Notwithstanding the above, the Chief Executive or the Corporate Head of Law and Governance may invite the Mayor to authenticate the affixing of the common seal to any document, together with the authorised officer or officers.

46. **SIGNING OF CONTRACTS ETC**

46.1 No document purporting to bind the Council to legal duties or obligations may be signed on behalf of the Council unless authorised or required by a decision of the Authority.

46.2 Such a document must be executed by a person or persons able to authenticate the common seal of the Authority, unless the Authority has authorised some other person to do so for the purpose in question.

46.3 Each document of the kind mentioned in standing order 46.1 and which deals with obligations by the Council exceeding a value of £25,000 must be consecutively numbered and recorded in a register kept by the Corporate Head of Law and Governance. The register (which must be separate from the seal register kept under standing order 45.3) must note the date of signing and the nature of the authorisation, and be signed by the person or persons signing the document for the Council. The Corporate Head of Law and Governance may also include in the register such other documents requiring formal signature as he sees fit.

47. **PROPER OFFICERS AND CERTIFICATION OF DOCUMENTS**

47.1 The proper officer for the purposes of Section 234 of the 1972 Act (authentication of documents) and for the purposes of the Local Government (Committees and Political Groups) Regulations 1990 (notification of Group membership, allocations of seats, etc.) is the Chief Executive or the Corporate Head of Law and Governance, as well as any other officer who may be authorised by resolution of the Council.

47.2 The proper officer for the purpose of any other provision shall be the officer designated for that purpose by the Authority or, if none is expressly designated, the Chief Executive. If it is lawful for there to be more than one proper officer, the Chief Officer of the department administering the function shall also be the proper officer.

47.3 The proper officer for the purposes of Section 229 of the 1972 Act (photographic copies of documents) is the Chief Executive or the Corporate Head of Law and Governance, as well as any other Officer who may be authorised by resolution of the Council.
GUIDANCE ON USE OF STANDING ORDER 42

Standing Order 42 provides an urgent procedure to authorise actions which cannot wait for Council or Committee approval. It does this by authorising the relevant Corporate Heads/Directors to act without taking a report to Committee, provided the relevant Chairman and Vice Chairman agrees the action. N.B. Although the Chairman and Vice Chairman have to agree, it is the Corporate Head/Director who is authorising the action and needs to be prepared to answer for it.

(SO 42 is not a way of exercising an authority which has already been formally delegated to an Officer but which may happen to need member agreement. There is no detailed procedure for this, but the file should clearly demonstrate that the relevant agreement has been obtained, preferably by something in writing from the Member such as a countersigned letter. See also the pages on “Informing and Consulting Members” in Part 3 of the Constitution.)

When would it be wrong to use SO 42?

SO 42 must not be used if it is practicable to wait until the next Committee meeting. It should not be used for highly politically sensitive decisions where, whatever the legal niceties, Members may feel they should have the chance to debate the matter. It should be avoided for major expenditure if possible. It should not be used if there is corporate disagreement on the issue (see below).

The main alternatives to SO 42, if there is time, are using the reserve power of Corporate Management Committee, or arranging a special Committee meeting if the matter is important and urgent enough.

What procedure should be followed?

1. **Consult** other business centres whose views are relevant, just as you need to for a Committee report. Ensure any financial implications are known to and agreed by the Finance Business Centre. In the case of unbudgeted expenditure all Corporate Heads/Directors should be advised.

   Their agreement to your proposed action is necessary because you will have to get them to countersign the form (see 2 below)

   If there is any disagreement which cannot be resolved by discussion between Corporate Heads/Directors, it will be necessary to involve the Chief Executive or CLT.

2. **Use the standard written form** which ensures that all the relevant information is passed to the Chairman and Vice Chairman. This must be signed by the Corporate Head/Director, or if he or she is absent, a second tier officer reporting to that Corporate
Head/Director. No-one else is currently authorised to act under SO 42.

The form must be countersigned by the other Corporate Heads/Directors who you have consulted (or their authorised representatives) and the Chief Executive to show that they agree with the action. You will need to incorporate any advice they offer in your wording to the Chairman and Vice Chairman. Please note the need to consult the Corporate Head of Human Resources if the matter concerns a staffing issue.

3. Give the form to the Democratic Services Section (primary contact in 2018/19 is John Gurmin / Bernard Fleckney) who will log it, send it out and ensure that it is properly tracked and subsequently reported to Committee. It is important that this is done, or the organisation runs the risk of losing track of actions which must be recorded with the same care as Committee authorities.

The Democratic Services Section will tell you when a reply is received. You have no authority to act until the Chairman and Vice Chairman have agreed.

What happens then?

The Democratic Services Section keep a register of SO 42 actions and ensures that they are reported in full to Committee as required by the Standing Order. This is important when you bear in mind that they would normally have needed a full report to Committee and a minuted decision.

N.B. The Democratic Services Section are instructed not to report an action to Committee if the correct procedure has not been followed. Instead, the defect must be corrected. If, for example, you have failed to consult the Assistant Chief Executive on the financial implications of the action, you will be required to do so and either get his signature on the form or, if important advice has been omitted, redraft the form and ensure that the Chairman and Vice Chairman are still happy to agree. If it turns out that a Corporate Head or Director who should have been consulted feels obliged to advise against the action, you will have to find a corporately acceptable way forward.

What do I do if action is needed so urgently that I cannot wait for the form?

This should be very rare. It has been known to happen, for example, when a boiler in a sheltered housing block failed in mid-winter and needed immediate replacement.

Check, if you have not done so already, that neither your Corporate Head/Director nor anyone else has delegated authority which allows action without reference to Committee. Most operational matters are delegated. If in doubt seek a view from the Corporate Head of Law and Governance.
If there is no delegated power, consult other Officers who need to be involved as above. The Corporate Head/Director or an appropriate senior manager should then speak to the Chairman and Vice Chairman to ensure that agreement will be forthcoming. The form should then be completed.

Always consider the practicability of avoiding reliance on verbal agreement by agreeing with the Democratic Services Section that you or a colleague will visit the Chairman and Vice Chairman with the form and bring it back signed. Otherwise it should still be sent by the Democratic Services Section (it could be faxed, scanned and emailed or couriered round if need be), but if the Chairman and Vice Chairman verbally agrees (ideally after reading the form, to avoid ambiguity or confusion), this will suffice to act. Approval by email is the preferred method.

It is most important that a full note is kept of what has been agreed, how, and when. The Democratic Services Section contact must be kept informed. The Chairman and Vice Chairman should still sign and return the written form to complete the record, but the action can proceed in the meantime provided that there is no doubt that the Chairman and Vice Chairman have agreed.

What do I do if the Chairman and Vice Chairman have not returned the form?

If he or she fails to do so following reminders, confer with the Democratic Services Section. The only answer may be to complete a duplicate and place it in front of the Chairman and Vice Chairman for signature. Do not assume that the Chairman and Vice Chairman have agreed if you do not know that this is the case. Corporate Heads/Directors have no authority to act under SO 42 without agreement, and merely notifying the Chairman and Vice Chairman is not enough.

What do I do if the Chairman and Vice Chairman are away?

If either the Chairman or Vice Chairman are absent, clearly consult the one who is present and Leader or Deputy Leader of the Council to ensure two Members are consulted in regard to the proposed action.

In the unlikely event that both Chairman and Vice Chairman are absent, the Leader and Deputy Leader can act but in this event it is best to double check with one of the legal staff.

If the Chairman and Vice Chairman are Leader and Deputy Leader of the Council, then the Chairman and Vice Chairman of Standards and Audit Committee will be consulted on the proposed action.

*Corporate Head of Law and Governance*  
April 2019
APPOINTMENT, DISMISSAL AND DISCIPLINE OF STAFF
48. **APPOINTMENT OF CHIEF OFFICERS**

No Committee or Sub-Committee or Officer shall be empowered to suspend these Standing Orders.

48.1 Where the Authority proposes to appoint a chief officer, and it is not proposed that the appointment be made exclusively from among its existing officers, it shall arrange for a Committee, Sub-Committee or Chief Officer of the Authority to:

(a) draw up a statement specifying:

(i) the duties of the officer concerned, and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it, and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

48.2 (i) Where a post has been advertised as provided in standing order 48.1(b), the Authority shall

(a) interview all qualified applicants for the post, or

(b) select a shortlist of such qualified applicants and interview those included on the shortlist.

(ii) Where no qualified person has applied, the Authority shall make further arrangements for advertisement in accordance with standing order 48.1(b).

48.3 Subject to 48.4 every appointment of a Chief Officer shall be made by the Council, or a Committee or Sub-Committee exercising delegated powers.

48.4 Where a Committee, Sub-Committee or Officer is discharging, on behalf of the Authority, the function of the appointment of an officer designated as the Chief Executive, the Council must approve that appointment before an offer of appointment is made to that person.

48.5 If the Authority proposes to appoint a Chief Officer exclusively from amongst its existing Officers, it shall arrange for a Committee, Sub-Committee or Chief Officer of the Authority to follow Standing Orders 48.1 (a) and 48.2 (i) (a).

49. **DISCIPLINARY ACTION AGAINST HEAD OF PAID SERVICE, MONITORING OFFICER OR CHIEF FINANCE OFFICER, AND DISMISSAL OF HEAD OF PAID SERVICE, MONITORING OFFICER OR CHIEF FINANCE OFFICER**

49.1 In the following paragraphs—

(a) "the 2011 Act" means the Localism Act 2011(b);

(b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

(c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
(d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;

(e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

49.2 A relevant officer may not be the subject of disciplinary action or dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

49.3 In the event of an allegation of misconduct is made against the head of the authority’s paid service, monitoring officer or the chief finance officer the authority shall convene a Panel whose role shall be as follows:

(a) To screen potential disciplinary/dismissal issues to consider whether they require investigation and whether the relevant officer should be suspended.

(b) In the event that the Panel concludes that suspension is appropriate it shall have the authority to suspend the officer concerned and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect unless extended by the Panel prior to the expiry of the two month period.

(c) To organise the investigation of any allegation, including the appointment of an investigator.

(d) To review the results of the investigation to consider what disciplinary action if any is appropriate, after hearing the views of the officer. At any such meeting the officer shall be entitled to be accompanied by a fellow worker, a trade union official or legal adviser to assist them in putting forward their views.

(e) Where dismissal is a recommendation to refer the matter to Full Council with its views, advice and recommendations for Full Council to determine whether it approves the proposal to dismiss. At any such meeting of Full Council the officer shall be provided with the appropriate paperwork in advance of the meeting, be allowed to attend the meeting to make their representations and be accompanied by a fellow worker, a trade union official or legal adviser to assist them in putting forward their views.

(f) In the event that the Full Council approves dismissal the panel shall be authorised to action the dismissal by issuing the notice of dismissal.

(g) Where the Panel decides that action short of dismissal, or no disciplinary action at all is appropriate, to put that in place as appropriate without referral to the Full Council.

(h) The Panel shall be provided with advice and assistance by such officers who are qualified in legal and personnel matters. If felt necessary officers from other authorities may be invited to provide assistance in order to avoid any conflicts of interest. Any such officers will be appointed under the provisions of Section 113 Local Government Act 1972 so that they may be treated as officers of the authority.

49.4 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
49.5 In paragraph 49.4 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

49.6 Subject to paragraph 49.7, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 49.4 in accordance with the following priority order—

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

49.7 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 49.4 but may do so.

49.8 The authority must appoint any Panel at least 20 working days before the relevant meeting.

49.9 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:

(a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

49.10 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

49.11 Where a Committee, Sub-Committee or officer is discharging, on behalf of the Authority, the function of the dismissal of an officer designated as the head of the Authority's paid service, as the Authority's chief finance officer, or as the Authority's monitoring officer, the Council must approve that dismissal before notice of dismissal is given to that person.

50. DISCIPLINARY ACTION AGAINST STAFF OTHER THAN CHIEF OFFICERS OR THEIR DEPUTIES

50.1 In this Standing Order -

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and

"member of staff" means a person appointed to or holding a paid office or employment under the Authority.

50.2 Subject to 50.3 and 50.4, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under Section 4 (1) of the 1989 Act as the head of the authority's paid service, or by an officer nominated by him.

50.3 Paragraph 50.2 shall not apply to the appointment or dismissal of, or disciplinary action against -

(a) the officer designated as the head of the authority's paid service;
(b) a statutory chief officer within the meaning of section 2 (6) of the 1989 Act (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2 (7) of the 1989 Act;

(d) a deputy chief officer within the meaning of section 2 (8) of the 1989 Act; or

(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

50.4 Nothing in paragraph 50.2 shall prevent a person from serving as a Member of any Committee or Sub-Committee established by the authority to consider an appeal by -

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
THE STANDARDS AND AUDIT COMMITTEE

HEARINGS AND COMPLAINTS
51. PROCEDURE FOR HEARINGS AND CONSIDERATION OF COMPLAINTS

51.1 In assessing and determining allegations that any Member has broken the Council’s Code of Conduct for Members, the Committee shall follow the procedures set out in the Arrangements following this Standing Order.
1. **Context**

1.1 These Arrangements are made under section 28 of the Localism Act 2011. They set out the process that Runnymede Borough Council has adopted for dealing with complaints that an elected or co-opted member has failed to comply with the Code of Conduct.

2. **Interpretation**

2.1 ‘Council’ means Runnymede Borough Council.

2.2 ‘Code of Conduct’ means the Code of Conduct, which the Council has adopted under section 27(2) of the Localism Act 2011.

2.3 ‘Complainant’ means a person who has submitted a complaint in accordance with these Arrangements alleging that a Member has breached the Code of Conduct.

2.4 ‘Disclosable Pecuniary Interest’ means those disclosable pecuniary interests that meet the definition prescribed by regulations (as amended from time to time) as set out in the Code of Conduct.

2.5 ‘Hearing Panel’ means the panel appointed by the Council to determine the outcome of any complaint alleging a breach of the Code of Conduct by a Member in accordance with these Arrangements.

2.6 ‘Independent Person’ means a person or persons appointed by the Council under section 28(7) of the Localism Act 2011:

(a) whose views must be sought and taken into account by the Council before a decision is made on any complaint alleging a breach of the Code of Conduct by a Member;

(b) who may be consulted by a Member about a complaint.

2.7 ‘Investigating Officer’ means the person appointed by the Monitoring Officer to undertake a formal investigation of a complaint alleging a breach of the Code of Conduct by a Member. The Investigating Officer may be another senior officer of the Council, an officer of another authority or an external investigator.

2.8 ‘Monitoring Officer’ is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members’ Interests and who is responsible for administering the arrangements for dealing with any complaint alleging a breach of the Code of Conduct by a Member. It includes any other officer of the Council nominated by the Monitoring Officer to act on their behalf.

2.9 ‘Parties’ means the Complainant, Member and the Investigating Officer, as appropriate.

2.10 ‘Member’ means an elected member or co-opted member of the Council against whom a complaint has been made alleging a breach of the Code of Conduct.

3. **Appointment of Independent Person**

3.1 The Council shall appoint the Independent Person (and any substitute) in accordance with the requirements of section 27 of the Localism Act 2011 upon such terms as to remuneration and expenses as may be determined by the Council from time to time.
4. Making a complaint

4.1 A complaint alleging a breach of the Code of Conduct by a Member must be made in writing and addressed to the Monitoring Officer, Runnymede Borough Council, Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH, Tel: 01932 425640, mario.leo@runnymede.gov.uk. Complainants who find difficulty in making their complaint in writing (e.g. because of a disability), will be offered assistance.

4.2 The Member will normally be informed of the identity of the Complainant and details of the complaint made against them, but the Complainant's identity and/or details of their complaint may be withheld at the Complainant's request if it appears to the Monitoring Officer that there are sound reasons for granting such a request (refer to paragraph 5 of Annex 1 to these Arrangements).

4.3 The Monitoring Officer will normally acknowledge receipt of a complaint within 7 working days of receiving it. At the same time, the Monitoring Officer will send a copy of the complaint to the Member in accordance with paragraph 2 of Annex 1 to these Arrangements.

5. Criminal conduct

5.1 In accordance with section 34 of the Localism Act 2011, it is a criminal offence if, without reasonable excuse, a Member:

(a) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day you become, or are re-elected or re-appointed, a Member or Co-opted Member of the Authority;
(b) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day you become aware of it, where you are acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter) and the interest is not already registered or is not the subject of a pending notification to the Monitoring Officer;
(c) fails to disclose a Disclosable Pecuniary Interest at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
(d) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day you disclose it at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
(e) takes part in discussions or votes at meetings that relate to the Disclosable Pecuniary Interest, unless a dispensation has been granted;
(f) knowingly or recklessly provides false or misleading information in any of the above disclosures or notifications.

5.2 Where a complaint against a Member relates to conduct of a criminal nature referred to above, the Monitoring Officer will deal with the complaint in accordance with paragraph 4(4) of Annex 1 to these Arrangements.

6. Anonymous complaints

6.1 Complainants must provide their full name and address. An anonymous complaint will only be accepted by the Monitoring Officer in consultation with the Independent Person, providing it is accompanied by corroborating evidence that indicates to the Monitoring Officer that it is in the public interest to accept the complaint.

7. Role of Independent Person

7.1 The Independent Person must be consulted and have their views taken into account before the Council makes a finding as to whether a Member has failed to comply with the Code or decides on action to be taken in respect of that Member. At any other stage of the complaints process under these Arrangements, the Independent Person may be consulted by the Monitoring Officer and/or the Member. If a Member wishes to
consult an Independent Person concerning a complaint that should be a different Independent Person to the one consulted by the Monitoring Officer.

8. **Preliminary tests**

8.1 The Monitoring Officer will, in consultation with the Independent Person, put the complaint through a number of preliminary tests, in accordance with paragraph 1 of Annex 2 to these Arrangements.

8.2 In the event that the Independent Person is unavailable or unable to act, the time limits specified in paragraph 1 of Annex 1 may either be extended by the Monitoring Officer or the Monitoring Officer may act alone in taking the decision or action.

9. **Informal resolution**

9.1 The Monitoring Officer, in consultation with the Independent Person, may consider that the complaint can be resolved informally at any stage in accordance with paragraph 6 of Annex 1 to these Arrangements.

10. **Investigation**

10.1 If the Monitoring Officer, in consultation with the Independent Person, decides that the complaint merits formal investigation, they will, appoint an Investigating Officer to undertake the investigation, and inform the Parties of the appointment.

10.2 The Investigating Officer will investigate the complaint in accordance with Annex 2 to these Arrangements.

11. **Hearing**

11.1 If the Monitoring Officer, in consultation with the Independent Person, considers that informal resolution is not appropriate or is unlikely to be achieved, then they will convene a meeting of the Hearing Panel to determine the outcome of the complaint in accordance with Annex 3 to these Arrangements.

12. **Sanctions**

12.1 Where a Member has been found by the Hearing Panel to have breached the Code of Conduct, the Hearing Panel may apply any one or more sanctions in accordance with paragraph 4 of Annex 3 to these Arrangements.

13. **Appeal**

13.1 **There is no right of appeal for the Complainant or the Member against decisions of either the Monitoring Officer or the Hearing Panel.**
ANNEX 1

PROCEDURE ON RECEIPT OF A COMPLAINT

1. Preliminary tests

1.1 The complaint will be assessed by the Monitoring Officer in consultation with the Independent Person against the legal jurisdiction test in paragraph 1.2 below and, if applicable, the local assessment criteria test in paragraph 1.4 below.

1.2 Legal jurisdiction criteria test:

(a) Did the alleged conduct occur before the adoption of the Code of Conduct?
(b) Was the person complained of a Member of the Council at the time of the alleged conduct?
(c) Was the person complained of acting in an official capacity at the time of the alleged conduct?
(d) Did the alleged conduct occur when the person complained of was acting as a Member of another authority?
(e) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?
(f) The complaint is about dissatisfaction with the Council’s decisions, policies and priorities, etc.

1.3 If the complaint fails one or more of the jurisdiction tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, within 14 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer’s decision.

1.4 Local assessment criteria test:

If the complaint satisfies the jurisdiction test, the Monitoring Officer will then apply the following local assessment criteria test:

(a) The complaint is a ‘repeat complaint’, unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
(b) The complaint is anonymous, unless supported by independent documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant;
(c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
(d) The complaint is malicious, trivial, politically motivated or ‘tit-for-tat’;
(e) The Complainant is unreasonably persistent, malicious and/or vexatious;
(f) The alleged misconduct happened more than 6 months from the receipt of the complaint;
(g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers’ and Members’ time;
(h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
(i) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
(j) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
(k) The complaint is about a deceased person;
(l) The complaint is about a person who is no longer a Council Member.
1.5 If one or more of the local assessment criteria applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, within 14 working days of receipt of the complaint by the Monitoring Officer. **There is no right of appeal against the Monitoring Officer's decision.**

2. **Notification of complaint to Member**

2.1 Subject to any representations from the Complainant on confidentiality (see paragraph 5 below), the Monitoring Officer will notify the Member of the complaint.

2.2 The Monitoring Officer may invite the Member to submit initial views on the complaint within 14 working days, which will be taken into account by the Monitoring Officer when they decide how to deal with the complaint (see paragraph 4 below). Views received from the Member after the 14 working day time limit may be taken into account at the discretion of the Monitoring Officer, providing the views are received before the Monitoring Officer issues their written decision on how the complaint will be dealt with.

3. **Asking for additional information**

3.1 The Monitoring Officer may ask the Complainant and the Member, for additional information before deciding how to deal with the complaint.

4. **What process to apply - informal resolution or investigation and/or no action?**

4.1 The Monitoring Officer may at any stage seek to resolve the complaint informally in accordance with paragraph 6 below. Where the Member or the Monitoring Officer or the Council make a reasonable offer of informal resolution, but the Complainant is not willing to accept this offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.2 The Monitoring Officer in consultation with the Independent Person may refer the complaint for formal investigation when:

(a) it is serious enough, if proven, to justify the range of sanctions available to the Standards and Audit Committee (see paragraph 4 of Annex 3 to these Arrangements);

(b) the Member’s behaviour is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it short of investigation. In considering this, the Monitoring Officer may take into account the time that has passed since the alleged conduct occurred.

4.3 Where the complaint is referred for formal investigation, the Monitoring Officer will appoint an Investigating Officer who will conduct the investigation in accordance with the procedure at Annex 2 to these Arrangements.

4.4 If the complaint identifies potential criminal conduct or potential breach of other regulations by the Member or any other person, the Complainant will be advised by the Monitoring Officer to report the complaint to the police or other prosecuting or regulatory authority. In such cases, the complaints process under these Arrangements will be suspended, pending a decision/action by the police or other prosecuting or regulatory authority. Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and, in consultation with the Independent Person, will apply the local assessment criteria test in paragraph 1.4 above.

4.5 The Monitoring Officer in consultation with the Independent Person, will take no action on the complaint when one or more of the following apply:

(a) on-going criminal proceedings or a police investigation into the Member’s conduct or where the complaint is suspended in accordance with paragraph 4.4 above;
(b) investigation cannot be proceeded with, without investigating similar alleged conduct or needing to come to conclusions of fact about events which are also the subject of some other investigation or court proceedings;
(c) the investigation might prejudice another investigation or court proceedings;
(d) on-going investigation by another prosecuting or regulatory authority;
(e) genuine long term (3 months or more) unavailability of a key party;
(f) serious illness of a key party.

4.6 Within 24 working days of receipt of the complaint, the Monitoring Officer will notify the Complainant, Member of their decision and reasons for applying one of the following processes in the format of the Decision Notice template (appended to this Annex 1):

(a) not to refer the complaint for investigation; or
(b) to refer the complaint for investigation; or
(c) to apply the informal resolution process either before or after an investigation; or
(d) following investigation, to refer the complaint to the Hearing Panel; or
(e) to take no action and close the matter; or
(f) to refer the complaint to the relevant political group leader for action.

4.7 The decision notice will be published on the Council’s website. There is no right of appeal against the Monitoring Officer’s decision. However, in the event that the Complainant submits additional relevant information, the Monitoring Officer will consider and decide if the matter warrants further consideration under these Arrangements, in which case it shall be treated as a fresh complaint.

4.8 The Monitoring Officer may withhold the Member’s identity and/or details of the complaint if they are satisfied that there are reasonable grounds for believing that the Member or any other person (e.g. a witness):

(a) is either vulnerable or at risk of threat, harm or reprisal;
(b) may suffer intimidation or be victimised or harassed;
(c) suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this);
(d) it would not be in the public interest to do so.

4.9 In making this decision the Monitoring Officer will have regard to the following factors in making such a decision:

(a) to facilitate transparency and ethical governance accountability: recognising that decision-making may be improved by constructive contributions from others;
(b) to raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern;
(c) justice to an individual: the balance of the public interest may favour disclosure of the complaint;
(d) bringing out in the open serious concerns about the behaviour/conduct of an individual.

5. Confidentiality

5.1 If the Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer in consultation with the Independent Person when they initially assess the complaint (see paragraph 1 above).

5.2 As a matter of fairness and natural justice, the Member will usually be told who the Complainant is and will also receive details of the complaint. However, in exceptional circumstances, it may be appropriate to keep the Complainant’s identity confidential or not disclose details of the complaint to the Member during the early stages of an investigation. The Monitoring Officer may withhold the Complainant’s identity and/or details of the complaint if they are satisfied that there are reasonable grounds for believing that the Complainant or any other person (e.g. a witness):
6.2 is either vulnerable or at risk of threat, harm or reprisal;
(b) may suffer intimidation or be victimised or harassed;
(c) works closely with the Member and are afraid of the consequences,
\textit{e.g. fear of losing their job};
(d) suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this);
(e) may receive less favourable treatment because of the seniority of the person they are complaining about in terms of any existing Council service provision or any tender/contract they may have with or are about to submit to the Council.

OR where early disclosure of the complaint:

(a) may lead to evidence being compromised or destroyed; or
(b) may impede or prejudice the investigation; or
(c) would not be in the public interest.

5.3 Relevant public interest factors favouring disclosure (not an exhaustive list) include:

(a) to facilitate transparency and ethical governance accountability: recognising that decision-making may be improved by constructive contributions from others;
(b) to raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern;
(c) justice to an individual: the balance of the public interest may favour disclosure of the complaint to the Member when it may not be in the public interest to disclose it to the world at large;
(d) bringing out in the open serious concerns about the behaviour/conduct of an individual.

5.4 The Monitoring Officer, in consultation with the Independent Person, will balance whether the public interest in accepting the complaint outweighs the Complainant’s wish to have their identity (or that of another person) withheld from the Member. If the Monitoring Officer decides to refuse the Complainant’s request for confidentiality, they will offer the Complainant the option to withdraw their complaint. The Complainant will be notified of the Monitoring Officer’s decision, with reasons, within 24 working days of receipt of the complaint by the Monitoring Officer. \textbf{There is no right of appeal against the Monitoring Officer’s decision to refuse the Complainant’s request for confidentiality.}

6. Informal resolution

6.1 These Arrangements enable the Monitoring Officer, in consultation with the Independent Person, to resolve complaints informally, either before or after investigation. In so doing, the Monitoring Officer will consult with the Complainant and the Member to agree what they consider to be a fair resolution, which will help to ensure higher standards of conduct for the future.

6.2 Informal resolution may be the simplest and most cost effective way of resolving the complaint and may be appropriate where:

(a) The Member appears to have a poor understanding of the Code of Conduct and/or related Council procedures; or
(b) There appears to be a breakdown in the relationship between the Complainant and the Member; or
(c) The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to lead to further misconduct or allegations of misconduct; or
(d) The conduct complained of appears common to a number of members of the Council, demonstrating a lack of awareness, experience or recognition of the
particular provisions of the Code of Conduct and/or other Council procedures, etc; or

(e) The conduct complained of appears to the Monitoring Officer not to require a formal sanction; or

(f) The complaint appears to reveal a lack of guidance, protocols and procedures within the Council; or

(g) The Complainant and the Member are amenable to engaging in an informal resolution; or

(h) The complaint consists of allegations and retaliatory allegations between councillors; or

(i) The complaint consists of allegations about how formal meetings are conducted; or

(j) The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

6.3 Informal resolution may consist of one or more of the following actions, which do not have to be limited to the Member, but may extend to other councillors including the whole Council where it may be useful to address systemic behaviour:

(a) training;
(b) conciliation/mediation;
(c) mentoring;
(d) apology;
(e) instituting changes to the Council’s procedures;
(f) conflict management;
(g) development of the Council’s protocols;
(h) other remedial action by the Council;
(i) other steps (other than investigation) if it appears appropriate to the Monitoring Officer in consultation with the Independent Person.

6.4 If the Member is agreeable to and complies with the informal resolution process, the Monitoring Officer will report the matter to the Standards and Audit Committee for information, but will take no further action.

6.5 Where the Member will not participate in the informal resolution process or if, having agreed to one or more actions under the informal resolution process, the Member refuses or fails to carry out any agreed action, the Monitoring Officer will report the matter to the Standards and Audit Committee. The Standards and Audit Committee will be invited to refer the complainant for investigation.
EXAMPLE TEMPLATE - DECISION NOTICE (of the Monitoring Officer): e.g. REFERRAL FOR INVESTIGATION

Parties should take care when passing on information that is in the notice or about the notice. For example, some details such as names and addresses may be confidential or private in nature, or may be personal information.

Complaint No:

Complaint

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs]

Consultation with Independent Person

[Summarise the Independent Person’s views in numbered paragraphs]

Decision

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to refer the complaint for investigation.

Potential breaches of the Code of Conduct identified

At this stage, the Monitoring Officer is not required to decide if the Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed [insert name] as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

[detail relevant Code of Conduct paragraphs]

Notification of decision

This decision notice is sent to

the: Complainant
Member against whom the complaint was made
Surrey County Council’s Monitoring Officer (applicable only where the Member is serving at both District and County level)
What happens now

The complaint will now be investigated under the Council’s Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011.

Appeal

There is no right of appeal against the Monitoring Officer’s decision.

Additional Help

If you need additional support in relation to this decision notice or future contact with the Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

Signed: Date

Print name:

Monitoring Officer of Runnymede Borough
Civic Centre
Station Road
Addlestone
Surrey
KT15 2AH
PROCEDURE FOR INVESTIGATING THE COMPLAINT

ANNEX 2

1. Preliminaries

1.1 The Investigating Officer will be appointed by the Monitoring Officer and will be aware of their obligations under the Data Protection Act 2018, Equalities Act 2010, the Human Rights Act 1998 and other relevant legislation.

1.2 The Investigating Officer is responsible for gathering all the facts, documents and, where applicable, for interviewing witnesses with knowledge of the facts, and they should remain objective, impartial and unbiased at all times.

1.3 The Member and the Complainant will be advised that the investigation is for fact finding purposes only.

1.4 Witnesses will be identified at the investigation stage and their evidence supported by signed and dated witness statements and/or notes of interview with the Investigating Officer. The Investigating Officer cannot compel the attendance of witnesses or their co-operation.

1.5 The Investigating Officer will not make recommendations on sanctions.

1.6 Within 10 working days of being appointed, the Investigating Officer will notify the Member and the Complainant of their appointment and:
   (a) provide details of the complaint to the Member;
   (b) detail the procedure to be followed in respect of the investigation and the relevant timescales for responses and concluding the investigation;
   (c) detail the sections of the Code of Conduct that appear to be relevant to the complaint;
   (d) request contact details of any potential witnesses;
   (e) require that confidentiality is maintained and that details of the complaint not be disclosed to any third party, unless disclosure is to a representative, witness, immediate family members or otherwise as may be required by law or regulation.

1.7 It may be necessary for the Investigating Officer to agree with the Member which documents will be submitted in evidence. This will generally include documents that will be relied on, or in support of, the Member's case and which are relevant to the complaint.

1.8 The Investigating Officer may terminate their investigation at any point, where they are satisfied that they have sufficient information to enable them to report to the Monitoring Officer or Hearing Panel.

2. The draft report

2.1 On the conclusion of their investigation the Investigating Officer will issue a draft report (clearly labelled 'DRAFT AND CONFIDENTIAL') to the Monitoring Officer for review.

2.2 Following review by the Monitoring Officer, the draft report will be sent in confidence to the Member and the Complainant (not witnesses) for comment. The draft report will be clearly labelled 'CONFIDENTIAL' and will detail:
   (a) the relevant provisions of the law and the relevant paragraphs of the Code of Conduct;
   (b) a summary of the complaint;
   (c) the Member's response to the complaint;
   (d) relevant information, explanations, etc, which the Investigation Officer has obtained in the course of the investigation;
(e) a list of any documents relevant to the matter;
(f) a list of those persons/organisations who have been interviewed;
(g) a statement of the Investigating Officer’s draft findings of fact and reasons;
(h) the Investigating Officer’s conclusion as to whether the Member has or has not failed to comply with the Authority’s Code of Conduct;
(i) that the Investigating Officer will present a final report once they have considered any comments received on the draft.

2.3 Once the Investigating Officer has received any responses from the Member and/or the Complainant, they will finalise the draft report and make their final conclusions and recommendations to the Monitoring Officer. The report will be clearly labelled ‘FINAL AND CONFIDENTIAL’.

3. Consideration of Investigating Officer’s final report

3.1 The Monitoring Officer will review the Investigating Officer’s final report and any comments submitted by the Parties, in consultation with the Independent Person.

3.2 Where, on the basis of the Investigating Officer’s report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is no evidence of a failure to comply with the Code of Conduct; they will inform the Parties in writing that no further action is considered necessary. There is no right of appeal against the Monitoring Officer’s decision.

3.3 Where, on the basis of the Investigating Officer’s report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is evidence of a failure to comply with the Code of Conduct, they will either:

(a) seek informal resolution or
(b) refer the matter for consideration by the Hearing Panel in accordance with the relevant procedure detailed in Annex 3 to these Arrangements.
ANNEX 3

Hearing Panel Procedure

1. Pre Hearing Procedure

1.1 In order to allow the hearing to proceed fairly and efficiently, the Monitoring Officer may in appropriate cases use a pre-hearing procedure to:

- Identify which facts in the investigation report are agreed and which are in dispute.
- Determine whether any fresh evidence not mentioned in the investigation report may be put before the hearing.
- Determine whether documentary evidence which a party wishes to put before the hearing is admissible.
- Establish whether the parties intend to attend; whether the parties intend to be represented in accordance with paragraph 2 below and, if so, by whom; and the number and identity of witnesses to be called.
- Determine whether the whole or any part of the hearing should be held in private.
- Determine whether the whole or any part of the investigation report or other relevant documents should be withheld from the public.

1.2 The Monitoring Officer will notify the parties of the date, time and place for the hearing.

2. Rules of procedure

2.1 The Hearing Panel consists of three voting elected Members drawn from the Standards and Audit Committee, one of whom shall be elected as Chairman.

2.2 The quorum for a meeting of the Hearing Panel is three elected Members of the Standards and Audit Committee.

2.3 The Independent Person’s views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Member’s conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code of Conduct. The Independent Person should normally be present throughout the hearing but in the event that this is not possible, may instead submit their views on the complaint to the Hearing Panel in writing.

2.4 The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Hearing Panel. The hearing will be held in private no earlier than 14 working days after the Monitoring Officer has copied the Investigating Officer’s final report to the complainant and the Member.

2.5 All matters/issues before the Hearing Panel will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.

2.6 Where the Member fails to attend the Hearing Panel and where the Hearing Panel is not satisfied with their explanation for their absence from the hearing, the Hearing Panel may in the first instance, have regard to any written representations submitted by the Member and may resolve to proceed with the hearing in the Member’s absence and make a determination or, if satisfied with the Member’s reasons for not attending the hearing, adjourn the hearing to another date. The Hearing Panel may resolve in exceptional circumstances, that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously.

3. Right to be accompanied by a representative

3.1 The Member may choose to be accompanied and/or represented at the Hearing Panel by a fellow councillor, friend, colleague or representative.
4. **The conduct of the hearing**

4.1 Subject to paragraph 4.2 below, the order of business will be as follows:

(a) elect a Chairman;
(b) apologies for absence;
(c) declarations of interests;
(d) in the absence of the Member, consideration as to whether to adjourn or to proceed with the hearing (refer to paragraph 2.6 above);
(e) introduction by the Chairman, of members of the Hearing Panel, the Independent Person, Monitoring Officer, Investigating Officer, complainant and the Member and their representative;
(f) to determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press.

4.2 The Chairman may exercise their discretion and amend the order of business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

4.3 The Hearing Panel may adjourn the hearing at any time.

4.4 **Presentation of the complaint**

(a) The Monitoring Officer or Chairman may each make an introductory statement outlining the nature of the complaint and the purpose of the hearing, and the procedure to be followed.
(b) The Investigating Officer presents their report including any documentary evidence or other material and calls their witnesses. No new points will be permitted;
(c) The Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer;
(d) The Hearing Panel may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer.

4.5 **Presentation of the Member’s case**

(a) The Member or their representative presents their case and calls their witnesses;
(b) The Investigating Officer may question the Member and any witnesses called by the Member;
(c) The Hearing Panel may question the Member and any witnesses called by the Member.

4.6 **Summing up**

(a) The Investigating Officer sums up the complaint;
(b) The Member or their representative sums up their case.

**Views/Submissions of the Independent Person**

4.7 The Chairman will invite the Independent Person to express their view on whether or not they consider that on the facts presented to the Hearing Panel, there has been a breach of the Code of Conduct.

4.8 **Deliberations of the Hearing Panel**

**Deliberation in private**

(a) The Hearing Panel will adjourn the hearing and deliberate in private (assisted
on matters of law by the Monitoring Officer) to consider whether or not, on the facts found, the Member has failed to comply with the Code of Conduct.

(b) The Hearing Panel may at any time come out of private session and reconvene the hearing, in order to seek additional evidence from the Investigating Officer, the Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and by whom.

**Announcing decision on facts found**

4.9 (a) The Hearing Panel will reconvene the hearing and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct.

(b) Where the Hearing Panel considers that there has been a breach of the Code of Conduct, the Chairman will invite the Independent Person to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take.

(c) When deciding whether to apply one or more sanctions, the Hearing Panel will ensure that the application of any sanction is reasonable and proportionate to the Member’s behaviour. The Hearing Panel will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:

(i) What was the Member’s intention and did they know that they were failing to follow the Council’s Code of Conduct?

(ii) Did the Member receive advice from officers before the incident and was that advice acted on in good faith?

(iii) Has there been a breach of trust?

(iv) Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?

(v) What was the result/impact of failing to follow the Council’s Code of Conduct?

(vi) How serious was the incident?

(vii) Does the Member accept that they were at fault?

(viii) Did the Member apologise to the relevant persons?

(ix) Has the Member previously been reprimanded or warned for similar misconduct?

(x) Has the Member previously breached of the Council’s Code of Conduct?

(xi) Is there likely to be a repetition of the incident?

(d) Having heard the representations of the Independent Person, and the Member on the application of sanctions, the Hearing Panel will adjourn and deliberate in private.

(e) If evidence presented to the Hearing Panel highlights other potential breaches of the Council’s Code of Conduct, then the Chairman will outline the Hearing Panel’s concerns and recommend that the matter be referred to the Monitoring Officer as a new complaint.

**Final Decision**

4.10 (a) Where the complaint has a number of aspects, the Hearing Panel may reach a finding, apply a sanction and/or make a recommendation on each aspect separately.

(b) The Hearing Panel will make its decision on the balance of probabilities, based on the evidence before it during the hearing.
Having taken into account the Independent Person and the Member’s representations on the application of sanctions, the Hearing Panel will reconvene and the Chairman will announce:

(i) the Panel’s decision as to whether or not the Member has failed to comply with the Code of Conduct, and the principal reasons for the decision;
(ii) the sanctions (if any) to be applied;
(iii) the recommendations (if any) to be made to the Council or Monitoring Officer;
(iv) that there is no right of appeal against the Panel’s decision and/or recommendations.

5. Range of possible sanctions

5.1 Where the Hearing Panel determines that the Member has failed to comply with the Code of Conduct, any one or more of the following sanctions may be applied/recommended:

(a) Recommending to the Council that the Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
(b) Recommending to the Member’s Group Leader, or in the case of a ungrouped Member, to the Council that they be removed from committees or sub-committees of the Council;
(c) Instructing the Monitoring Officer to arrange training for the Member;
(d) Recommending to the Council that the Member be removed from one or more outside appointments to which they have been appointed or nominated by the Council;
(e) Recommending to the Council that it withdraws facilities provided to the Member by the Council, such as a computer, website and/or email and internet access;
(f) Recommending to the Council the exclusion of the Member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council committee and sub-committee meetings;
(g) Reporting the Panel’s findings to the Council for information;
(h) Instructing the Monitoring Officer to apply the informal resolution process;
(i) Sending a formal letter to the Member;
(j) Recommending to the Council to issue a press release or other form of publicity;
(k) Publishing its findings in respect of the Member’s conduct in such manner as the Panel considers appropriate.

5.2 The Hearing Panel has no power to suspend or disqualify the Member or to withdraw basic or special responsibility allowances.

5.3 The Hearing Panel may specify that any sanction take effect immediately or take effect at a later date and that the sanction be time limited.

6. Publication and notification of the Hearing Panel’s decision and recommendations

6.1 Within 20 working days of the Hearing Panel’s announcement of its decision and recommendations, the Monitoring Officer will publish the name of the Member and a summary of the Hearing Panel’s decision and recommendations and reasons for the decision and recommendations on the Council’s website.

6.2 Within 20 working days of the announcement of the Hearing Panel’s decision, the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, in the format of the Decision Notice template below to:
(a) the Member;
(b) the Complainant;
(c) Surrey County Council’s Monitoring Officer (applicable only where the Member is serving at both District and County level);

6.3 The Hearing Panel may decide to withhold the Member’s identity and/or details of the complaint if they are satisfied that there are reasonable grounds for believing that the Member or any other person (e.g. a witness):

(a) is either vulnerable or at risk of threat, harm or reprisal;
(b) may suffer intimidation or be victimised or harassed;
(c) suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this);
(d) it would not be in the public interest to do so.

6.4 In making this decision the Hearing Panel will have regard to the following factors in making such a decision:

(a) to facilitate transparency and ethical governance accountability: recognising that decision-making may be improved by constructive contributions from others;
(b) to raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern;
(c) justice to an individual: the balance of the public interest may favour disclosure of the complaint;
(d) bringing out in the open serious concerns about the behaviour/conduct of an individual.

