REDCAR AND CLEVELAND BOROUGH COUNCIL

CONSTITUTION

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- Correction of delegated powers to match changes to contract procedure rules and use of frameworks.
- Update of Schedule 1 to Scheme of Delegation to reflect the Crime and Policing Act 2026
- Addition of social media guidance to the Councillors Code of Conduct which was approved at Council 8 October 2026.

Previous Updates			
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Amendments made to :
- Re-instate amendment to Delegated Power 226a which should include Fly Tipping.

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- Council approved changes to the Scrutiny function
- Cabinet members' responsibilities to reflect changes made to their Job Descriptions

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- Clarify in the Officer Code of Conduct, that Scale 6 has been replaced by the equivalent Spinal Column point 28 in relation to private paid work

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Amendments made to :
- Add The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 into Schedule 2
- The scheme of delegation to officers to include the role of Development Services Manager and Principal Building Control Surveyor in relevant delegated powers
- To reflect Council decisions relating to the constitution and makeup of Outside Bodies, Cabinet Portfolios and the Health and Wellbeing Board
- To update the Members special responsibility allowance scheme

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Amendments made to :
- The scheme of delegation to officers to amend the role of Strategic Asset Manager to Property Manager in delegated powers 142-154

Updated Date	**20 February 2019**	**Version**	**Version 7.0**

Amendments made to :
- The Contract Procedure Rules have been reviewed, amended and agreed by Governance committee and by Full Council at its meeting on 14 February 2019.
- Update Management Structure (Part 7)

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Amendments made to :
- Correction of typographical omission in Article 11 (11.04 c)

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Amendments made to :
- Add the Housing Strategy to the Policy Framework as agreed at Full Council on 28 March

Updated Date	**10 May 2019**	**Version**	**Version 10.0**

Amendments made to :
- the director/directorate names from Economic Growth, to Growth, Enterprise and Environment
- updated members allowance scheme
- updating of delegated powers to reflect transfer of functions/responsibilities between directorates
- revisions to committee arrangements as agreed by Council (change of Personnel and General Purposes Committee to Employment, Health and Safety Committee)

Updated Date	**15 July 2019**	**Version**	**Version 11.0**

Amendments made to:
- Delegated Power 140 as agreed by Cabinet on 2 July 2019

Updated Date	**28 August 2019**	**Version**	**Version 12.0**

Amendments made to : A consequential correction arising from the LGBCE Ward boundary review outcome to realign the number of NAPS with 24 Wards			
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Amendments made to : - A consequential amendment to add the European Union (Withdrawal) Act 2018 to Schedule 1 and 2			
Updated Date	**25 October 2019**	**Version**	**Version 14.0**
Amendments made to : - definitions and roles of senior management positions, and consequential changes to scheme of delegation, in line with new senior management structure approved by the Borough Council on 10 October 2019			
Updated Date	**3 January 2020**	**Version**	**Version 15.0**
Amendments made to : - Amendments to reflect council decisions to establish a Shareholder Committee and revised Appointments Panel arrangements for senior internal and shared service posts.			
Updated Date	**24 January 2020**	**Version**	**Version 16.0**
Amendments made to : - Tenant Fees Act 2019 added to Schedules 1 and 2			
Updated Date	**24 March 2020**	**Version**	**Version 17.0**
Amendments made to : - Amended Schedule 1 to the Scheme of Delegation to Officers to include The Health Protection (Coronavirus, Business Closure)(England) Regulations 2020			
Updated Date	**26 March 2020**	**Version**	**Version 18.0**
Amendments made to : - Further amendments to Schedule 1 to the Scheme of Delegation to Officers to include The Health Protection (Coronavirus, Business Closure)(England) Regulations 2020			
Updated Date	**29 April 2020**	**Version**	**Version 19.0**
Amendments made to : - Changed job title from Assistant Director – Governance and Monitoring Officer to Governance Director (Monitoring Officer)			
Updated Date	**3 June 2020**	**Version**	**Version 20.0**
Amendments made to : - Amendments to job titles in the Scheme of Delegation to Officers to reflect current structure			
Updated Date	**6 August 2020**	**Version**	**Version 21.0**
Amendments made to : - job titles in the Scheme of Delegation to Officers to reflect current structure. - Schedules 1 and 2 in the Scheme of Delegation to incorporate the Business and Planning Act 2020 and regulations relating to Coronavirus.			
Updated Date	**27 August 2020**	**Version**	**Version 22.0**
Amendments made to the Members' Code of Conduct to reflect current best practice from the Committee on Standards in Public Life.			
Updated Date	**25 September 2020**	**Version**	**Version 23.0**
Addition of : - The Health Protection (Coronavirus, Restrictions)(Obligations of Hospitality Undertakings)(England) Regulations 2020 into Schedule 1 of the Scheme of Delegation to Officers. - Delegated power number 464 as authorised by the Cabinet on 22/09/2020 – issuing of directions under new Coronavirus legislation.			
Updated Date	**16 October 2020**	**Version**	**Version 24.0**
Addition of the consideration of applications for Pavement Licenses (as introduced by the Business and Planning Act 2020) to the remit of the Regulatory Committee.			
Updated Date	**9 July 2021**	**Version**	**Version 25.0**