6.5 The Monitoring Officer will report the Hearing Panel’s decision and recommendations to a meeting of the Standards and Audit Committee for information.
Complaint No: xxxx

On [insert date], the Hearing Panel of Runnymede Borough Council considered a report of an investigation into the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs as set out in the Investigating Officer’s report to the Hearing Panel]

Consultation with Independent Person

[Summarise the Independent Person’s views in numbered paragraphs]

Findings

After considering the submissions of the parties to the hearing and the views of the Independent Person, the Hearing Panel reached the following decision(s):

[Summarise the finding of facts and the Hearing Panel’s decision against each finding of fact in numbered paragraphs as set out in the Investigating Officer’s report to the Hearing Panel, but substitute the Investigating Officer for the Hearing Panel. Please note that the Hearing Panel’s findings may differ from that of the Investigating Officer]

The Hearing Panel also made the following recommendation(s)

[Summarise recommendations]

Sanctions applied

The breach of the [insert authority name] Code of Conduct warrants a [detail sanctions applied].

Appeal

There is no right of appeal against the Hearing Panel’s decision.

Notification of decision

This decision notice is sent to the:

- Councillor [name of councillor]
- Complainant
- Monitoring Officer
- Surrey County Council’s Monitoring Officer [applicable only where the Councillor is serving at both District and County level]

Additional help

If you need additional support in relation to this decision notice or future contact with the Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

Signed: 

Date

Print name:

Chairman of the Hearing Panel
Runnymede Borough Council
Civic Centre
Station Road
Addlestone
Surrey
KT15 2AH
Scheme for responding to Petitions

Minor changes April 2018
PETITIONS

The Council welcomes petitions from the public and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to: Corporate Head of Law and Governance, Runnymede Borough Council, Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH.

Or be created, signed and submitted online by following this link provided on the Council's website.

Petitions can also be presented to a meeting of the Full Council. These meetings take place on five occasions per year, dates and times can be found on the Council's website. If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Bernard Fleckney on 01932 425620 at least 10 working days before the meeting and he will talk you through the process. If your petition has received 1,500 signatures or more it will also be scheduled for a Council debate as shown on the Council's website and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the Council.

What are the Guidelines for Submitting a Petition?

Anyone who lives, works or studies in the Runnymede area, including under 18's can sign or organise a petition.

The Council will normally only consider petitions containing a minimum of 50 signatures, although each case will be considered on its merits.

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take. No change will be allowed to the wording of the petition after the petition has started
- the name and address and signature of any person supporting the petition.
Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

Petitions will not normally be considered where they are received within 6 months of another petition being considered by the Council on the same matter.

**What will the Council do when it receives my Petition?**

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website. When publishing a petition on its website the Council will only disclose the name of a person who has signed an e-petition. The Council does indicate on its website how personal data of people who supports a petition will be dealt with.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a Senior Officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected Mayor), or on a matter where there is already an existing right of appeal, such as Council Tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views can be obtained from the Council.

When a petition relates to a matter which is within the responsibility of another Public Authority or is a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
To ensure that people know what we are doing in response to the petitions we receive, the
details of all the petitions submitted to us will be published on our website, except in cases
where this would be inappropriate. Whenever possible we will also publish all correspondence
relating to the petition (all personal details will be removed). When you sign an e-petition you
can elect to receive this information by email. We will not send you anything which is not
relevant to the e-petition you have signed, unless you choose to receive other emails from us.

**How will the Council Respond to Petitions?**

Our response to a petition will depend on what a petition asks for and how many people have
signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Overview and Scrutiny Select
  Committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition.

*Overview and Scrutiny Select Committees are Committees of Councillors who are responsible
for scrutinising the work of the Council – in other words, the Overview and Scrutiny Select
Committee has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take
on the issues highlighted in a petition. The table below gives some examples.
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<th>Petition Subject</th>
<th>Appropriate Steps</th>
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<td>Alcohol related crime and disorder</td>
<td>If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.</td>
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<tr>
<td>Anti-social behaviour (ASB)</td>
<td>As the elected representatives of your local area, as social landlord and licensing authority, the Council plays a significant role in tackling ASB. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour.</td>
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<td>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the Community Safety Partnership and Crime and Disorder Committee to the issues highlighted in the petition.</td>
</tr>
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If your petition is about something over which the Council has no direct control (for example education, the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible on the Council’s website.
If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

**Full Council Debates**

If a petition contains more than 1,500 signatures it will be debated by the Full Council unless it is a petition asking for a Senior Council Officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. Where the issue is one on which a Council Committee is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

**Officer Evidence**

Your petition may ask for a Senior Council Officer to give evidence at a public meeting about something for which the Officer is responsible as part of their job. For example, your petition may ask a Senior Council Officer to explain progress on an issue, or to explain the advice given to elected Members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant Senior Officer will give evidence at a public meeting of the Council’s Overview and Scrutiny Select Committee. A list of the senior staff that can be called to give evidence are: Paul Turrell – Chief Executive, Mario Leo - Corporate Head of Law and Governance, Peter McKenzie – Assistant Chief Executive. You should be aware that the Overview and Scrutiny Select Committee may decide that it would be more appropriate for another Officer to give evidence instead of any Officer named in the petition – for instance if the named Officer has changed jobs. The Committee may also decide to call the relevant Councillor to attend the meeting. Committee Members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting Bernard Fleckney up to three working days before the meeting.
E-Petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions mentioned above. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the ‘rejected petitions’ section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services Section. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Bernard Fleckney within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website.

How Do I 'Sign' an E-Petition?

You can see all the e-petitions currently available for signature here.

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete you 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible. The Council does indicate on its website how personal data of people who supports a petition will be dealt with.
What I Can Do if I Feel my Petition has not been Dealt with Properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Select Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to one of the Council Committees and arranging for the matter to be considered at a meeting of the Full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

Dated: April 2018
Standing Orders
For Contracts

APRIL 2019
Contract Standing Orders

Council rules for the purchase of

Goods, Works and Services

April 2019
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<td><strong>“Agent”</strong></td>
<td>A person or organisation acting on behalf of the Council.</td>
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<tr>
<td><strong>“Award Criteria”</strong></td>
<td>The criteria on which the award of a contract is based following an evaluation of contract tenders in a procurement procedure. Award criteria must be focused on the tender and not the tenderer (which will already have been assessed at the pre-qualification stage against the relevant Selection Criteria).</td>
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<td><strong>“Award Procedure”</strong></td>
<td>The procedure for awarding a contract as specified in CSO 13.</td>
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<tr>
<td><strong>“Contract”</strong></td>
<td>In this context, means an agreement between parties for the supply of goods or services on terms and conditions, which are intended to be enforceable through law.</td>
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<tr>
<td><strong>“Contracts Finder”</strong></td>
<td>A central website maintained by Government on which public sector tender opportunities above £25,000 and which are advertised by the Council are required to be advertised.</td>
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<tr>
<td><strong>“Contract Managers”</strong></td>
<td>Those Officers authorised to carry out the day to day activities required to let and manage a contract.</td>
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<td><strong>“Code of Conduct”</strong></td>
<td>The 'Code of Conduct for Staff' (See Part 5 Council's Constitution).</td>
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<tr>
<td><strong>“Consultant”</strong></td>
<td>Someone engaged for a specific length of time to work to a defined project brief with clear outcomes to be delivered, and who brings specialist skills or knowledge to the role.</td>
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<tr>
<td><strong>“ESPD”</strong></td>
<td>European Single Procurement Document – can be submitted in place of the Selection Questionnaire in an EU procurement exercise and must be accepted. An example document and further instructions as to the use of the document are available in the Procurement Toolkit.</td>
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<tr>
<td><strong>“EU Public Procurement Procedure”</strong></td>
<td>The procedure required by the EU where the Total Value of a Contract exceeds the EU Threshold</td>
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<tr>
<td><strong>“EU Threshold”</strong></td>
<td>The contract value at which the EU Public Procurement Procedure must be applied.</td>
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<tr>
<td><strong>“Framework Agreement”</strong></td>
<td>A framework agreement is an ‘umbrella agreement’ that sets out the terms (particularly relating to price, quality and quantity) under which individual contracts (call-offs) can be made throughout the period of the agreement.</td>
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<tr>
<td><strong>“Invitation to Tender”</strong></td>
<td>An Invitation to Tender (ITT) is sent to Tenderers inviting bids for works goods or services</td>
<td></td>
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<tr>
<td><strong>“In-Tend”</strong></td>
<td>The Council’s e-tendering system which must be used for all procurement exercises with a value of £3,000 or more.</td>
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<tr>
<td><strong>“Non-Commercial Considerations”</strong></td>
<td>The following are a list of Non-Commercial Considerations:</td>
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<td>(a) the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer of or the other opportunities afforded to, their workforces (“workforce matters”);</td>
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<tr>
<td></td>
<td>(b) whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only;</td>
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(c) any involvement of the business activities or interests of contractors with irrelevant fields of Government policy;

(d) the conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ("industrial disputes");

(e) the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of contractors;

(f) any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees;

(g) financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support;

(h) use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984.

Workforce matters and industrial disputes, as defined in paragraphs (a) and (d) cease to be non-commercial considerations for the purposes of s17(5) Local Government Act (LGA) 1988 and part 1 of the LGA 1999 (Best Value); or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 2006 ("TUPE") may apply.

"Local Authority Consortium" A collection of Local Authorities who collaborate around the purchase of goods and services

"Open Procedure" A one-stage procurement where there is an open advert and any potential supplier can access and submit a tender to be evaluated

"PAS 91 PQQ" Prequalification questionnaire to be used for all procurements for works that are between the Service and Supplies threshold and the Works threshold. A template is available in the Procurement Toolkit.

"Procurement Toolkit" A guide to procurement providing help and advice in the procurement processes along with supplying template documents, useful forms and sample documents to assist Officers in running their own procurement projects.

"Purchase Order" A document sent from the Council as a buyer to a supplier with a request for an order, indicating types, quantities, and agreed prices for products or services. Once the order is accepted by the seller it becomes a contract binding on both parties. The Council’s Terms and Conditions will govern the terms of the supply of goods and services ordered under a Purchase Order unless a standard form or bespoke contract has been entered into prior to the issuing of the Purchase Order.

"Quotation" A written quotation of price and goods/services to be provided.

"Restricted Procedure" A two-stage procurement, where the advert invites potential suppliers to submit a Pre-Qualification Questionnaire and only those that meet the selection criteria are then shortlisted and permitted to submit a tender for evaluation. The Regulations only now permit this procedure for above EU threshold procurements.
“Runnymede Borough Council Terms and Conditions”
The Council’s Terms and Conditions for the supply of goods and services using Purchases Orders. Supplier’s accepting Purchase Orders are deemed to have accepted the terms and conditions. A copy of the Terms and Conditions can be found on the Council’s website at https://www.runnymede.gov.uk/tandcs.

“Selection Criteria”
The criteria by which Tenderers are chosen to be invited to submit Quotations or Tenders, where a Restricted Procedure is adopted.

“Shortlisting”
The process of selecting Tenderers who are to be invited to submit Quotations or Tenders or to proceed to final evaluation

“Sourcing Plan”
A document to be completed by all officers who wish to buy anything with a value of £750 or more which will identify the correct route to market for the exercise. For purchases or contracts with a value greater than £25,000, the document must be submitted to the Procurement function for review and sign off prior to commencing a procurement exercise. Available in the Forms section of the Procurement Toolkit.

“Standard Form Contracts”
Forms of agreement to be used without variation for certain agreed areas of work (Building Services, Engineering Services and Housing Services) with values below £25,000.00. They are administered by Contract Managers, with the formats drafted by Legal Services and subject to annual review and updating.

“Suitability Criteria”
In a single stage procurement the objective criteria, such as financial standing and professional ability, by which Tenders are assessed to determine whether they proceed to be evaluated.

“Tender Record Log”
The logs kept by Heads of Service to record details of Tenders received (see CSO 11).

“Tender”
A Tenderer’s proposal on price and quality submitted in response to an Invitation to Tender.

“Tenderer”
Any person who asks or is invited to submit a Quotation or Tender.

“Total Value of the Contract”
The amount payable under the contract to be used to select the procedure.

“TUPE” Transfer of Undertakings (Protection of Employment) Regulations
Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council are transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a ‘contracting-out’ or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

“Works Order”
A document issued by the Council (typically used in Housing Maintenance and Building Services) to a contractor with details of the works to be carried out, indicating types, quantities, and agreed prices for products or services. Once the order is accepted by the contractor it becomes a contract binding on both parties. The Council’s Terms and Conditions will govern the terms of the supply of goods and services unless a standard form or bespoke contract has been entered into prior to the issuing of the Works Order.
1. **Scope and Purpose**

1.1 These Contract Standing Orders (CSOs) aim to promote good procurement practice, public accountability, prevent corruption and provide protection for staff against allegations of impropriety. The Council should only enter into written rather than oral contracts unless there are exceptional circumstances e.g. to deal with an emergency.

1.2 All procurement exercises must:

- Achieve best value for money;
- Be consistent with the highest standards of integrity;
- Ensure fairness in awarding public contracts;
- Comply with all legal requirements;
- Support the Council's corporate aims and policies.

1.3 A Contract for the purposes of these CSOs is any arrangement made by, or on behalf of, the Council for the carrying out of works or for the supply of goods, materials or services, for example:

- the supply or sale of goods;
- hire, rental or lease of goods or equipment; and
- the delivery of services.

1.4 The term Contract also includes arrangements where the Council is supplying goods, works or services.

1.5 Contracts must comply with these CSOs, irrespective of the method of funding (e.g. capital, revenue, sponsorship, donations or grant monies from a third party).

1.6 The following Contracts are excluded from the provisions of the CSOs:

a. Contracts of employment, which makes an individual a direct employee of the Council;

b. Agreements for the acquisition, disposal, or transfer of land (See Standing Orders for Acquisition Disposal of Land Property Part 4 Council Constitution);

c. Contracts entered into by or on behalf of Legal Services for the appointment of Counsel and/or Experts; or

d. Loans to or from banks or other financial institutions.

e. Provision of emergency accommodation as required by the Homelessness Act.

f. Subscriptions to magazines/publications/online resources/professional journals/professional memberships.

1.7 A Procurement Toolkit is available in the Procurement section of the Runnymede Borough Council Staff Web Pages. The toolkit can be used to assist in any tendering exercises. It covers everything from pre-procurement considerations right through to putting contracts in place and the subsequent reporting requirements. There are templates and forms available as well as a number of sample documents to help guide Officers in completing their own tender documents.

2. **General Requirement**

2.1 Classification and Valuation of Contracts
The Total Value of the Contract should be calculated by reference to the following (where one or more apply use the higher value):

(a) for fixed term contracts the total price expected to be paid during the whole of the Contract period, including possible extensions For example if the contract is fixed term for three years it will be the estimated annual value times by 3; if however the contract allows for a possible extension of 2 years the contract value shall be the annual value times 5 regardless of whether the extension will be utilized or not.;

(b) where the Contract period is uncertain, multiply the price expected to be paid each month by 48 (where the value exceeds the EU Threshold, other rules apply and you should seek advice from Legal Services);

(c) if the contract involves a series of separate transactions for the same type of item, the 'Total Value of the Contract' is the expected aggregate value of all those transactions in the coming 12 months. For example if the contract is to change light bulbs, it is the estimated number of light bulbs estimated to be required to be changed within a 12 month period.

(d) for feasibility studies, when the contractor may potentially also carry out the work, it is the value of the scheme or contracts which may be awarded as a result.

A Contract Manager must not select a method for calculating the Total Value of the Contract in order to avoid the application of these CSOs.

2.1.1 A Sourcing Plan should be completed for every procurement as soon as the need to purchase goods, works and services arises to assist with the calculating the total contract value and the procurement route necessary. Sourcing Plans for contracts with a total contract value above £25,000 must be submitted to the Procurement Office.

2.1.2 Contracts up to and including £25,000 in value shall be the subject of a Purchase Order unless otherwise stated on the returned Sourcing Plan, in which case a formal Contract shall be prepared in accordance with the requirements of the Legal Team.

2.2 Summary of procurement process to be followed according to value for the purposes of these CSOs.

<table>
<thead>
<tr>
<th>TOTAL CONTRACT VALUE</th>
<th>Procurement Process Required:</th>
<th>Type of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £3,000.00</td>
<td>One written quote</td>
<td>Purchase order using the Council's Terms and Conditions</td>
</tr>
<tr>
<td>Between £3,000.01 and £25,000</td>
<td>3 quotes obtained via InTend</td>
<td>Purchase order using the Council's Terms and Conditions depending on the nature of the procurement (pending discussions with the Procurement Office and Legal Team) or Standard Form of Contract or Bespoke contract if amends to the Council's standard terms and conditions are required</td>
</tr>
<tr>
<td>Above £25,000.00</td>
<td>Tender process via InTend</td>
<td>Bespoke contract only</td>
</tr>
<tr>
<td>Above £100,000.00</td>
<td>Tender process plus approval from the relevant committee for the budget and procurement process</td>
<td>Bespoke contract only</td>
</tr>
</tbody>
</table>
Please refer to the relevant Procurement Toolkit for process maps for each threshold.

2.3 Guiding Principles

(a) All Contracts must be let in accordance with these CSOs unless an exemption under 2.6 below has been granted.

(b) The Public Contract Regulations 2015 (SI 2015/102) (‘the PCR 2015’) are domestic UK legislation which apply completely to the Council as an English local authority. The PCR 2015 set out detailed procedures for the award of Contracts where the Contract value equal or exceeds the specific thresholds shown in the table below. The threshold values stated below do not include VAT. The PCR 2015 also impose certain requirements on below threshold procurements.

<table>
<thead>
<tr>
<th>Other public sector contracting authorities</th>
<th>Supplies</th>
<th>Services</th>
<th>Works</th>
<th>Light touch Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£181,302</td>
<td>£181,302</td>
<td>£4,551,413</td>
<td>£615,278</td>
</tr>
<tr>
<td></td>
<td>€221,000</td>
<td>€221,000</td>
<td>€5,548,000</td>
<td>€750,000</td>
</tr>
</tbody>
</table>

(c) The Councils e-tendering system – In-Tend - must be used for all procurement exercises with a value in excess of £3000.00 unless in exceptional circumstances a justification not to use it has been approved via a waiver to CSOs by the Procurement Office or Corporate Head of Law and Governance.

2.4 Exemptions from advertising requirements

The following may be excluded from advertising and other requirements under these CSOs, although the requirement for achieving best value shall still apply:-

2.4.1 Contracts made via a local authority purchasing consortium or Framework, and may include contracts above the EU Threshold if the consortium or the framework has been awarded in accordance with EU Public Procurement Procedures.

2.4.2 Contracts entered into through sub-regional working or collaboration with other Local Authorities or public bodies, where a competitive process has been followed that complies with the CSOs of the lead organisation will be deemed to comply with these CSOs.

2.4.3 Collaborative proposals for joint working or shared services with other public authorities which the Corporate Head of Law and Governance has approved as meeting the conditions set out in 2.4.4 below.

2.4.4 The principal activity of the collaborative arrangement is the provision of services back to the participating authorities:

- The collaborating public authorities when acting together exercise the same kind of control over the service provision as they would over in-house service provision and
- There is no independent or private sector partner involved in the collaborative arrangement

2.4.5 Where it can be clearly demonstrated that goods or services can only be provided by a single source, an exemption to advertising requirements may be requested via the waiver to CSOs process (2.6)

In all instances, advice should be sought from the Council’s Legal Services or the
Procurement Office.

2.5 Approvals

a) Procurement can only occur if there is a budget allocation or express approval by the relevant Committee. All Contracts must be appropriately authorised by the relevant Committee or in accordance with the Council’s Scheme of Delegation before a procurement process is begun.

b) For procurements with a value in excess of £100,000 where the contract value is less than or equal to the agreed budget for the procurement, Officers must report to the relevant Committee the award of the Contract to the successful tenderer as information only. If the actual contract value is greater than the budget agreed for the procurement or there has been a substantial modification to the specification or terms and conditions of contract, Officers must request the approval of the procurement outcome at the relevant Committee prior to contract award notification.

c) All Contracts must be in written form and once the terms and conditions are agreed should be submitted to the appropriate person for signature. The written formalities must be completed before the Contract is due to start.

2.6 Exemptions

2.6.1 Subject to any legal requirements, any requirement of these CSOs may be waived with the consent of the relevant Committee or via the waiver to CSO process. The Procurement Office administers the process and further information is available in the Procurement Toolkit. The Procurement Manager will assess waiver applications and if the grounds for the waiver are deemed appropriate, waivers will be approved by either the Procurement Manager or the Corporate Head of Law and Governance. Additional approval as detailed in the process may be required from the Chief Executive or the Assistant Chief Executive who may authorise other officers to exercise all or part of these powers on their behalf.

2.6.2 An application for a waiver shall

a) be submitted in writing to corporateprocurement@runnymede.gov.uk

b) set out clearly the reasons for requiring the waiver and indicate the time period the waiver will apply for

c) provide an action plan to resolve the requirement for a further waiver at the end of the time period

d) show how the proposal complies with any applicable law, demonstrates propriety, value for money and support for the Council’s objectives.

2.6.3 Where an exemption from competition requirements is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services the relevant Officer must report as soon as practicable following the event to the Procurement Office (corporateprocurement@runnymede.gov.uk) and one of the following, the Chief Executive, Assistant Chief Executive or the Corporate Head of Law and Governance. Any Contract entered into for these purposes should be the minimum required to remove the immediate risk to persons or property or to reduce the disruption to Council services to a manageable level.

2.7 Contract Formalities, Sealing and Register

2.7.1 Where a Purchase Order is used as the contract using the Council’s Terms and Conditions for values under £25,000, the authoriser of the Purchase Order must have the required delegated authority for the contract value as required by the Financial Regulations.
All other Contracts shall be signed by the Council as follows:

Contracts less than £3000
Signed by the relevant Head of Service or above.

**Contracts between £3000 - £25,000**
Must be signed by the Chief Executive or Corporate Head of Law and Governance unless they are Standard Form Contracts which may be signed by the relevant Head of Service or above. Please note that there are circumstances where section 2.7.4 below may apply and a Contract within this value range may be required to be sealed.

All Deeds and Contracts over £25,000 or circumstances under 2.7.4 below
Under the common seal of the Council and witnessed (signed) by the Chief Executive or Corporate Head of Law and Governance.

2.7.3 All Contracts must be concluded formally in writing and signed by both parties before the supply, service or construction work begins, except in exceptional circumstances, and then only with the consent of the Chief Executive, Corporate Head of Law and Governance or Assistant Chief Executive.

2.7.4 The Council's Legal Services are responsible for securing signature of the Contract and must ensure with the assistance of the Contract Manager that the person signing for the other contracting party has authority to enter into a legal agreement.

2.7.5 A Contract must be sealed where
- The Council wishes to enforce the Contract more than six years after its end;
- There is no consideration or the price paid or received under the Contract is nominal and does not reflect the value of the goods or services.

2.7.6 Following award of any Contract, in excess of £3000 the Contract Manager must provide contract information required by the Council's Procurement Office for entry onto the Contracts Register which may be found on the Council's website.

2.8 Contract Documents

2.8.1 All Contracts irrespective of value, shall clearly specify:
- Details of supply/service or work
- The price to be paid and the timing/frequency
- Contract start and end date including any provision for extension and
- Liquidated damages (if applicable) and termination provisions.

2.8.2 The terms and conditions of all Contracts over £3000.00 must have been either drafted or approved by the Council's Legal Services unless using the Council's Terms and Conditions fulfilled by a Purchase Order. Standard Form Contracts should be reviewed and updated annually by the Corporate Head of Law and Governance to ensure compliance with any legal changes and that they meet the Council's needs.

2.9 Record Keeping:
Contract Managers shall ensure that the following records are kept:
2.9.1 Successful Tenders - the Contract and any relevant correspondence and records (e.g. any documents which might have a bearing on the way the Contract is interpreted) for at least 6 years after Contract comes to an end. If made as a deed / under seal they must be kept for at least 12 years.

2.9.2 Unsuccessful or Late Tenders – for at least 3 years from the date of award of the Contract.

2.9.3 Original Contracts – Unless they are in the Council’s Standard Form or a Purchase Order, Legal Services shall be responsible for retaining original contracts. Standard Form Contracts shall be retained by Contract Managers for 6 years after the Contract comes to an end.

2.10 Contract Management, Evaluation and Review

2.10.1 For all Contracts, Contract Managers should:

- Ensure that appropriate risk assessments are in place at all times during the life of the Contract;
- For any risks identified as part of the risk assessment, ensure appropriate actions are put in place to manage them.
- Regularly monitor performance;
- Regularly monitor compliance with programme, specification and contract;
- Regularly monitor estimated final cost compared to budgets;
- Regularly monitor any value for money requirements;
- Regularly monitor user satisfaction and risk management.
- Review and action contract end dates in a timely manner to allow sufficient time to review options for contract extension or to run a procurement exercise prior to the end date.

2.10.2 If any Contract requires a project management role the Contract Manager must discharge that role or appoint a named person to carry out that role.

2.10.3 Officers involved in any construction/building related procurement must check to determine whether the Construction (Design and Management) Regulations 2015 (CDM 2015) which came into force on 6 April 2015, replacing CDM 2007 apply and comply with those requirements accordingly.

2.11 Insurance

2.11.1 Contractors must provide a copy of the relevant insurance schedule or a letter from their insurance broker as evidence that the required policy(ies) is in date and has the required limit of liability.

2.11.2 If a Contract is continuing after expiry of the initial policy, officers must request evidence of the updated policy in the form stated in 2.11.1 above.

2.11.3 Public Liability Insurance

All contractors must have a current policy of public liability insurance in place with a minimum limit of liability of £5 million. In the case of building or construction work Contracts, the minimum limit of liability should be £10 million. In exceptional circumstances, lower limits may be considered in consultation with the Council’s Insurance Officer who will advise accordingly.
2.11.4 A contractor’s insurance policy must include an “Indemnity to Principal” clause. This ensures that the Principal i.e. the Council, is indemnified as if it were the insured.

2.11.5 Employers’ Liability Insurance

The Employers’ Liability (Compulsory Insurance) Act 1969 states that all employers are required to have a minimum limit of liability of £5 million. In practice, most insurance companies write employers’ liability policies with a minimum limit of £10 million. However contractors should be required to have at least the statutory minimum of £5 million.

2.11.6 Professional Indemnity Insurance

Professional Indemnity insurance indemnifies a contractor against claims for financial loss arising out of a contract which may occur as a consequence of poor or incorrect advice or errors or omissions committed by the contractor. We will require this from contractors whose service comprises or includes the giving of professional advice e.g. consultants.

2.11.7 If Professional Indemnity insurance is needed a limit of £1 million may be sufficient. However, when considering the level of Professional Indemnity insurance required, Officers must consider the potential financial loss to the Council in the event that the contractor commits an act or omission leading to a claim. The actual value of a contract does not necessarily have a direct correlation to the nature and size of a claim that might arise. If Officers are in doubt they must seek the advice of the Council’s Insurance Officer.

2.11.8 Additional types of insurance cover may also be required, for example, Product Liability cover where food or materials are supplied by a contractor. It would be normal for a contractor to have a “combined liability” policy which covers both public and products liability. If Products liability is a stand-alone policy a minimum limit of liability of £2 million would be required.

2.11.9 Officers must seek the advice of the Council’s Insurance Officer if they are in any doubt regarding insurance requirements.
SECTION B Officers’ Responsibilities

3.1 General

3.1.1 All Officers and any Agents or Consultants acting on their behalf must comply with these CSOs, Financial Regulations, the Code of Conduct for Staff and with all legal requirements. They must also comply with any Codes of Practice, guidance and instructions, which may be issued regarding contractual arrangements by the Procurement Office, Chief Executive, Assistant Chief Executive or Corporate Head of Law and Governance.

3.1.2 All Officers must have regard in particular to paragraph 12 (gifts and hospitality) in the Code of Conduct for staff and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to show that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour is a crime, which may lead to prosecution and will lead to disciplinary proceedings and possible dismissal.

3.2 Contract Managers must in relation to contracts for which they are responsible:

a) ensure they have all appropriate approvals before seeking any quotes or tenders or awarding a contract;

b) seek all necessary legal, procurement, financial, risk management and technical advice in good time; and

c) ensure there is sufficient budgetary provision before awarding any contract

d) comply with the requirements of these CSOs and observe any Codes of Practice guidance or instructions relating to contracting matters issued by the Procurement Office, Chief Executive, Corporate Head of Law and Governance and Assistant Chief Executive;

e) ensure Council suppliers have sufficient insurance cover appropriate to the contract (see paragraph 2.11 above) and the advice of the Council’s Insurance Officer;

f) ensure a record is kept for every contract of the method for obtaining bids’ and the reasons for it; any exemption from CSOs together with the reasons for it; and the award criteria;

g) ensure that where an employee of the Council or its contractor may be affected by any transfer arrangement TUPE and related issues are considered before proceeding with inviting Tenders or quotations.

h) inform the Procurement Office of the name and nature of the Contract, the proposed date of award, duration and value.

i) Once a Contract is awarded a transparency record form must be completed and sent to the Procurement Office. The transparency record form can be found in the procurement toolkit.

j) Review contract end dates and action as appropriate to ensure contractual arrangements are in place at all times during the supply period or period of service provision

3.3 Corporate Heads must in relation to their Service:

a) Ensure all Contract Managers
  • Comply with CSOs
  • Are sufficiently skilled in procurement matters to fulfil the duties of their post
  • Complete any required learning and development
b) Ensure there are effective systems in place to control budgets properly;

c) Ensure there are appropriate arrangements in place for the safekeeping of Tenders until the appointed time of opening

d) Ensure there are effective contract management arrangements in place for all Contracts

e) Provide any information requested by the Procurement Office, Assistant Chief Executive or the Corporate Head of Law and Governance regarding their Contracts.

3.4 Codes of Practice and training

The Procurement Office, Chief Executive, the Corporate Head of Law and Governance and the Assistant Chief Executive may:

a) issue Codes of Practice, guidance and instructions on any matters which are relevant to contracting arrangements

b) specify the approved learning and development requirements in procurement matters that Officers must complete to meet the minimum competency standards to fulfil their duties under CSOs.

3.5 Record keeping

The Corporate Head of Law and Governance shall:

- Maintain central registers of all contracts completed underhand or seal and arrange for the safekeeping of such contracts on Council premises.

Corporate Heads/Directors shall:

- Arrange for the safe-keeping of contracts signed under their delegated authority.
SECTION C – The Contracting Process

This section sets out in more detail the requirements to be met when dealing with a contract that has a value exceeding £3000.00:-

4. Steps Prior to Purchase

4.1 Before beginning a procurement exercise, Contract Managers must:

a) Consult the procurement office before commencing a procurement exercise.

b) Assess the need for the expenditure.

c) Define the objectives of the procurement.

d) Calculate the Total Value of the Contract by completing and submitting the Sourcing Plan to the Procurement Office;

e) Make sure that the appropriate authority is in place to start the process and that the budget covers the whole-life financial commitment being made (including any consultant's or other external charges or fees);

f) Ensure sufficient legal, procurement, finance, risk management and technical support is available throughout the entire procurement process;

g) Ensure sufficient resources will be available (i.e. people with sufficient skills and capacity) to manage the contract once it has been let, and

h) Draft a specification setting out details of the goods and/or services required; how and when they shall be supplied.

i) Ensure that an Invitation to Tender is drafted

4.2 Contract Managers in collaboration with the Procurement Office must:

a) Where no suitable Council services are available, carry out an options appraisal to decide the best way to achieve the purchasing objective, including internal or external sourcing, partnering, and collaborative procurement arrangements with another public authority or government department;

b) Consult users where appropriate about the proposed procurement, contract standards, performance and user satisfaction monitoring;

c) Assess the risks and how to manage them; and

d) Agree with the Corporate Head of Law and Governance, the approved form of contract to be used for the type of transaction and the terms and conditions that are to apply to the proposed contract. Wherever possible, the Council should determine the standard form of contract to be used or use terms and conditions of contract drafted by the Council’s Legal Services.

Pre-Tender Market Research and Consultation

4.3 Contract Managers in collaboration with the Procurement Office may consult potential suppliers prior to the issue of an Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters. Records must be kept of this consultation.

4.4 Contract Managers may seek or accept technical advice on the preparation of a specification from anyone who may have a commercial interest in bidding for the contract provided that it does not prejudice the equal treatment of all potential Tenderers and distort competition. Records must be kept of this consultation until the expiry of the contract.

Prevention of Corruption

4.5 An anti-bribery and corruption clause must be inserted into every contract. The wording of the clause is to be advised by the Council’s Legal Services. Every written contract must state that the Council may cancel the contract and recover any resulting loss from the contractor, if the contractor or anyone acting on his behalf, or
his employees (with or without his knowledge):

i. has improperly offered, given or agreed to give anything to any person in return for doing or refraining to do anything in connection with the obtaining or execution of the contract or any other contract with the Council, or in return for showing or refraining from showing favour or disfavour to anyone in relation to the contract or any other contract with the Council;

ii has, in relation to any contract with the Council, committed an offence under the Bribery Act 2010, or has given any fee or reward the receipt of which is an offence under Section 117 (2) of the Local Government Act 1972.

4.6 A non-collusive tendering certificate is to be included with all procurement documentation which must be signed by Tenderers and included with their Tender.

5. Advertising and Assessing potential suppliers

5.1 Advertising

5.1.1 All proposed contracts where the Total Value of the Contract is expected to exceed £25,000 must be advertised on the Council’s website. The minimum advertising requirements are

(a) All Contracts above £25,000 must be published on the Council’s website and Contracts Finder

(b) All Contracts exceeding the applicable EU threshold must be published in Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED)

Advertisements for Contracts exceeding the applicable EU threshold should not appear on the Council’s website until after they have appeared in the OJEU Journal.

5.1.2 Where contracts above an estimated value of £25,000 are advertised the Regulations require that they must also be advertised on Contracts Finder.

5.1.3 Within reasonable costs Contract Managers should seek to maximise publicity to encourage competition. Examples of where further advertisements may be appropriate include trade journals or local newspapers.

5.2 Assessing potential suppliers or contractors

5.2.1 Contract Managers are responsible for ensuring that all Tenderers for a contract are suitably assessed. The assessment process shall establish that all potential Tenderers have sound economic and financial standing and sufficient technical ability and capacity to fulfil the requirements of the Council.

6 Framework Agreements

6.1 The term of any Framework Agreement must not exceed four years without the written consent of the Corporate Head of Law and Governance.

6.2 For contracts of any value, in the case where more than one framework agreement could be used for the contract award, the Procurement Office must be consulted in order to conduct a due diligence exercise of the options available and provide a recommendation on the route to take.

6.3 Contracts based on Framework Agreements must be awarded in accordance with the terms laid down in the Framework Agreement whilst ensuring compliance with these Standing Orders and Public Contracts Regulations 2015. If there is any doubt contact the Procurement Office or the Council’s Legal Services.

6.4 The Government’s Crown Commercial Service may be used as a source to look for appropriate Framework Agreements with the advice and assistance of the Council’s Procurement Office.
7. **The Appointment of Consultants to Provide Services**

7.1 Consultants are subject to the same competition requirements as any other type of contract and must be selected and commissions awarded in accordance with these CSOs.

7.2 The engagement of a Consultant requires contractual terms and conditions and a specification that adequately describes the scope of the services to be provided, the total cost to be paid and any stage payment arrangements. The engagement shall also be subject to completion of a contract of appointment.

7.3Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the Council’s Insurance Officer for the periods specified in the respective agreement.

8. **The Council as a Supplier - providing works, goods or services to external organisations**

8.1 The Assistant Chief Executive and the Corporate Head of Law and Governance must be consulted where contracts to work for organisations other than the Council are contemplated.

8.2 Contract Managers shall produce robust business cases for the Council acting as a supplier which fully takes into account the costs to the Council of delivering the goods, works or services concerned. The financial viability of such business cases must be approved by the Chief Executive and Assistant Chief Executive.

8.3 Contract Managers shall liaise with the Council’s Insurance Officer to ensure any potential liabilities are sufficiently covered by the Council’s insurance policies.

8.4 Where the proposed Contract value is likely to be funded by a supplementary estimate outside of the annual planning cycle, before tenders are prepared the Chief Executive, Assistant Chief Executive and the Corporate Head of Law and Governance must jointly approve the business case (unless the Chief Executive has expressly agreed that no Business case is required) including:

   a) Confirming the Council can legally enter into the contract;

   b) Accepting the legality of the charging arrangements; and

   c) Approving the terms and conditions of the proposed contract.

9. **Collaborative and partnership arrangements**

9.1 In order to secure value for money the Council may enter into collaborative procurement arrangements with other local authorities. The Contract Manager must consult the Corporate Head of Law and Governance and the Procurement Office where the supply of goods and/or services is to be made using collaborative procurement arrangements.

9.2 Collaborative and partnership arrangements include joint working where one partner takes the lead and awards contracts on behalf of the other partners, long term collaborative partnerships, pooled budgets and joint commissioning.

9.3 Collaborative arrangements between public authorities for shared services where the aim of the arrangement is for the participating authorities to be provided with services by each other or through a company wholly owned by the participating authorities rather than by an external provider may fall outside the need for competition.

10. **Setting Standards and Award Criteria**

10.1 The Contract Manager must, before seeking prices, define Selection Suitability and Award Criteria that are appropriate to the procurement and designed to secure an outcome giving best value for money for the Council. The basic criterion shall be:

   a) "most economically advantageous tender," where considerations other than
price also apply, for example, quality of goods or services. Although if tendering for simple contracts where price really is the overall factor it is possible to use price alone to establish which the most economically advantageous tender is; or

b) “highest price” if payment is to be received

If the first criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, delivery date, cost effectiveness, quality, relevant environmental considerations (including disposal and recycling costs), aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance, social value and any other relevant matters.

10.2 Selection Suitability and Award Criteria must not include:

- Non-Commercial Considerations; or
- matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

10.3 The regulations prohibit the use of a two stage procurement process for contracts for Supplies and Services with an estimated value below the EU threshold for Supplies and Services (see table in 2.3b).

10.4 Any contracts for Works with a value over the Supplies and Services threshold but under the EU threshold for Works may still use a two stage process. In these circumstances Contract Managers must use the PAS 91 Pre-Qualification Questionnaire (PQQ).

10.5 Where any other two stage process is permitted Contract Managers must have regard to the Crown Commercial Service (CCS) guidance for the use of a Selection Questionnaire (SQ) and the CCS SQ template; re-wording of questions is not permitted within Parts 1 and 2 under any circumstances, within Part 3 it is possible to delete questions that are not relevant to the procurement and add questions where necessary.

10.6 The European Single Procurement Document (ESPD) is a reduced format SQ which can be used by tenderers in place of a SQ. It is used across all member states, it cannot be amended and additional questions cannot be added. It must be accepted if submitted by a tenderer and a tenderer cannot be penalised for submitting the ESPD instead of the SQ document issued with the tender documents. The SQ documents issued as part of a tender must highlight areas within them that are not included within the ESPD document so that tenderers can respond separately to those questions not covered by the ESPD. Regulation 59 of the PCR 2015 provides further guidance on the ESPD.

10.7 Full details about the scoring of a SQ, including any weighting and sub-criteria, must be made known to suppliers at the time of going out to tender, as must any “pass mark” for the SQ. Suppliers should be given details if an unsatisfactory answer to any SQ questions may lead to exclusion, irrespective of the score on the rest of the SQ.

10.8 The Contract Manager must notify those Tenderers who are eliminated at the Pre-Qualification (Selection) stage of the process. The letter needs to give reasons why the tenderer was unsuccessful and should be transmitted electronically using In-Tend.

10.9 Suitability Assessment questions are permitted for all procurements below the EU threshold where a two stage process is no longer permitted as long as the following conditions are met:

- Must be relevant to the subject matter of the procurement
- Must be proportionate
- Can only be used to assess whether minimum standards are met

It is mandatory for a potential supplier to complete Part 1 and Part 2 of the standard SQ, or the ESPD template, for all procurements above EU thresholds, therefore Parts
1 and 2 must form the basis of any Suitability Questionnaire used in the EU Open Procedure.

11. **Invitations to Tender / Quotations**

11.1 All Invitations to Tender or Quotation must:

a) Specify the goods, service or works that are required, together with the terms and conditions of contract that will apply; and.

b) State that the Council is not bound to accept any Quotation or Tender.

11.2 All Tenderers invited to Tender or Quote must be issued with the same information at the same time and subject to the same conditions. The Regulations state that all procurement documents should be made available by means of the internet from the date of publication of the procurement exercise. In-Tend allows for this requirement. Any supplementary information must be given on the same basis.

11.3 All Invitations to Tender shall include:

a) Clear instructions on how and where Tenders are to be submitted, together with the date and time by which they are to be received;

b) A specification that describes the Council’s requirements in sufficient detail to enable the submission of competitive offers;

c) Terms and conditions on which the contract is let which shall be either in the Council’s Standard Form Contract, the Council’s Terms and Conditions by issue of a Purchase Order or a bespoke contract appropriate to the procurement

d) A description of the Award Procedure and details of the Award Criteria in objective terms;

e) An outline of the method by which any arithmetical errors discovered in the submitted tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa; and

f) Information on the Council’s requirement on:

i. Confidentiality and Freedom of Information;

ii Publicity;

iii Tenderer Conduct and Conflicts of Interest;

iv Authority rights;

v Bid costs;

vi Guarantees; and

vii Data protection guidance

11.4 All Invitations to Tender shall state that any Tender received after the closing date and time stipulated in the Invitation to Tender will be rejected and not considered.

11.5 All Invitations to Tender shall include requirements for Tenderers to:

a) Declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the Tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose e.g. legal, financial advice etc.); and

b) Complete fully and sign all tender documents including a form of tender and
c) Submit Tenders to the Council on the basis that they are compiled at the Tenderer’s expense.

11.6 No tender will be considered unless submitted through the e-tendering system.

12. Submission, Receipt and Opening of Tenders/Quotes

12.1 Tenderers must be given an adequate period in which to prepare and submit a Tender, consistent with the complexity of the contract. The EU Public Procurement Procedure lays down specific time periods.

12.2 All Tenders estimated to be worth £25,000.00 or more must be returned in accordance with the system requirements of In-Tend. Note that any tender received outside of In-Tend must be rejected.

12.3 All tenders received in In-Tend will be locked from access until after the closing date and time. In-Tend allows for all bids to be opened and recorded within the system alleviating the need to employ a bid opening committee to sign and witness the opening of bids. For the avoidance of doubt, the Contract Manager or Procurement Officer running the procurement exercise can proceed to open the bids using the electronic opening ceremony independently.

12.4 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the Tenderer, who should be requested to confirm their Tender. If the rates in the Tender, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.

12.5 In-Tend will not allow Suppliers to upload any documents after the stipulated time and date for submission even if they have started to upload their submission if they have not finished it will reject the outstanding information.

13. Clarification Procedures and Post-Tender Negotiations

13.1 Providing clarification of an Invitation to Tender to potential or actual Tenderers or seeking clarification of a Tender whether in writing or by way of a meeting is permitted. All clarifications must be managed through In-Tend.

13.2 However, discussions with Tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post tender negotiations) are not permitted. In particular, such negotiations must not be conducted in an EU Public Procurement Procedure (other than within the provisions of the EU negotiated, competitive dialogue and innovation partnership procedures) without the agreement of the Corporate Head of Law and Governance.

13.3 If, in exceptional circumstances, post tender negotiations appear necessary after a single stage tender or after the second stage of a two stage tender then you should take legal advice on whether negotiations are permissible. Normally such negotiations should be undertaken with all those who have met the selection criteria in the original process. During negotiations, the Council’s requirements set out in the original procedure should not be substantially altered. The prior approval of the Corporate Head of Law and Governance is required to any proposal to negotiate in other circumstances.

14. Evaluation, Award of Contract and Debriefing Tenderers

14.1 Apart from the debriefing required or permitted by these CSOs, the confidentiality of Quotations, Tenders and the identity of Tenderers must be preserved at all times and information about one Tenderer’s response must not be given to another during the evaluation process.

14.2 Quotations and Tenders must be evaluated in accordance with the Award Criteria.
During this process, Contract Managers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any significant differences are examined and resolved satisfactorily.

14.3 Where the Total Value of the Contract is £25,000 or more, Contract Managers must advise all Tenderers in writing of their award decisions. For contracts that are subject to the EU Procedure, this must be in the form of intention to award letters (award notification letters) that are issued simultaneously to all Tenderers using In-Tend advising them of the intention to award the contract to the successful Tenderer and providing them with a ‘standstill period’ of at least 10 days in which to challenge the decision before the contract award is confirmed. Guidance should be sought from the Procurement Office or Legal Services as to what constitutes the start and finish of the standstill period.

14.4 Award notification letters must include the following debriefing information, and no additional details should be given without taking the advice of the Corporate Head of Law and Governance:-

(a) How the award criteria were applied;
(b) The name of the successful Tenderer(s);
(c) The score/price of the Tenderer, together with the score/price of the successful Tenderer;
(d) Details of the reason for the decision, including the characteristics and relative advantages of the successful Tender; and
(e) Confirmation of the date before which the Council will not enter into the contract (i.e. the date after the end of the ‘standstill period’).

14.5 If a decision is challenged by an unsuccessful Tenderer, after the issue of an award notification letter, then the Contract Manager shall not award the contract but shall immediately inform the Assistant Chief Executive and the Procurement Office and seek the advice of the Corporate Head of Law and Governance.

15. Local lists

The Council no longer operates local lists. All suppliers should be invited to join the South East Shared Services Portal which is supported by In-Tend and will give Contract Managers the ability to request quotations using the Quick Quotes facility.

16. Constructionline

16.1 Under these CSOs, Contract Managers requiring construction services who can demonstrate that the response to an open advertisement would generate such a large number of responses that the time spent in evaluating such tenders would be disproportionate to the value of the contract can use Constructionline to select a restricted number of tenderers to be invited to submit tenders.

16.2 Inclusion on the Constructionline register is not guarantee of a Contractor’s suitability and therefore Contract Managers must carry out independent checks during the tender process.

16.3 Officers must rotate the contractors used on Constructionline.

16.4 Officers must invite three contractors to tender for contracts under £25,000 and where the value exceeds £25,000 a sufficient number of contractors to be able to demonstrate that value for money is being obtained.

17. Liquidated Damages and Security

17.1 The relevant Contract Manager must consider the following matters before tenders are invited.
17.2 If a contract has a value of £25,000 or more or there are concerns with the potential performance of the services required under the Contract, the relevant Corporate Head must consider whether a liquidated damages clause is necessary. For this purpose he may consult the Corporate Head of Law and Governance and Assistant Chief Executive.

17.3 If the relevant Corporate Head requires, and if the Corporate Head of Law and Governance considers it legally practicable, such a contract must provide for the contractor to pay liquidated damages if he fails to complete it in the stated time. The method of calculating damages is to be fixed by the Corporate Head of Law and Governance after considering advice from the relevant Contract Manager and the Assistant Chief Executive.

17.4 The Council may require a contractor to give security via a performance bond or parent company guarantee for the performance of any contract.

18. Requirements for Contracts

18.1 Every contract to which these CSOs apply must:

(a) be in writing in a Purchase Order, Standard Form Contract or bespoke contract form approved by the Corporate Head of Law and Governance. The Corporate Head of Law and Governance may require this document to be under seal;

(b) state what is to be supplied or done, the price and any discount or deductions, the time within which the contract is to be performed, and any other agreed terms;

(c) state that if the contractor fails to perform his obligations within the time allowed, the Council in addition to any other remedies, may:

   i) determine the contract, either wholly or partly, and

   ii) do whatever is necessary to make good the contractor's default, and

   iii) recover from the contractor the expense of doing so, to the extent that it exceeds the contract sum.

18.2 In the case of contracts for physical works or services the Contract Manager must ensure that the contract requires the contractor to advise the Council as to whether the contracted works or services ("the contract"), and any facility, system or equipment used by the Council to which the contract relates, accord with the requirements of best modern safety practice.

19. British Standards

19.1 Every contract for goods, materials or work must comply with any relevant British, European Union, or ISO Standards or Standard Code of Practice in force at the date of tender.

20. Additional Work not contracted for

20.1 If the relevant Corporate Head/Director is satisfied that a need for additional work or supply has arisen during the carrying out of a contract, and that:

- that work or supply cannot be required under the terms of the existing contract;
- it is nevertheless of the same type as that being provided by the existing contractor, and has arisen as part of the same set of circumstances as gave rise to the existing contract
- the additional work or supply is necessary, is correctly specified, and does not
amount to more than 20% of the existing contract sum in estimated value;

- the existing contractor is likely to carry out the work or supply to the required standard;

- it is in the best interests of the Council to agree with the existing contractor for the new work or supply; and

- budgetary provision exists;

then a waiver to CSOs must be sought (para 2.6) and subject to approval, may negotiate the terms with the existing contractor to carry out the new work or supply. The advice of the Corporate Head of Law and Governance must be followed as to how best to document the new contractual terms.

21. **Nominated Sub-contractors and suppliers**

Where a sub-contractor or supplier is to be nominated to a main contractor, and the estimated value of the sub-contract, or goods to be supplied, is more than £25,000 then:

(a) At least three tenders for the nomination must be invited in accordance with one of the methods set out in these CSOs.

(b) The provision of these CSOs relating to insurance, bribery and corruption apply to such tenders.

(c) The invitation to tender must require the tenderer to undertake that he will enter into a contract with the main contractor which includes an obligation to indemnify the main contractor in respect of matters included in the sub-contract.

(d) Any contract shall contain a term that the main contractor shall make available on demand to the Council all documents associated as to the appointments of any sub-contractor.

However, where in the reasonable opinion of the relevant Corporate Head of Law & Governance and the Assistant Chief Executive it is not practicable to obtain such competitive tenders, this CSO will not apply.

22. **Authorisation of payments, claims etc.**

In relation to contracts for building, constructional or engineering work:

22.1 Payments to contractors on account of contracts may be made only on a certificate issued by an Officer (or private architect, engineer or consultant) authorised by the Council to do so. Payments must not be made before contract documentation has been executed except with the agreement of the Corporate Head of Law and Governance and Assistant Chief Executive.

22.2 Subject to the provisions of the contract every extra or variation must (unless otherwise evidenced to the satisfaction of a duly authorised Officer) be authorised in writing by the duly authorised officer (or private architect, engineer or consultant) or other person who may be nominated for the Council under the contract. The authorisation must state the cost of the extra variation or, if this is impossible, an enforceable mechanism (such as a schedule of rates) by which the cost will be calculated. If the estimated cost of the contract is likely to exceed the authorised budget by more than £1,000, the relevant Corporate Head/Director must report this to the relevant Committee as soon as practicable. Officers should note the need to seek authorisation for additional expenditure from the relevant Committee.

22.3 The final certificate of completion of any contract must not be issued until the duly authorised Officer, private architect, engineer or consultant has produced to the Assistant Chief Executive a detailed contract payment proforma in the form required by the Assistant Chief Executive, and has produced all documents required by the Assistant Chief Executive.
Applicable to all contracts:

22.4 In any case where the value of the contract exceeds £100,000 and the total cost will exceed the approved contract sum by more than 5%, the relevant Corporate Head must before payment submit the final account to the Assistant Chief Executive, who will arrange for its examination and make all such enquiries and receive such information and explanations as may be required in order to be satisfied as to the accuracy of the account. It is the responsibility of the relevant Corporate Head to provide all necessary papers and information for this purpose, to the requirements of the Assistant Chief Executive and in good order.

22.5 Where the total Cost of any Contract exceeding £100,000 in value exceeds the approved contract sum by more than 5%, the relevant Corporate Head must also report on the cost to the relevant Committee, after agreement of the final account. Where it is apparent earlier that this will be the case, the relevant Corporate Head must consider the advisability of reporting at that stage instead.

22.6 If a contract has been awarded on a term or call-off basis, the relevant Corporate Head and Contract Manager must ensure that the cumulative cost is monitored and that any necessary virements or supplementary estimates are sought in accordance with the Financial Regulations reproduced in this Constitution.

22.7 Claims from contractors in respect of matters not clearly within the terms of any existing contract must be referred to the Corporate Head of Law and Governance for consideration of the Council’s legal liability. Where necessary the Assistant Chief Executive must be consulted in respect of the financial considerations before a settlement is reached.

22.8 Where completion of work or services due under the contract is delayed beyond the contract period, the relevant Corporate Head/Director must consult with the Corporate Head of Law and Governance and ensure that any necessary action is taken to claim liquidated damages.
Standing Orders
For the
Acquisition and Disposal
of Property

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ACQUISITION

L1. New acquisitions of Property should be undertaken in accordance with the criteria set out in the Council’s Property Investment Strategy 2017-2021 adopted on 9th February 2017 unless such acquisition is for operational reasons.

L2. Before any formal decision to acquire Property is made or if Property has been acquired under delegated authority the following actions shall be taken:
   a) a business case template setting out the justification for the proposed acquisition against the appropriate policy and legal background shall be prepared and included in any committee report or Standing Order 42 report seeking authority to acquire or in any report recording the exercise of delegated authority to acquire or dispose of Property;
   b) where relevant a check shall be made by the responsible Officers that the same object cannot be achieved by use of the Council’s existing landholdings;
   c) where relevant there shall be an appraisal of any other possible means of achieving the purpose of acquisition, for example by acquiring a different property or by meeting the need in another manner.

L3. All acquisitions should be approved, by the Council (for a value greater than £20m) or the Corporate Management Committee (the Committee) (up to a value of £20m) or by the Property Acquisitions Sub Committee (up to a value of £10m) subject to borrowing approval being in place. Acquisitions within the remit of Property Acquisitions Sub Committee must be referred directly to Corporate Management Committee when the acquisition does not fully comply with the Property Investment Strategy. However it is accepted that due to commercial reasons it may be necessary on occasions to act quickly in relation to a transaction and it will not be possible to obtain Full Council or Committee approval. Standing Order 42 may only be used for property acquisitions where the proposed acquisition is in accordance with the Property Investment Strategy adopted by the Council from time to time and the value of the acquisition is no greater than £1m excluding associated costs (e.g. stamp duty, agents fees). Once a decision to acquire has been made, the Council or Committee may, if it sees fit, delegate the detailed approval of terms to the Corporate Head of Law and Governance who must act with the benefit of advice from the Corporate Director of Commercial Services, if relevant, and the Commercial Services Team.

L4. The Commercial Services Team shall ordinarily be used except where the case has particular features which demand the use of special knowledge, experience or expertise or the case is of a category identified for external handling in which case a Valuer will be instructed appointed in accordance with Standing Orders for Contracts.

L5. The Corporate Director of Commercial Services shall maintain systems to ensure that the progress of every acquisition is monitored and maintained, both at the negotiation stage and during the completion of legal formalities.


DISPOSAL

L7. 1. The Council’s Property portfolio shall be reviewed regularly to identify potentially surplus or under-utilised Property against the criteria set out in the Asset Management Plan and Property Investment Strategy.

2. Where potentially surplus or under-utilised Property is identified, possible alternative uses by the Council shall be considered.
3. Where there is no need to retain Property for service use, an assessment shall be made as to the balance of financial advantages in the retention or disposal of the Property.

4. Before any report is presented recommending (a) the declaration of any Property as surplus and (b) the disposal of any Property, the relevant Chairman shall be consulted and consideration shall be given to whether the case demands the notification or consultation of ward Members, special publicity, or other measures.

5. No Property shall be disposed of unless where appropriate any relevant service committee has declared the Property surplus to requirements, and the Council or the Committee has approved the principle of disposal and the method of sale.

6. Over Officer delegated limits, a report to the Council or Committee considering the principle of disposal shall indicate the reasons for declaring the Property surplus to the Council's needs if this has not already been done by a service committee and where appropriate any special factors which should affect the timing of the disposal. The report should also indicate what options have been considered to increase the value of the asset in order to enhance its capital value and thereby increase the capital receipt achievable on disposal. Any relevant legal powers or duties, including section 123 of the Local Government Act 1972, where applicable, should be mentioned. In the event that it is necessary to exercise delegated authority or use the Standing Order 42 procedure such matters should be recorded in the appropriate documents. Having taken the decision in principle to dispose of the Property, the Council or Committee may if it sees fit delegate the detailed approval of terms in the same way as for acquisition. For major transactions however, involving significantly more than a financial evaluation, the Council or Committee will normally wish to consider the terms before authorising their acceptance.

7. Before recommending sale of any Property, Officers shall ensure that a physical inspection is carried out, usage surveys carried out if appropriate, that the Title is properly investigated, and that a check is made upon the availability or presence of services and other possible constraints upon its future use or development. Such matters shall be dealt with in any report on a proposed disposal.

8. Before the Property is marketed or offered for sale, a check sheet answering the following points shall be prepared by the Officer handling the disposal and shall be retained on file.

   a) action to be taken prior to marketing or offering for sale, for example carrying out repairs, the acquisition of adjoining land, rectification of Title, site clearance; together with possible effect upon market value;

   b) whether there are any planning issues to be resolved and the action proposed;

   c) whether there is a special purchaser (for example a neighbouring owner) who may be prepared to pay above the market value;

   d) the appropriate source of valuation and marketing advice;

   e) the Title to be offered, any new rights to be granted or reserved, covenants or conditions to be imposed;

   f) the method of sale best complying with the Council's legal duties (particularly those under Section 123 of the Local Government Act 1972) in the particular circumstances e.g. private treaty, auction, or formal or informal tender and, where the Property to be disposed of is very large, whether the disposal should be phased;

   g) the Committee or delegated authority authorising disposal.
9. The Council's Commercial Services Team shall ordinarily be used except where the case has particular features which demand the use of special knowledge, experience or expertise or the case is of a category identified for external handling in which case a Valuer will be instructed appointed in accordance with Standing Orders for Contracts.

L8. ACCEPTANCE OF BID

i) In any case where it is intended that the successful bidder shall be the offer or of the highest price with a sound financial base, the Director of Commercial Services in consultation with the Corporate Head of Law and Governance may accept the highest such offer received, if the Council's Valuation Section or a Valuer engaged by the Council advises that it is reasonable to do so and provided that the decision authorising disposal has not stipulated to the contrary. The result shall be reported to the Committee.

ii) If the Chief Executive considers that there is a substantial risk of being unable to complete the transaction on the highest offer received, he or she may accept the next most suitable Bid, if the Council’s Valuation Section or a Valuer engaged by the Council advises that it is reasonable to do so and provided that the decision authorising disposal has not stipulated to the contrary. The result shall be reported to the Committee.

iii) In any case where evaluation of the offers received covers a wider range of criteria than those referred to in paragraph L8(i) above, a Bid may be accepted only by the Council or by the Committee following consideration of a report from the appropriate officers, unless the Council, or Committee has specifically authorised an Officer to accept a Bid.

iv) Any Officers' report to the Council or Committee regarding potential acceptance of a Bid, or any Officer acting to accept a Bid under delegated powers under (iii) above, shall identify relevant powers and duties of the Council, summarise the essential elements of all the bids received, identify the criteria by reference to which the decision is to be made, and evaluate the Bids received against the previously estimated open market value of the Property. The report or assessment shall also consider any peculiarities of individual offers which might affect the evaluation;

v) The Council shall not be bound to accept any Bid.

vi) The Corporate Director of Commercial Services shall whenever practicable inform the successful and unsuccessful bidders of the decision in writing within a reasonable time period of its making. Details of individual Bids shall not be disclosed without the bidder's consent except in pursuance of a legal obligation, or, in the case of the winning offer, once the disposal has been completed. Unsuccessful bidders may, however, be advised of the range within which offers fell, and of the name of the successful bidder.

L9. NEGOTIATIONS AFTER RECEIPT OF BIDS

i) If the best offer received in a binding bid process is considered inadequate the Corporate Director of Commercial Services in consultation with the Chief Executive shall seek authority to either require that Bids shall be sought afresh or that every bidder who submitted a Bid shall be invited to submit a fresh Bid.

ii) Subject to (i) above, the Council shall not accept any improved financial offer from a bidder in a binding bid process after the time set for receipt of Bids has passed, but may negotiate to improve the non-financial details of a Bid;

iii) In any other case the Council may negotiate with one or more bidders to improve the financial offer, the form of development, or any other details of the Bid. Any such negotiations are to be conducted in a fair and lawful manner. It shall be permissible to select the most attractive Bid or Bids under the evaluation criteria for further negotiation or competition, and reject the others, but not to reject a Bid which is more attractive under the criteria than one selected for further attention. The same information shall be available to all
bidders included in any further process, and the same opportunity shall be given
to all to improve their Bids. A proper record shall be kept of all such contact and
negotiations.

iv) Elected Members of the Council shall not engage in such negotiations.

L10 WITHDRAWAL OF THE SUCCESSFUL BID

If the preferred bidder in a non-binding process withdraws or fundamentally changes the
Bid that was accepted, the presumption shall be that either the disposal process shall be
restarted, or that a further selection process shall take place amongst the other Bids
received (if the Corporate Director of Commercial Services in consultation with the Chief
Executive, Assistant Chief Executive and Corporate Head of Law and Governance
considers that this will be as advantageous or better than starting again). If the disposal
process is restarted, the Council may use a method of identifying a purchaser that
differs from that originally chosen. However if the originally preferred bidder has
submitted a new offer and the Council, taking into account professional advice and its
legal obligations, considers that there is greater advantage in proceeding with or
negotiating on the new offer, then it may override the above presumption.

L11 EXTERNAL ADVISORS

Where the Council engages any external advisor or consultant in connection with the
disposal of any Property, that advisor or consultant shall be given a copy of these
Standing Orders and shall abide by them.

L12. INTERPRETATION

In Standing Orders L1 to L12:

“Bid” shall include any proposal put forward by a prospective purchaser or lessee of the
terms upon which they are prepared to take the Property, in response to an invitation by
the Council to submit such a proposal in competition with others. The expression is not
restricted to formal binding tenders.

"Property" means any form of real property (including buildings) and shall include any
right or interest in under or over land.

“Valuer” means a member of the Royal Institute of Chartered Surveyors suitably
qualified to provide valuations in respect of land.
OVERVIEW AND SCRUTINY PROCEDURE RULES

Revised April 2018
OVERVIEW AND SCRUTINY PROCEDURE RULES

1. What will be the arrangements for the Overview and Scrutiny Select Committee?

The Council will appoint the Overview and Scrutiny Select Committee as set out in Article 6. Overview and Scrutiny Select Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist. The general terms of reference are set out in Article 6. The Overview and Scrutiny Select Committee may appoint Sub-Committees. The Overview and Scrutiny Select Committee will approve an annual overview and scrutiny work programme, including the programme of any Sub-Committees it appoints, to ensure that there is efficient use of the Committee and Sub-Committees' time, and that the potential for duplication of effort is minimised.

2. Who may sit on the Overview and Scrutiny Select Committee?

Any Councillor may be a Member of the Overview and Scrutiny Select Committee. Members must observe the Code of Conduct in relation to the call-in or other scrutiny of a decision in which they have been involved.

3. Co-optees

The Overview and Scrutiny Select Committee shall be entitled to recommend to Council the appointment of non-voting co-optees.

4. Meetings

At least five ordinary meetings of the Overview and Scrutiny Select Committee shall be programmed in each year. Additional meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Select Committee meeting may be called by the Chairman, by any three Members of the Committee, or by the Corporate Head of Law and Governance in accordance with Standing Orders.

5. Quorum

The quorum for the Overview and Scrutiny Select Committee shall be as set out for Committees in the Standing Orders in Part 4 of this Constitution.
6. **Chairmanship**

Any of the Overview and Scrutiny Select Committee's Members may be elected Chairman in accordance with Standing Orders.

7. **Work Programme**

The Overview and Scrutiny Select Committee will be responsible for setting its own work programme and in doing so it shall take into account wishes of all Members on the Committee regardless of the political group to which they belong.

8. **Agenda Items**

Any two Members of the Overview and Scrutiny Select Committee or a Sub-committee are entitled to give written notice to the Corporate Head of Law and Governance that they wish an item relevant to the functions of the Overview and Scrutiny Select Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Corporate Head of Law and Governance will ensure that it is included on the next available agenda. This notice must be served within the time required by Standing Order 27.5. If it is not possible due to operational or administrative reasons to include a report requested by a Member on an Agenda for the meeting in question, it will be included on the Agenda for a subsequent meeting.

This right does not empower a Member to direct that evidence be gathered for a formal scrutiny hearing, or that time or resources be expended beyond the normal range for preparation of a Committee report. On receipt of the requested report the Committee may direct such further action within its powers as it sees fit.

9. **Policy Review and Development**

a) The Overview and Scrutiny Select Committee may be requested to comment on or assist in the development of the Council's budget and policy framework. It may also decide itself to review particular issues.

b) The Overview and Scrutiny Select Committee may also make proposals to other Committees in relation to the Council's approach to matters not forming part of its policy and budget framework.

c) The Overview and Scrutiny Select Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist it in this process. They may go on site visits,
conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so within the budget at its disposal.

10. **Reports from Overview and Scrutiny Select Committee**

(a) Once the Overview and Scrutiny Select Committee has formed recommendations under para 9 above, the Corporate Head of Law and Governance will submit its formal report for consideration by the relevant policy Committee, or, if the Overview and Scrutiny Select Committee so requests, by the Council (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

(b) If the Overview and Scrutiny Select Committee cannot agree on one single final report to the Council or the relevant Committee as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Committee with the majority report.

(c) The Overview and Scrutiny Select Committee may submit a report on its work and recommendations to Full Council annually.

11. **Scrutiny hearings**

(a) the Overview and Scrutiny Select Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of a policy Committee, the Head of Paid Service, and/or any senior Officer to attend before it to explain in relation to matters within their remit:

i) any particular decision or series of decisions;

ii) the extent to which the actions taken implement Council policy; and/or

iii) any other information relevant to the scrutiny;

and it is the duty of those persons to attend if so required.

(b) if a Member or Officer is required to attend an Overview and Scrutiny Select Committee under this provision, the Chairman of the Overview and Scrutiny Select Committee will inform the Corporate Head of Law and Governance. The Corporate Head of Law and Governance must inform the Member or Officer in writing, giving at least five working days notice of the meetings at which he/she is required to attend. The notice will state the nature of the item on which he/she is
required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for its preparation.

(c) where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Select Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

(d) an Overview and Scrutiny Select Committee may invite people other than Members or Officers to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and other public sector organisations.

(e) the Overview and Scrutiny Select Committee may conduct scrutiny by formal or informal reporting and debate if it wishes. However, if there are a number of people to question, or several issues to consider, or if the Committee considers it appropriate for any other reason, it can hold a scrutiny hearing. The following shall be the normal procedure for reporting to and conducting a scrutiny hearing:

Background

The Agenda will contain a basic background report from Officers. This report is intended to assist Members’ understanding, not to provide a comprehensive comment on the matters raised.

Establishing the Position

i) The Committee will then have the opportunity to ask questions of appropriate Officers and Members in turn, one interviewee at a time. Any Member of the Committee, as called by the Chairman, will have the opportunity to question. The Chairman may set a time limit for questions from one Member. Those waiting to be questioned will not be excluded from the room unless the Committee so requires. This questioning takes place in public unless the Committee votes on legal grounds to exclude the public. Only Members of the Committee may ask questions.

ii) There will be a final sweep-up opportunity, controlled by the Chairman, during which any clarification of information given can be sought by the Committee or offered by any interviewee.

iii) Interviewees who are not required for the remainder of the meeting can depart if they wish. All may remain unless the Committee wishes to exclude them.

Identifying Problems and Issues

The Committee identifies the issues requiring analysis, comment, or recommendations. Officers and non-Committee Members should not participate in this or remaining stages except to help with recall of facts, or advice on professional
matters or procedure if requested.

Possibilities

The Committee identifies the range of possible responses to the problems and issues.

Proposals

i) The Committee considers its views.

ii) The Committee formulates comments and any recommendations. It also decides whether its report should be presented to the relevant policy Committee or Full Council. The report will be drafted by Officers on the basis of the Committee’s deliberations and agreed by the Chairman or, if required, the whole Committee.

iii) The report is presented to the relevant Committee or the Council. If to a Committee, the Chairman of the Overview and Scrutiny Select Committee may attend to present it.

12. Call-in

Call-in of a decision, other than a recommendation to the Council or parent Committee, is a procedure available to the Overview and Scrutiny Select Committee which will prevent implementation of the decision until it has been considered further. Call-in should only be used in exceptional circumstances. These are where Members of the Overview and Scrutiny Select Committee;

- have evidence which suggests that the policy Committee did not take the decision in accordance with the principles set out in Article 12 (Decision Making), or
- believes there is evidence that explicit Council Policy or legal requirements were disregarded. In addition the requirements and procedure set out in a to g below must be observed.

a) the request for call-in must be on a standard proforma (appended) and specify the reasons for the call-in, by explaining what evidence the Members have to indicate the decision in question was not made in accordance with Article 12 of the Constitution or have evidence that Council Policy or legal requirements were disregarded when the decision was made, be signed by at least two Members of the Overview and Scrutiny Select Committee and must be delivered to the office of the Chief Executive before 5.00 p.m. on the fourth working day after the policy Committee has taken the decision;

b) no such request can be effective if the Chairman of the Overview and Scrutiny Select Committee agrees that the policy Committee or Sub-Committee has
determined that the interests of the Council or the Borough would be prejudiced by delay in implementing the decision, and that this determination is correct and that the decision is a reasonable one; Any officer seeking to rely on this provision must contact the Chairman of Overview and Scrutiny Select Committee to obtain their agreement and explain in the relevant report the justification for such a decision.

c) Call-in requests may not be made in respect of decisions on individual planning applications, enforcement notices, tree preservation orders, the grant or refusal of statutory permits or local authority licences authorising any use of land or activity, or the taking of regulatory or enforcement action under any statute. Any such request is void, but the Overview and Scrutiny Select Committee may consider and pass comment on the merits of the decision or the underlying policy.

d) When an effective call-in request is received, the Corporate Head of Law and Governance must arrange a meeting of the Overview and Scrutiny Select Committee at a time suitable to the subject matter and the urgency of the case. Such a meeting must normally be held within ten days of the receipt of the request;

e) The Member or Members requesting the Call-in shall be called upon to explain their reasons for the request. The Committee may consider the matter either by report, advice and debate in the usual manner, or by conducting a scrutiny hearing. The Chairman must determine the method within one working day of being notified of the call-in request (or its receipt if he signed it), and must inform the Corporate Head of Law and Governance. If the Chairman makes no determination the method will be by report, advice, and debate.

f) When it considers the matter, the Overview and Scrutiny Select Committee may either refer the matter back to the policy Committee or Sub-Committee, or report to the Council, with any comments and recommendations it wishes to make.

g) The matter will be reconsidered at the next ordinary meeting of the policy Committee or Sub-Committee, or the Council, unless the matter is sufficiently urgent to require a special or extraordinary meeting. The subsequent decision of the policy Committee or Sub-Committee or the Council upon the matter will not be subject to further call-in.
13. **Making sure that overview and scrutiny reports are considered by Policy Committees**

Once an overview and scrutiny report on any matter which is the responsibility of a policy Committee has been completed, it shall be included on the agenda of the next available meeting of the relevant Committee, or the Council as appropriate. In the case of a report to Committee, if the subject is scheduled to be considered by the relevant Committee within eight weeks from the date the report was adopted by the Overview and Scrutiny Select Committee, the report of the Overview and Scrutiny Select Committee will be considered at the same time.

14. **Rights of Overview and Scrutiny Select Committee Members to Documents**

(a) all Councillors have the right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution as well as any specific rights they may have as Members.

(b) nothing in this paragraph prevents detailed liaison between the relevant Committee and Overview and Scrutiny Select Committee as appropriate depending on the particular matter under consideration.

15. **The Party Whip**

(a) when considering any matter in respect of which a Member of an Overview and Scrutiny Select Committee is subject to a party whip the Member must declare the existence of the whip, and the nature of it, before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of whipping arrangements, shall be recorded in the Minutes of the meeting.

(b) ‘A party whip’ means any agreement amongst Members of a political group to vote in a particular manner or to abstain, or any instruction to that effect issued by or with the authority of the Leader of the Group.

16. **Procedure at Overview and Scrutiny Select Committee Meetings**

Subject to adjustments to suit the practicalities of conducting business at the meeting, an Overview and Scrutiny Select Committee shall consider business in the following order:

i) minutes of the last meeting;

ii) declarations of interest (including whipping declarations);

iii) consideration of any matter referred to the Overview and Scrutiny Select Committee in relation to call-in of a decision;
iv) response of relevant Committees to reports of the Overview and Scrutiny Select Committee; and

v) the business otherwise set out on the agenda for the meeting.
Runnymede Borough Council – Call-In Request Form

1. Decision to be called in: (Required)

2. Which of the principles of decision making in Article 12 of the constitution has not been applied? (Required)
Required by Standing Order 27.8 (a) and Section 12(a) of the Overview and Scrutiny Procedure Rules within the constitution – Tick all that applies:

<table>
<thead>
<tr>
<th>Principle</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Proportionality (i.e. the action must be proportionate to the desired outcome);</td>
<td></td>
</tr>
<tr>
<td>(b) Due consultation and taking of professional advice from Officers;</td>
<td></td>
</tr>
<tr>
<td>(c) Respect for human rights;</td>
<td></td>
</tr>
<tr>
<td>(d) A presumption in favour of openness;</td>
<td></td>
</tr>
<tr>
<td>(e) Clarity of aims and desired outcomes;</td>
<td></td>
</tr>
</tbody>
</table>

3. Desired outcome

<table>
<thead>
<tr>
<th>Desired Outcome</th>
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</thead>
<tbody>
<tr>
<td>(a) The Overview and Scrutiny Committee to refer the decision back to the decision making Committee or Sub-Committee for reconsideration, setting out in writing the nature of its concerns.</td>
</tr>
<tr>
<td>(b) The Overview and Scrutiny Select Committee refer the matter to full Council with any comments and recommendations it wishes to make.</td>
</tr>
</tbody>
</table>

4. Evidence which demonstrates the decision in question was not made in accordance with Article 12 or that Council Policy or legal requirements have been disregarded when the decision was made:
Required by Standing Order 27.8 (a) and Section 12(a) of the Overview and Scrutiny Procedure Rules within the constitution

5. Signed: (not required if sent by email)

........................................................................................................
........................................................................................................

6. Dated:
CRIME AND DISORDER COMMITTEE
PROCEDURE RULES

April 2018
The powers and functions of the Crime and Disorder Committee

The Overview and Scrutiny Select Committee will sit as the Crime and Disorder Committee as set out in Article 6. In accordance with section 19 of the Police and Justice Act 2006, the Crime and Disorder Committee will have power:

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions. ["The responsible authorities" has the meaning given by section 5 of the Crime and Disorder Act 1998 (authorities responsible for crime and disorder strategies in relation to the Borough of Runnymede)];

These are:

- Police
- Local Authority
- Police Authority
- Fire and Rescue Authorities
- Primary Care Trusts (PCTs)
- Probation Service

(b) to make reports or recommendations to the Council with respect to the discharge of those functions;

(c) to consider any local crime and disorder matter referred to it by a Member of the Council, or which the Committee wishes to consider, or which is placed on its agenda in the ordinary course of business. ["Local crime and disorder matter" means a matter concerning crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) in Runnymede, or the misuse of drugs, alcohol and other substances in Runnymede];

When the Overview and Scrutiny Select Committee is sitting as the Crime and Disorder Committee, it can only exercise the functions given by the 2006 Act and relevant regulations, summarised in these Procedure Rules (unless additional powers or functions are given by law). The Committee may appoint Sub-Committees, which will have no greater powers than those of the parent Committee.

The Crime and Disorder Committee has no decision-making powers of its own. It must recommend any desired action to the Council. Action that requires the authority or agreement of another Committee (such as a decision with new budgetary implications)
must be referred to that Committee before the recommendation is considered by Council.

In cases of urgency it will be possible for an Officer to implement the Crime and Disorder Committee’s recommendations under Standing Order 42, if the relevant Chairman (or Chairmen) agree(s).

2. **Who may sit on the Crime and Disorder Committee?**

The Overview and Scrutiny Select Committee will also be the Crime and Disorder Committee. Any Councillor may be a Member of the Overview and Scrutiny Select Committee.

When sitting as the Crime and Disorder Committee, the Committee may include co-optees who are not members of the Overview and Scrutiny Select Committee as such. See below.

3. **Co-optees**

The Crime and Disorder Committee may (without reference to Council) co-opt further individuals to sit on the Committee, provided that they are employees, Officers or Members of the Council or another responsible authority, or of a body with which the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998 (“the co-operating bodies”). They will not be entitled to vote unless the Committee so decides (Regulation 3, Crime and Disorder (Overview and Scrutiny) Regulations 2009)

The Council may co-opt other individuals to the Committee, but the Committee cannot give them a vote.

The Committee or the Council, as the case may be, can terminate the appointment of any Member it has co-opted.

4. **Meetings**

The Crime and Disorder Committee must meet as often as the Committee considers appropriate to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, but it must meet for this purpose at least once every twelve months (Regulation 4, Crime and Disorder (Overview and Scrutiny) Regulations 2009). It will meet on other occasions when business so requires. When there is business for both the Crime and Disorder Committee and for the Overview and Scrutiny Select Committee, the Committee may meet in both roles on the same evening, but will ensure that it only exercises one of these roles at any given time. A Crime and Disorder Committee
meeting may be called on other occasions by the Chairman, by any three Members of the Committee, or by the Corporate Head of Law and Governance in accordance with Standing Orders.

The rules about political proportionality, notice of meetings, and availability of reports and background papers, apply to the Crime and Disorder Committee as they apply to the Council’s ordinary Committees.

5. **Quorum**

The quorum for the Crime and Disorder Committee shall be as set out for Committees in the Standing Orders in Part 4 of this Constitution.

6. **Chairmanship**

Any of the Crime and Disorder Committee’s Members (including co-opted Members) may be elected Chairman in accordance with Standing Orders.

7. **Agenda Items**

Any two Members of the Crime and Disorder Committee or a Sub-Committee of it is entitled to give written notice to the Corporate Head of Law and Governance that they wish an item relevant to the functions of the Crime and Disorder Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Corporate Head of Law and Governance will ensure that it is included on the next available agenda. This notice must be served within the time required by Standing Order 27.5.

If it is not possible due to operational or administrative reasons to include a report requested by a Member on an Agenda for the meeting in question, it will be included on the Agenda for a subsequent meeting.

This right does not empower a Member to direct that evidence be gathered for a formal scrutiny hearing, or that time or resources be expended beyond the normal range for preparation of a Committee report. On receipt of the requested report the Committee may direct such further action within its powers as it sees fit.

Where a Councillor is asked to consider a local crime and disorder matter by a person who lives or works in the area that the Councillor represents, the Councillor must consider the matter and respond to the person who asked him to consider it, indicating what (if any) action he/she proposes to take, and he/she may refer the matter to the Crime and Disorder Committee (section 19(3), Police and Justice Act 2006). A reference to the Committee must be by notice to the Corporate Head of Law and Governance, as mentioned above, under Standing Order 27.4.
8. **Reports from Crime and Disorder Committee**

(a) Once the Crime and Disorder Committee has decided to report or formed recommendations, the Corporate Head of Law and Governance will submit the report and/or recommendations for consideration by the Council and will also ensure that any matters requiring comment or approval from other Committees are reported to those Committees.

(b) The Corporate Head of Law and Governance must also send a copy of the report and/or recommendations to each of the responsible authorities, and each of the co-operating persons and bodies.

[Section 19 (8) of the Police and Justice Act 2006 and Regulation 7 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 require any authority, person or body which receives a copy of a report or recommendations in this way to consider the report or recommendations, respond in writing to the Crime and Disorder Committee (if possible within 28 days) indicating what (if any) action it proposes to take, and have regard to the report or recommendations in exercising its functions.]

9  **Other Powers of the Crime and Disorder Committee**

The Crime and Disorder Committee (or any Sub-Committee of it) may require Members or Officers of the Council, or Officers and staff of a responsible authority or co-operating body, to attend before it to answer questions. If it does so they must attend, but they do not have to answer any question they would not have to answer in Court. The Committee or Sub-Committee may also invite other people to attend meetings (see paragraph 6, Schedule 8, Crime and Disorder Act 2006 and regulation 6, Crime and Disorder (Overview and Scrutiny) Regulations 2009).

If anyone is required to attend the Crime and Disorder Committee under this provision, the Chairman of the Crime and Disorder Committee will inform the Corporate Head of Law and Governance. The Corporate Head of Law and Governance must inform that person in writing, giving at least five working days notice of the meetings at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend and whether any papers are required to be produced for the Committee. Where the person attending will need to prepare a report or research information, he/she will be given sufficient notice to allow for its preparation.

Where, in exceptional circumstances, the person requested is unable to attend on the required date, the Crime and Disorder Committee shall in consultation with them arrange an alternative date for attendance.
The Crime and Disorder Committee may write to a responsible body or a co-operating person or body requesting information relating to the discharge of crime and disorder functions by the responsible authorities. It may also request information relevant to the Committee’s functions relating to local crime and disorder matters. Such requests will be sent by the Corporate Head of Law and Governance other appropriate Officer.

The information (which may be limited to avoid identifying individuals or damaging operations or legal proceedings) must be provided by the date requested by the Committee, but if some or all of the information cannot reasonably be provided then, it must be provided as soon as reasonably possible. For the full legal position see section 20(6A) Police and Justice Act 2006 and regulation 5 Crime and Disorder (Overview and Scrutiny) Regulations 2009.

10. **Scrutiny hearings**

The Crime and Disorder Committee may conduct scrutiny hearings, or consider a matter by report and debate, in the same way as the Overview and Scrutiny Select Committee, and will choose the method it thinks best for any particular matter.

11. **Rights of Crime and Disorder Committee Members to Documents**

(a) all Councillors have the right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution as well as any specific rights they may have as Members.

(b) nothing in this paragraph prevents detailed liaison between the relevant Committee and Crime and Disorder Committee as appropriate depending on the particular matter under consideration.

12. **Order of business at Crime and Disorder Committee Meetings**

Subject to adjustments to suit the practicalities of conducting business at the meeting, Crime and Disorder Committees shall consider business in the following order:

i) minutes of the last meeting;

ii) declarations of interest;

iii) consideration of any matter referred to the Crime and Disorder Committee under a statutory power or procedure

iv) response of the Council, responsible authorities, and co-operating persons and bodies to reports and/or recommendations of the Crime and Disorder Committee; and
v) the business otherwise set out on the agenda for the meeting
Access to Information
Procedure Rules

Last revised April 2015
Access to Information Procedure Rules

1. **Scope**

These rules are taken from Sections 100 A to K of the Local Government Act 1972, and apply to all meetings of the Council, Overview and Scrutiny Select Committee, area Committees (if any), policy and other Committees, and the Standards and Audit Committee. The Proper Officer for the purpose of the relevant legislation is the Corporate Head of Law and Governance.

2. **Additional Rights to Information**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or conferred by law.

3. **Rights to Attend Meetings**

Members of the public may attend meetings subject to the exceptions in these rules.

4. **Notices of Meeting**

Except for meetings called at shorter notice, the Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Civic Centre.

5. **Access to Agenda and Reports before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at the Civic Centre at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the proper Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

6. **Supply of Copies**

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
(c) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment for postage and any other costs.

7. **Access to Minutes etc. after the Meeting**

The Council will make available copies of the following for six years after a meeting:

(a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

8. **Background Papers**

8.1 **List of background papers**

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

but not including published works or documents which disclose exempt or confidential information (as defined in Rule 10).

8.2 **Public Inspection of Background Papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.
9. **Summary of Public's Rights**

A written summary of the public’s rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Centre. These rules fulfil this requirement.

10. **Exclusion of Access by the public to Meetings**

10.1 **Confidential information - requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order.

10.2 **Exempt information - discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

See 10.3 for the meaning of exempt information.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 **Application and Meaning of exempt information**

Exempt information means information falling within the seven categories shown on the next page.

The Council’s custom and practice is for all agenda reports to be publicly available and Officers should operate on the presumption that in deciding to withhold information they must be satisfied in all circumstances that the public interest in withholding information outweighs the public interest in disclosing the information.

Officers should regularly review whether the justification for withholding information is still applicable. Officers should not automatically assume that because there was justification in withholding information on, a previous occasion that the justification still remains, as circumstances can alter over time.
EXTRACTS FROM THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATIONS) ORDER 2006

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.

2. Information which is likely to reveal the identity of an individual.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

   (NB Information within this paragraph is not exempt information if it must be registered under:

   a) the Companies Act 1985
   b) the Friendly Societies Act 1974
   c) the Friendly Societies Act 1992
   d) the Industrial and Provident Societies Acts 1965 to 1978
   e) the Building Societies Act 1986
   f) the Charities Act 1993)

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes:
   a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
   b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information falling with any of paragraphs 1 - 7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
11. **The Standards and Audit Committee**

When the Standards and Audit Committee is considering a matter of Member conduct under section 28 or 31 of the Localism Act 2011, the following paragraphs are to be treated as added to the list of information which can be treated as exempt:

7A Information which is subject to any obligation of confidentiality.

7B Information which relates in any way to matters concerning national security.

7C The deliberations of a Standards and Audit Committee or a Sub-Committee of the Standards and Audit Committee established under the provisions of Localism Act 2011 in reaching any findings on a matter referred under the provisions of section 28 of that Act.

12. **Exclusion of Access by the Public to Reports**

If the Corporate Head of Law and Governance thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked 'Not for publication' together with the category of information likely to be disclosed.

13. **Freedom of Information Act 2000**

The Council will publish documents mentioned in its Publication Scheme approved by the Information Commissioner. Copies of the Scheme are available from the Corporate Head of Law and Governance at the Civic Centre.

14. **Filming, audio-recording, photography, tweeting and blogging of meetings by the Public**

Members of the public are permitted to film, audio-record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided this does not disturb the business of the meeting.
Budget and Policy Framework
Procedure Rules
Budget and Policy Framework Procedure Rules

1. The framework for decision making

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the policy Committees to implement it.

2. Process for developing the framework

(a) Policy Committees may identify studies they wish to request from the Overview and Scrutiny Select Committee related to policy issues on which they wish to make recommendations as part of the budget and policy framework.

(b) Policy studies undertaken by the Overview and Scrutiny Select Committee should engage with residents and stakeholders in the community and use a variety of methods to gauge public views. The results should be presented to the relevant policy Committee, who will then draw on them in developing their proposals to Council.

3. Virement

Authority to vire - i.e. re-allocate budgetary provision from one budget head to another - is as set out in the Council's Financial Regulations (in Part 4 of this Constitution). Restrictions and guidelines for the use of virements are set out in the Council's Financial Regulations.

4. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by Committees or Officers must comply with it. A Committee, Sub-Committee or Officer may make no changes to any policy or strategy that is part of the policy framework, except any changes which are:

(a) necessary to ensure compliance with the law, ministerial direction or Government guidance;

(b) where the existing policy document is silent on the matter under consideration; or

(c) specifically authorised by the Council at the time of adopting the policy in question or subsequently;

(d) specifically authorised by Article 4, or a statutory provision
RUNNYMEDE BOROUGH COUNCIL

FINANCIAL REGULATIONS

Last revised April 2019
1. INTRODUCTION TO FINANCIAL REGULATIONS

1.1 The Local Government Act 2000 requires each local authority to review its constitutional arrangements and due to the size of its Constituency Runnymede Borough Council has decided to adopt the alternative arrangements, which take the form of a traditional Committee System.

1.2 These regulations reflect the CIPFA (Chartered Institute of Public Finance and Accountancy)/SOLACE (Society of Local Authority Chief Executives) Statement on Governance.

1.3 To conduct its business efficiently, the Council has approved a ‘Scheme of Delegation’; this specifies decision-making responsibilities of the Chair, Committees and Staff of the Council.

1.4 The establishment and the strict adherence to sound financial management policies is an integral part of the Scheme of Delegation; part of this process is the establishment of both financial regulations, which set out the financial policies of the Council and a series of key controls to ensure that they are adhered to. In exceptional circumstances, approval may be sought to the temporary waiver of the requirements.

1.5 CIPFA has produced a model set of financial regulations that reflect best practice and provide a practical source of advice to assist the ‘modern’ Council. These financial regulations are based on that model.

1.6 The financial regulations provide clarity about the accountabilities of individuals – particularly:

- Members of the Corporate Management Committee;
- Members of the Overview and Scrutiny Select Committee;
- Chief Executive (as the Head of the Paid Service);
- Assistant Chief Executive (as the Responsible Financial Officer, Section 151);
- Corporate Head of Law and Governance (as the Monitoring Officer); and

If responsibility for a specific task has been delegated or devolved by a chief officer to a professional officer the ultimate accountability and responsibility for the task will still remain with the relevant chief officer. For example the Assistant Chief Executive asked the Risk and Resilience Manager to work on strategic risk management and business continuity planning.

1.7 Each of the financial regulations sets out the overarching financial responsibilities; the Council itself is required to approve them. These were approved by Standards and Audit Committee in December 2014 and are refreshed at least annually.

Financial Guidance

1.8 The Assistant Chief Executive is responsible for issuing advice and guidance to support the financial regulations and procedures which members, staff and others acting on behalf of the Council are required to follow.

The Financial Procedures provide the detailed guidance for officers on these Financial Regulations.

Other regulatory documents

1.9 Beyond the scope of this document, the Council links the financial regulations with other internal regulatory documents forming part of the Council’s constitution. These identify accountabilities for specific functions as shown in the Scheme of Delegation, and procedural notes on the conduct of council and other meetings; on access to information; on procurement and contracts;
on the acquisition / disposal of land and buildings; and the employment of staff; as well as codes of conduct for members and staff; together with various other protocols.

1.10 Services may also attach their own more detailed financial procedures, guidance and Instructions in consultation with the Assistant Chief Executive.

2. **STATUS OF FINANCIAL REGULATIONS**

2.1 Financial regulations provide the framework for managing the Council’s financial affairs, and are required to be approved by the Council itself. They apply to every member and officer of the Council, and anyone acting on behalf of the Council. Contravention is a serious matter and could lead to disciplinary action being taken.

2.2 The regulations identify the financial responsibilities of the Borough Council; the Corporate Management Committee; the Overview and Scrutiny Select Committee; the Audit Committee; the Chief Executive; the Corporate Head of Law & Governance; the Assistant Chief Executive (s151 officer) and budget managers. They must maintain a written record where their responsibilities have been delegated to members of their staff, including seconded staff. Where responsibilities have been delegated or devolved to other responsible staff or bodies, the regulations should be read as referring to them.

2.3 The Assistant Chief Executive is responsible for maintaining a continuous review of the financial regulations and advising the Council of any additions or changes that it needs to make. He is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council or to the Standards and Audit Committee as appropriate.

2.4 The Assistant Chief Executive is responsible for issuing guidance to underpin the financial regulations which members, staff and others acting on behalf of the authority are required to follow. Contravention could lead to disciplinary proceedings.

2.5 Corporate Leadership Team officers are responsible for ensuring that all staff in their departments are aware of their responsibilities under financial regulations and other internal regulatory documents, and that they comply with them.

2.6 However, all members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

2.7 In exceptional circumstances, the Council may approve the temporary waiver of any of the Financial Regulations or Procedures.

3. **FINANCIAL REGULATION A: FINANCIAL MANAGEMENT**

**Introduction**

3.1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and the budget.

3.2 The Full Council is responsible for its internal constitutional arrangements and codes of conduct for members and staff, and for determining the policy framework and budget within which the Corporate Management Committee operates. It sets the level of council tax and determines issues relating to the control of its treasury management requirements. It is also responsible for setting and monitoring compliance with the Council’s overall framework of accountability and control. The framework is set out in its constitution. Together with the Corporate Management Committee, the Council is responsible for monitoring compliance with policies and the framework of accountability and controls. However, the scrutiny of key decisions taken by the Corporate Management Committee is undertaken by the Overview and Scrutiny Select Committee – see para 3.7 below.

3.3 The Council’s constitution sets out responsibilities and procedures for the recording and reporting of decisions taken, including key decisions as defined under the Local Government Act 2000.
The Corporate Management Committee

3.4 The Corporate Management Committee is responsible for proposing to the Full Council the policy framework, including that for accountability and control, the budget, and for delivering services and discharging functions in accordance with the policy framework and budget.

3.5 Authority for Corporate Management Committee decisions may be delegated to the Chair, Vice Chair and Staff and must be undertaken in accordance with approved protocols.

3.6 Together with the Council, the Corporate Management Committee is responsible for monitoring compliance with policies, and the framework of accountability and control.

Committees

3.7 Overview and Scrutiny Select Committee

- The Overview and Scrutiny Select Committee will scrutinise, with rigour, matters of concern that reflect on the quality of the decision making of the Council and the delivery of its services.

3.8 Standards and Audit Committee

- The Standards and Audit Committee has the delegated (from the Council) overall responsibility for internal audit; however, in turn, it has delegated the day-to-day responsibility for this to the Assistant Chief Executive. He or she consults the Committee on the content of the annual audit plans of both the internal and external auditors. However, the Committee is responsible for monitoring the delivery of both plans and any additional audit work undertaken during the year; it also reviews the internal auditor’s annual report and the external auditors’ statutory management letters, and makes recommendation for appropriate further action. In addition, the committee may consider the outcomes of any fraud investigations and the action taken.

- The Committee may also initiate reviews of the adequacy of financial procedures and internal controls, including the adequacy of the audit function, and recommend to the Corporate Management Committee future policy options; as part of these reviews, Corporate Leadership Team, as individuals, may be required to account to the committee for their actions or those of their staff.

- The Assistant Chief Executive, or their representative, shall have authority to:
  a) enter, at all reasonable times, any Council premises or land
  b) have access, at all times, to all records, documents and correspondence relating to any financial and other transactions of the Council
  c) require and receive such explanations as are necessary concerning any matter under examination
  d) require any employee of the Council to produce cash, stores or any property under their control.

The statutory staff:

3.9 Chief Executive

- The Chief Executive is the head of the paid service and is responsible for the corporate and overall strategic management of the Council as a whole. He or she must report to, and provide information for the Council, and its committees and sub-committees. Also, he or she is responsible for establishing a framework for management direction, style and standards, and for monitoring the performance of the organisation. In addition, he or she is also responsible, together with the Corporate Head of Law and Governance, for the system of recording Council decisions.
3.10 Responsible Financial Officer

The Assistant Chief Executive exercises the statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972;
- Local Government Finance Act 1988;
- The Local Government and Housing Act 1989;
- The Accounting and Audit Regulations 1996, and are underpinned by case law; and
- The Accounts and Audit Regulations 2003.

He or she is responsible for:

- The proper administration of the Council's financial affairs;
- Setting and monitoring compliance with financial management standards;
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- Preparing the draft Medium Term Financial Strategy which incorporates the annual revenue budget, and the capital investment programme;
- Advising Council on the requirements to be observed in the setting of the revenue budget and the fixing of the council tax; and
- Treasury management.

A formal deputy officer will be nominated by the s151 officer to act in his stead.

3.11 Under Section 114 of the Local Government Finance Act 1988, the Responsible Financial Officer is required specifically to report to the Council and the external auditor if the Council, or one of its staff:

- Has made, or is about to make, a decision which involves incurring unlawful expenditure;
- Has taken, or is about to take, an unlawful action which has, or would result in a loss or deficiency to the Council; or
- Has made, or is about to make an unlawful entry in the Council’s accounts.

3.12 Monitoring Officer

- The Corporate Head of Law and Governance is the monitoring officer and is responsible for promoting and maintaining high standards of overall conduct, and therefore provides support to the Standards and Audit Committee. He or she is also responsible for reporting any actual or potential breaches of the law, or instances of maladministration either to the Council directly or via the Corporate Management Committee.

3.13 Corporate Leadership Team

- Corporate Leadership Team (CLT) comprises the Chief Executive, Assistant Chief Executive and the Corporate Head of Law and Governance; it acts as the senior staff body in instigating policy proposals; considering Corporate policy proposals; ensuring the preparation of the medium term resource strategy, the asset management plan and the performance plan; and in directing and monitoring the performance of the organisation in
applying the approved policies. It is also responsible for referring issues of concern to the Corporate Management Committee for determination.

3.14 Corporate Heads of Service / Directors:

In this context their responsibility is:

- to direct the delivery of services in compliance with the Scheme of Delegation, these Financial Regulations and the Procurement Framework, and in accordance with all statutory requirements, the Council’s approved policy and performance framework, and their service budget allocations;

- to develop and propose policy changes for service delivery; and

- to ensure that they identify and agree with the Assistant Chief Executive the financial implications of all proposals for new spending, where appropriate, Corporate Management Committee is advised of those implications.

Other financial accountabilities in relation to:

3.15 Key spending decisions

Key decisions taken by the Corporate Management Committee must be publicised in advance. The Corporate Head of Law and Governance must ensure that key decisions taken by the Borough Council and the reasons for them are made public. He or she must also ensure that Council members are made aware of key spending decisions made by the Corporate Management Committee or under delegated powers. In addition, the Corporate Head of Law and Governance must monitor, review and seek Council’s approval to the update of its constitutional arrangements.

3.16 The Corporate Management Committee is responsible for establishing protocols to ensure that those members/staff exercising delegated authority follow the limitation provisions of the Scheme of Delegation. In doing so, the individual member/officer must take account of both legal and financial liabilities as well as risk management issues which may arise from the decision.

3.17 The Assistant Chief Executive is responsible for advising the Corporate Management Committee or the Council if the financial implication of a proposal or of a decision already taken under delegated authority is, or is likely to be considered, contrary to, or not wholly in accordance with, the approved policy framework or financial plans. In this context this may result from an officer:

- initiating a new policy (without prior approval);

- committing expenditure or other resources in future years in excess of the approved plan level;

- agreeing transfers of budget approvals (virement’s) in excess of the limits within delegated authority; or

- causing the total expenditure financed from Council tax, grants and corporately held reserves to increase, or to decrease by more than a specified amount.

3.18 Corporate Heads of Service / Directors are responsible for consulting with the Assistant Chief Executive on any matter which is liable to affect the Council’s finances materially either favourably or adversely, before any commitments are incurred, and for advising the Corporate Management Committee accordingly.

3.19 The Corporate Head of Law and Governance is responsible for advising the Council, the Corporate Management Committee, the Corporate Leadership Team and their staff regarding who has the authority within the Council to take a particular decision regarding financial issues.
Revenue Budget monitoring

3.20 The Assistant Chief Executive is responsible for providing appropriate financial information to enable corporate officers, acting as ‘summary budget holders’, to monitor effectively their budgets.

3.21 It shall be the responsibility of each appropriate officer to expend the budget allocation efficiently, effectively and economically and ensure that no approved budgets are overspent.

3.22 The Assistant Chief Executive is responsible for monitoring the performance of corporate officers in controlling income and expenditure against their budget allocation and he or she must report details of variances on a regular basis to the Corporate Management Committee.

3.23 The Council is responsible for agreeing procedures for the transfer of approvals (virement) between budget headings and for approving supplementary estimates.

Virement and Supplementary Estimates

3.24 The Corporate Management Committee is responsible, on the basis of advice from the Corporate Leadership Team, for taking in-year decisions on reallocating resources in order to deliver the budget policy framework within the financial limits set by the Council. It also recommends to Council any supplementary estimates to be funded from reserves.

Supplementary Estimates

3.25 Any report requesting a supplementary capital or revenue estimate must include the overall financial context of the request (e.g. the impact on the Medium Term Financial Strategy/HRA Business Plan, impact on Council reserves and cash flows and an update on the running total of supplementary estimates agreed).

3.26 The Housing Committee can agree any HRA related supplementary estimate up to the value of £100,000 providing there are sufficient HRA reserves available over the medium term. Anything over this amount, and all General Fund expenditure, must be referred to the Corporate Management Committee for approval.

3.27 The Corporate Management Committee can agree any supplementary estimates up to £250,000 with values over this limit being reserved for approval by full Council.

Virements

3.28 Corporate Heads of Service / Directors are responsible for agreeing in-year virements which are within delegated limits and in line with the currently approved policy framework, this includes consulting with the Chief Executive and the Assistant Chief Executive.

3.29 Virements above the delegated limits will be subject to the approval of the Corporate Management Committee (up to the value of £250,000), and full Council for items greater than £250,000 in value.

- Transfers between revenue budget headings can take place provided that they do not involve new policy or policy change and do not involve an increasing commitment in future years that cannot be contained within existing approved budget allocations.

- Each Corporate Head of Service is responsible for the control of income and expenditure within their service area, and to monitor performance, taking account of information provided by the Assistant Chief Executive. Corporate Heads must report to the Corporate Leadership Team on variances within their own areas and take any action to avoid exceeding their budget allocation. Heads of Service may delegate detailed control over cost centres within their service areas to designated cost centre managers.

- Each estimate head in the approved revenue budget shall be the responsibility of a designated cost centre manager. It shall be the responsibility of those staff to ensure that any probable overspending of expenditure, or shortfall in income, increased income or under spends is reported directly to the appropriate Corporate Head of Services and to the Assistant Chief Executive.
Where overspending or budget shortfalls can be compensated from savings elsewhere within the budget for the relevant service, budget transfers may be approved in accordance with the table below:

<table>
<thead>
<tr>
<th>Virement limits</th>
<th>From £</th>
<th>To £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Chief Executive</td>
<td>0</td>
<td>10,000</td>
</tr>
<tr>
<td>Appropriate Service Committee</td>
<td>10,001</td>
<td>100,000</td>
</tr>
<tr>
<td>Corporate Management Committee</td>
<td>100,001</td>
<td>250,000</td>
</tr>
<tr>
<td>Council</td>
<td>250,001</td>
<td>n/a</td>
</tr>
</tbody>
</table>

3.30 The Assistant Chief Executive will not normally exercise the power to approve virements unless reasonably satisfied that:

a) The proposed savings are achievable
b) The additional expenditure will in fact arise and that particular budget will be overspent.

3.31 In the budget management report to the Corporate Management Committee the Assistant Chief Executive will report all virements exercised. If they are a recurring virement the Assistant Chief Executive cannot approve the virement, it must be referred to the Corporate Management Committee.

Treatment of year-end balances

3.32 The Assistant Chief Executive is responsible for agreeing procedures for carrying forward under and over-spending on budget headings at the year-end, where it is considered appropriate to do so. He or she will produce recommendations for the Corporate Management Committee to consider.

Accounting policies

3.33 The Assistant Chief Executive is responsible for selecting appropriate accounting policies and for ensuring that they are applied consistently.

Accounting records and returns

3.34 The Assistant Chief Executive is responsible for determining the accounting procedures to be followed and accounting records to be maintained within the authority.

The annual Statement of Accounts

3.35 The Assistant Chief Executive is responsible for ensuring that the annual statement of accounts is prepared in accordance with CIPFA’s Code of Practice on Local Authority Accounting in the United Kingdom: The Code of Practice and other legal requirements, for approval by the Council.

4. FINANCIAL REGULATION B: FINANCIAL PLANNING

Introduction

4.1 The Council is responsible for approving the following, which will be proposed by the Corporate Management Committee:

- the policy framework;
- the Medium Term Financial Strategy, including the annual revenue budget;
- the Capital Programme; and
- the performance plan.
Policy framework

4.2 The Council’s agreed policy objectives will inform the overall policy framework and service plans.

4.3 The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies which form the policy framework.

4.4 The Council is responsible for setting the level at which the Corporate Management Committee may re-allocate budget funds (virements) within the current year revenue budget, the medium term financial plan, or the capital programme. The Corporate Management Committee is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Borough Council.

Preparation of the policy framework

4.5 The Chief Executive is responsible for ensuring the policy framework is prepared for approval by the Council and that it is consistently applied.

Budgeting

Budget format

4.6 The Council determines the general content of the Medium Term Financial Strategy and the annual revenue budget.

Budget preparation

4.7 The Assistant Chief Executive is responsible for ensuring that a Medium Term Financial Strategy covering a 3 – 5 year period, or as may otherwise be determined, and a revenue budget is prepared / updated on an annual basis for consideration, where appropriate with the input of officer and members before submission for approval to the Corporate Management Committee and the Council. The Council may amend the budget or ask the Corporate Management Committee to reconsider it or to re-examine areas of detail within the overall budget set.

4.8 Corporate Heads are responsible for ensuring that their Medium Term Financial Strategy reflects agreed service business plans and their proposals for change and is available for submission to the Corporate Management Committee within the timetable set. The Corporate Heads must also provide information to the Corporate Management Committee where, in their opinion, the business plan does not meet statutory or central government requirements.

4.9 Proposals on the annual revenue budget submitted by the Corporate Management Committee to the Council should include details of the allocation of resources to different services and projects, the options for alternative taxation levels, the nature and level of contingency funds and reserves and the requirement to set the Prudential Code limits in particular the statutory borrowing limit under the Local Government Act 2003.

Guidelines

4.10 The Assistant Chief Executive is responsible for issuing to Corporate Heads of Service / Directors guidelines on the preparation of the Medium Term Financial Strategy and the Capital Programme. The guidelines will take account of:

- legal requirements;
- the approved policy framework and service delivery targets;
- medium term financial planning prospects;
- available resources;
- members’ agreed political objectives and targets
- spending pressures;
• service performance measures;
• best value and other relevant Government guidelines; and
• cross cutting issues (where relevant);
• the findings of external inspections;
• risk.

Preparation of the Capital Strategy and Capital Programme

4.11 The Assistant Chief Executive is responsible for ensuring that a Capital Strategy, and a Capital Programme covering a 3-5 year period, or as may otherwise be determined, are prepared / updated on an annual basis for consideration initially by the Corporate Management Committee, before their submission for approval to the Council.

4.12 The Capital Strategy sets out the principles to be followed which demonstrate how new capital investment, together with active management of existing assets, contributes to achieving the Council’s approved policies, objectives and targets. The Capital Strategy is supported by detailed asset management plans for each major area of capital investment; these plans include details of individual schemes, and the impact of each on the planned level of service outputs / outcomes, together with the means of financing those proposals. Investment proposals are, as appropriate, summarised in the draft Capital Programme.

4.13 The Council may amend the proposed Capital Strategy or Capital Programme, or ask the Corporate Management Committee to reconsider areas of detail within them.

4.14 Schemes are approved within the Capital Programme on an individual basis or at a generic level for a specific activity (e.g. General Asset Maintenance) and the approval relates to the total spending on the scheme, irrespective of when the payments are made; virements of approvals are permitted within limits set by the Council.

4.15 With the exception of property purchases (see below), the Corporate Management Committee may approve new schemes with a total estimated cost of less than £250,000 without submission to the full Council. Schemes with a total estimated cost greater than £250,000 must be reported to full Council for approval.

4.16 The limits in relation to capital estimates for property purchases still requires committee approval however the process and amounts are different. All acquisitions should be approved, by full Council (for a value greater than £20m) or the Corporate Management Committee (up to a value of £20m) or by the Property Acquisitions Sub Committee (up to a value of £10m) subject to borrowing approval being in place. Acquisitions within the remit of Property Acquisitions Sub Committee must be referred directly to Corporate Management Committee when the acquisition does not fully comply with the Council’s Property Investment Strategy.

4.17 It is accepted that due to commercial reasons it may be necessary on occasions to act quickly in relation to a transaction and it will not be possible to obtain Full Council or Committee approval. In such circumstances a Standing Order 42 “Urgent Action” request may be used as long as appropriate borrowing limits are in place, the proposed acquisition is in accordance with the Property Investment Strategy adopted by the Council and the value of the acquisition is no greater than £1m excluding associated costs (e.g. stamp duty, agents fees).

4.18 Once a decision to acquire has been made, the Council or Committee may, if it sees fit, delegate the detailed approval of terms to the Corporate Head of Law and Governance who must act with the benefit of advice from the Director of Commercial Services, if relevant, and the Council’s Valuation Section or a Valuer.

4.19 All property transactions must subsequently be reported for information to full Council. In all cases similar wording to that in paragraph 5.10 above should be used.
Resource allocation

4.20 The Assistant Chief Executive is responsible for determining a process to identify on an annual basis for consideration and approval by the Council, the resource constraints which limit the financing and are available to meet the Medium Term Financial Strategy and Capital Programme. The process must also identify all opportunities for optimising funding arrangements without impacting adversely on the delivery of the plans.

Budget monitoring and control

4.21 The Assistant Chief Executive is responsible for providing appropriate financial information to Corporate Heads of service; they must monitor and control expenditure against their revenue and capital budget allocations, as well as monitoring against service performance targets.

4.22 The Corporate Heads must provide the Assistant Chief Executive with details of the progress on their budgets to enable him or her to report to the Corporate Management Committee on a regular basis. The report will include Corporate Heads proposals for containing spending within their allocations, details of spending pressures in excess of those allocations, and, in respect of the Capital Programme, details of the continued availability of resources to fund the programme; also, the report will seek, where appropriate, approval from the Council to any variations to the annual revenue budget or the Capital Programme, identifying the impact of those variations on the level of planned service outputs.

Maintenance of reserves

4.23 The Assistant Chief Executive is responsible for advising the Corporate Management Committee and the Council on the prudent level of reserves to be maintained for the Council.

4.24 The Assistant Chief Executive is responsible for advising the Corporate Management Committee and the Council on compliance with the CIPFA Prudential Code (Local Government Act 2003 and associated regulations).

5. FINANCIAL REGULATION C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Introduction

5.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all the Council’s significant operational and strategic risks. This should include the proactive participation of all those involved directly or associated with the planning or delivering of services.

Risk management

5.2 The Standards and Audit Committee, Corporate Management Committee, and the Council are jointly responsible for approving the Council’s risk management strategy and policy statement and, in addition, for ensuring that proper insurance arrangements are effected where appropriate.

5.3 The Assistant Chief Executive is responsible for preparing the risk management policy statement, advising Corporate Heads of their responsibilities and for monitoring their compliance.

5.4 Corporate Heads are responsible for complying with the risk management policy statement in respect of their service areas.

5.5 The Assistant Chief Executive is responsible for advising initially the Corporate Leadership Team and subsequently the Standards and Audit Committee on any noncompliance by a Corporate Head with the approved risk management policy statement. He or she is also responsible for providing advice on and effecting the appropriate insurance arrangements.
Internal control

5.6 Internal control is the system of control devised by management to help ensure the Council’s objectives are achieved in a manner which promotes economical, efficient and effective use of resources and that the Council’s assets and interests are safeguarded.

5.7 The Assistant Chief Executive is responsible for advising Corporate Heads on effective systems of internal financial control. These arrangements need to ensure that all statutory and corporate requirements and other relevant statements of best practice are met. They should ensure that public funds are properly safeguarded and used economically and efficiently, and in accordance with the statutory and other authorities that govern their use.

5.8 Corporate Heads are responsible for establishing, in line with that guidance, sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness in the use of resources in the delivery of their service and the achievement of their financial performance targets.

Audit requirements

5.9 The Accounts and Audit Regulations 1996 require every local authority to maintain an adequate and effective system of internal audit.

5.10 The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.

5.11 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs who have statutory rights of access.

Preventing Fraud and Corruption

5.12 The Assistant Chief Executive is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

Assets

5.13 Corporate Heads are responsible for ensuring that all financial records, physical assets and supporting documentation used in the provision of their services are properly maintained, securely held and, in respect of physical assets, suitably recorded. This includes petty cash holdings, inventories of equipment, stocks or stores.

5.14 They must also ensure that sound contingency plans for the security of those assets and for the continuity of service provision in the event of a disaster or other major system failure are in place, and that those arrangements are regularly tested.

Treasury Management

5.15 The Council has adopted CIPFA’s ‘Code of Practice for Treasury Management in Local Authorities’ (“the Code”).

5.16 The Council is responsible for approving the treasury management policy statement setting out the matters detailed in the Code. The draft policy statement is prepared on an annual basis by the Assistant Chief Executive and proposed to the Council by the Corporate Management Committee.

5.17 All money in the hands of the Council is monitored and controlled by the Assistant Chief Executive acting as the officer designated for the purposes of section 151 of the Local Government Act 1972.

5.18 The Assistant Chief Executive has delegated responsibility for implementing and monitoring the treasury management policy statement. All executive decisions on borrowing, investment or financing shall be delegated to him or her, and he or she is required to act in accordance with the policy statement which has regard to CIPFA’s Code of Practice for Treasury Management in Local Authorities and the Prudential Code.
5.19 The Assistant Chief Executive is responsible for reporting to the Chief Executive and Corporate management Committee not less than annually on the treasury management activities and on the exercise of his or her delegated treasury management authority.

Staffing

5.20 The Chief Executive is responsible for exercising the overall management of staff.

5.21 The Chief Executive is responsible for determining and monitoring adherence to staffing policies and procedures, and for ensuring that there is proper use of the evaluation, or other agreed system, for determining the remuneration of a job.

5.22 Corporate Heads are responsible for controlling total staff numbers by:

- employing staff in accordance with the approved policy framework and annual revenue budget;
- seeking the approval within the medium term financial plan of the Council to cover the estimated staffing levels required to support the existing and proposed levels of service provision;
- seeking the prior approval of the Corporate Management Committee to any adjustment to the staffing numbers to meet changing operational needs even where the ongoing impact can be wholly met from within the approved budget or from within ongoing additional external income, and / or where staffing implications are significant;
- staff must only be employed on a permanent basis if ongoing and sustainable funding is available and prior approval is gained from the Corporate Management Committee.

6. **FINANCIAL REGULATION D: SYSTEMS AND PROCEDURES**

Introduction

6.1 Sound systems and procedures are essential to form an effective framework of accountability and control.

General

6.2 The Assistant Chief Executive is responsible for the overall operation and maintenance of the Council’s form of accounts, the accounting and related systems, and all supporting financial records. The Assistant Chief Executive, with the approval of the Corporate Leadership Team and the Corporate Management Committee, can enforce the use of corporate financial systems where there are financial or other benefits to be gained from doing so.

6.3 Corporate Heads are responsible for the proper operation of approved financial procedures within their own service area.

6.4 Corporate Heads must seek the prior approval of the Assistant Chief Executive to any proposed changes to the existing financial or related systems or to the establishment of any new financial or related systems which are / will be directly under their control.

6.5 Corporate Heads must also seek the prior approval of the Assistant Chief Executive, who, if appropriate, will seek the approval initially of the Corporate Leadership Team, to any proposed changes to the Council’s instructions or procedural notes on financial matters which are required to meet their own specific service needs.

6.6 Corporate Heads must ensure that, where financial management arrangements are undertaken within their departments, whether under formal decentralised arrangements or not, their staff receive appropriate financial training and operate to the professional standards set by, and detailed in guidelines issued by the Assistant Chief Executive.

6.7 Corporate Heads must ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation and that their staff is aware of their responsibilities under the freedom of information legislation.
6.8 Corporate Heads are responsible for the effective operation of a system for the control of expenditure and income within their area; where a Corporate Head has delegated this responsibility, their records must identify who has been authorised to act on his / her behalf in respect of the placing of orders, the making of payments, or the collection of income, and the limit of their authority.

6.9 The Council is responsible for approving procedures for the writing-off of uncollectable debts as part of its overall control framework of accountability and control.

Payments to employees, former employees and members

6.10 The Assistant Chief Executive is responsible for making all payments for salaries and wages to all staff, for pension and other benefit payments to relevant former employees and for the payment of allowances to members.

Taxation

6.11 The Assistant Chief Executive is responsible for advising Corporate Heads on all taxation issues that affect the Borough Council, in the light of statutory requirements and relevant guidance issued by the appropriate bodies.

6.12 The Assistant Chief Executive is responsible for maintaining directly, or where appropriate, ensuring that Corporate Heads, maintain the Council’s taxation records, and for making all tax payments, receiving tax credits / refunds and for submitting tax returns by their due date as and when appropriate.

6.13 The Assistant Chief Executive will delegate taxation management duties to appropriately trained staff within the Financial Services division.

Trading Accounts and Business Units

6.14 The Assistant Chief Executive is responsible for advising on the establishment and the operation of suitable accounting records and supporting procedures for trading accounts and business units.

7. FINANCIAL REGULATION E: EXTERNAL ARRANGEMENTS

Introduction

7.1 The Council provides a distinctive leadership role for the community and is able to bring together the contributions of various participants / stakeholders by participating in various partnership / joint working arrangements; as a result, it is able to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships

7.2 The Corporate Management Committee is responsible for approving the operational framework for the Council’s participation in all strategic partnerships / joint working arrangements with other local public, private, voluntary and community sector organisations; this includes the arrangements for delegation to staff and the detailed arrangements for the provision of both financial and physical resources by the Council.

7.3 In the same way, Corporate Heads are responsible for approving the operational framework of all other partnerships, joint working arrangements with other local public, private, voluntary and community sector organisations, which affect their service areas.

7.4 The Corporate Head of Law and Governance, Assistant Chief Executive and Corporate Heads are responsible for promoting and maintaining within all partnership / joint working arrangements the same high standards of conduct with regard to the legal, corporate governance and financial affairs which are detailed in these Financial Regulations and Financial Procedures and elsewhere, and which are applied throughout the Council.

7.5 The Assistant Chief Executive is responsible for:
• advising Corporate Heads on the need for, and, if appropriate, for appraising and approving the relevant risk assessment of the proposal before any commitment is made for the Borough Council to participate in a partnership or joint working arrangement or scheme; and

• specifying the accounting and auditing arrangements to be adopted and approving the overall corporate governance arrangements when, under the approved arrangements, the Council is to be the lead authority.

7.6 Corporate Heads are responsible for:

• ensuring that before committing the Council’s participation in a partnership or joint working arrangement or scheme, or before seeking the approval of the Corporate Management Committee to such participation, they consult with the Assistant Chief Executive on the need to prepare a risk assessment of the proposal, and if appropriate, obtaining his or her approval to it;

• ensuring that the approval of the Corporate Management Committee is obtained before any negotiations are concluded where the Council’s participation is of a material nature;

• ensuring that all agreements and arrangements are properly documented, including details of the Council’s financial and physical commitment to the arrangements which are to be in accordance with procedures specified by the Assistant Chief Executive;

• observing the Council’s standard of conduct whilst having due regard to the partnership or joint working arrangement’s governance framework;

• ensuring that the body or person maintaining the accounting and auditing arrangements do so to a standard acceptable by the Assistant Chief Executive in those cases where, under the approved arrangements, the Council is not to be the lead authority but the Council’s participation is of a material nature; and

• providing appropriate information to the Assistant Chief Executive to enable him or her to include relevant details in the Council’s Statement of Accounts, and other financial statements and returns.

**External funding**

7.7 The Assistant Chief Executive is responsible for providing specific guidance to Corporate Heads to enable them to account properly for funding receivable from external sources work for third parties.

7.8 The Assistant Chief Executive is responsible for providing specific guidance to Corporate Heads in respect of contractual arrangements for the provision of services to third parties or external bodies.
PART 5

Codes of Conduct and Protocols
CODE OF CONDUCT FOR MEMBERS

Adopted 19 July 2012
Minor amendments April 2014, 2015, 2017 and April 2019
Introduction and Interpretation

As a Member you are a representative of this Council and the public will view you as such. Therefore your actions impact on how the Council as a whole is viewed and your actions can have both positive and negative impacts on the Council.

This Code as a whole is consistent with “Nolan Principles” which are set out in Appendix 1 and the provisions of S28 (1) Localism Act 2011 and should be applied alongside the requirements of the Council’s Constitution and specifically the protocols on Member/Officer relations.

In addition to these requirements, Members must ensure that they are aware of and comply with all legal obligations that apply to them as a Member of the Council and act within the law and such legal requirements as shall apply at any time.

In this Code-

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“co-opted Member” is as defined in S27 (4) Localism Act 2011 and means a person who is not a Member of the Council but who—

(a) is a Member of any Committee or Sub-Committee of the Council, or

(b) is a Member of, and represents the Council on, any joint committee or joint Sub-Committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“meeting” means any meeting of:

(a) the Council

(b) any of the Council’s Committees, Sub-Committees, joint committees, joint sub-committees or area committees whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members

(c) any briefings by Officers, informal meetings with other Members and/or Officers relating to the discharge of the Council’s functions and site visits organised by the Council

“Member” includes a co-opted Member

“relevant authority” means the Council

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of S30 (1) or S31 (7), as the case may be of the Localism Act 2011.

“relevant person” means a Member of the Council, a spouse or civil partner of a Member, a person with whom a Member is living as if they are a husband or wife or civil partner.

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.
1. Who does the Code apply to?
   (1) This Code applies to all Members of Runnymede Borough Council, including co-opted Members.
   (2) It is your responsibility to comply with the provisions of this Code.

2. When does the Code apply?
   (1) You must comply with this Code whenever you –
      (a) conduct the business of the Council, or
      (b) you are acting or give the impression you are acting as a representative of the Council,
   (2) This Code has effect in relation to your conduct in your official capacity.
   (3) Where you act as a representative of the Council –
      (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
      (b) on any other body, you must, when acting for that other body, comply with the Council's Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations
   (1) You must treat others with respect.
   (2) You must not –
      (a) do anything which may cause the Council to breach any of the equality enactments as defined in the Equality Act 2010;
      (b) bully any person;
      (c) intimidate or attempt to intimidate any person who is or is likely to be:
         (i) a complainant,
         (ii) a witness, or
         (iii) involved in the administration of any investigation or proceedings,
      in relation to an allegation that a Member (including yourself) has failed to comply with the Council's Code; or
      (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Council; or
      (e) conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.

4. Confidential Information
   You must not –
   (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where
      (i) you have the consent of a person authorised to give it;
(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is –

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the Council, which includes the advice of the Monitoring Officer; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. Conferring an advantage or disadvantage

You –

(a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of the Council –

(i) act in accordance with the Council's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6. Making decisions

6.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by –

(a) the Council's Chief Finance Officer; or

(b) the Council's Monitoring Officer,

where that Officer is acting pursuant to their statutory duties and do so on the merits of the circumstances and in the public interest.

6.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

PART 2 MEMBERS INTERESTS

7. Disclosable Pecuniary Interests

7.1 You have a disclosable pecuniary interest in any business of the Council if it is of a description set out in 7.2 and is either:

(a) An interest of yours

(b) An interest of your spouse

(c) An interest of your civil partner

(d) An interest of a person you are living with as if they are a spouse or civil partner
And in the case of paragraphs 7.1 (b) – 7.1 (d) you are aware that that other person has the interest

7.2 “Disclosable pecuniary interests” are defined by and are:-

(a) Any employment, office, trade, profession or vocation carried on for profit or gain;

(b) Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member.
This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

(c) Any contract which is made between the Member and/or relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

(d) Any beneficial interest in land which is within the area of the relevant authority

(e) Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

(f) Any tenancy where (to the Member’s knowledge)—

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

(g) Any beneficial interest in securities of a body where—

(a) that body (to the Member’s knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or;

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

8. Non Pecuniary Interests

8.1 In addition to the requirements of Paragraph 7, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

8.2 You have a non-pecuniary interest in an item of business of the Council where –

8.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
8.2.2 it relates to or is likely to affect any of the interests listed in Paragraph 7 above but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.


9.1 A Member must notify the Monitoring Officer of any “disclosable pecuniary interests” before the end of 28 days beginning with the day the person became a Member and thereafter as they occur.

9.2 Where a person becomes a Member as a result of re-election or re-appointment, paragraph 9.1 applies only as regards to disclosable pecuniary interests not entered in the Council’s register.

9.3 Interests become disclosable pecuniary interests when they relate to the Member or a relevant person.

9.4 The following provisions apply if a Member is present at a meeting of the Council and is aware that he/she has a disclosable pecuniary interest or a non-pecuniary interest in any matter to be considered, or being considered, at the meeting.

9.5 If a Member has a disclosable pecuniary interest in a matter being considered at a meeting of the Council they must:

- disclose that interest (existence and nature), unless it is a sensitive interest – see paragraph 10;
- not participate in any discussion or vote; and
- withdraw from the meeting whilst that business is transacted.

9.6 If a Member has a non-pecuniary interest in a matter being considered at a meeting of the Council they must:

- disclose that interest (existence and nature), unless it is a sensitive interest – see paragraph 10; and if it could reasonably be regarded as so significant as to prejudice the Member’s judgement of the public interest:
- not participate in any discussion or vote; and
- withdraw from the meeting whilst that business is transacted.

9.7 Unless the interest is already registered or subject of a pending notification, disclosable pecuniary interests disclosed at a meeting in accordance with 9.5 above must subsequently and within 28 days be notified to the Monitoring Officer for inclusion in the Council’s register;

9.8 Where a Member gives a notification of a disclosable pecuniary interest under paragraph 9.5 the Monitoring Officer must arrange for the interest notified to be entered in the Council’s register.

10. Sensitive Interests:

10.1 Members may have a disclosable pecuniary interest or non-pecuniary interest which if disclosed and registered could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.

10.2 In these circumstances, if the disclosable pecuniary interest is entered in the Council’s register, copies of the register that are made available for inspection, and any published version of the register, must not include details of that interest (but may state that the Member has an interest the details of which are withheld).

10.3 If paragraph 10.1 applies in relation to an interest not entered in the Council’s register which must be disclosed at a meeting, that provision is to be read as requiring the Member to disclose not the interest but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.
PART 3 OFFENCES

11.1 A Member commits an offence if, without reasonable excuse, the Member fails to comply with an obligation imposed under Part 2 paragraph 9.1 and 9.5. and participates in any discussion or vote in contravention of Part 2 paragraph 9.5.

11.2 A Member also commits an offence if he/she discloses, under the Code, information that is false or misleading and the Member knows that the information is false or misleading.

11.3 A Member who is guilty of an offence under the Code is liable on summary conviction to a fine not exceeding level 5 on the standard scale. A court dealing with a person for an offence may in addition and by Order disqualify the person for a period not exceeding 5 years from being a Member.

11.4 A prosecution for an offence may only be instituted by or on behalf of the Director of Public Prosecutions. Proceedings may be within a period of 12 months beginning with the date on which evidence sufficient to warrant proceedings is known to the Prosecutor.

11.5 No proceedings may be brought more than 3 years after commission of the offence or in the case of a continuous contravention, after the last date on which the offence was committed.

PART 4 DISPENSATIONS

12.1 A Member must make a request for a dispensation from the Monitoring Officer not later than 24 hours before a meeting at which the dispensation shall operate.

12.2 The Monitoring Officer, may, on the written request of the Member, grant a dispensation relieving them from the restrictions in Part 2 paragraph (7 and 8) of this Code if he considers that:

(a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of business;

(d) it is otherwise appropriate to grant a dispensation.

12.3 If the dispensation is not granted the Member has a right of appeal to the Standards and Audit Committee.

12.4 The Standards and Audit Committee, on the written request of the Member, such request shall be made at the earliest opportunity to enable a meeting of Standards and Audit Committee to be convened to consider the request, may in consultation with the Independent Person, grant a dispensation if it considers that:

(b) without the dispensation the representation of the different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

(c) granting of the dispensation is in the interests of persons living in the Authority’s area.

12.5 A dispensation must specify the period for which it has effect and the period may not exceed 4 years.
CODE OF CONDUCT

THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011

SELFLESSNESS
To serve only the public interest and never improperly confer an advantage or disadvantage on any person

INTEGRITY
Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

OBJECTIVITY
Make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.

ACCOUNTABILITY
To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

OPENNESS
To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

HONESTY
Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

LEADERSHIP
Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.
GIFTS AND HOSPITALITY FOR MEMBERS

Last revised April 2017
Protocol on the offer, acceptance and declaration of the receipt of gifts and hospitality by elected and co-opted Members

Introduction

This Protocol has been adopted by Runnymede Borough Council (the Council) and sets out Members’ obligations to declare gifts and hospitality received in their capacity as Members of the Council and to provide guidance on those obligations.

What are the rules?

- You must declare every individual gift or item of hospitality received that is over £50 in value.
- Your declaration must be made within 28 days of the date you received it, by notifying in writing the Council’s Chief Executive, Paul Turrell.
- You must declare the value and details of the gift or hospitality received.
- Even if all Members, or a large number of them, received the same gift or were invited to the same event, they must each make individual declaration.
- Every declaration will be entered in the Members’ Register of Hospitality/Gifts.
- The press and public have the right to be informed of such gifts and hospitality if they make an application under the provisions of the Freedom of Information Act 2000 (You should have this in mind when completing a declaration).

Should I accept gifts and hospitality?

Declaring the receipt of gifts or hospitality received does not automatically mean it is appropriate or sensible to accept them in the first place.

Particular care should be taken in relation to gifts and hospitality offered by current or potential contractors for the Council. In certain cases the acceptance of a gift or hospitality from these sources could constitute a criminal offence, even if declared. If there is any suspicion that any offer is intended as an inducement then the matter should be reported in accordance with established procedures.

The Bribery Act 2010, which came into force on 1 July 2011, creates offences of “bribing another person” (active bribery) and of “being bribed” (passive bribery). The offences consist of “promising, offering or giving” or “requesting, agreeing to receive or accepting an advantage (financial or otherwise)” in circumstances involving the improper performance of a relevant function or activity. In the context of the Council the relevant function or activity means a public activity which a reasonable person would expect to be performed in good faith, impartially or in a particular way by a person performing it in a position of trust. There is a maximum penalty of 10 years imprisonment or an unlimited fine for these offences.

In considering whether to accept gifts or hospitality Members should have regard to the following general principles:

- Never accept a gift or hospitality as an inducement or reward for anything which you do as a Member;
- Only accept a gift if there is a commensurate benefit to the Council;
- Never accept a gift or hospitality which might be open to misinterpretation;
- Never accept a gift or hospitality which puts you under an improper obligation; and
- Never solicit a gift or hospitality.
Must I declare all gifts and hospitality which I receive or am offered?

- You must declare any gifts or hospitality worth over £50 that you receive in connection with your official duties as a Member.
- Where the value of any gift or hospitality is under £50 you may wish to declare receiving it.

Only gifts and hospitality offered to you in your official capacity must be registered. Gifts and hospitality offered to you in your private capacity, of whatever value, should not be declared at all. You do not need to declare gifts and hospitality which are not related to your role as a Member. However, you should always consider whether any gifts or hospitality could be seen as being connected with your role as a Member.

What is the value of the gift/hospitality?

You may have to estimate how much a gift or some hospitality is worth. It is suggested that you take a common sense approach, and consider how much you reasonably think it would cost a member of the public to buy the gift, or provide the hospitality in question. If as a result you estimate that the value is greater than £50, then you should declare receipt.

Where hospitality is concerned, you can disregard catering on-costs and other overheads, e.g. staff and room hire. If the sandwiches or your meal, including drinks and alcohol, would cost £50 in a comparable establishment providing food of comparable quality, declare it.

If you are not certain whether the value is under £50, the safest course is to declare it and give an approximate value.

What about gifts of low value?

There is no requirement to declare gifts of a value of less than £50. However, in order to be transparent, if you receive a series of related gifts in connection with your role as a Member which are all under £50, but together total above £50, then you should declare them if they are from the same person. If the small gifts received from different persons are connected in some way, it is good practice to declare them.

How do I register gifts and hospitality I receive?

You must give the Chief Executive written details about the gifts and hospitality you receive or are offered.

The best advice is to get into the habit of registering things as soon as possible, and if in doubt, declare receipt.

Which organisation do I make declarations to?

As mentioned, anything received in your private capacity is not declarable. However, what is your “official capacity”? So far as the Council is concerned it is when you do any of the following -

- You conduct the Council’s business; or
- You conduct the business of the office of Councillor; or
- You act as a formal representative of the Council on another body.

To deal with the issue of when things are received in different capacities or where there are overlapping roles:

- Only declare gifts and hospitality received in your capacity as a Runnymede councillor to the Council’s Chief Executive.
- If you receive things in another capacity, i.e. arising from holding another public office, register in accordance with whatever code is in place for that other body. If a particular body does not actually require you to register anything (e.g. a community association), then you do not need to do anything in respect of the receipt of a gift or hospitality directly attributed to your role within that organisation.
- If you cannot decide what capacity you received something in, e.g. you were invited as both a Councillor and a member of another organisation, provided you declare the gift/hospitality at least once with the body that appears to be the most appropriate, you will have fulfilled your duties. The overriding purpose is public transparency.
What happens if I do not register a gift or hospitality?

Failure to declare the receipt of a gift or hospitality could result in public embarrassment if it becomes known and result in adverse publicity for you and the Council and is a breach of this Protocol.

Which gifts and hospitality are considered acceptable?

Decisions on declarations must be made by individual members. However the Council accepts that in appropriate circumstances Members may choose to accept gifts and hospitality in the following circumstances:

- Civic hospitality provided by another authority;
- Modest refreshments received in the ordinary course of duties as a member e.g. at formal meetings or when in contact with constituents;
- Tickets for sporting, cultural events which are sponsored or supported by the Council;
- Small gifts of low intrinsic value i.e. below £50 which are branded with the name of the company or organisation making the gift (e.g. diaries, calendars etc.);
- Modest souvenir gifts with a value below £50 from another public body given on the occasion of a visit by or to that body;
- Hospitality received in the course of an external visit or meeting which has been authorised by the Council. In such cases the arrangements should be made by officers rather than the Members who will be benefiting and hospitality should be commensurate with the nature of the visit; and
- Other unsolicited gifts where it is impracticable to return them or where refusal would in the circumstances cause offence. In such cases you may wish to pass the gift to the Mayor’s charitable fund.

Receipt of gifts and hospitality of this type are still subject to the requirements of the Protocol regarding the declaration to the Chief Executive of gifts and hospitality of greater than £50 in value. The appropriateness of acceptance should always be considered beforehand. It should also be noted that the mere fact that a gift or hospitality does not have to be declared under the Protocol does not necessarily mean that it is appropriate to accept it.

Guidance on particular gifts and hospitality

Civic Ceremonial

The Council does not consider that the attendance of the Mayor, the Deputy Mayor or any other Councillor as an accredited representative of the Council needs to be notified to the Chief Executive under the Protocol. However should any personal gift be offered in such circumstances the approach to be adopted in relation to acceptance must be considered in accordance with this protocol and this guidance.

Ceremonial Gifts

Ceremonial gifts greater than £50 in value offered by visiting delegations from British or overseas public authorities may be accepted on the basis that the gift is made to the Council rather than the individual Councillor. Arrangements should be made for any such gifts which are received to be displayed or kept corporately.

Further assistance

It is each Member’s own individual responsibility to observe this Protocol, but the Chief Executive and his staff will help where possible. If you have any questions at all please contact the Chief Executive or the Monitoring Officer for advice and assistance.
PROTOCOL ON

ROLE OF

THE MAYOR

April 2017
The Mayor has a significant ceremonial role at particular events. The Mayor is also an important community leader and is often the spokesperson for the community.

While the Mayor is elected by a majority vote, the position becomes the leader of all the councillors whether they supported an individual or not. What this means is that the Mayor has responsibilities towards, and is accountable to, all councillors. The Mayor’s leadership style should reflect this.

Chairing council meetings

The way in which the Mayor chairs Council meetings makes a significant contribution to good governance. A well-run meeting that is inclusive and has high standards of governance relies on the Mayor’s approach to being chair. Mayors should have a good knowledge of meeting procedures and the Council’s Standing Orders in relation to meetings.

Effective chairing also ensures that all councillors have the opportunity to be heard. While not every councillor can get his or her way on an issue, they are more likely to accept a decision if they feel that they have been included in the process. More often than not, this means that even controversial and difficult decisions are more palatable.

If the Mayor takes sides in a Council meeting and actively suppresses minority views, this will give dissenters the ammunition to not only attack the outcome, but also the process. The Mayor should ensure that all councillors have had the opportunity to express their views, even if their proposals are defeated.

Group facilitation concepts such as participation, communication, involvement, consensus, mutual respect and listening are all important in promoting the success of the councillor group.

Promoting good relationships

Good relationships are the glue for good governance. Councillors particularly rely on the cooperation and support of colleagues and the administration to achieve their goals. This cooperation is based on good relationships, and an understanding and acceptance of each role.

It is a function of the Mayor to provide guidance to councillors about what is expected of them in their role as a councillor. The Mayor is also expected to provide guidance to councillors in relation to conduct in observance of the Council’s Member Code of Conduct. The Mayor is also charged with supporting good working relationships between councillors.

The Mayor is in an ideal position to foster positive relationships between the various elements of the Council by setting a good example.

Managing and modelling good conduct

The Mayor also has considerable influence in establishing standards of good governance behaviour and ethics.

The Mayor has an important formal role to play in promoting good conduct and managing poor conduct.

It is critical that the Mayor’s role in any proceedings is characterised by fairness, an appreciation of natural justice, and the awareness of being the leader of all councillors, not just those who are supporters.

DEPUTY MAYOR

A Deputy Mayor is not able to automatically step into the role of Mayor if this becomes necessary. A new Mayor must be elected at the next available meeting of the Council. The Deputy Mayor can stand for election at that meeting.
PROTOCOL FOR USE BY
MEMBERS OF COUNCIL PROPERTY
AND FACILITIES

April 2013
1. **Purpose of Protocol**

1.1 This Protocol is intended to give a short general guide to the way in which Members may use the Authority’s property or facilities, so far as this is not directly dealt with by the formal Code of Conduct.

1.2 Paragraph 5 of the Code of Conduct provides that a Member:

   a) must not in his official capacity, or any other circumstance, use his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and

   b) must, when using or authorising the use by others of the resources of the Authority:

      i) act in accordance with the Authority’s requirements; and

      ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate or be conducive to, the discharge of the functions of the Authority or the office to which the Member has been elected or appointed.

1.3 This Protocol is principally intended to expand on what is meant by “in accordance with the Authority’s requirements” in paragraph 5 (b) (i). It is to be read alongside the Protocols for use of computers and printers and of internet connections, as well as any other requirements concerning the use of the Authority’s property or facilities.

2. **Matters covered by this Protocol**

2.1 This Protocol is intended to cover:

   a) the use by Members of any property of the Authority, including office equipment, stationery, vehicles, buildings, and stored supplies;

   b) the use by Members of any privilege, facilities, etc available to them in their capacity as Members of the Council, whether provided by the Council or not;

so far as this Protocol can reasonably be interpreted to cover the situation, and so far as it does not conflict with any direct provision in the Code of Conduct or other Protocols or provisions of the Constitution which cover the situation.

3. **Requirements**

3.1 Members may use the Authority's property only in discharging their functions as Members of the Authority.

3.2 Where official headed notepaper is available to a Member, it is to be used only for letters which properly relate to the Member's capacity as such.

3.3 Members must distinguish between actions they carry out in the discharge of their office as Members of the Council, and actions which they carry out as Members of an outside body or organisation. Except with the consent of the Council, the Council's property may not be used by a Member except in discharge of the office of a Member.

3.4 If a Member enjoys a privilege or facility in their capacity as a Member, he or she must use it only in accordance with the terms on which it was granted. If no terms have been set by the Council it shall be assumed that the facility or privilege is available only for use when exercising the office of a Member.
COUNCILLORS IT HARDWARE

PROVISION PROTOCOL

1. It is expected that most Councillors will have access to a device that is Internet access enabled, with a suitable broadband service and ISP to provide that access. They will also be expected to have a telephone line/mobile number.

2. Where the Councillor has access to suitable equipment to enable them to access Council e-mails they must be able to do so with the most current version multi-factor authentication.

3. Suitable Council approved equipment/device will be supplied by the Council as soon as practicable.

4. If a Councillor ceases to hold office for whatever reason depending on the length of time they have been in office, they may be required to return the device.

DEVICE USAGE PROTOCOL

1. The Council does not provide a broadband connection or a device with a data plan.

2. Personal use of the device is allowed subject to the following Code of Conduct:

2.1 The equipment is provided to assist the Councillor in carrying out their Council duties. Any use of the computer that compromises this usage is prohibited.

2.2 Backing up of material on any device is the sole responsibility of the Councillor.

2.3 The equipment may not be used for the deliberate processing of pornographic material, meaning any material that the Courts would consider illegal or which is of a sexual nature.

2.4 A Member must not install or alter the original device software/operating system which would breach security protocols (e.g. jail breaking).

2.5 Use of equipment for the work of other local authorities or public bodies will be permitted subject to notification to the Chief Executive and the agreement of the Councillor's Group Leader.

2.6 No use of the device shall breach criminal or civil law.

2.7 Do not use @runnymede.gov.uk e-mail address for personal messages (which include matters pertaining to any Political Group).

2.8 Auto-forwarding of cllr.@runnymede.gov.uk emails is not permitted.

2.9 The device must not be used for the posting of mass unsolicited communications (i.e. “Spam”).

2.10 All Council business is subject to the Freedom of Information Act and if a Councillor uses a personal e-mail address for Council business, the Member will be required to release the information upon request under the Act.

2.11 The Councillor should take reasonable and common steps to protect the data they are processing i.e. strong passwords to logon, encrypt backups, and avoid clicking on suspect weblinks etc.

3. Any breach of this Protocol may be regarded as a breach of the Members Code of Conduct. The Code particularly states that resources should not be used improperly.
Runnymede Borough Council
Members' Planning Code of Good Practice

Background

The Planning Code of Good Practice ("the Code") has been prepared in response to, and in accordance with, the requirements of the Localism Act 2011.

This Planning Code of Good Practice has been designed to be supplementary to, and read together with, the ‘Runnymede Borough Council – Members’ Code of Conduct’ as adopted in July 2012.

Unless otherwise stated, all terms and definitions used in this Code which are also used in the Members’ Code of Conduct, will have the same meaning as that set out in the Members’ Code of Conduct.

Introduction

The aim of this Code: to supplement the Members' Code of Conduct and ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning: to manage development in the public interest.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgment and for justifiable reasons.

When the Code applies: this Code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision-making meetings of the Council in exercising the functions of the Council or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice from the Council’s Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.
1. **Relationship to the Members’ Code of Conduct:**

1.1 Do apply the rules in the Members’ Code of Conduct first, which must always be complied with.

1.2 Do then apply the rules in this Code, which seek to explain and supplement the Members’ Code of Conduct for the purposes of planning control. If you do not abide by this, you may:

   - put the Council at risk of proceedings on the legality or maladministration of the related decision;

   - put yourself at risk of a complaint being made to the Standards and Audit Committee if the failure is also likely to be a breach of the Code of Conduct; and

   - in certain circumstances be accused of committing, or be found to have committed, a criminal offence for which you may face prosecution.

2. **Development Proposals and Disclosable Pecuniary Interests and Non-Pecuniary Interests under the Members’ Code of Conduct**

2.1 Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members.

2.2 Do always disclose your interest at the beginning of the meeting or as soon as you become aware of it and not just at the commencement of discussion on that particular matter.

2.3 Do withdraw from the meeting whilst that particular matter is being discussed/determined; if the interest is a Disclosable Pecuniary Interest or non-pecuniary interest which could reasonably be regarded as so significant as to prejudice your judgment of the public interest.

2.4 Do notify the Council’s Monitoring Officer of your disclosable pecuniary interest or non-pecuniary interest as soon as possible and in any event no later than 28 days after disclosing it at a meeting.

2.5 Do then act accordingly. Where you have a disclosable pecuniary interest or a non-pecuniary interest as described at paragraph 8.2 of the Members’ Code of Conduct in a matter being discussed -

   - Don’t participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.

   - Don’t try to represent ward views. Get another Ward Member to do so instead, explaining that you have such an interest. Don’t seek to influence him or her.

   - Don’t get involved in the processing of the application and don’t ‘promote’ the application to Committee in your capacity as Ward Member.

   - Don’t seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have an interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

   - Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have an interest to an appropriate officer, in person or in writing, the Code places limitations on you in representing that proposal.

Where your interest arises because you are the applicant or agent in respect of a planning application:
- Do notify the Monitoring Officer in writing and note that:
  - where you can you should send the notification no later than submission of that application;
  - the proposal will always be reported to the Committee as a main item and not dealt with by Officers under delegated powers;
  - if you are an applicant it is advisable that you employ an agent to act on your behalf on the proposal in dealing with Officers and any public speaking at Committee;
  - at all times be aware of the limitations placed upon you as a result of your disclosable pecuniary or non-pecuniary interest (as the case may be) in the matter, as set out above and in the Members’ Code of Conduct.

2.6 REMEMBER: If you:

- Fail to disclose a disclosable pecuniary interest at the relevant meeting or to the Council’s Monitoring Officer as required; or
- Participate in any discussion or vote in respect of a matter in which you have a disclosable pecuniary interest

As well as compromising the validity of the Council’s planning process, you will also potentially commit a criminal offence for which you may personally be prosecuted.


3.1 If, prior to the relevant meeting to consider a particular matter, you have expressed a particular view in regards to that matter, this in itself will not necessarily be sufficient to fetter your discretion to participate in the determination of that item provided you do not make up your mind (or appear to have made up your mind) prior to that matter being formally considered at the meeting.

3.2 Don’t fetter your discretion and therefore your ability to participate in planning decision-making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

3.3 Do be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

3.4 Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are, for example, a district/borough and county councillor), provided:

- the proposal does not substantially affect the wellbeing or financial standing of you or the consultee body;
- you make it clear to the consultee body that:
  - your views are expressed on the limited formation before you only;
  - you must reserve judgment and your independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to
the people in that area, ward or parish, as and when it comes before the Committee and you receive all of the relevant information; and

- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and

- you disclose the interest regarding your membership or role at the outset when the Committee comes to consider the proposal.

3.5 Don’t speak and vote on a proposal where you have fettered your discretion. You do not have to withdraw, but you may prefer to do so to avoid any appearance of impropriety.

3.6 Do explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

3.7 Do consider taking the opportunity to exercise your right to speak as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable pecuniary interest or a non–pecuniary interest of the type described at paragraph 8.2 of the Members’ Code of Conduct. Where you do take such an opportunity to speak after fettering your discretion:

- Don’t participate in the decision making and advise the proper officer or Chairman that you instead wish to speak in this capacity before commencement of the item;

- ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

4.1 Do refer those who approach you for planning, procedural or technical advice to officers.

4.2 Don’t agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Corporate Head of Development Management and Building Control to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

4.3 Do otherwise:

- follow the rules on lobbying;

- consider whether or not it would be prudent in the circumstances to make notes when contacted; and

- report to the Corporate Head of Development Management and Building Control any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

4.4 Do be aware that a presentation is a form of lobbying and you must not express any view that might suggest predetermination or state how you or other Members might vote.

4.5 Do ask relevant questions for the purposes of clarifying your understanding of the proposals.

4.6 Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate Committee of the planning authority.

4.7 Don’t participate in a planning presentation unless an officer is present and/or it has been organised by officers.
5. **Lobbying of Councillors**

5.1 Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee’s decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.

5.2 Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

5.3 Don’t accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to enter it into the register of interests where its value is £50 or over.

5.4 Do copy or pass on any lobbying correspondence you receive to the Corporate Director of Planning as soon as practicable.

5.5 Do promptly refer to the Corporate Head of Development Management and Building Control any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

5.6 Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

5.7 Do note that, unless you have a disclosable pecuniary interest or a non-pecuniary interest of the type described at paragraph 8.2 of the Members’ Code of Conduct, you will not have fettered your discretion or breached this Planning Code of Good Practice through:

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. **Lobbying by Councillors**

6.1 Don’t become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a disclosable pecuniary interest or a non-pecuniary interest of the type described at paragraph 8.2 of the Members’ Code of Conduct. Action, campaign or lobby groups are most likely to be formed specifically to promote or oppose planning proposals. Membership of an established residents association, political party or similar body that may have adopted a particular line in respect of a development proposal does not, by itself, fetter the discretion of an individual Member and all such cases should be considered on their particular facts.

6.2 Do, if you wish, join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that
organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal

6.3 Don’t lobby fellow Councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

6.4 Don’t decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits

7.1 Don’t enter private land without the owner’s permission.

7.2 Don’t express a view as to the merits of the matter if approached while visiting a site. Although Members may by then have received an agenda with Officers’ report, there may be facts reported at the meeting that would have a bearing on the decision to be made.

7.3 Do take the opportunity to visit sites in the company of other Members, both to reduce disturbance to occupiers and to corroborate any discussions which take place at the time.

7.4 Do ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.

7.5 Do ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

7.6 Don’t hear representations from any party. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the Officer present.

7.7 Don’t extend a site visit to include land or property owned by a third party, e.g. an adjoining objector, unless:

- it is not possible to appreciate the planning issues in any other way from the site itself. and

- the applicant/agent is given the opportunity to also be present.

8. Public Speaking at Meetings

8.1 There is a right for the public to address the Planning Committee as set out in Standing Orders 39.19 – 39.27.

8.2 Don’t allow members of the public to communicate with you during the Committee’s proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

8.3 Do ensure that you comply with the Council’s procedures in respect of public speaking.

8.4 Don’t be swayed by matters which do not bear on the planning considerations. It may become evident that there is considerable strength of feeling about a particular application, and the Committee may hear a number of arguments which do not bear on the planning considerations. In listening to such contributions Members must seek to identify the considerations which are legally relevant to their decision.

9. Working with Officers

9.1 Don’t put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Corporate Director of Planning, which may be incorporated into any committee report).

9.2 Do recognise that Officers are part of a management structure and you should only discuss the merits of a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
9.3 Do recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council’s Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute’s Code of Professional Conduct. As a result, planning officers’ views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

10.1 Do come to meetings with an open mind and demonstrate that you are open-minded.

10.2 Do comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

10.3 Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, seek to have the matter deferred or refused.

10.4 Don’t vote or take part in the meeting’s discussion on a proposal unless you have been present to hear the entire debate, including the Officers’ introduction to the matter.

10.5 Do ask to have recorded the reasons for Committee’s decision to defer any proposal.

10.6 Do make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision.

These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

11.1 Do take advantage of all training opportunities provided by the Council in matters of conduct and propriety.

11.2 To sit on the Planning Committee all Members, including substitute Members, must have undertaken appropriate training. *

11.3 Do attend all planning and any other specialised training, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans and thus assist you in carrying out your role properly and effectively.

* Appropriate training will be delivered in a single compulsory session between the election and first meeting of each municipal year. Members that are unable to attend the session in that year will not be able to participate in decision making at the Committee until the opportunity for training has been taken up.

12. Guidance for Officers

12.1 Do follow the Code of Professional Conduct for RTPI members, which in general terms requires that you, in all your professional activities:

(a) shall act with competence, honesty and integrity;
(b) shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
(c) shall discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Code;
(d) shall not discriminate on the grounds of race, sex, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity;
(e) shall not bring the profession or the Royal Town Planning Institute into disrepute.

This Code of Professional Conduct has been adopted as a local Code of Conduct and should be followed in addition to the Runnymede Borough Council Code of Conduct for Staff, which is set out in the Personnel Policies & Procedures Handbook, and applies to all members of staff. This gives detailed advice on some nineteen areas of conduct. This is in addition to any professional discipline and was approved by Members in 1995.
REGULATORY COMMITTEE

PROCEDURE RULES FOR HEARINGS ON INDIVIDUAL MATTERS
REGULATORY COMMITTEE

PROCEDURE RULES FOR HEARINGS ON INDIVIDUAL MATTERS

1. **Privacy**

   1.1 The Officer’s report and applicant’s submissions will normally include confidential or exempt information so the substantive hearing will usually be held as a Part II meeting, with the press and Members of the public excluded.

   1.2 The Committee may decide to hold the hearing in public with the consent of the applicant and the other individuals attending and participating.

2. **Representation**

   2.1 An applicant may attend a hearing and speak to the Committee and may be assisted or represented by another person, whether or not that person is legally qualified.

3. **Documentation**

   3.1 The Regulatory Officer will produce a report detailing the factual background and applicable law and enclose copies of any relevant documentation.

   3.2 The Applicant may produce a written statement, other information or relevant documents, which should be provided as soon as possible and in advance of the hearing.

   3.3 Any further documents not submitted until the day of the hearing will only be received for consideration with the permission of the Chairman.

4. **Attendance**

   4.1 Because of the quasi-judicial nature of the meeting, no other Members of the Council can attend without the permission of the Chairman of the Committee.

   4.2 No Committee Member who arrives late to the meeting can take part in the discussion or decision once consideration of the application has begun.

   4.3 To sit on the Regulatory Committee a Member must have undertaken the appropriate training.*

5. **Non-Attendance**

   5.1 If the Applicant is not present, in person or by his representative, then the hearing may proceed in his/her absence, if in the view of the Committee, taking into account all the circumstances, including any reason provided by the Applicant, there is no reasonable ground to adjourn it.

6. **Procedure at Hearing**

   6.1 The Chairman will introduce the Members of the Committee and the Officers present.

   6.2 The Chairman will explain the purpose of the hearing and briefly summarize the order of events.

   6.3 The Chairman may place a limit on the duration of the hearing and the time which a party has to present their case, subject to allowing a sufficient time for parties to be heard.

   6.4 The Regulatory Officer will introduce the report and present their case, call any other witnesses and answer any questions from the applicant and the panel.

* Appropriate training will be delivered in a single compulsory session between the election and first meeting of each municipal year. Members that are unable to attend the session in that year will not be able to participate in decision making at the Committee until the opportunity for training has been taken up.

   6.5 The Applicant will be invited to present his/her case, call any other witnesses and answer any questions from the Regulatory Officer and the panel.
6.6 The Regulatory Officer will be invited to make their closing statement, which must not include any new material.

6.7 The Applicant will then be similarly invited to make a closing statement.

7. Decision

7.1 The Committee will consider its decision and may retire to do so in private. It may request the attendance of the Council’s Legal Advisor to give advice on law and procedure.

7.2 The hearing will be resumed and (if one has been reached) the decision communicated to the applicant.

7.3 The decision will be formally notified or confirmed in writing with supporting reasons by the Council’s Legal Advisor within 5 working days of the hearing.

8. Appeal Procedure

8.1 If the Regulatory Committee is deciding a matter which is an appeal, then the order of presentation is reversed, with the applicant going first. Where an applicant is not legally represented the Chairman may ask them if they wish the Regulatory Officer to present first.

9. Statutory Requirements

9.1 This procedure is subject to the Committee complying with specific statutory requirements that may apply in individual cases.

9.2 When the applicant is notified in writing of the decision of the Committee, he will be informed of any statutory right of appeal to the courts.

10. Human Rights

10.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Committee will have regard to the Human Rights Act when exercising its Regulatory functions, with particular reference to the following provisions:

- Article 6 – in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

- Article 8 - everyone has the right to respect for his/her home and private and family life.

- Article 1 of the first protocol – every person is entitled to the peaceful enjoyment of his/her possessions.
LICENSING CODE OF CONDUCT FOR MEMBERS

Introduction

1. The Licensing Code of Conduct relates to the conduct of all Members, including Members of the Licensing Committee and the Licensing Sub-Committee.

2. The Licensing Code of Conduct is supplemental to the Code of Conduct for Members, published by Runnymede Borough Council (the Council), found in Part 5 of the Constitution to the Council: Codes of Conduct and Protocols.

Guiding principles for Licensing Committee Members

3. Where there is an allegation of bias or predetermination against a member, by section 25 of the Localism Act 2011, he or she is not to be taken as having a closed mind simply by having previously indicated the view they took. Notwithstanding this statutory protection members are advised to adopt a cautious approach.

4. Members who are part of the Licensing Sub-Committee should avoid expressing personal opinions prior to a Licensing Sub-Committee hearing. To do so could be taken as indicating that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives, nor the Licensing Authority’s Statement of Licensing Policy.

5. Members of the Licensing Sub-Committee must not take nor declare a view on the merits of an application nor organise support or opposition in advance of the hearing, and must keep an open mind until after they have considered all the guidance and arguments presented.

6. Members of the Licensing Sub-Committee should not form or show bias against or in favour of any particular person, company or group or any particular site or locality nor give the impression that they have done so.

7. Applications may be considered in other bodies on which an elected Member serves. In such cases it is very important not only to keep an open mind as to the actual licensing considerations, but to demonstrate that this is being done. Members should make it clear that any opinion they formed at the other body was for the limited purposes of that discussion or matter only, and that they preserve an open mind on the licensing considerations.

8. Ward Members need not stand down from a Sub-Committee hearing an application from persons within their Ward but must be careful to avoid any suggestion of bias and should at the outset disclose that the application is one which refers to persons in this Ward but that they have not taken any interest in the formulation of the application, have not been lobbied by any person in respect of it and have kept an open mind until after they have considered all the evidence and arguments presented.

9. A Member may sometimes feel that all the task of preserving freedom from appearance of bias is becoming too complicated, or that he or she runs too great a risk of becoming identified with one side of the argument no matter what safeguards they take. In these circumstances the only wise course is to withdraw from the discussion at the other body or from sitting on the Licensing Sub-Committee.

10. Decisions of the Licensing Sub-Committee should be based on the Licensing Objectives and must not be taken in accordance with a political party direction given at a previous party group meeting or otherwise.

11. A Member of the Council who is not a Member of the Committee or Sub-Committee determining the application may represent one of the other persons or applicant provided they do so strictly in their representative capacity as a Member of the Council. They may not do so in a professional capacity (for example as solicitor or consultant), as a personal friend, or in any other circumstances which will give rise to a disclosable pecuniary or non-pecuniary interest under the Council's Code of Conduct for Members.
If a Member has represented a party he or she may take no part in the decision making process and must leave the room for any such discussions.

12. To sit on the Licensing Committee a Member must have undertaken the appropriate training.

Natural Justice

13. Members of the Licensing Sub-Committee must comply with the rules of natural justice, ensuring that parties have an opportunity to be heard, whilst acting honestly and impartially. When making its determinations, the following principles must be considered:

(1) **Free from the appearance of bias** – Members must make an objective and impartial determination of the issues based on the evidence and should not make, or give the appearance of making, a biased decision. Bias may include pre-judged ideas based on his/her own prejudices or political affiliations.

(2) **Fair hearing** – For a hearing to be ‘fair’ a number of conditions must be satisfied including the right for the individual to know the opposing case; generally the right to call witnesses; the ability to question witnesses; the right to legal representation; and generally the right to be given reasons for any decision made.

Members’ Interests and licensing applications


15. Members must always declare any disclosable pecuniary interest, or non-pecuniary interest in an item of business.

16. It is accepted that Members of the Licensing Sub-Committee may have visited the licensed premises in their personal lives. However, Members should declare where this amounts to a disclosable pecuniary interest, or a non-pecuniary interest.

17. The declaration of an interest should be made in advance of the hearing (to the Licensing Officer and/or Legal Advisor), at the beginning of the hearing, or at the first possible opportunity.

18. Where a Member has a disclosable pecuniary or non-pecuniary interest that could be reasonably be regarded as so significant as to prejudice the Member’s judgement of the public interest, it will be ‘prejudicial’.

19. Where a Member has such a ‘prejudicial’ interest they must not sit as part of the Licensing Sub-Committee and they must also withdraw from the room when the application is being heard. If in doubt of his/her position, the Member must consult the Council’s Monitoring Officer or a member of the Council’s legal staff.

Gifts and hospitality

20. Members should have particular regard to public perception when accepting any gift of hospitality from a licensed premises and should act with extreme caution when accepting any gift whatsoever, regardless of the monetary value.

* Appropriate training will be delivered in a single compulsory session between the election and first meeting of each municipal year. Members that are unable to attend the session in that year will not be able to participate in decision making at the Committee until the opportunity for training has been taken up.

Applications submitted by the Local Authority

21. Where the Local Authority applies for a premises licence for open spaces or for buildings that owns, or where there is a variation application or review in respect of such
open spaces or buildings, the Licensing Sub-Committee must hear and determine this application/review in exactly the same manner as other applications/reviews.

The Licensing Sub-Committee must give no regard to the interests of the Council itself, aside from receiving relevant representations on this issue.

22. Members who have participated in the authority’s decision to apply for the licence, or who express a view in respect of hearing the application, should not also participate in the Licensing Sub-Committee hearing the application.

23. Members of the Licensing Sub-Committee must be aware of any potential appearance of bias.

**Lobbying**

*Of Licensing Committee Members*

24. If a Member who sits on the Licensing Sub-Committee is approached by persons wishing to lobby him/her as regards the licence application then that Member must politely explain that they cannot discuss the matter and refer the lobbyist to the Senior Licensing Officer or his/her Ward Member who can explain the process of decision making.

25. Any written representations received by a Member of the Licensing Sub-Committee should be passed to the Senior Licensing Officer. Any such approach received in time should also be reported at the hearing at which the application is being determined.

26. Requests for procedural advice with regard to licensing applications should be referred to Council Officers for advice and information.

*Of or by all other Members*

27. Other Members must not lobby Members who sit on the Licensing Sub-Committee, directly or indirectly, in writing or otherwise, in respect of items to be decided by the Licensing Sub-Committee with a view to influencing their decision. Any representation by other Members, on behalf of another person, should be sent to the Senior Licensing Officer for inclusion in his report.

28. Other Members should remember that to be effective in representing the views of interested parties, and not mislead them about the licensing decision process, they should be fair in their representations and not just act as an advocate for one point of view without considering the broader licensing context or the licensing objectives. They should advise that local opposition to, or support for, a licence application is not in itself a ground for refusing or granting the licence and that consideration must be given to the licensing objectives. Where opposition to/support for a licensing application is not founded upon the licensing objectives they should avoid giving the impression that such representations can be given weight and be careful about promoting that opposition/support both before and at the licensing hearing. To do so may raise false expectations of a decision which cannot be justified when it comes to objective formal consideration, potentially resulting in disillusionment and confusion over both the decision process and the role of that Member.

**Recording of reasons**

29. The Licensing Sub-Committee must give reasons for its decisions.

**Site visits**

30. Site visits are generally unnecessary and can risk putting the Members and the Licensing Authority at risk of accusations of bias.

31. In special circumstances, the Senior Licensing Officer may make a recommendation that the Licensing Sub-Committee visit the premises prior to the hearing. In such cases, the Senior Licensing Officer must provide full written reasons justifying the visit and this must be provided to the applicant and any other parties making representations.
32. Members of the Licensing Sub-Committee may adjourn the hearing in special circumstances, part way through hearing any application, to undertake a site visit. The Chairman of the Licensing Sub-Committee must give oral reasons justifying the need for the site visit. The judgement whether special justification exists for an adjournment should take into account in general terms the delay, inconvenience and expense of carrying out a visit to all involved including the applicant.

33. The following procedures should be observed where a site visit by the Licensing Sub-Committee is deemed necessary:

(1) The visit should be undertaken as a group visit attended by all the Licensing Sub-Committee and its purpose should be confined to that indicated by the Senior Licensing Officer or the Chairman;

(2) The visit should be attended by an Officer who may be asked factual questions by the Member;

(3) No indication of the likely outcome of the application should be given on the visit;

(4) No representation from the applicant or from those making representations should be heard or accepted on the visit;

(5) The Licensing Sub-Committee should keep together as a group and not engage individually with any parties;

(6) Details of those attending the visit, questions asked, and answers given should be recorded.

Conduct at hearings

34. Members of the Licensing Sub-Committee should not discuss the application directly with the applicant, other person or responsible authority either immediately prior to the hearing, during the hearing, or after the hearing, other than publicly through the Chairman.

35. Licensing Sub-Committee Members’ questioning of speakers is to clarify arguments and views and care should be taken not to express a view at that stage, nor to intimidate speakers.

36. Any material considered by the Licensing Sub-Committee that does not comprise part of any material supplied by the Licensing Authority must originate only from the applicant, another person or responsible authority, and must be tabled through the Chairman. The nature of any such material must be clear to all present at the hearing and available for inspection.

37. Members must comply with the Licensing Procedures as amended from time to time.
RUNNYMEDE BOROUGH COUNCIL

LICENSES ACT 2003 SUB COMMITTEES

RULES OF PROCEDURE

1. General

1.1 These rules of procedure are subject to the provisions of the Licensing Act 2003 (Hearings) Regulations 2005 ("the Regulations") and any further, applicable regulations. Where appropriate the provisions of the regulations have been incorporated into these rules.

2. Composition of the Sub-Committee

2.1 The Sub-Committee (Hearing) shall comprise of 3 Members of the Licensing Committee, in accordance with section 9 (1) of the Licensing Act 2003 ("the Act"). The quorum shall be three. One Member shall be elected as Chairman at the meeting. For each hearing a fourth Member of the Licensing Committee will act as a reserve member in the event that one of the other three Members is unable to attend the hearing.

3. Notice of Hearing

3.1 The licensing authority shall give to the parties a notice stating the date and time and place at which the hearing is to be held (the ‘notice of hearing’) in accordance with the provisions of the Regulations.

3.2 The notice of hearing shall be accompanied by information regarding the following:-

(a) the rights of a party provided for in paragraphs 4.1 and 8.5;
(b) the consequences if a party does not at tend or is not represented at the hearing;
(c) the procedure to be followed at the hearing;
(d) any particular points on which the licensing authority considers that it will want clarification at the hearing from a party.

4. Right of attendance, assistance and representation

4.1 Subject to paragraphs 6.2 and 6.4 and in accordance with the Licensing Act 2003 (Hearings) Regulations 2005, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified and could include a Ward Member. A Member has the same right as a member of the public to make representations during the consultation period. A Member may attend the meeting in order to speak to their representations or, for instance, represent the general interests of their ward, whilst maintaining their neutrality and being free from bias provided their representation has been submitted within the deadlines set out in the Hearings Regulations.

4.2 Upon receipt of the notice of hearing and within the period of time prescribed by the regulations*, each party shall give to the licensing authority a notice stating:

(a) whether she/he intends to attend or be represented at the hearing;
(b) whether he/she considers a hearing unnecessary.

* the notice of hearing given by the licensing authority to the parties shall specify the relevant period of time within which each party must give the notice described in this paragraph.

4.3 In a case where a party wishes any other person (other than the person she/he intends to represent them at the hearing) to appear at the hearing, the notice referred to in paragraph 4.2 above shall contain a request for permission for such other person to attend the hearing accompanied by the details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
4.4 A party who wishes to withdraw any representations they have made may do so by giving notice to the Council’s Licensing Section no later than 24 hours before the day or the first day on which the hearing is to be held; or orally at the hearing.

5. **Right to dispense with hearing if all parties agree**

5.1 The licensing authority may dispense with holding a hearing if all persons required by the Act to agree that such a hearing is unnecessary, other than the licensing authority itself, have done so by giving notice to the authority that they consider a hearing to be unnecessary.

5.2 Where all the persons required by the Act to agree that a hearing is unnecessary have done so in accordance with paragraph 5.1, the licensing authority, if it agrees that a hearing is unnecessary, shall forthwith give notice to the parties that the hearing has been dispensed with.

6. **Hearing to be in public**

6.1 Subject to paragraph 6.2 below, the hearing shall take place in public.

6.2 The Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

6.3 For the purposes of paragraph 6.2, a party and any person assisting or representing a party may be treated as a member of the public.

6.4 The Sub-Committee may require any person attending the hearing who is in their opinion behaving in a disruptive manner to leave the hearing and may -

(a) refuse to permit that person to return, or

(b) permit him/her to return only on such conditions as the Sub-Committee may specify

but such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

7. **Report**

7.1 A report will be put before the Sub-Committee, prepared by the appropriate Officers.

7.2 The Democratic Services Section shall send a copy of the report to the parties in advance of the hearing.

8. **Procedure at Hearing**

8.1 The order of business shall be at the discretion of the Sub-Committee, but will normally proceed in accordance with the following paragraphs.

8.2 The Chairman shall at the beginning of the hearing introduce the Members of the Sub-Committee, invite the parties to identify themselves and then explain to the parties the procedure that the Sub-Committee intends to follow.

8.3 The Sub-Committee shall then proceed to consider any request made by a party under paragraph 4.3 (request for permission for another person to appear at the hearing). Permission shall not be unreasonably withheld.

8.4 The Chairman shall ask a representative of the licensing authority to introduce the report, and outline the matter before the Sub-Committee.
8.5 All parties shall be entitled to:

- in response to a point upon which the licensing authority has given notice that it will want clarification under paragraph 3.2(d), give further information in support of their application, representations or notice (as applicable)

- if given permission by the Sub-Committee, question any other party, but cross-examination shall not normally be permitted

- address the Sub-Committee

8.6 The parties will normally be invited to address the Sub-Committee in the following order:

- Applicant
- Responsible Authorities
- Other Persons who have made representations.

8.7 Members of the Sub-Committee may ask any question of any party or other person appearing at the hearing.

8.8 Where there is more than one representation raising the same or similar grounds, the Sub-Committee will request that only one party address them on behalf of the parties who have made the representations in question.

8.9 In considering any representations or notice made by a party the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

8.10 The Sub-Committee shall disregard any information given or evidence produced by a party or any person to whom permission is given to appear at the hearing by the licensing authority which is not relevant to:

(a) their application, representations or notice (as applicable) or in the case of another person, the application, representations or notice of the party requesting their appearance, and

(b) the promotion of the licensing objectives

8.11 Hearsay evidence may be admitted before the Sub-Committee, but consideration will always be given to the weight, if any, to be attached to such evidence, depending upon the circumstances in which it arises.

8.12 The parties shall be entitled to make closing submissions. The closing submissions of any applicant shall follow the closing submissions of any other person or responsible authority.

8.13 The Sub-Committee may place a time limit on the exercise of the rights set out in paragraphs 8.5 and 8.12 above. All parties shall be allowed an equal maximum period of time.

8.14 The Sub-Committee may, after hearing the representations of the parties, withdraw from the room to make their deliberations or alternatively, may ask all parties and the public to leave the room.

9. Role of Legal Advisor

9.1 The Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the legal advisor at any time during the course of the hearing.

9.2 If requested, the legal advisor will accompany Members of the Sub-Committee when they retire to make their deliberations.

9.3 Any advice given by the legal advisor to Members of the Sub-Committee will be reflected in the Notification of Decision.
10. **Determination of applications**

10.1 The Sub-Committee will make its determination within 5 working days of the conclusion of the hearing (except where it is required to be made immediately). It will notify the parties by a written Notification of Decision.

11. **Failure of parties to attend the Hearing**

11.1 If a party has informed the licensing authority that he/she does not intend to attend or be represented at the hearing, the hearing may proceed in his/her absence.

11.2 If a party who has not so indicated fails to attend or be represented at a hearing the Sub-Committee may: -

- where it considers it to be necessary in the public interest, adjourn the hearing to a specified day, or

- hold the hearing in the party's absence.

11.3 Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee shall consider at the hearing the application, representations or notice made by that party.

12. **Adjournments**

12.1 Subject to the provisions of the regulations, the Sub-Committee may:-

(a) adjourn the hearing to a specified date

(b) arrange for a hearing to be held on specified additional dates

where it considers it necessary for its consideration of any representations or notice made by a party.

12.2 Where the Sub-Committee adjourns the hearing to a specified date it shall forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

12.3 Similarly, when the Sub-Committee arranges for the hearing to be held on a specified additional date it shall forthwith notify the parties of the additional date on which and time and place at which the hearing is to be held.

13. **Record of proceedings**

13.1 A record of the hearing shall be kept for 6 years from the date of determination or, where an appeal is brought against the determination, the disposal of the appeal.

14. **Waiver of rules**

14.1 Except where proscribed by the regulations, the Sub-Committee may in any particular case dispense with or modify these rules.

14.2 In particular, the licensing authority may extend a time limit provided for in the regulations for a specified period where it considers this to be necessary in the public interest.

14.3 Where the licensing authority has extended a time limit it shall forthwith give a notice to the parties stating the period of time of the extension and the reasons for it.
NOTES

Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Sub-Committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions:

- Article 6 - in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

- Article 8 - everyone has the right to respect for his/her home, private and family life and correspondence.

- Article 1 of the first protocol - every person is entitled to the peaceful enjoyment of his/her possessions.

As approved at Council, and amended by the Licensing Committee, November 2014.
Date: 13.12.12
MEMBER/OFFICER PROTOCOL

APRIL 2019
MEMBER/OFFICER PROTOCOL

"No Council can function effectively without a good relationship between its Councillors and its Officers."
- The Nolan Report on Standards in Public Life.

1. Introduction

1.1 It is often said that "Members create policy and Officers implement it." The relationship between Members and Officers is however more complex and less sharply defined, involving much working together, consultation and discussion.

1.2 Runnymede has Codes of Conduct for both Members and staff, and although these Codes, of necessity, touch briefly on the relationship between Members and staff, each is essentially self-contained and concerned with its own role. This Protocol is a working document which attempts to bridge this gap.

1.3 This Protocol is essentially a guidance note and is not legally prescriptive. It will however be relevant in judging compliance with the Codes of Conduct. Its main purpose is to ensure that all Members are able to receive objective and impartial advice from politically independent staff who are not subjected to any undue influences.

2. Members

2.1 Runnymede's "Code of Conduct for Members" places a general obligation upon Members to promote equality by not discriminating unlawfully against any person, by treating others with respect, and by not doing anything which compromises or which is likely to compromise the impartiality of those who work for the Authority.

2.2 Members should not raise matters relating to alleged misconduct or incapability of a member of staff at meetings of the Council, Committee or Sub-Committees, or any other public forum. At such meetings staff often have no acceptable or effective means of responding to such public criticisms. If a Member feels that (s)he has not been treated properly or has any concern about the conduct or capability of a member of staff (s)he should raise these concerns by other means, as mentioned in 2.3 below.

2.3 Members are encouraged to raise operational and service delivery concerns, as well as any unease as to the judgement and competence of any employee. This should be done through the appropriate Corporate Director/Head, the Chief Executive or the Member’s political Group Leader who will communicate with the Chief Executive.

2.4 A Member should not pressurise a member of staff to do something which the member of staff is not authorised to do, or which (s)he feels is against professional judgement. A Member should not pressurise staff to do something which is outside their normal duties or working hours.

2.5 Whilst Members and staff should treat each other with mutual respect and courtesy, Members should not encourage close personal familiarity or engage in social intercourse outside the working environment. If an unavoidable personal relationship exists (either family or social) between a Member and an employee, the Member concerned shall notify the Chief Executive and Group Leader.

2.6 Members have the right to inspect background papers and any other public Council documents which contain material relating to any business to be carried out at any meeting of the Council or its bodies. This right does not however entitle Members to inspect exempt or confidential reports or papers. (Committee Members may have greater rights than others in some circumstances). While enquiring as to a document's availability is always acceptable, a Member should be careful that (s)he does not place a member of staff under pressure to provide information which the Member does not have a right to receive. Any dispute should be referred to the Chief Executive or to the Monitoring Officer (the Corporate Head of Law and Governance).
2.7 The Chairmen of Committees and Sub-Committees have access to draft agenda items and the opportunity to seek advice and information from staff at pre-meetings ("callovers") held before the Committee or Sub-Committee meeting. Whilst it is clearly important that there should be a close working relationship between Members in leadership positions and senior staff, Members should always respect the impartiality of the staff and not seek to misuse their position of authority. Advice sought at such meetings from the staff should focus on the matters to be considered, and not party political advantage.

2.8 Chairmen should not deliberately withhold relevant information from their Committees or Sub-Committees, once it has been provided by staff. Nor should a Chairman seek to prevent staff giving this information to the Committee or Sub-Committee as their professional judgement sees fit.

2.9 Members should not request staff to attend political or party meetings, except in cases where it is clearly understood that staff will be asked to explain or advise on some statutory requirement or some other matter relating to the work or obligation of the Council as a whole. In such cases the impartiality of the staff should be respected, and it should be recognised that the member of staff is under an obligation to provide similar information and advice to Members of other political Groups if so requested or so minded.

2.10 As far as possible, Members should seek to communicate with Chief Officers or Corporate Directors/Heads. It is permissible and sensible for Members to seek straightforward factual information from junior staff, and to enquire as to technical or professional matters of appropriately qualified staff whose duties include advising Members. However, anything contentious, or any matter requiring a complex opinion, a value, or a judgement, should be directed to the Chief Officer or Head of the relevant service.

2.11 Generally, Members should not do anything which may put the honesty or integrity of a member of staff under pressure, or which may damage public confidence in Officers. In any area of doubt, the matter should be raised with their Group Leader, the appropriate Corporate Directors/Heads or the Chief Executive as appropriate.

2.12 Where a Chief Officer considers that a disproportionate amount of time is being spent by Officer(s) responding to a Councillor, the relevant Chief Officer will inform the Leader of the respective Group with a view to reviewing the amount of information being requested by the Member in question.

3. **Staff**

3.1 Staff are not responsible directly to individual Members; their primary duty is to the Council as a legal body, and their immediate reporting responsibility is to their manager and thence to their Corporate Director/Head.

3.2 It is of the utmost importance that staff are seen to be politically impartial. All staff, whether or not they hold a politically restricted post, must refrain from acting politically, or appearing to be politically motivated, when giving advice or performing their duties on behalf of the Council. Inevitably, though, staff must implement the policies of the Council, which will often be determined politically by the Majority Group, should there be one.

3.3 When called upon to give advice to Members, whether in Committee or at less formal meetings, staff should at all times give factual and professional advice relating purely to the business at hand, and must refrain from any kind of political bias or comment. Similarly, all advice and information should be given on the basis that it is freely available to all Members of the Council and not just certain individuals or groups.

3.4 Staff must strictly follow the policies of the Council and must not allow their own personal or political opinions to interfere with their work.

3.5 Although staff serve the Council as a corporate body, they must treat individual Members with courtesy and respect and remember that they owe equal obligations to all Members of the Council and not just those of the ruling Group.
3.6 A member of staff should respect a Member’s request for confidentiality when dealing with any legitimately delicate matter. Any written reply to a Member where confidentiality is requested in such circumstances should not be copied to any other Member without the original Member’s permission, or in order to comply with an unavoidable legal or professional obligation.

3.7 Staff should take special care when dealing with Chairmen and other senior Members, since it would be improper to provide them with information which the member of staff is not prepared to make freely available to other Members of the Council or the relevant Committees and Sub-Committees.

3.8 As in the case of Members, staff should ensure that relationships are strictly professional and that they do not engage in over-familiarity. If an unavoidable personal relationship (either family or social) exists, the member of staff should ensure that (s)he gives full information to his Corporate Director/Head (or to the Chief Executive in the case of Corporate Heads).

3.9 Staff will observe the guidance set out in the Council’s Constitution as to informing and consulting Ward or other Members, using the Council’s appropriate pro-forma and/or (where appropriate) e-mail facilities.

3.10 Junior staff should remember that Members are encouraged to communicate directly with Chief Officers or Corporate Director/Heads. It is in order for a junior member of staff to give any Member straightforward factual information. It is also in order for professional staff whose duties involve offering advice to Members to give a straightforward professional opinion. However, contentious issues and value judgements should be politely referred to the Corporate Head/Director.

3.11 As in the case of Members, staff should take steps to ensure that they do not do anything which might compromise their position or lead to a loss of public confidence in them or the Council.

3.12 Staff should refrain from doing anything which publicly impugns the honesty, integrity or competence of any Member. Any matter of concern should be raised with the relevant Corporate Director/Head or the Chief Executive.

3.13 It is not acceptable or appropriate for council officers at any level to lobby Elected Members on personal employment issues. If an employee has issues or concerns over any personal employment matter they need to raise it in the first instance with their line manager who will attempt to resolve the matter. If the employee is dissatisfied with the outcome of their discussions with their line manager, they may approach their Trade Union representative or Human Resources. If informal methods have not resulted in a satisfactory resolution to their issue/s, they have the right to raise a grievance if they wish. If Members are ever approached by a council Officer at any level over a personal employment issue they should refer the employee to their line manager to deal with the issue concerned.
MONITORING OFFICER PROTOCOL

1. Purpose of Document

The purpose of this protocol is to explain the role of the Monitoring Officer and provide a guide for staff and Members as to how it will be exercised in Runnymede.

2. The Monitoring Officer and Deputy

2.1 The Council has designated the Corporate Head of Law and Governance as the Monitoring Officer under Section 5 (1) of the Local Government and Housing Act 1989.

2.2 The Monitoring Officer has designated the Legal Services Manager as the Deputy Monitoring Officer under Section 5 (7) of the 1989 Act. The Deputy Monitoring Officer will perform the Monitoring Officer's duties where he is unable to act owing to absence or illness.

2.3 Both the Monitoring Officer's and the Deputy Monitoring Officer's duties are required to be performed by them personally.

3. Statutory Duties and Functions of the Monitoring Officer

These arise under the Local Government and Housing Act 1989, the Local Government Act 2000 as amended by the Local Government Act 2003, and relevant regulations. In summary they are as follows:

3.1 Local Government and Housing Act 1989, Section 5

3.1.1 It is the duty of the Monitoring Officer to make a report to the Council about any proposal, decision or omission by the Council, any of its Committees or Sub-Committees, or any of its office holders or employees which would or may result in:

a) Contravention of a statute or rule of law; or

b) Maladministration or injustice (but only if a Local Government Ombudsman has investigated the matter).

3.1.2 In preparing such a report the Monitoring Officer must consult the Head of Paid Service (in Runnymede, the Chief Executive) and the Chief Finance Officer (in Runnymede the Assistant Chief Executive).

3.1.3 As soon as he has prepared the report, the Monitoring Officer must send it to every Member of the Council.

3.1.4 The full Council must consider the report within 21 days of the Monitoring Officer having sent it to the Members.

3.1.5 Once the Monitoring Officer has sent out the report, the Council cannot implement any proposal or decision to which it relates until the end of the first business day after they have considered it.

3.2 Localism Act 2011

The Monitoring Officer is given a number of functions relating to the local authority ethical framework, including:

- a duty to establish and maintain a register of Members' interests (Section 81).

- where appropriate to receive complaints, determine if an investigation should be conducted and report to the Standards and Audit Committee.

3.3 Local Government Act 2003 (amending the Local Government Act 2000)

The Monitoring Officer can nominate another person to perform any of his functions which arise under the Local Government Act 2000 (including relevant regulations). The Deputy Monitoring Officer has the same power in respect of any such functions falling to him in the illness or
absence of the Monitoring Officer. The purpose of this provision is to allow the Monitoring Officer to arrange things in such a way as to avoid conflicts of interest or for better handling of the work. If he nominates someone else to perform any of his functions under this provision, that person must perform them personally and is entitled to appropriate resources. If the person concerned is not an Officer of the Council, he or she may also be paid a reasonable fee and proper expenses.

4. **Duties of the Council towards the Monitoring Officer**

4.1 Under Section 5 of the Local Government and Housing Act 1989, the Council must provide the Monitoring Officer with such staff, accommodation and other resources as are in his opinion sufficient to allow his duties to be performed.

4.2 The Council cannot take disciplinary action against its Head of Paid Service, Monitoring Officer, or Chief Finance Officer except in accordance with the provisions of Standing Order 49 of the Council's Administrative & Procedural Standing Orders contained in Part 4 of its Constitution. The Officer can be suspended on full pay for a maximum period of two months while the investigation is carried out unless such a period of suspension is extended prior to the expiry of the two months.

5. **Provisions in the Council's Constitution**

5.1 The Monitoring Officer's functions are summarised in Article 11 of Runnymede Borough Council's Constitution. He is also given additional tasks of maintaining and reviewing the constitution, supporting the Standards and Audit Committee, acting as Proper Officer under Access to Information legislation, and advising Councillors on matters of legality, maladministration, financial impropriety, and probity.

6. **Recommended Practice in relation to the Monitoring Officer**

6.1 The Association of Council Secretaries and Solicitors, the professional body to which most Monitoring Officers belong, recommends that the Monitoring Officer should:

- be a Corporate Head or at least have a right to receive agendas and minutes of all meetings and attend and speak at them;
- have a right of access to any meeting including Member briefings;
- be recognised as the principal adviser to the Standards Committee and the point of reference for advice on the Council's constitution and powers;
- have a protocol approved by the full Council setting out how they are expected to discharge their functions, the support and reporting arrangements required, and reporting duties of fellow Officers;
- have a team with sufficient expertise to keep the Council's constitutional documents under review.

6.2 Runnymede Borough Council complies with all these recommendations and this document contains the protocol referred to.

7. **Operative Provisions of Protocol**

7.1 The Monitoring Officer undertakes to discharge his responsibilities outlined in this paper properly, impartially, and in a manner which upholds the reputation of the Council.

7.2 His ability to discharge these duties depends both on effective working relations with colleagues and Members and also on adequate resources, the flow of information, and access to debate particularly at early stages.

7.3 The following arrangements will be observed to this end:

a) Corporate Director/Heads will give the Monitoring Officer advance notice of any formal or informal meeting with Committee Chairmen where any procedural, vires or other constitutional issues are likely to arise.
b) Corporate Directors/Heads, staff, and Councillors will alert the Monitoring Officer to all issues of concern including legality, probity, vires and constitutional issues.

c) The Monitoring Officer or his staff will have copies of all reports to Members.

d) The Monitoring Officer will review issues affecting legality, probity or the Council's procedures and constitution with the Head of Paid Service and Chief Finance Officer as may be required.

e) The Monitoring Officer will seek to develop good liaison and working relations with the District Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.

f) The Monitoring Officer will maintain good communication with the Mayor, Political Group Leaders, and the Chairmen of the Standards and Audit Committee and the Overview and Scrutiny Select Committee. He will ensure that the Head of Paid Service and Chief Finance Officer have up to date information regarding emerging issues of legality, probity, or vires.

g) In carrying out any investigation the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of his functions, subject to compliance with the Data Protection Act and the Human Rights Act and any other relevant internal protocol.

h) The Monitoring Officer will have a budget sufficient to enable him to seek Counsel's opinion on any matter arising out of his functions.

i) The Monitoring Officer will be responsible for preparing a training programme for Members on the ethical framework subject to the approval of the Standards and Audit Committee.

j) In consultation with the Mayor and the Chairman of the Standards and Audit Committee, the Monitoring Officer may defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.

k) The Monitoring Officer will report to the Council or the appropriate Committee from time to time as necessary on the staff, accommodation and resources he requires to discharge his functions.

l) The Monitoring Officer will appoint a deputy and keep him or her briefed on issues relating to his functions. The Deputy will comply with the relevant parts of this protocol when he or she has to act as the Monitoring Officer.

m) Corporate Director/Heads, staff and Councillors should consult the Monitoring Officer for advice on any issues relating to the Council's powers or constitution, doubts over legality of action proposed, maladministration, or probity.

8. **Relationship with other Protocols**

8.1 **Risk Management Strategy**

8.1.1 Managers will communicate to the Monitoring Officer any identified risk which is associated with a function for which they are responsible and which affects matters of legality, propriety, probity or maladministration.

8.1.2 The Monitoring Officer will have regard to the risk rating matrix and to other corporate factors in determining areas for further enquiry and/or advice, and their prioritisation.

8.2 **Anti-Fraud and Corruption Policy**

8.2.1 Any Corporate Director/Head, or the Chief Finance Officer, or the Audit Manager, upon becoming aware of an allegation of fraud, corruption or illegality, will notify the Monitoring Officer.
8.2.2 The Monitoring Officer will determine, following consultation with the Chief Finance Officer and Head of Paid Service, the extent and timing of any necessary involvement in the matter by himself.

8.3 Internal Audit Charter

8.3.1 The Monitoring Officer will notify the Audit Manager of any matter coming to his attention which appears to him to be capable of prejudicing the maintenance of the sound system of internal control required by the Accounts and Audit Regulations 2011.

8.3.2 The Monitoring Officer and the Audit Manager will maintain consultation and dialogue as required from time to time on matters of mutual interest or concern.
Local Code of Corporate Governance
Effective from 2018/2019

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Code of Corporate Governance

1. Introduction

1.1 The Runnymede Borough Council’s Code of Corporate Governance is based upon the CIPFA/SOLACE publication entitled “Delivering Good Governance in Local Government: Framework 2016 Edition.” This version supersedes the previous Code of Corporate Governance approved by the Full Council in July 2015.

2. Defining Governance?

2.1 The International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014) defines governance as follows ‘Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved’. The Framework also states that ‘To deliver good governance in the public sector both governing bodies and individuals working for public sector entities must try to achieve their entity’s objectives while acting in the public interest at all times. Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders’.

3. Core Principles

3.1 This Code of Corporate Governance is based on seven core principles:-

A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law;
B. Ensuring openness and comprehensive stakeholder engagement;
C. Defining outcomes in terms of sustainable economic, social, and environmental benefits;
D. Determining the interventions necessary to optimise the achievement of the intended outcomes;
E. Developing the Council’s capacity, including the capability of its leadership and the individuals within it;
F. Managing risks and performance through robust internal control and strong public financial management; and
G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

3.2 The diagram below, taken from the International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014) (the ‘International Framework’), illustrates the various principles of good governance in the public sector and how they relate to each other.
3.3 This Code specifically identifies the actions and behaviours taken by Runnymede Borough Council in relation to each of these core principles and associated sub principles. These are summarised within Appendix A. Appendix B sets out the Local Corporate Governance Framework.

3.4 The Standards and Audit Committee is responsible for approving this Code and it is recommended that this is annually reviewed and updated accordingly. This Code was initially approved by the Full Council at its meeting on 19 April 2018.
Appendix A - Actions and behaviours taken by the Council that demonstrate good governance.

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</table>
| (A)       | Behaving with integrity | • Ensure that Members and Officers behave with integrity and lead a culture where acting in the public interest is visible and consistently demonstrated thereby protecting the reputation of the Council;  
• Ensure that Members take the lead in establishing specific standard operating principles or values for the Council and its staff and that they are communicated and understood. These will build on the Seven Principles of Public Life (The Nolan Principles);  
• Lead by example and use the above standard operating principles or values as a framework for decision making and other actions; and  
• Demonstrate, communicate and embed the standard operating principles or values through appropriate policies and processes which will be reviewed on a regular basis to ensure they are operating effectively. |
|           | Demonstrating strong commitment to ethical values | • Seek to establish, monitor and maintain the Council’s ethical standards and performance;  
• Underpin personal behaviour with ethical values and ensure they permeate all aspects of the Council’s culture and operation;  
• Develop and maintain robust policies and procedures which place emphasis on agreed ethical values; and  
• Ensure that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the Council. |
|           | Respecting the Rule of Law | • Ensure Members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations;  
• Create the conditions to ensure that the statutory officers, other key post holders, and Members are able to fulfil their responsibilities in accordance with legislative and regulatory provisions;  
• Strive to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders;  
• Deal with breaches of legal and regulatory provisions effectively; and  
• Ensure corruption and misuse of power is dealt with effectively. |
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| B. Ensuring openness and comprehensive stakeholder engagement | Openness | - Ensure an open culture through demonstrating, documenting and communicating the Council’s commitment to openness;  
- Make decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption will be for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential will be provided;  
- Provide clear reasoning and evidence for decisions in both public records and explanations to stakeholders and will be explicit about the criteria, rationale and considerations used. In due course, the Council will ensure that the impact and consequences of those decisions are clear; and  
- Use formal and informal consultation and engagement to determine the most appropriate and effective interventions / courses of action. |
| | Engaging comprehensively with institutional stakeholders | - Effectively engage with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably;  
- Develop formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively; and  
- Ensure that partnerships are based on trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit. |
| | Engaging stakeholders effectively, including individual citizens and service users | - Establish a clear policy on the type of issues that the Council will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes;  
- Ensure that communication methods are effective and that Members and Officers are clear about their roles with regard to community engagement;  
- Encourage, collect and evaluate the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs;  
- Implement effective feedback mechanisms in order to demonstrate how their views have been taken into account;  
- Balance feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity; and  
- Take account of the interests of future generations of tax payers and service users. |
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| (C) Defining outcomes in terms of sustainable economic, social and environmental benefits | Defining outcomes | * Have a clear vision, which is an agreed formal statement of the Council’s purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the Council’s overall strategy, planning and other decisions;  
* Specify the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer;  
* Deliver defined outcomes on a sustainable basis within the resources that will be available;  
* Identify and manage risks to the achievement of outcomes; and  
* Manage service users’ expectations effectively with regard to determining priorities and making the best use of the resources available. |
| Sustainable economic, social and environmental benefits | * Consider and balance the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service provision;  
* Take a longer term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the Council’s intended outcomes and short-term factors such as the political cycle or financial constraints;  
* Determine the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs; and  
* Ensure fair access to services. |
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| (D) Determining the interventions necessary to optimise the achievement of the intended outcomes | Determining interventions | • Ensure decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore ensuring best value is achieved however services are provided; and  
• Consider feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts. |
| | Planning interventions | • Establish and implement robust planning and control cycles that cover strategic and operational plans, priorities and targets;  
• Engage with internal and external stakeholders in determining how services and other courses of action should be planned and delivered;  
• Consider and monitor risks facing each partner when working collaboratively including shared risks;  
• Ensure arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances;  
• Establish appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured;  
• Ensure capacity exists to generate the information required to review service quality regularly;  
• Prepare budgets in accordance with organisational objectives, strategies and the medium term financial plan; and  
• Inform medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy. |
| | Optimising achievement of intended outcomes | • Ensure the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints;  
• Ensure the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term;  
• Ensure the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage; and  
• Ensure the achievement of ‘social value’ through service planning and commissioning. The Public Services (Social Value) Act 2012 states that this is “the additional benefit to the community...over and above the direct purchasing of goods, services and outcomes”.

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| (E) Developing the Council’s capacity, including the capability of its leadership and the individuals within it | Developing the Council’s capacity | ▪ Review operations, performance use of assets on a regular basis to ensure their continuing effectiveness;  
▪ Improve resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the Council’s resources are allocated so that outcomes are achieved effectively and efficiently;  
▪ Recognise the benefits of partnerships and collaborative working where added value can be achieved; and  
▪ Develop and maintain an effective workforce plan to enhance the strategic allocation of resources. |
| | Developing the capability of the Council’s leadership and other individuals | ▪ Develop protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained;  
▪ Publish a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body;  
▪ Ensure the Leader and the Chief Executive have clearly defined and distinctive leadership roles within a structure whereby the Chief Executive leads the Council in implementing strategy and managing the delivery of services and other outputs set by Members and each provides a check and a balance for each other’s authority;  
▪ Develop the capabilities of Members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:  
  ➢ ensuring Members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged;  
  ➢ ensuring Members and Officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis; and  
▪ Ensure that there are structures in place to encourage public participation;  
▪ Take steps to consider the leadership’s own effectiveness and ensure leaders are open to constructive feedback from peer review and inspections;  
▪ Hold staff to account through regular performance reviews which take account of training or development needs; and  
▪ Ensure arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing. |
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<td>Managing Risk</td>
<td>Recognise that risk management is an integral part of all activities and must be considered in all aspects of decision making;</td>
<td>• Implement robust and integrated risk management arrangements and ensure that they are working effectively; and • Ensure that responsibilities for managing individual risks are clearly allocated.</td>
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<td>Managing Performance</td>
<td>Monitor service delivery effectively including planning, specification, execution and independent post implementation review;</td>
<td>• Make decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the Council’s financial, social and environmental position and outlook; • Ensure an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the Council’s performance and that of any organisation for which it is responsible; • Provide Members and senior management with regular reports on service delivery plans and on progress towards outcome achievement; and • Ensure there is consistency between specification stages (such as budgets) and postimplementation reporting (e.g. financial statements).</td>
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<td>Robust internal control</td>
<td>Align the risk management strategy and policies on internal control with achieving objectives;</td>
<td>• Evaluate and monitor the Council’s risk management and internal control arrangements on a regular basis; • Ensure effective counter fraud and anti-corruption arrangements are in place; • Ensure additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor; • Ensure an Audit Committee which is independent of the executive and accountable to the Council: ➢ provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment; and ➢ that its recommendations are listened to and acted upon.</td>
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<td>(f) Managing risks and performance through robust internal control and</td>
<td>Managing Data</td>
<td>▪ Ensure effective arrangements are in place for the safe collection, storage, use and sharing of</td>
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<td>strong public financial management</td>
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<td>data, including processes to safeguard personal data;</td>
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<td>▪ Ensure effective arrangements are in place and operating effectively when sharing data with other</td>
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<td>bodies; and</td>
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<td>▪ Review and audit regularly the quality and accuracy of data used in decision making and</td>
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<td>performance monitoring;</td>
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<td>Strong public financial management</td>
<td>▪ Ensure financial management supports both long term achievement of outcomes and short-term</td>
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<td>financial and operational performance; and</td>
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<td>▪ Ensure well-developed financial management is integrated at all levels of planning and control,</td>
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<td>including management of financial risks and controls.</td>
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<td>(G)</td>
<td>Implementing good practice in transparency</td>
<td>▪ Write and communicate reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience ensuring that they are easy to access and interrogate; and</td>
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<td>▪ Strike a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand.</td>
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<td>Implementing good practices in reporting</td>
<td>▪ Report at least annually on performance, value for money and the stewardship of its resources to stakeholders in a timely and understandable way;</td>
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<td>▪ Ensure Members and senior management own the results;</td>
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<td>▪ Ensure robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publish the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (Annual Governance Statement);</td>
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<td>▪ Ensure that the Framework is applied to jointly managed or shared service organisations as appropriate; and</td>
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<td>▪ Ensure the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations.</td>
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<td>Assurance and effective accountability</td>
<td>▪ Ensure that recommendations for corrective action made by external audit are acted upon;</td>
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<td>▪ Ensure an effective internal audit service with direct access to Members is in place which provides assurance with regard to governance arrangements and that recommendations are acted upon;</td>
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<td>▪ Welcome peer challenge, reviews and inspections from regulatory bodies and implement recommendations;</td>
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<td>▪ Gain assurance on risks associated with delivering services through third parties and evidence this in the annual governance statement; and</td>
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<td>▪ Ensure that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met.</td>
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## Appendix B – Runnymede Borough Council’s Corporate Governance Framework

“The International Framework: Good Governance in the Public Sector’ defines ‘governance’ as comprising the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved. The framework also states that to deliver good governance in the public sector both governing bodies and individuals working for them must try to achieve the Council’s objectives while acting in the public interest at all times.

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<td>Constitution</td>
<td>Constitution</td>
<td>Committee Reports</td>
<td>Budget Consultation</td>
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<td>Constitution</td>
<td>Standards and Audit Committee</td>
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<td>Financial Regulations</td>
<td>Decision making Committees</td>
<td>Corporate Business Plan 2016-2020</td>
<td>Consultations</td>
<td>Member Induction</td>
<td>Budget and Policy Framework Procedure Rules</td>
<td>Overview and Scrutiny Select Committee</td>
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<td>Procurement Toolkit</td>
<td>Overview and Scrutiny Select Committee</td>
<td>Consultations</td>
<td>Stakeholder Engagement</td>
<td>Member Training Programme</td>
<td>Standards and Audit Committee</td>
<td>Decision Making Processes</td>
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<tr>
<td>Member Code of Conduct</td>
<td>Council website includes published calendar of meetings, including agenda and printed minutes.</td>
<td>Risk Management</td>
<td>Option Appraisals</td>
<td>Workforce and Organisational Development</td>
<td>Overview and Scrutiny Committees</td>
<td>External audit of accounts and value for money opinion</td>
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<td>Member Induction</td>
<td>Public Meetings</td>
<td>Financial and Risk reporting</td>
<td>Corporate Business Plan 2016-2020</td>
<td>Secondments</td>
<td>Risk Management</td>
<td>Annual Statement of Accounts</td>
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<td>Schemes of Delegation</td>
<td>FOI Request Information</td>
<td>Procurement toolkit</td>
<td>Decision Making process</td>
<td>Staff Appraisals</td>
<td>Financial Procedures</td>
<td>Head of Internal Audit and Risk’s Annual Opinion / Report</td>
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<tr>
<td>Standards and Audit Committee</td>
<td>Council Tax Information</td>
<td>Environmental Information Regulations (EIR)</td>
<td>Commissioning Plans</td>
<td>Staff 1:1</td>
<td>External audit of accounts and value for money opinion / Statement of Accounts</td>
<td>Internal Audit Service</td>
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<th>Overview and Scrutiny Procedure Rules</th>
<th>Customer surveys</th>
<th>Capital Programme</th>
<th>Consideration of alternative service delivery models/Shared Services</th>
<th>Continuing Professional Development Programmes</th>
<th>Consideration of risk in decision making processes (e.g. Committee reports).</th>
<th>Open Data and Transparency Code</th>
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<td>(A) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law</td>
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<td>Open Data and Transparency Code</td>
<td>Performance, financial and risk reporting framework</td>
<td>Peer Reviews / External Inspections</td>
<td>Corporate Risk Register / Operational Risk Registers</td>
<td>Website</td>
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<td>(B) Ensuring openness and comprehensive stakeholder engagement</td>
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<td>(D) Determining the interventions necessary to optimise the achievement of the intended outcomes</td>
<td>Contract Standing Orders</td>
<td>Complaints Procedure</td>
<td>Medium Term Financial Strategy</td>
<td>Benchmarking</td>
<td>Risk Based Internal Auditing Service / planning</td>
<td>External inspections/peer reviews</td>
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<td>(E) Developing the Council’s capacity, including the capability of its leadership and the individuals within it</td>
<td>Protocol for use by Members of Council property and facilities</td>
<td>Annual Statement of Accounts and Annual Governance Statement published</td>
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<td>Community Engagement</td>
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<td>Code of Conduct for staff</td>
<td>Partnership arrangements.</td>
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<td>Members / Officers Register of Interests / Register of Gifts and Hospitality</td>
<td>Partnership Protocol</td>
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<td>Member/Officer Protocol</td>
<td>Publication Scheme Statement</td>
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<td>Anti-Fraud and Corruption Policy</td>
<td>Local Code of Governance</td>
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Statutory Officers Roles
Chief Executive, Chief Financial Officer/Monitoring Officer / Legal Services

Community Engagement

Strategic performance, financial and risk reporting framework

Complaints reports

Anti-Fraud and Corruption Policy

Staff e-mail/internet policy

Information Sharing Protocols

Code of Conduct for staff
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<th>(C) Defining outcomes in terms of sustainable economic, social, and environmental benefits</th>
<th>(D) Determining the interventions necessary to optimise the achievement of the intended outcomes</th>
<th>(E) Developing the Council’s capacity, including the capability of its leadership and the individuals within it</th>
<th>(F) Managing risks and performance through robust internal control and strong public financial management</th>
<th>(G) Implementing good practices in transparency, reporting, and audit to deliver effective accountability</th>
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<td>Whistleblowing Policy</td>
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<td>Members’ IT Protocols</td>
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<td>Regulatory Committee Procedure Rules</td>
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‘The International Framework: Good Governance in the Public Sector’ defines ‘governance’ as comprising the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved. The framework also states that to deliver good governance in the public sector both governing bodies and individuals working for them must try to achieve the Council’s objectives while acting in the public interest at all times.

<table>
<thead>
<tr>
<th>Core Principles</th>
<th>(A) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law</th>
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340
ANTI-FRAUD AND CORRUPTION POLICY

April 2018
ANTI-FRAUD AND CORRUPTION STRATEGY - POLICY STATEMENT

ADVICE TO STAFF

The following note has been promulgated to staff:

Reporting Fraud and Corruption Concerns

The Council is committed to an effective Anti-Fraud and Corruption Strategy which:
• encourages prevention;
• promotes detection; and
• identifies a clear pathway for investigation.

Council staff are positively encouraged and expected to raise any concerns that they may have on these issues.

The Public Disclosure Act 1998 protects employees from reprisals if staff:
• disclose information in good faith
• believe the information to be substantially true
• do not act maliciously or make false allegations
• do not seek personal gain.

If you or your staff have any concerns, the Council has a number of channels you can use to report those concerns in the knowledge that they will be treated in confidence and investigated properly and fairly.

Internally, staff should report any suspected irregularity to their Chief Officer or the Assistant Chief Executive or the Internal Auditor. Whilst it does not have to be, this could be through a manager in your department.

If staff feel unable to raise concerns within the Council, there is an external organisation that staff can turn to.

THE POLICY

INTRODUCTION

Runnymede Borough Council is determined to maintain its reputation as an authority that will not tolerate fraud, corruption or abuse of position for personal gain. The Council is also committed to providing value for money services to the public. One way in which value for money is secured is to minimise the risk and effect of fraud and corruption and to maintain defences against internal and external abuse of public funds.

The Council is committed to an effective Anti-Fraud and Corruption Strategy which:

• encourages prevention;

• promotes detection; and

• identifies a clear pathway for investigation.
The Council’s expectation on propriety and accountability is that elected and co-opted Members and staff at all levels (full-time, part-time, permanent and temporary) will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with which it comes into contact will act towards the Council with integrity and without any deliberate thought or action to perpetrate fraud or corruption.

The Council’s Anti-Fraud and Corruption Strategy is based on a series of comprehensive and inter-related procedures designed to frustrate any attempted fraudulent or corrupt act. These cover:

- **Culture** (Section 1)
- **Prevention** (Section 2)
- **Detection and Investigation** (Section 3)
- **Training** (Section 4)

The Council wishes to maintain the highest standards of conduct in the knowledge that this will be supported by a high degree of external scrutiny of its affairs by a variety of bodies and people including:

- Local Government Ombudsman;
- Audit Commission (and the External Auditor appointed by the Audit Commission);
- The Public;
- Council Tax Payers and Service Users;
- HM Revenues and Customs;
- Department for Works and Pensions;
- The Courts.

Also, one of the External Auditor’s statutory duties is to ensure that the Council has in place adequate arrangements for the prevention and detection of fraud and corruption.
1. **CULTURE**

1.1 Runnymede Borough Council is determined that the culture and tone of the organisation is one of honesty where fraud and corruption is strongly opposed.

1.2 There is an expectation and requirement that all individuals and organisations associated in whatever way with the Council will act with integrity and that Council Members and staff, at all levels, will lead by example in these matters.

1.3 The Council’s staff are an important element in its stance on fraud and corruption and they are positively encouraged and expected to raise any concerns that they may have on these issues. This can be done in the knowledge that such concerns will be treated in confidence, investigated properly and handled fairly. Staff should report any suspected irregularity to their Chief Officer or the Assistant Chief Executive or the Internal Auditor.

1.4 Members of the Public are also encouraged to report concerns through any of the above routes, or, if appropriate, through the Council’s Complaints Procedure.

1.5 Examples of concerns may include the criminal acts of theft of property (which includes all assets and cash), false accounting, obtaining property by deception, pecuniary advantage by deception, computer abuse and computer crime and bribery and corruption.

1.6 If staff still feel unable to raise their concerns through any of the above internal Council routes, they may wish to raise them through Public Concern at Work (tel. 0207 404 6609), a registered charity whose services are free and strictly confidential. More information is available on their website at [www.pcaaw.co.uk](http://www.pcaaw.co.uk).

1.7 Corporate Directors/Heads are responsible for following up any allegation of fraud or corruption received. They will do so through Internal Audit’s clearly defined procedures, and:

- contact the Internal Auditor who will arrange for the allegation to be investigated;

- deal promptly with the matter;

- record all evidence received;

- ascertain whether the evidence is sound and adequately supported;

- implement Council disciplinary procedures where appropriate.
1.8 Corporate Director/Heads are expected to deal swiftly and firmly with those who defraud the Council or who are corrupt. The Council, including Members and senior managers, will be robust in dealing with financial malpractice.

1.9 Staff making genuine allegations or disclosures will be protected against discrimination by the provisions of the Public Interest Disclosure Act 1998. The Act defines a “qualifying disclosure” as one where:

- a criminal offence has been, or is likely, to be committed;
- a person has failed to comply with a legal obligation;
- a miscarriage of justice has occurred;
- the health and safety of any individual is endangered; or
- the environment has been damaged.

*The Council is committed to ensuring that disclosures made in good faith (often known as whistleblowing) will be treated seriously and confidentially and to making a timely response.*

1.10 Corporate Director/Heads will also wish to safeguard their staff against malicious or vexatious allegations. They will operate fair procedures, and will take disciplinary action against any staff member who makes a deliberately false accusation.

2. **PREVENTION**

**Staff**

2.1 The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage. The Council will establish, as far as possible, the previous record of prospective staff, in terms of their propriety and integrity. In this respect temporary staff should be treated in the same manner as permanent employees so far as practicable.

2.2 Staff recruitment must therefore be in accordance with procedures set out in Human Resources Policies and procedures. In particular, employment offers should only be made subject to written references being obtained for any permanent post. For temporary postholders written references will be obtained unless the Corporate Director/Head of the relevant service considers that this is not practicable in the time available.

2.3 Council staff are expected to follow any Code of Conduct related to their personal Professional Institute and also abide by the Council’s Code of Conduct for Staff.

2.4 The Council has in place disciplinary procedures for all categories of staff.
The role that staff are expected to play in the Council’s framework of internal control will feature in staff induction courses and ongoing training events.

Staff are reminded that under the Council’s Standing Orders they must operate within Section 117 of the Local Government Act 1972 regarding the disclosure of pecuniary interests in Council contracts or the non-acceptance of any fees or rewards whatsoever other than their proper remuneration. These requirements are detailed in the Council’s Code of Conduct for Staff.

Members

Members are required to operate within:

- The Member Code of Conduct;
- Council Standing Orders and Constitution
- Localism Act 2011

These matters are brought to the attention of Members at induction courses run for new Members.

Internal Control Systems

The Council’s Constitution contains Standing Orders, Codes of Conduct, Financial Regulations and other rules that must be followed by all staff.

The Assistant Chief Executive has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper arrangements of the Council’s financial affairs. The Monitoring Officer has a statutory duty under section 5 of the Local Government and Housing Act 1989 to report to the Council on (inter alia) any act or omission by the authority, a Member, or an Officer likely to be in breach of the law or a statutory code of practice, or give rise to maladministration.

The Council is committed to using systems and procedures which incorporate efficient and effective internal controls. These include adequate separation of duties to ensure that error or impropriety is prevented.

Under Financial Regulations, Chief Officers must ensure that these controls are properly maintained and are effective. The existence, appropriateness, and effectiveness of these internal controls is independently monitored by the Council’s Internal Audit Service.
Combining With Others

2.13 Arrangements are in place to encourage the exchange of information between the Council and other agencies.

2.14 With the significant increases in frauds perpetrated against a variety of local authorities and benefits agencies that often involve fraudsters having multiple identities and addresses, the necessity to liaise with other organisations has become paramount.

3. DETECTION AND INVESTIGATION

3.1 The array of preventative systems, particularly internal control systems within the Council, have been designed to detect any fraudulent activity.

3.2 It is the responsibility of Corporate Director/Heads and their managers to prevent and detect fraud and corruption. However, it is often the alertness of staff that enables detection to occur and the appropriate action to take place when there is evidence that fraud or corruption may have been committed, or is in progress.

3.3 Despite the best efforts of Managers and auditors, many frauds are discovered by chance or “tip-off” and the Council has in place arrangements to enable such information to be properly dealt with. These are shown within this Strategy in Section 1.

3.4 Staff are required by Financial Regulations to report all suspected irregularities to the Chief Officer in their Department, or to the Assistant Chief Executive or Internal Auditor. Reporting is essential to the Anti-Fraud and Corruption Strategy as it ensures:

- consistent treatment of information;
- proper investigation by an independent and experienced audit team;
- the proper implementation of a fraud response investigation plan;
- the optimum protection of the Council’s interests.

Upon the Head of HR becoming aware of any matter which has the potential to be considered to breach the Anti-Fraud and Corruption Policy, they shall report the matter to the CE, ACE and Monitoring Officer immediately and the latter will determine the extent and timing of any necessary involvement in the matter by himself, in accordance with the Monitoring Officer Protocol. The Chief Executive, ACE and Monitoring Officer will then confer and decide;
i. How the matter will be investigated including the involvement of the Internal Auditor;

ii. Shall inform the Leader of the Council, Leader of the Minority Group(s) and Chairman of the Standards and Audit Committee on the actions proposed;

iii. Ensure that a report on the outcomes of any investigation will be reported to the next available meeting of the Standards and Audit Committee.

3.5 Depending on the nature and the anticipated extent of the allegations, the Internal Audit Service will normally work closely with managers to ensure that all allegations and evidence are properly investigated and reported upon, and where appropriate, maximum recoveries are made for the Council.

3.6 The Council’s disciplinary procedures will be used where the outcome of the audit investigation indicates improper behaviour.

3.7 Where financial impropriety is discovered, the Council’s presumption is that the police will be called in. The Crown Prosecution Service determines whether a prosecution will be pursued. Referral to the police is a matter for the Chief Executive in consultation with the Assistant Chief Executive and Corporate Head of Law and Governance. Referral to the police will not prohibit action under the disciplinary procedure.

3.8 The External Auditor also has powers to investigate fraud and corruption independently, and the Council is able to make use of these services.

4. TRAINING

4.1 The Council recognises that the continuing success of its Anti-Fraud and Corruption Strategy and its general credibility will depend largely on the effectiveness of programmed training and responsiveness of staff throughout the organisation.

4.2 To facilitate this, the Council supports the concept of induction training for new staff and ongoing annual refresher training, particularly for all managers and those staff involved in internal control systems. Appropriate training would also be given to managers on undertaking investigations into allegations of fraud and corruption and the policies and procedures to be applied in relation thereto.

4.3 Staff not availing themselves of such training and guidance are clearly at risk of breaching the Council’s rules and requirements. Ignorance of these rules and requirements will not be a defence in any resultant disciplinary proceedings.

4.4 The investigation of fraud and corruption centres on the Council’s Internal Audit Service. It is clear, therefore, that staff involved in this work should also be properly and regularly trained. The training plans of audit staff will reflect this requirement.
5. **CONCLUSION**

5.1 The Council has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments, in both preventative and detection techniques regarding fraudulent or corrupt activity.

5.2 Consequently, the Council maintains a continuous overview of these arrangements. In particular, Standing Orders and Financial Regulations, Codes of Conduct and other rules and audit arrangements are subject to regular review.

5.3 This Policy Statement will be subject to annual review to ensure its currency.

Assistant Chief Executive
WHISTLEBLOWING POLICY

April 2019
**Whistleblowing policy**

**What is whistleblowing?**

Whistleblowing is a way for employees of an organisation to raise reasonably and honestly, held concerns they may have about serious matters that could put Runnymede Borough Council (the Council), its employees and/or the wider public at risk. Whistleblowing usually involves bringing forward concerns that it is in the public interest to investigate and resolve. Examples are a criminal offence, fraud, miscarriage of justice, improper unauthorised use of public or other funds, the giving or taking of bribes, failure to comply with a legal obligation, financial malpractice, maladministration, misconduct or malpractice that might endanger individuals or the environment and includes deliberate concealment of any of the above.

This policy is to enable and encourage employees to raise concerns within the Council. It does not override workers’ legal rights to make a protected disclosure to certain prescribed persons or bodies under the Public Interest Disclosure Act 1998, as incorporated into the Employment Rights Act 1996.

This policy applies to temporary, casual and agency staff, work experience, apprentices and trainees as well as employees.

**What is the council’s approach to whistle-blowers?**

As a Council and as an employer we are committed to being honest and transparent.

We know that this is important if we want to develop and maintain relationships based on trust with our residents, customers and staff. Although we try our best to get things right, sometimes that does not work. Crime, fraud, neglect, and malpractice are damaging and serious matters that need to be addressed. If a member of staff suspects that one of their colleagues or a contractor is engaged in such practice, we would encourage them to voice their concerns at the earliest opportunity so that we can address them.

Whistle-blowers are protecting the community that the Council exists to serve, and we have a duty to protect employees who raise their concerns through this procedure.

**When to blow the whistle**

If you see something being done wrong, can you tackle it yourself, there and then? A firm, polite challenge is sometimes all that is needed.

It will often be appropriate to raise a concern with your line manager in the first instance. However, sometimes this will not be possible (for example, if you think your line manager may be involved in the issue). If, for whatever reason, you do not feel able to raise your concern through your line management, or if you have done so and no appropriate, action has been taken, we encourage you to blow the whistle.

Please do not hesitate to bring the matter forward to us at an early stage. You are not expected to conduct your own investigation or prove your concern. It is enough that you have a reasonable suspicion.

If you raise a concern in good faith but it is not confirmed by the investigation, no action will be taken against you.

**How to blow the whistle internally**

Staff should report any concerns to their Chief Officer or the Assistant Chief Executive or the Council’s internal auditor TIAA.
Each case will depend on the nature of the disclosure. One of these officers or TIAA will get in touch with you within ten working days of making a disclosure to acknowledge receipt of the concern and ask for more information about your concerns. You may be accompanied by your Trade Union representative at any meeting to discuss your disclosure, which can take place off-site if the circumstances warrant. They will then decide what action should be taken and inform you accordingly. It is often necessary to undertake an investigation. Investigations are undertaken by people who have the technical and professional skills relevant to each particular case. They should be independent, with no involvement in the matter of concern being raised.

Upon the Head of HR becoming aware of any matter which has the potential to be considered to breach the Anti-Fraud and Corruption Policy, they shall report the matter to the CE, ACE and Monitoring Officer immediately and the latter will determine the extent and timing of any necessary involvement in the matter by himself, in accordance with the Monitoring Officer Protocol. The Chief Executive, ACE and Monitoring Officer will then confer and decide;

i. How the matter will be investigated including the involvement of the Internal Auditor;

ii. Shall inform the Leader of the Council, Leader of the Minority Group(s) and Chairman of the Standards and Audit Committee on the actions proposed;

iii. Ensure that a report on the outcomes of any investigation will be reported to the next available meeting of the Standards and Audit Committee.

Alternatively, you may prefer to write outlining your concerns, in which case you should address your letter to your Chief Officer or the Assistant Chief Executive, Runnymede Borough Council, Civic Offices, Station Road, Addlestone, Surrey KT15 2AH or TIAA 53-55 Gosport Business Centre, Aerodrome Road, Gosport, Hampshire PO13 0FQ.

Confidentiality and the protection of whistle-blowers

People who raise concerns through the whistleblowing procedure are understandably sometimes concerned about their position, and wish to maintain confidentiality. We encourage people to let us know their names and contact details when they raise their concern, because it is often difficult to conduct an effective investigation without being able to discuss it fully with the person who first brought the issue forward. However, we understand that some individuals may not be comfortable with what is known as ‘open whistleblowing’, so we will offer the option of keeping your identity confidential unless we are required to disclose it by law, or unless we have your permission.

Confidentiality will be maintained as far as is possible. It is guaranteed at the point of making a protected disclosure and will be maintained throughout the investigation and hearings, other than where a disclosure of identity is needed due to cross-examination of the employee as a witness to any subsequent procedure.

The Public Interest Disclosure Act 1998 (PIDA) provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice. The PIDA makes it unlawful for the Council to dismiss anyone or allow them to be victimised or suffer other detrimental treatment on the basis that they have made an appropriate lawful disclosure in accordance with the PIDA.

Essentially, under PIDA, employees who act honestly and reasonably are given automatic protection for raising a matter internally. Protection is also available to people who report a disclosure to a ‘prescribed person/body’. Examples of such prescribed bodies are the Foods Standards Agency (FSA) and HM Revenue & Customs, with the full list being available on the gov.uk website.
PIDA covers all employees including temporary agency staff, people on training courses and self-employed staff who are working for and supervised by the Council.

We always seek to protect whistle-blowers from reprisals taken because of raising their concerns, provided that those concerns were raised in good faith and without malicious intent. Taking reprisals against an employee who has raised a concern in good faith is unacceptable, and will give rise to disciplinary proceedings if, following an investigation, there is evidence that there is a case to answer, in line with the Council’s Disciplinary Procedure. If you have raised a concern and feel at any stage subsequently that you are suffering as a result of doing so, please let the Corporate Head of Law and Governance know so that appropriate action can be taken.

Anonymous allegations

Confidentiality is not the same as anonymity. It is unlikely that we will be able to conduct a whistleblowing investigation from an anonymous source. Anonymity will often present a barrier to effective investigation because it is impossible to contact the whistle-blowers to check information received, ask for more details, or give feedback. We do not rule out the possibility of conducting such investigations, but in practice, we are unlikely to be able to proceed in the majority of such cases because off the practical difficulties that arise.

Whistleblowing and grievances

The whistleblowing procedure cannot be used as an alternative to the Council’s grievance or safeguarding policy and procedures. Whistleblowing usually has an element of public interest attached to it. Typically, the matter involved presents a risk to others, such as customers, taxpayers, or the environment. A concern about your own employment situation is more properly addressed by means of the Council’s grievance procedure.

You have told me you will investigate - what happens next?

Your Chief Officer, the Assistant Chief Executive or TIAA will decide who would be the most appropriate person to conduct an investigation. This might be a finance officer, an internal auditor or the investigation may require more specialised skills. It may occasionally be necessary to refer the matter straight to the police, in which case you will be notified and the matter will transfer to the police.

When an investigator has been appointed we will let you know who it is. They will then contact you to make sure they have all the information they need to do their investigation. After the investigation is complete, they will write a report that may contain recommendations. The report will go to the Assistant Chief Executive and the Corporate Head of Law and Governance, as well as to the appropriate Chief Officer, who will be responsible for taking any remedial action identified.

You will be told the outcome of the investigation in broad terms. If possible, we will provide you with a copy of the report. However, it may not always be possible to give details of the findings if that would involve breaching the rights of individuals afforded by the General Data Protection Regulation 2016 and Data Protection Act 2018, or for other significant reasons.

What if I wish to raise my concern outside the Council?

Public Concern at Work offers a free, confidential advice line which can give you access to advice on how to raise a concern safely and effectively.

The advice line can be contacted on 020 7404 6609 or by emailing helpline@pcaw.co.uk

The Council hope that you feel reassured that you can raise concerns safely by using this procedure, and that your concerns will be taken seriously. However, you do have the right to raise concerns externally if you feel that to be appropriate. The Council would always prefer you to raise your concerns, if necessary to an appropriate external regulator, rather than remain silent.
Below is a list of some of the prescribed people and bodies to whom you can make a disclosure and whose functions have particular relevance to the Council’s work:

<table>
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<tr>
<th>Regulator</th>
<th>Activities covered by the regulator</th>
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<tr>
<td><strong>The Certification Officer</strong></td>
<td>Fraud, and other irregularities, relating to the financial affairs of trade unions and employers’ associations.</td>
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<tr>
<td>22nd Floor Euston Tower 286 Euston Road London NW1 3JJ Tel: 020 7210 3734 Fax: 020 7210 3612 Email: <a href="mailto:info@certoffice.org">info@certoffice.org</a> <a href="http://www.certoffice.org">www.certoffice.org</a></td>
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<tr>
<th>The Commissioners for Her Majesty’s Revenue and Customs (HMRC)</th>
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<tr>
<td>HM Revenue and Customs PAYE &amp; Self Assessment PO Box 1970 Liverpool L75 1WX Tax helpline: 0300 200 3300</td>
<td>Value added tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods. Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.</td>
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<tr>
<td><a href="http://www.hmrc.gov.uk">www.hmrc.gov.uk</a></td>
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<th>SFO Confidential</th>
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<tr>
<td>Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS</td>
<td>SFO CONFIDENTIAL is a service for people wishing to give information about fraud or corruption. It is not intended for the victims of fraud. SFO CONFIDENTIAL is for people who want to tell us about serious or complex fraud or corruption on the understanding that we will not disclose their identity inappropriately. The SFO does not take reports of fraud over the telephone.</td>
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<td><a href="www.sfo.gov.uk">Provide information in confidence at the SFO confidential website</a></td>
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Regulator

The Environment Agency
National Customer Contact Centre
PO Box 54
Rotherham
S60 1BY

General enquiries: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

Food Standards Agency
Aviation House
125 Kingsway
London
WC2B 6NH

General Enquiries: 020 7276 8829
Food Fraud Hotline: 020 7276 8527
Email: helpline@foodstandards.gsi.gov.uk
www.food.gov.uk

Health and Safety Executive
4th Floor, The Pithay
All Saints Street
Bristol
BS1 2ND

Concerns Team Tel: 0300 0031647
Fax: 01179 262998
Out-of-hours duty officer:
0151 922 9235
Email: concerns@hse.gsi.gov.uk
www.hse.gov.uk

Activities covered by the regulator

Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout.

Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.

Matters that may affect the health or safety of any individual at work; matters that may affect the health or safety of any member of the public, arising out of or in connection with the activities of persons at work.

The type of circumstances where HSE may need to respond out of hours are:

- following a work-related death;
- following a serious incident where there have been multiple casualties;
- following an incident which has caused major disruption such as evacuation of people, closure of roads, large numbers of people going to hospital etc.
Regulator

Homes and Communities Agency (HCA)

Bristol
2 Rivergate
Temple Quay
Bristol
BS1 6EH

Tel: 0300 1234 500

Email: mail@homesandcommunities.co.uk

www.homesandcommunities.co.uk

Information Commissioner

Head office
Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 or 01625 545745

Fax: 01625 524510

www.ico.org.uk

BDO LLP

55 Baker Street
London
W1U 7EU

Tel: 020 7486 5888

www.bdo.co.uk

Activities covered by the regulator

The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.

Compliance with the requirements of legislation relating to data protection and to freedom of information*.

(*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information)

(*Freedom of information legislation provides for the disclosure by public authorities of the information that they hold).
The Council has approved a Code of Conduct for staff to apply to all members of staff. The Code of Conduct is primarily intended to give staff more detailed advice and guidance in what can sometimes be a difficult area for those of us working in the public service and is designed to protect your individual interests as much as the Council's.

The Code gives detailed advice and guidance in a number of specific areas as follows:

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You should read the attached copy of the Code - further copies are available from Human Resources. If in any doubt as to the meaning of any section, or its precise implications for you, you should seek clarification from your Corporate Head in the first instance. In particular, please note that you are now required to report to Chief Executive full details of:

a) personal relationships with contractors or potential contractors (Section 4 of the Code);

b) personal and/or financial interests which could bring about conflict with the Authority's interests, and membership of any external organisation requiring formal membership and commitment of allegiance and with secrecy about its rules or conduct (Section 7 of the Code);

c) management buy-outs (Section 9 of the Code)

d) hospitality received and offered (Section 12 of the Code);

e) potential benefit from or interest in sponsorship by the Authority (Section 13 of the Code);

f) personal interests in contracts (Section 16 of the Code);

g) direct and family interests in various matters by holders of Politically Restricted Posts (Section 19 of the Code).
A simple pro-forma for recording details of any of these relationships and interests is available from the Chief Executive’s secretary and should be completed as appropriate and forwarded to the CE as soon as possible. The information must be updated as and when circumstances change. Again, if there are any problems (e.g. the extent of detail required) please consult the CE. This information will be held confidentially but may be subject to access by others under Data Protection or Freedom of Information legislation.

The purpose of the Code and the Register is to avoid situations where a member of staff might be unfairly accused of having some potentially conflicting interest in anything he or she may be involved in through their work with the Council. However, as with any matters relating to conduct, a significant breach of the Code of Conduct could, in appropriate circumstances, be subject to the Council's Disciplinary Procedures. Equally, the Council's Grievance Procedure would apply if any member of staff is unhappy at the way the Code is applied in his or her case.

Copies of the Code of Conduct are always available for reference in Human Resources, and all staff should feel free to refer to the Code or to seek clarification on any point at any time or to seek a confidential meeting with the CE on any specific matter arising from the Code. If in doubt on any matter arising from the Code, then it will always be best to seek advice as soon as possible.
Staff should use this form to register with the Chief Executive details of any interest(s) they may have under Sections 4, 7, 9, 12, 13, 16 and 19 of the Code of Conduct for staff. Please note that if in any doubt, advice may be sought (in confidence if required) from the Chief Executive. This information will be held confidentially but may be subject to access by others under Data Protection or Freedom of Information legislation.

Name ................................................................................................

Post ................................................................................................

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The staff named below have registered interest(s) in Sections 4, 7, 9, 12, 13, 16 and 19 of the Code of Conduct as indicated. Details of each interest are held in the Register of Interest in alphabetical order of name. This information will be held confidentially but may be subject to access by others under Data Protection or Freedom of Information legislation.

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RUNNYMEDE BOROUGH COUNCIL

CODE OF CONDUCT

Introduction

The public is entitled to expect the highest standards of conduct from all staff who work for Runnymede Borough Council. Public confidence in staff's integrity would be shaken were the least suspicion, however ill-founded, to arise that they could in any way be influenced by improper motive. This Code outlines existing laws, regulations, standing orders, instructions and conditions of service and provides further guidance to assist and protect staff in their day-to-day work. The Code is produced in the light of the challenges that staff face in the new and more commercially orientated environment. This includes market testing, etc.

Unless stated otherwise failure to follow the various guidelines and requirements could, if proven, result in disciplinary action being taken. It is important, therefore, that staff familiarise themselves with the contents of this Code.

1. Standards

1.1 You are expected to give the highest possible standard of service to the public, and where it is part of your duties, to provide appropriate advice to Councillors and fellow staff with impartiality. You will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. You must report any impropriety or breach of procedure. Normally this would be to the Line Manager but in exceptional cases may be direct to the Corporate Director/Head or the Chief Executive.

2. Disclosure of Information

2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. You must be aware of which information is and is not open, and act accordingly.

2.2 The Council's practice is to make as much information available to the public as possible. In preparing committee reports, for example, items should not be made 'exempt', even though this might be technically possible, unless disclosure would prejudice the position of the Council, or the individual or organisation concerned. Whenever possible, such information should be restricted to an exempt appendix. Generally therefore you may release factual information unless

(i) it is (or is likely to be) the subject of an exempt report
(ii) it relates to the personal circumstances of a member of staff, or a member of the public or organisation, or
(iii) it is covered by restrictions under the General Data Protection Regulations 2016 and Data Protection Act 2018

Guidance can be obtained from the Corporate Head of Law and Governance.

2.3 Particular attention must be paid to requests for statements to the Press and other media. Only the Chief Executive, Corporate Heads, Communications Officer or other specifically authorised staff may make any sort of statement to the media. If information is given, although it may be factually correct, it may well be open to misinterpretation in the form in which it is published or broadcast.

2.4 Personal data relating to staff or Councillors must be held in accordance with the Access to Personal Data Protocol (Human Resources Policies & Procedures and in Part 5 of the Constitution) and not passed on to unauthorised persons.
2.5 You must not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.

3. **Political Neutrality**

3.1 You serve the Authority as a whole. It follows you must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected. The Council’s Member/Officer Protocol should be consulted for fuller information. (Human Resources Policies & Procedures and also contained in Part 5 of the Constitution)

3.2 Members should not request staff to attend political or party meetings, except in cases where it is clearly understood that staff will be asked to explain or advise on some statutory requirement or some other matter relating to the work or obligation of the Council as a whole. In such cases the impartiality of the staff should be respected, and it should be recognised that the member of staff is under an obligation to provide similar information and advice to Members of other political Groups if so requested or so minded. Staff can insist on any safeguards necessary to ensure that their political neutrality in Council matters is not put at risk and that their role is not misunderstood. They may seek the advice of the Chief Executive if in any doubt.

3.3 Whether or not politically restricted, you must follow every lawful expressed policy of the Authority and must not allow your own personal or political opinions to interfere with your work.

3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

4. **Relationships**

4.1 **Councillors**
You are responsible to the Authority through its Senior Managers. For some, your role is to give advice to Councillors and Senior Managers and all are there to carry out the Authority's work. Mutual respect between staff and Councillors is essential to good local government. Close personal familiarity between staff and individual Councillors can damage the relationship and prove embarrassing to other staff and Councillors and should therefore be avoided. The Council’s Member/Officer Protocol should be consulted for fuller information. (Human Resources Policies & Procedures and Part 5 of the Constitution)

4.2 **The Local Community and Service Users**
You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

4.3 **Contractors**
All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the Chief Executive. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour shall be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community shall be discriminated against.

4.4 If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you must declare that relationship to the Chief Executive.

4.5 **Attendance at Outside Functions**
As a general rule it is important that the profile of the Council is well represented both within the community and in the various regional and professional bodies that exist in the public sector. Support of voluntary groups is encouraged by attending AGMs, gatherings, social or other. The important criterion here is to ensure that support is seen to be broadly based and we do not obviously favour one organisation more than another. It makes sense that you avoid being compromised in discussion that
may, for example, relate to a potential client's application, assistance in kind or the provision of information gleaned whilst working at Runnymede which may be of a sensitive nature.

5. **Appointments and Other Employment Matters**

5.1 If you are involved in appointments you must ensure that these are made on the basis of merit. It would be unlawful to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, you must not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.

5.2 Similarly, you must not be involved in decisions relating to discipline promotion or pay adjustments for any other member of staff who is a relative, partner, etc. Where appropriate, cases involving a personal relationship must be referred to the Corporate Head or, if involving the Corporate Head, the Chief Executive.

5.3 It is not acceptable or appropriate for Council officers at any level to lobby Elected Members on personal employment issues. If an employee has issues or concerns over any personal employment matter they need to raise it in the first instance with their line manager who will attempt to resolve the matter. If the employee is dissatisfied with the outcome of their discussions with their line manager, they may approach their Trade union representative or Human Resources. If informal methods have not resulted in a satisfactory resolution to their issue/s, they have the right to raise a grievance if they wish. If Members are ever approached by a council Officer at any level over a personal employment issue they should refer the employee to their line manager to deal with the issue concerned.

6. **Outside Interests**

6.1 If you are graded in accordance with management scales you must not engage in any other business or take up any additional appointment without the consent in writing of the Chief Executive.

6.2 You must not engage in an activity or paid employment which is in potential conflict with the Council's interests. For example you must not prepare plans for planning or building control purposes in respect of any property in the Borough other than your principal residence.

6.3 You must not become involved in the processing or consideration of any matter in which you have a personal interest. For example you must not take any part in the processing or consideration of grant applications in which you have a personal interest.

7. **Personal Interests**

7.1 You must declare to the Chief Executive any non-financial interests that you consider could bring about conflict with the Authority's interests.

7.2 You must declare to the Chief Executive any financial interests which could conflict with the Authority's interests.

7.3 You must declare to the Chief Executive membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

8. **Equality Issues**

8.1 You must ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All members of the local community, customers and other staff have a right to be treated with fairness and equality.

9. **Separation of Roles During Tendering**

9.1 If you are involved in the tendering process and dealing with contractors you must be clear on the separation of client and contractor roles within the Authority where an in house bid is involved. If you are
a senior member of staff who has both a client and contractor responsibility you must be aware of the need for accountability and openness.

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

9.3 If you are privy to confidential information on tenders or costs for either internal or external contractors you must not disclose that information to any unauthorised party or organisation.

9.4 If you are contemplating a management buyout you must, as soon as you have formed a definite intent, inform the Chief Executive and withdraw from the contract awarding processes.

9.5 You must ensure that no special favour is shown to current or recent former staff or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. **Fraud and Corruption**

10.1 You must be aware that it is a serious criminal offence to request, agree to receive, or accept a financial or other advantage in return for improperly performing a function or activity, whether by yourself or someone else, or improperly performing a function or activity (or arrange for this) in expectation of reward. Note that receiving or soliciting a gift from anyone other than your employer in return for doing your job could well be construed as improper, but even for other cases, please note the guidance on gifts and hospitality referred to in paragraph 12 below. Please also ensure you are familiar with the Council's Anti-Fraud and Corruption Policy which can be found in the Constitution on the Intranet.

11. **Use of Financial Resources**

11.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner. You should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

12. **Gifts and Hospitality**

12.1 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Local Authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They must be properly authorised and recorded in a register maintained by the Chief Executive.

12.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

12.3 You must not accept significant personal gifts exceeding £25 in value from contractors and outside suppliers, although you may keep insignificant items of token value such as pens, diaries, etc.

12.4 It is recognised that staff often find themselves in a difficult position when a gift is proffered as a genuine expression on the part of a client, Council Tax payer or contractor to mark any exemplary or especially helpful piece of behaviour. These will often be in the form of flowers, chocolates, wine, etc. The safest advice in these circumstances is to indicate that the Council's policy prevents you from accepting. If the party concerned is anxious to press the gift then it can be accepted but passed to the relevant Corporate Head for distributing to one of the local charities, day centres or hospitals with a letter to the giver confirming our gratitude and the action taken. Such a letter should go from the Corporate Head rather than the recipient of the gift themself.

12.5 All other gifts regardless of source must be declined save where an exchange of gifts may take place with visiting groups typically from other Local Authorities or City Governments from abroad. Should they however be left in the premises or delivered to your home address, it is clearly necessary that the Corporate Head/Chief Executive be advised at the earliest practicable date to determine what action should be taken.
12.6 When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

12.7 Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, you must ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

12.8 A modest lunch taken in the context of a business meeting is acceptable, a test of reasonableness being whether or not the arrangements would be acceptable if the Council were hosting the meal. A careful watch on the cost per head and venue chosen is always wise and as a reasonable guide caution should be exercised where the price for a meal is likely to exceed £40 per head. Entertainment outside the context of the business day, for example invitations to sporting events or leisure activities, would not be acceptable.

12.9 Whilst individual Chief Officers and their Business Centres do not have specific hospitality budgets there is a public relations and promotions budget which can support reciprocation providing always that beneficial business or dialogue on the part of the Authority is being transacted. A hospitality register is held by the Chief Executive in which the following details of hospitality offered and received must be entered:-

- names of those providing and receiving hospitality and their company
- details of hospitality, estimated value, time and location
- nature of the discussion
- details of any "permission" or work the other party is interested in securing
- approval of the Chief Executive (or in the event that the Chief Executive is in receipt of hospitality the Corporate Head of Law and Governance or Assistant Chief Executive). For urgent matters, the Corporate Head of Law and Governance or Assistant Chief Executive may act in the absence of the Chief Executive.

12.10 It should be remembered that reciprocation is one of the best methods to neutralise any potential compromise where hospitality has been extended by an outside organisation.

12.11 No employee shall deliberately solicit any cash or gift at any time, including over the Christmas period; or deliberately reduce or deny any service normally provided by the Council as a result of not receiving a token of appreciation.

13. **Sponsorship - Giving and Receiving**

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Runnymede Borough Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the Authority wishes to sponsor an event or service neither you nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Chief Executive of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, you must ensure that impartial advice is given and that there is no conflict of interest involved.

13.3 Any individual sponsorship received by a member of staff, for example sports sponsorship, must be treated as a declarable interest and notified to the Council.

14. **Conference Attendance**

14.1 The attendance at conference or other seminars, summer schools or similar gatherings greater than a day in duration is at least in part covered by Human Resources Policies and Procedures Handbook. All attendances at such gatherings greater than a day should be approved by the appropriate Corporate
Head or Chief Executive and be demonstrably beneficial to the Authority or to your training and development or profession.

14.2 Sensitivity must always be exercised. Attendance should seldom require more than one representative of the Authority who should be responsible for preparing a brief of the important/useful issues discussed or make the full set of papers and other publications provided available within the organisation. As good practice, the expenses and fees associated with such attendance must be countersigned by the Chief Executive or should it be him then by the Monitoring Officer or Chief Finance Officer. For urgent matters, the Corporate Director/Head may act in the absence of the Chief Executive.

15. **Use of the Council's Materials, Equipment or Resources**

15.1 It is important that a relationship of trust exists between the Council and its staff. The Council's property and resources are provided in respect of its work. No improper use shall be made of any of its facilities such as vehicles, equipment, stationery or secretarial services. Only in the most exceptional circumstances will the Chief Executive, or relevant Corporate Director/Head grant approval for Council facilities to be used for any purpose other than on Council business. It is recognised, however, that on occasions you might need to have access to a telephone, fax machine or photocopier for personal use. Provided that such use is minimal and that the Council is reimbursed costs on the forms provided, you may use these facilities.

16. **Interest of Staff in Contracts and Other Matters**

(Extract from Standing Orders)

16.1 If you know that you have a "disclosable pecuniary interest" in any contract or other matter, other than:

a) your contract of employment with the Authority, or  
b) the tenancy of any dwelling provided by the Authority

you must give written notice of the fact to the Chief Executive as soon as possible. This duty is in addition to any duty under Section 117 of the 1972 Act or other provisions.

16.2 For the purposes of this Standing Order, a "disclosable pecuniary interest" is an interest which would require disclosure under the Member Code of Conduct if you were a Member of the Council.

16.3 The Chief Executive must register any notice given by you under Section 117 of the 1972 Act or paragraph 39.1. This book must be available for inspection by any member of the Council during office hours.

16.4 Wherever possible, you must avoid personal involvement in a matter in which you have declared an interest either by statute or under this Standing Order. If this is not practicable, you must mention in any report on the matter you have made such a declaration and give brief details of it, in a separate paragraph at the commencement of the report. If you are advising a meeting orally you must mention your declaration orally.

17. **Financial Regulations and Standing Orders Relating to Contracts**

17.1 Standard procedures have been agreed which govern the Council's financial matters and detail arrangements for handling money.

17.2 Likewise Standing Orders detail the procedures to be followed in awarding contracts for work or services.

17.3 If your work involves the handling of money or awarding of contracts you must familiarise yourself with the requirements of the Council's Financial Regulations and appropriate Standing Orders. Guidance notes are also available to help in understanding. Failure to follow the correct procedures will be treated as a serious matter.

18. **Politically Restricted Posts - Restrictions on Political Activity**

18.1 The Local Government Officers (Political Restrictions) Regulations 1990 place political activity restrictions on Local Government staff who hold politically restricted posts. The Local Democracy,
Economic Development and Construction Act 2009 updated the definition of politically restricted posts to ‘specified posts’ or ‘sensitive posts’.

18.2 In general terms in Runnymede, politically restricted posts are those at Chief Officer level or those who report directly to a Chief Officer, posts with functions delegated to them under the Scheme of Delegation, those who advise Committees and those who regularly brief journalists or newscasters.

18.3 Further information on the political restrictions and posts affected are available in the Human Resources Office.

19. **Politically Restricted Posts - Declaration of Personal Interests**

19.1 A register is maintained by the Chief Executive. If you hold a politically restricted post you should detail in the register direct and family interests in shares, bonds, unit trusts and similar securities (but not savings), above the level of £5,000 for each company or 1% of the share capital whichever is the smaller. Any personal interest in property or other assets within the Borough, personal or family connections with those known to do business with the Authority, and membership of professional, voluntary, charitable, or other organisations and bodies either of a national or local nature should also be noted. For this purpose “family” includes spouse, civil partner and children or other persons normally residing with you.

19.2 This provision is issued as guidance and therefore failure to comply is not in itself a disciplinary matter. However, failure identified as part of other supervisory or disciplinary procedures would weigh in terms of the actions proposed by the Authority.

P & R 31/1/95, 28/6/95

20. **Wills and Legacies**

20.1 Members of the public, particularly those in receipt of services for older people, might, from time to time, name a member of staff as a beneficiary in their Will as a mark of appreciation for services provided during their lifetime. If staff become aware of such an intention, the individual must be firmly but courteously informed that staff are not permitted to receive such gifts. If the member of staff only becomes aware of the legacy following the death of the member of the public then the Executor of the deceased’s Estate must be informed firmly but courteously that staff are not permitted to accept such gifts. A legacy from a member of the public shall not be accepted by staff when their relationship has arisen or developed through contact only in an official capacity as a member of staff of this Council.

20.2 In a community such as the Borough of Runnymede, where many staff live within the Borough, it is possible that staff might have a pre-existing relationship with a member of the public prior to taking up a post with the Council. Where a member of staff is named as a beneficiary in the Will of a member of the public whom they have served but the staff member can show there was a pre-existing relationship between them and the member of the public prior to their appointment to the Council’s service the legacy may be retained by the member of staff. However, it would be advisable for staff in these situations to declare to the Chief Executive the fact that they are a named beneficiary in the Will of a member of the public whom they are serving/have served as soon as possible.

20.3 Unless a pre-existing relationship has existed, staff are advised not to accept an appointment of Executor or Administrator in respect of a member of the public whom they are serving/have served. Individuals requesting such assistance should be directed to the Citizens Advice Bureau or Age UK for advice.

Corporate Management 30/5/02 and 3/3/11
POLICY FOR USE OF INFORMATION & COMMUNICATIONS TECHNOLOGY BY STAFF

April 2013
Minor changes April 2015, April 2016, April 2018 and April 2019
GENERAL SUMMARY

This policy sets out the terms on which staff use the Council’s information and communications technology. The key points are:

- Sensible, lawful, and proper use is required (section 2; see also section 6)

- There are guidelines for accurate and responsible use of the e-mail system with messages properly filed so that you and colleagues can retrieve them (section 3)

- Occasional private use of the e-mail system is acceptable provided that it conforms to strict conditions and is undertaken as far as possible in your own time (section 3.3).

- The internet is to be used for business purposes only while you are “clocked in”, and certain sites and activities are banned under any circumstances (sections 4 and 6).

- Guidance is given about the correct style of phone calls, and the keeping of proper notes. Occasional personal calls are allowed provided that conditions are observed, they are undertaken as far as possible in your own time, and the Council reserves the right to charge. Usage will be monitored. (section 5).

- Important instructions are given about keeping systems and information secure – in particular concerning the use and protection of passwords and confidential documents, the use of encryption, and the use of hardware and software not belonging to the Council (section 7).

- Guidance is also given about precautions you should take when working away from the Council’s offices, to safeguard your equipment and your information (section 8)

- Staff who have their own blogs, websites etc. outside of their employment need to ensure certain standards consistent with their obligations to the Council and their colleagues and do not bring the Council into disrepute.

- The Council may keep records of e-mails, internet usage and phone calls for business purposes. There are provisions to protect personal data and union communications. Total security for personal information cannot be guaranteed, but a high level of protection from intrusion can be provided if staff observe the conditions set out in the policy (section 10)

- The policy outlines requirements for the handling of personal data (section 11).
Although the document is lengthy, you should read it as it contains important instructions and warnings. If in doubt about how it applies to you, you should ask your manager, the Corporate Head of Customer, Collection and Digital Services, or the Corporate Head of Law and Governance.
1. **INTRODUCTION**

1.1 Runnymede Borough Council’s communications facilities are provided for the purposes of the Council’s business. Some limited and responsible personal use is permitted. All use of the Council’s communications facilities is governed by the terms of this policy.

1.2 Communication is essential for the conduct of the Council’s business. The Council values your ability to communicate with colleagues, members of the public, and business contacts, and invests substantially in information technology and communications systems which enable staff to work more efficiently. It trusts you to use them responsibly.

1.3 This policy applies to all staff who use the Council’s communications facilities, whether full-time, part-time or fixed-term employees, trainees, contract staff, temporary staff, agency or home workers. If it is not followed, then use of the facilities may be curtailed or withdrawn. Any breach of this policy might lead to disciplinary action being taken against you and serious breaches may amount to gross misconduct leading to summary dismissal.

1.4 Although the detailed provisions of the policy deal with e-mail, internet, and telephone facilities, the underlying general principles also apply to fax machines, text messaging (SMS), copiers and scanners. Please note the provisions regarding personal use of the Council’s communications facilities at items 3.3, 4.3 to 4.4, 9.4 and 9.5, and 10.5.

1.5 The procedures and policies outlined in this policy, and in any related policy, may be reviewed or changed at any time. The Council will aim to review it as a matter of course when it has run for one year. You will be alerted to important changes, and updates will be published on the Council’s intranet.

1.6 Please read this policy carefully. If there is anything in it that you do not understand, please discuss it with your line manager.

2. **GENERAL PRINCIPLES**

2.1 You must use the Council’s information and communications technology and facilities sensibly, lawfully, and consistently with your duties, with respect for your colleagues and for Runnymede Borough Council, and in accordance with this policy and the Council’s other rules and procedures.

2.2 All personal information, paper-based or electronic, relating to members of the public and fellow-workers must be treated as confidential, unless it can lawfully be disclosed and the appropriate procedures are followed. The same applies to information relating to contract terms with third parties.

2.3 You should also be aware that downloading, uploading, copying, possessing, processing or sending on material received from third parties – by e-mail, over the internet, or in hard copy – may be an infringement of copyright or of other intellectual property rights, and that the Council as well as yourself could be liable for your actions.
2.4 Statements in an e-mail or similar communication may bind you and/or Runnymede Borough Council, and can be produced in court in the same way as other kinds of written statement.

2.5 The internet and e-mail are easy and informal ways of sending and receiving information, but this means that it is also easy to send out ill-considered statements. All messages (internal or external) sent by e-mail or via the internet should demonstrate the same professionalism as should be applied to a memo, letter or fax.

2.6 Messages sent electronically could be subject to disciplinary or legal action in the same way as other forms of communication. Examples of unlawful or unacceptable use would include pornography, material which is discriminatory (on the grounds of a person's sex, race, disability, age, sexual orientation, religion or belief), or defamation. They would also include material that is intended, or could be seen, as bullying or harassment. If you are in doubt about what is appropriate in a particular situation, take advice from your line manager.

3. USE OF E-MAIL

3.1 Generally

3.1.1 If the Council has introduced a disclaimer or warning message to be incorporated in, or appended to, e-mails in all or particular situations, always use it in those situations and do not amend it.

3.1.2 Do not amend any messages received.

3.1.3 Except where specifically authorised by the other person or under this policy, do not access any other person's in-box or other e-mail folders.

3.1.4 Do not send any e-mail purporting to come from another person.

3.1.5 If you circulate an e-mail to a list of external contacts, it may breach the Data Protection Act if it reveals recipients' private e-mail addresses to each other. Circular e-mails can also breach duties of confidentiality (e.g. in the case of internal e-mails to all members of a staff benefit scheme).

In these cases consider using the 'Bcc' (blind carbon copy) facility to send an e-mail to more than one recipient. (This also avoids lengthy lists of names appearing on everybody's copy) If in doubt, seek advice from your line manager.
3.2 Business use

3.2.1 If you have a reference number for the matter in question, include it in the heading of the e-mail.

3.2.2 Do not just assume that an important e-mail has been received and read. Ask for an acknowledgement and if none arrives after a suitable interval, check.

3.2.3 Consider whether e-mail is the best method of communication. Take legal advice if unsure. Similarly avoid getting caught in lengthy e-mail exchanges when a conversation would be faster and better understood.

3.2.4 File your e-mails in such a way that they can be traced again without complicated search procedures. This can be by placing a hard copy on the paper file for the matter (where applicable), or by saving each e-mail (other than trivial or transient communications) in a suitable electronic folder. Alternatively ensure that all emails include unique or unambiguous terms in their subject line or within their text so that they can be easily retrieved using the search engine in the archive.

3.2.5 In light of the security risks inherent in some web-based e-mail accounts, you must not e-mail confidential or sensitive documents to a contact’s web-based account unless you have the contact’s express written permission to do so and you and your line manager are satisfied that this is acceptable from the Council’s point of view.

3.2.6 The use of personal CDs and memory sticks is discouraged but if they are used the data contained on them must be encrypted and they be virus checked before use.

3.2.7 Staff have the option to choose whether or not to encrypt emails by using ‘Egress’.

3.3 Personal and union use

3.3.1 Although Runnymede Borough Council’s e-mail facilities are provided for the purposes of its business, the Council allows you to use them occasionally for personal matters. This is on the condition that the procedures and rules set out in this policy are complied with (see especially 3.3.2 and 3.3.3, but all the rules of this policy will apply). Be aware that if you choose to make use of the Council’s facilities for personal correspondence, your privacy cannot be guaranteed because the Council stores and may retrieve communications for the reasons given in section 10.

3.3.2 The Council also supports the use of its e-mail facilities for legitimate Unison branch business, and will co-operate with branch officials in protecting the confidentiality of such e-mails to the same extent as is possible under this policy for personal e-mails.
You will greatly increase the privacy of any personal or Unison e-mail by complying with the procedures set out in 3.3.4 and 3.3.5 below.

3.3.3 Under no circumstances may the Council’s facilities be used in connection with the operation or management of any business other than that of Runnymede Borough Council (and the local branch of Unison).

3.3.4 All personal e-mail you send from the Council’s facilities must be marked PERSONAL in the subject heading, and all personal e-mail sent or received must be filed in a separate electronic folder marked "Personal" should you wish to retain it. Contact the ICT Helpdesk if you need guidance on how to set up and use folders. All e-mails contained in folders other than Personal or which do not include "PERSONAL" in the heading may be treated as business communications for the purposes of retrieval (see section 10).

3.3.5 Note: e-mails which are stored in the central archive (see 3.3.6 below) are not kept in your folders (although they continue to show in folders when accessed via your e-mail account), so staff authorised to search the central server will not know that you have placed them in a personal folder. To protect e-mails when archived, therefore, it is essential that you also mark them "PERSONAL" in the heading, unless you delete them before they are centrally archived.

You must ensure that your personal e-mail use:

(a) does not interfere with the performance of your duties;

(b) does not take priority over your work responsibilities;

(c) does not have an impact on the performance of the Council’s network or of your PC.

(d) is minimal and wherever practicable takes place outside of working hours (i.e. while you are logged out of the Flexitime system);

(e) does not cause unwarranted expense or liability to be incurred by Runnymede Borough Council;

(f) could not, if known, bring the Council into disrepute or have any other negative impact on Runnymede Borough Council; and

(g) is lawful and complies with this policy.

3.3.6 You can delete personal e-mails from your folders, but a backup copy of your e-mails is taken every night and after one month all e-mails are transferred to a central archive where they may be retained indefinitely, subject to any future destruction exercise under the Data
Protection Act (GDPR and Data Protection Act 2018 post May 2018). The one month period before archiving will be reviewed from time to time and staff will be advised of any change.

3.3.7 By making personal use of the Council’s facilities for sending and receiving e-mail you signify your agreement to observe the conditions imposed for their use, and your consent to Runnymede Borough Council retaining copies of your personal e-mail which may be accessed in accordance with item 10 of this policy.

3.3.8 Do not use the Council’s e-mail facilities for mass circulation of jokes or funny stories, hoaxes, or for chain letters or similar compositions.

3.3.9 A global default policy will be set that all items in the deleted items folder are removed from that folder on exit from Outlook. That is, deleted items will be emptied when Outlook shuts down.

3.3.10 The local Unison branch and its members may use the word “PERSONAL” for union business, or may use “Unison” folders and “UNISON” in the headings. Whatever is said in this policy about the confidentiality and protection of e-mails marked or filed as “personal” also applies to those marked or filed as “Unison”.

4. **USE OF INTERNET AND INTRANET**

4.1 The Council trusts you to use the internet sensibly. Bear in mind at all times that, when visiting a website, information identifying your PC may be logged. Therefore any activity you engage in via the internet may affect Runnymede Borough Council.

4.2 You may use the internet for personal tasks only whilst logged out of the Flexitime system, and otherwise subject to the rules which apply to personal e-mail use in item 3.3 of this policy. You must not download additional software onto your PC for private use, or without authority for business use.

4.3 Access to certain websites is blocked.

In your use of the internet for any purpose you must not:

4.3.1 Introduce or try packet-sniffing or password-detecting software;

4.3.2 try to access parts of Runnymede Borough Council’s network for which you are not authorised;

4.3.3 access or try to access data which you are not authorised to view;

4.3.4 intentionally or recklessly introduce any form of spyware, computer virus or other potentially malicious software.
4.3.5 carry out any hacking activities;

4.3.6 use the Council’s systems to participate in any internet chat room, or post messages on non-business message boards or blogs, unless expressly permitted in writing to do so by your line manager for business reasons.

4.3.7 Load or use Outlook Express or Outlook to access personal external e-mails and access to personal e-mails must be web-based.

4.4 Breach of items 4.4.1 to 4.4.3 (inclusive) above would not only contravene the terms of this policy but could in some circumstances amount to the commission of an offence under the Computer Misuse Act 1990, which creates the following offences:

4.4.1 unauthorised access to computer material (hacking);

4.4.2 unauthorised modification of computer material; and

4.4.3 unauthorised access with intent to commit or facilitate the commission of further offences.

5. USE OF TELEPHONES

5.1 It is important that you are clear and courteous in dealing with colleagues, contacts, and members of the public on the telephone.

5.2 When answering an incoming call, first say “Good morning” or “Good afternoon”, and then give your name or the section’s name (as directed by your line manager). Callers need the initial greeting to “tune in” to the fact that someone has answered, and then need to know if they are speaking to the person they expected. It is unnecessary to give a longer greeting.

5.3 When using the telephone to answer a letter or e-mail you have received, you should at a minimum keep a note of the conversation on the relevant paper or electronic file. The same applies to any conversation that you may wish to recall later. You should confirm the conversation by writing to the other party if it may be important to rely on it.

5.4 Equally, remember that your words may be noted and relied on by the other party. The informality of a phone call can make this easy to forget. Take care to give accurate information. It is easy to be drawn into assurances and promises. Only promise action you can be sure of achieving.

5.5 If you need to make a call which is especially confidential (e.g. if you need to discuss particularly private circumstances with a service user) and you are concerned about being recorded or overheard, you should discuss with your manager whether special arrangements should be made for the call.
5.6 Personal Calls

If you have no reasonable alternative, you may use the Council’s telephone system to make or receive personal calls on the following conditions:

You must reimburse the cost to the Council.

You must ensure that your personal phone calls (whether made on the Council’s equipment or not):

(a) do not interfere with the performance of your duties;

(b) do not take priority over your work responsibilities;

(c) are minimal and wherever practicable occur outside of working hours (i.e. while you are logged out of the Flexitime system);

(d) do not cause unwarranted expense or liability to be incurred by Runnymede Borough Council;

(e) do not have a negative impact on Runnymede Borough Council in any way.

5.7 Union business

The Council acknowledges the right of its staff to belong to a recognised trade union and acknowledges that local union members and officials will sometimes need to conduct confidential phone conversations. It will make its phone system available free of charge in work time for reasonable union business and will seek to ensure that inadvertent monitoring of such calls does not occur, by the means set out in 10.3 below.

6. MISUSE OF RUNNYMEDE BOROUGH COUNCIL’S FACILITIES AND SYSTEMS

6.1 Misuse of Runnymede Borough Council’s facilities and systems, including its telephone, e-mail, fax, SMS and internet systems, in breach of this policy will be treated seriously and dealt with in accordance with the Council’s disciplinary procedure. In particular, viewing, accessing, transmitting, posting, downloading or uploading any of the following material via any of Runnymede Borough Council’s facilities may amount to gross misconduct and lead to summary dismissal (this list is not exhaustive):

6.1.1 pornographic, paedophilic, offensive, obscene, criminal, racist or terrorist material

6.1.2 material which is likely to bring the Council or any of its staff or contacts into disrepute;

6.1.3 material which is defamatory of any person or organisation;

6.1.4 material which is fraudulent;

6.1.5 material which harasses or bullies the recipient;
6.1.6 material in breach of copyright and/or other intellectual property rights;

6.1.7 online gambling.

If Runnymede Borough Council has evidence of such misuse, it may undertake a more detailed investigation in accordance with its disciplinary procedures.

7. SYSTEM SECURITY

7.1 The Council must keep its ICT systems secure. It owes a duty to its contacts to keep their business and personal information confidential. If the Council needs to rely in court on any information which has been stored or processed using its ICT systems, it is essential that it can demonstrate the integrity of those systems. Every time you use the system you take responsibility for the security implications of what you are doing, so far as this lies in your control.

7.2 Keep all confidential information secure, use it only for the purposes intended, and do not disclose it to any unauthorised third party.

7.3 Keep your system passwords safe. Do not disclose them to anyone and do not write them down where they can be identified. Do not ask for other peoples’ passwords. Those who have a legitimate reason to access other users’ inboxes must not be given the other users password but must apply to the ICT Helpdesk, through their Corporate Head or Chief Executive in writing, to be given time limited permission to have such access. The ICT helpdesk will provide guidance on how to do this. If you believe that anyone may know your password, change it immediately.

7.4 If a document or file is highly confidential or sensitive you should have it encrypted. Instructions on how this is done can be obtained from the ICT Helpdesk.

7.5 Copies of confidential information should be printed out only as necessary, and stored or destroyed in an appropriate manner.

7.6 You must not download or install, or try to install, software from external sources without authorisation from the IT Section.

7.7 No external device or equipment should be run on or connected to Runnymede Borough Council’s systems without permission from the IT Section. This includes CDs, DVDs, and memory sticks, and the synchronising of smartphones, PDAs, digital cameras etc.

7.8 Although a firewall and anti-virus software are installed, you should always exercise caution when opening e-mails from unknown external sources or where, for any reason, an e-mail appears suspicious. If in doubt, contact the ICT Helpdesk.
8. WORKING REMOTELY

8.1 This part of the policy applies to your use of the Council’s systems, to your use of the Council’s laptops, and also to your use of your own or other computer equipment whenever you are working on the Council’s business away from the Council’s premises (“working remotely”).

When you are working remotely you must:

8.1.1 position yourself so that confidential work cannot be seen by any other person;

8.1.2 take reasonable precautions to safeguard the Council’s equipment, and keep your passwords secret;

8.1.3 inform the police, the IT Section, and the Council’s Insurance Officer as soon as possible if either a Runnymede Borough Council laptop in your possession, or any computer equipment on which you do the Council’s work, has been lost or stolen, even if this is personal IT equipment;

8.1.4 ensure that any work which you do remotely is saved on the Council’s system as soon as reasonably practicable; and

8.1.5 ensure confidential destruction of confidential hard copy material.

8.2 Mobile phones and similar hand-held devices are easily lost or stolen so you must password-protect access to any such devices used by you if they are used to store any personal data of which Runnymede Borough Council is a data controller, or confidential information relating to the Council’s business or contacts. You should be familiar with the mobile device policy.

9. PERSONAL BLOGS AND WEBSITES

9.1 This part of the policy applies to content that you publish on the internet (e.g. your contributions to blogs, message boards and social networking or content-sharing sites) even though created, updated, modified or contributed to outside of working hours or when using personal IT systems.

9.2 The Council recognises that in your own time you may wish to publish content on the internet. For the avoidance of doubt, such activities on a personal basis are expressly prohibited during work time or using Runnymede Borough Council’s systems (see section 4).

9.3 If you post any content to the internet, written, vocal or visual, which could identify you as an employee of Runnymede Borough Council, and/or you discuss anything related to the Council or its business, contacts, Members or staff, the Council expects you to conduct yourself in a manner which is consistent with your contract of employment and with the Council’s policies and procedures. Note that simply revealing your name or a visual image of yourself could be sufficient to identify you as an
individual who works for Runnymede Borough Council.

9.4 The following matters may be treated as gross misconduct leading to summary dismissal (this list is not exhaustive):

9.4.1 Revealing confidential information about Runnymede Borough Council in a personal online posting. This might include information relating to Runnymede Borough Council’s contacts, business plans, policies, Members, staff, confidential financial information, or confidential discussions. Consult your manager if you are unclear about what might be confidential.

9.4.2 Defaming the Council’s contacts, Members, or staff in any forum (including any website). You should respect the privacy and feelings of others at all times. If you have a complaint to make about a colleague or workplace matter, the correct action is to raise a grievance using the Council’s grievance procedure, or in appropriate cases, the Anti-Fraud and Corruption Policy (the “whistleblowing policy”).

9.4.3 Accessing or updating a personal blog, social networking sites such as Facebook, MySpace or Bebo, gaming sites, or virtual worlds such as Second Life, during work time.

9.5 If you think that something on a blog or a website could give rise to a conflict of interest or affects issues of impartiality or confidentiality required by your role then you should discuss this with your line manager, the Monitoring Officer, or the Chief Executive.

9.6 If someone from the media or press contacts you about your online publications that relate to Runnymede Borough Council you should talk to your line manager and the Council’s Communications and Marketing Manager before responding.

9.7 Online publications which do not identify the author as a member of Runnymede Borough Council staff, do not mention Runnymede Borough Council, and are purely concerned with personal matters will normally be outside the scope of this policy.

9.8 You must not in your personal capacity, for whatever motive, acquire domain names or create websites which might be confused with official Runnymede Borough Council facilities, or the names of which could be associated with the Council or with services run specifically by Runnymede Borough Council.

10. MONITORING OF COMMUNICATIONS BY RUNNYMEDE BOROUGH COUNCIL

10.1 Runnymede Borough Council is ultimately responsible for all business communications but will, so far as possible and appropriate, respect your privacy and autonomy while working. The Council may monitor your business communications for reasons which include:

10.1.1 verifying what has been said;
10.1.2 protecting staff against false accusations;

10.1.3 assisting the Council in complying with its obligations under the Freedom of Information Act by providing a searchable central reference source, particularly of e-mails.

10.1.4 assisting to ensure that the Council’s internet connection is being used for business purposes during working hours.

10.1.5 assisting to ensure that illegal or inappropriate sites are not being viewed at any time (in order to protect both the Council and your colleagues).

10.1.6 verifying standards and compliance with Council policy, and for staff training;

10.1.7 maintaining the effective operation of the Council’s communications systems.

10.2 Runnymede Borough Council will store data from use of its communications systems for the purposes specified at para 10.1 as follows:

10.2.1 For e-mails: sender, receiver, subject line; date and time, content, and attachments.

10.2.2 For internet usage: domain names of websites visited, times and duration of visits, and files downloaded from the internet.

10.2.3 For external telephone calls (inwards or outwards): numbers called or calling, and duration of calls, and at the Council’s discretion, voice recording (this may be for any extension but may be concentrated on sections where staff are known to be at risk of abuse or where there may be dispute as to what has been said. Internal calls will not be recorded);

These arrangements will catch both business and personal traffic. In order to maintain your personal privacy, you need to be aware that retrieval of stored information might reveal sensitive personal data about you. For example, if you visit websites which detail the activities of a particular political party or religious group, then those visits might indicate your political opinions or religious beliefs. By using Runnymede Borough Council’s facilities for such activity, you consent to the Council processing any sensitive personal data about you which may be revealed by such monitoring.

10.3 In order to ensure that local union staff and officials are able to conduct phone conversations confidentially, the Council will either

(a) ensure that there are sufficient phones available which are not subject to recording and that the union branch secretary is aware which they are, to inform other members as appropriate, or

(b) permit local union officials to use Council mobile phones for union business.
10.4 Access to centrally stored data will be controlled by ICT and will be given only upon request by a Chief Officer for one of the purposes set out in 10.1. Access will always be in accordance with the law. “Fishing” expeditions (in which the data is trawled randomly to see if there is any evidence of wrongdoing) will not be undertaken unless it is necessary in a specific fraud or other criminal investigation, or if there is specific evidence of a serious disciplinary breach. Under normal circumstances staff searching the centrally stored e-mails are forbidden to examine an e-mail marked “PERSONAL” in the heading. This does not stop the Council from taking steps (without opening personal e-mails) to verify how much personal use of the system is being made by a specific member of staff, if a manager has become concerned that he or she is abusing the conditions set out in section 3 of this policy.

10.5 If a personal e-mail or phone recording is inadvertently accessed (for example, because the identification instructions for e-mails have not been followed) reading or listening will cease as soon as its personal nature becomes apparent.

10.6 Sometimes it is necessary for Runnymede Borough Council to access your business communications during your absence, such as when you are away because you are ill or while you are on holiday. Permission to view your inbox will be granted only by your Chief Officer, who will permit your password to be changed. If you are a member of staff authorised to view a colleague’s e-mails in this way, you must not intentionally look at any e-mails in a “Personal” folder or with “PERSONAL” in the heading.

10.7 The Council will have no way of knowing that any e-mails which are not stored in your “Personal” folder in your mailbox and which are not marked PERSONAL in the subject heading were intended to be personal. Furthermore, there is a risk that any person authorised to access your mailbox may have a preview pane which would reveal the content of any of your personal e-mails not filed in your “Personal” folder, whether or not such e-mail are marked PERSONAL. It is up to you to prevent the inadvertent disclosure of the content of personal e-mail by filing your personal e-mail in accordance with this policy. You are responsible to anybody outside Runnymede Borough Council who sends to or receives from you a personal e-mail, for the consequences of any breach of their privacy which may be caused by your failure to file your personal e-mail.

10.8 In certain very limited circumstances, and in compliance with any legal requirements, the Council may access e-mail marked PERSONAL. Examples would include reasonable suspicion that it might reveal evidence of criminal activity.

10.9 In other circumstances, deliberately accessing a staff member’s e-mails which can be seen to be stored in a Personal folder or which are marked “PERSONAL” in the heading will be treated as a serious disciplinary offence.
11. DATA PROTECTION

11.1 As an employee of Runnymede Borough Council who uses its communications facilities, you may be involved in processing personal data for Runnymede Borough Council as part of your job. Data protection is about the privacy of individuals, and is governed by the General Data Protection Regulations (GDPR) and Data Protection Act 2018. This Act defines various terms as follows:

11.1.1 "data" generally means information which is computerised or in a structured hard copy form;

11.1.2 "personal data" means any information relating to an identified or identifiable natural person;

11.1.3 "processing" is anything you do with data – just having data amounts to processing. Therefore processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

11.1.4 "data controller" means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

11.2 Whenever you are processing personal data for Runnymede Borough Council you must keep it confidential and secure, and you must take particular care not to disclose it to any other person (whether inside or outside Runnymede Borough Council) unless authorised to do so. Do not use personal data except as authorised by Runnymede Borough Council for the purposes of your job. If in doubt consult the Legal Services or your line manager.

11.3 The GDPR and Data Protection Act 2018 gives every individual the right to see all the information which any data controller holds about them. Bear this in mind when recording personal opinions about someone, whether in an e-mail or otherwise.

11.4 The Council has a Protocol for access to personal data, which is reproduced in its Constitution. You must observe this.

11.5 To help you understand and comply with Runnymede Borough Council’s obligations as a data controller under the GDPR and Data Protection Act 2018 you may be offered, and you may also request, training. Whenever you are unsure of what is required, or you need guidance in data protection, you should consult the Data Protection Officer, the Corporate Head of Law & Governance or the Information Governance Officer.
GLOSSARY of terms used in this policy, and some others

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application</td>
<td>a computer program which enables the user to perform a particular task such as writing a document or making calculations.</td>
</tr>
<tr>
<td>Backup</td>
<td>copy electronic files to a second means of storage (e.g. a disk or tape) as a precaution in case the first means of storage fails or is lost.</td>
</tr>
<tr>
<td>Bcc</td>
<td>Blind “carbon” copy – a facility that allows you to send a copy of a message to somebody without disclosing their name or e-mail address to others who receive the message or a copy of it</td>
</tr>
<tr>
<td>Blog</td>
<td>Weblog – like a personal diary, kept in such a way that others can read it over the internet.</td>
</tr>
<tr>
<td>Browser</td>
<td>Application for viewing material accessible via the Web (see below) or a local area network, or which has been created by certain programs</td>
</tr>
<tr>
<td>CD</td>
<td>Compact disk – an item for storing electronic information which is read by a laser beam. Successor to the now largely obsolete floppy disk.</td>
</tr>
<tr>
<td>Chat room</td>
<td>A forum for text conversations conducted over the internet, often with several participants contributing at the same time.</td>
</tr>
<tr>
<td>Data Controller</td>
<td>See section 11 above.</td>
</tr>
<tr>
<td>Datastick</td>
<td>Also known as a memory card, thumb drive, handy drive, memory stick, flash stick or jump drive. These devices are used for data storage and the transfer of data between computers and other digital products.</td>
</tr>
<tr>
<td>Domain</td>
<td>the key element of the address which is used to find a particular website.</td>
</tr>
<tr>
<td>Download</td>
<td>To copy an electronic file from another computer to your own over a network or from the Internet, or from a storage medium such as a CD or Datastick.</td>
</tr>
<tr>
<td>DVD</td>
<td>Digital Video Disk or Digital Versatile Disk – similar in appearance and function to a CD but capable of storing at least seven times as much information, so particularly suitable for storing video data or large quantities of text. DVD readers can read DVD’s and CD’s, but CD readers can only read CD’s.</td>
</tr>
<tr>
<td>Email</td>
<td>the transmission of written messages over networks. This can be over the local area network (LAN) in which case the messages can only be sent to other people on the same network, but more commonly over the internet, where the message can be</td>
</tr>
</tbody>
</table>
sent to anyone with a registered email address. Messages can be viewed in a browser if the recipient has Webmail facilities (see below), or can be downloaded onto an individual computer and viewed through a program such as Outlook.

**Egress Switch**
A tool to allow secure communication between the Council and external people. It allows for emails to be sent and marked as Encrypted and/or confidential.

**Encryption**
The conversion of data into a form that cannot be easily understood by unauthorised people. The data or message is turned back into its original understandable form by the use of decryption. In order to easily recover the contents of an encrypted file or message the correct decryption key is required.

**Firewall**
Software designed as a security filter that can restrict communication from outside (e.g. via the internet) with the protected computer or network.

**Hacking**
Bypassing or attempting to bypass the security measures on an information system or network, without authorisation.

**Hard copy**
Information printed out on paper.

**Hardware**
Physical computer equipment – e.g. the processor and its components, the keyboard, the screen.

**Internet**
The Internet is a network of networks that connects millions of computers worldwide, forming a global network in which any computer can communicate with any other computer as long as they are both connected to the Internet. There are a number of ways these computers can send information to each other using the internet. The Web is one way where computers connect using browsers to view information. The Internet is also used for e-mail, news groups, instant messaging and FTP (File Transfer Protocol, a means of transferring files from one computer to another).

**Laptop**
Portable computer which can be folded flat.

**LAN**
Local area network. See Network.

**Malware**
Software designed to infiltrate or damage a computer system without the owner's informed consent. See also virus, trojans and phishing

**Memory stick**
See datastick

**Network**
A group of two or more computer systems and other devices such as printers, linked together in order to share information and resources. All the Council’s computers within the Civic Centre are potentially linked on the Local Area Network (LAN), and
computers in other locations, such as the PCs of staff working at home, can be linked on what is termed a Wide Area Network (WAN).

Outlook  
Microsoft Outlook is the software used by the Council on all PCs to allow staff to view e-mails. It also permits staff to schedule meetings through the calendar function, store contacts in the address book and has other associated functions which aid in note taking and web browsing.

Packet-sniffing  
Packet sniffing involves capturing all data passing through a network in such a way that it can be understood by the person monitoring or spying on the network. Can be likened to eavesdropping.

Password  
A series of letters, numbers and symbols which must be entered on a computer in order to gain access to a network, an application, or a file.

PC  
Personal computer – normally used to describe a non-portable (or desktop) model rather than a laptop.

Phishing  
A fraudulent (and criminal) attempt to acquire sensitive information, such as usernames, passwords and credit card details, by pretending to be a trustworthy electronic communication. e.g. an email from your bank or building society.

Posting  
placing a message on a web board or putting content on a website

Search engine  
Software that can hunt for and identify particular words or phrases within stored files, or on internet websites.

Server  
(usually) a computer used primarily to store data and to provide access to shared electronic resources.

Smartphone  
A mobile telephone that combines voice services with other functions such as e-mail, pager or Internet access.

SMS  
Short Message Service – a service that allows short text messages to be sent via mobile phones.

Software  
a set of encoded instructions designed to run on a computer, normally to create a program or application.

Spam  
unsolicited, and by implication, unwelcome circulated communications, usually sent by email but also by SMS.

Spyware  
software that secretly gathers information about a user or his/her web surfing habits while he/she navigates the Internet.
Trojan: A piece of software which appears to perform a certain action but in fact performs another, usually malign, action.

Upload: Transfer files from your computer to another via a network or the internet.

USB: Universal Serial Bus – a means of connection designed to allow devices of all kinds to connect to work with each other. USB can connect mouse devices, keyboards, gamepads and joysticks, scanners, digital cameras, printers, personal media players and flash drives to a PC of any make supporting this interface.

USB stick: A small device which plugs into the USB port on a computer, and which can then be used to store information from the computer. Information on it can also be read by the computer, so it can be used to transfer data between computers. Also called a flash drive. Similar in use to a datastick or memory stick.

Virus: Computer code secretly introduced into a system in order to corrupt it or destroy data. Often viruses are hidden in other programs or documents and when these are opened, the virus is let loose.

VPN: A Virtual Private Network allows remote users to use the internet to connect securely to a Local Area Network (see “network” above). By using the VPN, remote or home workers can work securely on the Council’s major applications.

Web: The World Wide Web provides a way of accessing information over the Internet. The Web uses its own protocol (which is only one of the “languages” used in communication over the Internet). Browsers, such as Internet Explorer, are used to read Web documents called Web pages. With the browser, the user “navigates” from one page to another via electronic links known as hyperlinks. Web documents also contain graphics, sounds, text and video.

Webmail: (or web-based mail) – a way of accessing e-mail over the internet through a browser. This avoids the need to download e-mail into an application such as Outlook in order to view it. Hotmail is a popular example.

Website: An information source, visible as a set of “pages” or files, which is accessed over the internet.
PROTOCOL FOR ACCESS TO

PERSONAL DATA
ACCESS TO PERSONAL DATA

Definitions

- Personal data which is processed by automated means or forms part of a filing system is defined in Article 4 of the General Data Protection Regulation 2016 as any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person).

- ‘Special Category’ data is defined in Article 9 of the Regulation as personal data consisting of information as to;
  a) the racial or ethnic origin of the data subject
  b) their political opinions
  c) their religious beliefs or other beliefs of a similar nature
  d) whether they are a member of a trade union
  e) their physical or mental health or condition
  f) their sexual orientation or sex life
  g) their biometric or genetic data

- Processing personal data is defined in Article 4 of the Regulation as any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction

1. Introduction

  1.1 The Council clearly needs to hold personal data in a number of sections and departments and for a variety of purposes. Personal data may, for example, be held to review the ability of employees to undertake the work they are employed for or to enable the Council to prosecute or defend decisions in various Courts and Tribunals. Such data must be accurate and securely held and the data subject (employee, Councillor, service user) must have the reassurance that the information which they have provided will not be used for purposes other than that which it was provided for, without lawful justification.

  1.2 This protocol is not intended as a comprehensive guide to the legislation. It is intended to highlight some constraints and obligations with which those who process personal data must familiarise themselves. For a comprehensive policy please refer to Runnymede Data Protection Policy.
1.3 Those keeping, processing or accessing personal data about employees should seek to comply with the advice contained in the relevant parts of the Information Commissioner’s “Employment Practices Code”. A copy can be found on the ICO website:

https://ico.org.uk/media/for-organisations/documents/1064/the_employment_practices_code.pdf

(Please note this guidance has not been updated since the introduction of the GDPR and Data Protection Act 2018)

2. Staff Records

2.1 Staff should be informed of the personal data which will be held about them; who will hold the data; how it will be used and the identity of people to whom it may be disclosed.

2.2 Special category data, such as sickness records, should not normally be disclosed without the consent of the member of staff.

3. Compliance with GDPR and Data Protection Act 2018

3.1 Persons who process personal data must have adequate training in data protection issues sufficient to understand the nature of their obligations. They should also read the Runnymede Data Protection Policy.

3.2 All personal data should be reviewed regularly, both to determine whether it needs to be retained and if it does whether it continues to be accurate.

3.3 Where personal data is to be accessed, the person disclosing the data and the person requesting the data shall ensure that the requirements of the law have been complied with and that proper account has been taken of the guidance issued by the Information Commissioner and the Runnymede Data Protection Policy before such disclosure takes place. In particular, where exemptions are claimed under Schedule 2, of the Data Protection Act 2018 the Officers shall ensure that the data is processed strictly in accordance with the extent of the exemption.

4. Exemptions

4.1 Schedule 2, Part 1 of the Data Protection Act 2018: Crime and Taxation

4.1.1 The listed GDPR provisions and Article 34(1) and (4) of the GDPR (communication of personal data breach to the data subject) do not apply to personal data processed for any of the following purposes—

(a) the prevention or detection of crime,

(b) the apprehension or prosecution of offenders, or

(c) the assessment or collection of a tax or duty or an imposition of a similar nature,

to the extent that the application of those provisions would be likely to prejudice any of the matters mentioned in paragraphs (a) to (c).
This means processing for these purposes is largely exempt from the requirement to process data fairly and lawfully. Such processing is also exempt from the data subject’s right of access under Article 15 of the Regulation.

4.1.2 Personal data which is processed for the purpose of discharging statutory functions and consists of information obtained for such a purpose from a person who had it in his possession for any of the purposes mentioned in 4.1.1 is not required to provide access or privacy information to the data subject.

4.1.3 Personal data is exempt from various requirements and rights under the law where the application of those rights and requirements would be likely to prejudice the purposes set out in 4.1.1.

4.2 Schedule 2, Part 1 of the Data Protection Act 2018: Information required to be disclosed by law etc or in connection with legal proceedings

4.2.1 Personal data is exempt from certain non-disclosure protection where the disclosure is required under any enactment or in connection with legal proceedings.

4.2.2 The Council is required to maintain an adequate and effective system of internal audit of its accounting records and system of internal control under the Accounts and Audit Regulations 2003, and any such audit could give rise to a disclosure obligation which falls within this exemption.

5. Internal Audit Protocol

The Council maintains a comprehensive system of internal audit, not only of financial matters but also in order to check the adequacy of its control of risk, management systems, and related issues. The following paragraphs outline the principles which will be applied in accessing personal data:

Duty to Provide Information for Audits

5.1 If a document or information is required for the purposes of internal audit of the Council’s accounting records or system of internal control, there is a legal duty to disclose it under the Accounts and Audit Regulations 2003. It need not itself be an accounting document. Certain non-disclosure provisions in the Data Protection Act 2018 do not apply to any personal data involved in such cases. For the protection of data controllers, the Assistant Chief Executive or Audit Manager will provide a note for the Officer or Member holding the personal data, explaining why it is necessary to have access to it rather than carry out the audit without reference to personal data. If the data is sensitive personal data, or within certain other descriptions of private data, the certificate described in 5.2 below will also be provided.

Controlling Access to special categories of personal data

5.2 In order to conduct an audit, an internal auditor may consider it necessary to request access to personal data which is confidential such as, records of disciplinary or capability issues, or details of an employee’s home address or dependants. In such circumstances, any two of the following officers:-

Audit Manager
must certify that the requirements of the audit cannot be satisfied by an alternative approach that avoids the need to access confidential or special categories of personal data. The certification shall identify the special categories of personal data which it is considered necessary to access, and the reason. The internal audit section will provide a copy of this certificate to the Officer or Member holding the data when they request that the documents be made available, except in the case of investigation into possible fraud or other criminal conduct, auditors will give reasonable notice of the request so that the relevant documents can be identified and disclosure restricted to those necessary for the purposes of the audit. At the same time (and subject to the same exception), the internal audit section will notify the data subject of the proposal to examine special category data or personal data relating to them and of the reasons.

Human Rights Act

5.3 Whether or not the GDPR and Data Protection Act 2018 restricts the disclosure of personal data, the Council is subject to the provisions of the Human Rights Act 1998 including in particular the right to respect for a person's private and family life, home and correspondence. Audits conducted by the Council will respect these rights and will not seek disclosure of more information than is necessary for the reasonable purposes of the audit.
1. This protocol is intended to assist Members and senior Officers to follow proper procedure in publicity and the handling of communications with the news media. It operates in addition to any guidelines as to clarity and effectiveness of communication, management matters, etc., which may be circulated amongst staff, Councillors, or informally within political groups.

Legal controls

A local authority has power to publish material relating to its services and functions under section 142 of the Local Government Act 1972. There are also some service-specific powers.

An authority also has the incidental power of responding to enquiries from the press and public about its actions.

Under section 2 of the Local Government Act 2000, authorities may do anything which they consider is likely to achieve the promotion or improvement of the economic, social, or environmental well-being of their area. They must have regard to their Community Strategy in exercising this power. This power may give broader scope for publishing material than section 142 of the 1972 Act, but, like it, will be subject to the matters mentioned below.

All authorities are subject to the constraints on publicity imposed by the Local Government Act 1986. This prohibits political publicity and many sorts of campaigning, and requires authorities to have regard to the Code of Practice issued by the Secretary of State in making decisions about publicity. It also requires a separate account to be kept of expenditure on publicity.

1. The Code of Practice

This is contained in Communities and Local Government Circular 01/2011. Publicity by local authorities should:

- be lawful
- be cost effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity (before elections/referendum).

2. Runnymede principles

Runnymede will have regard to the law and Code of Practice whenever relevant. It will not publish party political material, or press releases on behalf of individual Members.

The Leader and Deputy Leader of the Council, Chairmen and Vice Chairmen of Committees, and for certain civic purposes the Mayor, will normally be looked to as the official spokesmen for the purposes of press releases etc. For particular matters other Members such as the Chairman of a working group may also be treated in this way. In addition the Council or a Committee may designate official spokesmen. Any words offered by such Members, whilst representing, arguing for, and explaining the Council’s position whenever necessary, will respect the need for objectivity and the avoidance of party
propaganda. Such Members will be those normally asked to provide any Member-level comment to respond to press enquiries, as well as those quoted in press releases or other publicity.

Material which is party political, or which is intended to publicise the views or activities of a particular Member, will not be published by the Council. Local party or campaigning organisations, or Members themselves, should publish such material directly. They should take care that it is not mistaken for an official Council publication.

Officers will maintain systems to ensure that media enquiries are properly dealt with and that they are answered by appropriate staff or Members. Generally speaking it will be appropriate for Members to offer policy-level comment and background.

Officers will also maintain systems to ensure that information disseminated directly by the Council is lawful and achieves good value for money.
SOCIAL MEDIA GUIDANCE FOR MEMBERS

Purpose of this Guidance

Social media is one of the most important and growing methods of communication for individuals and businesses. The Council welcomes Members’ increasing use of social media and would like to facilitate this by giving proper advice and support. The Standards and Audit Committee has also, recognising the potential issues that social media raises, asked for some guidance so that Members have greater clarity as to what is and is not acceptable. This document is intended to provide such guidance and complements the general rules under the Council’s Code of Conduct for Members. As Members might expect, the basic position is that the same standards of behaviour and conduct apply online as would be expected offline.

What is social media?

Social media is the term used to describe websites and online tools which allow people to interact with each other by creating their own content. The content could, for example, be blogs, videos or short messages, known as tweets, via twitter.

On social media sites users share information, discuss opinions and may create interest groups or pages. Ultimately people use these sites and tools to build online communities and networks which encourage participation and engagement.

It is not a requirement for Members to have a Facebook or Twitter account or use other forms of social media. However, if they are already using or planning to use social media in connection with their work as a Councillor, or are already using such media in their private capacity, these guidelines will be relevant.

Social Media can be used:

- To support Councillors in performing their community leadership role
- To keep in touch with local views and opinions
- For political campaigning
- For campaigning on local issues

Types of Social Media:

- Blogging and microblogging – online journals – Twitter is an example of microblogging, where entries are limited to 140 characters
- Online Forums – people with similar interests sharing information and opinions – AccyWeb is an example
- Social networking sites – these facilitate connections between people who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services - Facebook is an example
- Video and photo publishing – sharing videos and photographs worldwide – Flickr is an example

Things to bear in mind from the beginning:

- Any form of communication is capable of being misunderstood. While the use of social media should not in theory be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.

- By the nature of such media, “misfiring”, or being misunderstood, particularly with regard to something that is perceived as being more controversial than it was intended to be, is likely to lead to rapid and wide broadcasting of that apparently “controversial”, misunderstood item.

- There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a Councillor – you just need to think about
Although the best use of social media is conversational in tone, publishing on the web is still publishing. What you’ve said on the web is written down and it is permanent. Most pitfalls will be avoided if your online content is accurate, informative, balanced and objective. If in any doubt, speak to the Monitoring Officer.

This doesn’t mean that Members cannot, in the appropriate context, communicate politically. This is expected of a Councillor, but you should be careful not to say anything that you wouldn’t be comfortable repeating or justifying, for example, at a public meeting.

Some general legal issues:

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. The same thing may happen if, for example, someone else publishes something libellous on your website; you know about it and don’t take swift action to remove it. A successful libel claim could result in the award of damages against you.

- **Copyright** – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore don’t publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.

- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission.

- **Bias and Predetermination** – If you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have completely and irrevocably made your mind up on an issue that is due to be formally decided upon. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence and arguments, and were genuinely persuadable to a different view. If you weren’t, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the Council for damages.

Social Media and the Code of Conduct for Members generally:

- Aspects of the Council’s Code of Conduct for Members will apply to your online activity in the same way as they do to any other written or verbal communication you may engage in. The key to whether your online activity is subject to the Code is whether you are, or even just appear to be, acting in your capacity as a Councillor rather than as a private individual.

- Councillors can have “blurred identities”. This can happen where you have a social media account where you comment both as a Councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of your organisation or party (rather than you personally) when this may not be the case.

- One way of avoiding blurring of the lines between your personal and Councillor life, and avoiding some of the potential problems related to the Council’s Code of Conduct for Members, may be to consider keeping your online account as a Councillor separate from those where you communicate in a personal capacity. This is a decision for each Member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The Council’s Communications Team can help you with more specific advice if needed.
Particularly Relevant Elements of the Council’s Code of Conduct for Members:

- **You must treat others with respect** - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.

- **You must comply with equality laws** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.

- **You must not bully or intimidate anyone** – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation, whether the comments relate to a Council employee, a fellow Councillor or anyone else.

- **You must not bring the Council into disrepute** – you should not publish anything that could reasonably be perceived as bringing yourself as a Councillor, or the Council in general, into disrepute.

- **You must not disclose confidential information** - you must not, in your usage of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.

Members are referred to paragraph 4 of the Council’s Code of Conduct for Members for a fuller exposition on non-disclosure of confidential information. There is a perception that inadvertent leaks of the Council’s confidential information are more likely to take place when a Councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off-the-cuff nature of much social media communication. Whether this is true or not, Members must be careful to apply exactly the same Code of Conduct for Members standards to their social media communications as they would to statements made in a more formal context.

One of the most important values in local government is to conduct business with openness. The inseparable, complementary “other side of the coin” to being open in dealings is for Councillors and employees to be clear about what is confidential and make sure it stays confidential.

If in any doubt, Members should seek advice.

**Staying out of Trouble - Some Do’s and Don’ts**

**Some Do’s**

- Set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- Keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- Be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network
- Consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries
- Ensure you use Council facilities appropriately; if you use a Council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- Be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected Member
- Feel able to make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine comments on policy are less likely to be viewed as disrespect

**Some Don’ts**

- Blog in haste, particularly in circumstances where your judgement might be impaired; for example if you have consumed alcohol.
• Make unguarded statements which could lead to potential liability
• Post comments that you would not be prepared to make on paper or face to face
• Use council facilities for personal or political blogs
• Request or accept a Council employee or contractor providing services to the Council as a “friend” on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn)
• Use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about Council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the Council
• Publish confidential information that you may have learned or had access to as part of your role as an elected Member. This includes personal information about service users, their families or friends or others e.g. contractors, Council staff as well as Council related information
• Represent your personal views, or those of any political party or interest group you belong to, as being those of the Council, on any social medium
• Browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory
• Make conspicuous, excessive and continuous use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

General

The Council wishes to encourage Members’ use of new technology, including social media. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk.

The Monitoring Officer and the Communications Team are happy to help Members by providing additional advice and guidance as appropriate. Training is also available to Members or on the use of social media.
PART 6

Scheme of Members’ Allowances

APRIL 2019
This Scheme has effect from midnight on 31 March 2019. It shall be reviewed in or around October 2021 with a view to any revised scheme taking effect on 1 April 2022. The Council may revoke or amend it before that time if it so chooses.

In this Scheme "year" has the same meaning as in the above regulations ("the Regulations"), i.e. any period of twelve months ending on 31 March in any year after 2004.

With the exception of co-optees’ allowance, these allowances are payable only to Members of the Council.

<table>
<thead>
<tr>
<th>Allowance</th>
<th>£ for year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic Allowance</strong></td>
<td></td>
</tr>
<tr>
<td>For each elected Councillor (41)</td>
<td>4,000</td>
</tr>
</tbody>
</table>

Where the term of office of a Member does not begin or end at the beginning or end of a year, he or she shall be entitled to the same proportion of the allowance as the number of days of his or her period of office bears to the number of days in that year.

**Special Responsibility Allowances**

(to be paid in addition to Basic Allowance)

<table>
<thead>
<tr>
<th>Allowance</th>
<th>£ for year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor</td>
<td>5,000</td>
</tr>
<tr>
<td>Deputy Mayor</td>
<td>1,250</td>
</tr>
<tr>
<td>Leader of the Council</td>
<td>10,000</td>
</tr>
<tr>
<td>Deputy Leader of the Council</td>
<td>2,500</td>
</tr>
<tr>
<td>Political Group Leaders other than Leader of the Council</td>
<td>3,750</td>
</tr>
<tr>
<td>Chairman of Planning Committee</td>
<td>8,750</td>
</tr>
<tr>
<td>Chairman of Corporate Management Committee, Environment &amp; Sustainability Committee, Housing Committee and Community Services Committee</td>
<td>5,000</td>
</tr>
<tr>
<td>Chairman of Overview and Scrutiny Select Committee</td>
<td>5,000</td>
</tr>
<tr>
<td>Chairman of Licensing Committee</td>
<td>5,000</td>
</tr>
<tr>
<td>Chairman of Regulatory Committee</td>
<td>2,500</td>
</tr>
<tr>
<td>Chairman of Standards and Audit Committee</td>
<td>1,650</td>
</tr>
<tr>
<td>Chairman of Englefield Green Committee</td>
<td>1,250</td>
</tr>
<tr>
<td>Vice-Chairman of Planning Committee</td>
<td>5,827</td>
</tr>
<tr>
<td>Vice-Chairman of Corporate Management Committee, Environment and Sustainability Committee, Housing Committee and Community Services Committee</td>
<td>2,500</td>
</tr>
</tbody>
</table>
Vice-Chairman of Standards and Audit Committee 625
Vice-Chairman of Licensing Committee 2,500
Vice-Chairman of Overview and Scrutiny Select Committee 2,500
Vice-Chairman of Regulatory Committee 1,250
Members of Planning Committee other than Chairman and Vice-Chairman 2,913
Members of Corporate Management Committee who are not entitled to any other special responsibility allowance 1,250
Chairman of Joint Committee 5,000
Vice Chairman of Joint Committee 2,500

Note: (1) receipt of special responsibility allowance shall be limited to a maximum of two per Councillor.

(2) where Members of the authority are divided into at least two political groups, one of which is a controlling group as defined in the Regulations, a special responsibility allowance must be paid to at least one person who is not a Member of the controlling group and is the Leader or Deputy Leader of another group, or is the spokesman of a political group on one of the Council's Committees or Sub-Committees.

(3) where a Member is entitled to a special responsibility allowance for only part of a year, he or she is entitled to the same proportion of the allowance as the number of days of his or her entitlement bears to the number of days in the whole year.

Dependants' Carers' Allowance

Members are entitled to claim such expenses as arranging for the care of their children or dependants as are fair and reasonable and necessarily incurred in the circumstances set out in Regulation 7 of the Regulations. (These cover attendance at meetings of the Council, its Committees and Sub-Committees, bodies to which the Council has nominated the Member and certain other authorised meetings and duties). In Runnymede these will include:

- meetings in respect of the Council's business which the Member attends at the request of a Chief Officer; and
- a Member of the Planning Committee (including a substitute member) visiting a site that is the subject of a planning application on the Planning Committee's agenda.

Travelling and Subsistence Allowances

Members are entitled to claim travelling and subsistence allowances at the rates (other than car mileage payments) claimable by staff of the Council, where they have incurred such expenses in connection with any of their duties as a Councillor within one or more of the categories listed in Regulation 8 of the Regulations. (These provisions cover the same range of circumstances as Regulation 7 referred to above, and shall be applied to the same authorised meetings and duties).

For Members resident outside the Borough, the allowance on any one occasion shall be that applicable to a starting point twenty miles outside the Borough boundary or the actual distance, whichever is less.

The car mileage payment rate will be at the maximum level at which the Inland Revenue assumes that there is no profit and therefore no taxable element, as defined from time to time (45 pence per mile in April 2019).
Travel allowances for meetings of Council, Committees and Sub-Committees at the Civic Centre may be paid automatically subject to Members confirming that they wish to claim a travel allowance when signing the register at each meeting. Payment of travelling and subsistence allowances in all other circumstances will be made upon receipt of the appropriate form available from the Assistant Chief Executive, completed with details of the duties for which an allowance is claimed.

Co-optees’ Allowances

Any other person lawfully appointed to one of the Council's Committees or Sub-Committees who is not a Member of the authority, may claim an allowance of £460 per year in respect of attendance at conferences and meetings.

Where the appointment of such a person does not begin or end at the beginning or end of a year, he or she shall be entitled to the same proportion of the year's allowance as the number of days for which he or she held the appointment bears to the number of days in that year.

Uplift

An annual increase linked to RPI will be applied to the Basic Allowance in 2020/21 and 2021/22 and the special responsibility allowances and co-optees’ allowances will be similarly increased based on the current formulae for calculation of each special responsibility allowance.

Pensions

No Members of the authority are to be entitled to pensions on their allowances under Section 7 of the Superannuation Act 1972.

Forgoing of Allowances

Any Member may forgo his or her entitlement to allowances (or any part) by written notice to the Assistant Chief Executive.

Time Limit for Claims etc

A Member who wishes to claim dependants’ carers’ allowance, travelling and subsistence allowance, or co-optees’ allowance must do so before the expiry of twelve months from the end of year in which the entitlement arose. The Council may pay a claim out of time at its discretion.

Basic Allowance and Special Responsibility Allowances will be paid by monthly instalments in a manner determined by the Assistant Chief Executive.

Amendment to Scheme

If this Scheme is amended during a year, the revised entitlement to an allowance shall apply from the date of amendment only and not from the beginning of that year.

Dual Membership

If a Member of the Council is also a Member of another authority, he or she may not receive allowances from more than one authority in respect of the same duties.

The Member may elect from which authority to claim, and must notify the Assistant Chief Executive in writing of his or her dual membership and from which authority he or she has decided to claim allowances for those duties.
Retirement etc

Where the Council has made payment of any allowance for a period during which the Member:

a) ceases to be a Member of the Council; or

b) is in any other way not entitled to receive the allowance in respect of that period

The Council may require the Member to repay such part of the allowance as relates to that period.

Termination of previous Scheme

The Scheme of Members’ Allowances reproduced in the Council’s Constitution of April 2018 is hereby revoked with effect from midnight on 31 March 2019.

APPROVED BY RESOLUTION OF THE COUNCIL
March 2019
PART 7

Management Structure