Clarification to Schedule 2 of Scheme of Delegation to Officers, to expressly include the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996			
Updated Date	**30 July 2021**	**Version**	**Version 26.0**
• Update of proper officer appointments to reflect changes in personnel and inclusion of Channel/Prevent provisions. • Update of Members Allowances Scheme, Scheme of Delegation, Management Structure and Cabinet Details to reflect current arrangements. • Update of Terms of Reference for Overview & Scrutiny Committees to reflect current arrangements. • Update to Political Management Structure to reflect current arrangements.			
Updated Date	**22 October 2021**	**Version**	**Version 27.0**

• Clarification of Schedules 1 and 2 in Scheme of Delegation to Officers to specific inclusion of both primary and secondary legislation:
  o Housing and Planning Act 2016
  o The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
  o The Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015 (as amended)
  o The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
• Amendments to terms of reference of the Shareholder Committee to reflect Borough Council decision taken 21 October 2021.			

Updated Date	**7 December 2021**	**Version**	**Version 28.0**
Updated Cabinet roles and portfolio titles.			
Updated Date	**9 February 2022**	**Version**	**Version 29.0**
Updating Assistant Director – Environment job title within Scheme of Delegation to match current structure. Updated Officer Management Structure Chart to reflect current arrangements.			
Updated Date	**14 March 2022**	**Version**	**Version 30.0**
• Updated Officer Management Structure Chart to reflect current arrangements. • Updated the scheme of delegation to include Regulation on Accreditation and Market Surveillance No 765/2008 (“GB RAMS”) and The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 No.696 • Updated the Members Code of Conduct following approval by Borough Council on 10 March 2022.			
Updated Date	**November 2022**	**Version**	**Version 31.0**
• Updated Senior Officer Management Structure Chart to reflect current arrangements. • Updated the Scrutiny arrangements following approval by Borough Council on 8 September 2022. • Updated the Members Allowances Scheme.			
Updated Date	**3 January 2023**	**Version**	**Version 32.0**
• Amendments to terms of reference of the Shareholder Committee to reflect Borough Council decision taken 21 October 2021.			
Updated Date	**1August 2023**	**Version**	**Version 33.0**

• Correction of error in table relating to Functions and Responsibilities of Committees (Omission of reference to Commercial and Legal Manager in delegations relating to Shareholder Committee)
• Changes to DP 381 (Nomination of School Governors) as per Cabinet report dated 11 July 2023.
• Addition of the following to Schedule 2 to the Scheme of Delegation:
  o Houses in Multiple Occupation (England) Regulations 2006
  o The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007			

Updated Date	**9 August 2023**	**Version**	**Version 34.0**
• Updated Cabinet job descriptions			
Updated Date	**5 October 2023**	**Version**	**Version 35.0**
• Updated Cabinet job descriptions			
Updated Date	**16 November 2023**	**Version**	**Version 36.0**
• Amendments to the Protocol on Member/Officer Relations, Officers’ Code of Conduct and Delegated Power no. 160 as agreed by Borough Council on 9 November 2023.			

Updated Date	21 May 2024	Version	Version 37.0
• Update to job titles in the Scheme of Delegation to Officers to reflect current structure. • Update to Members' Allowances Scheme			
Updated Date	**25 July 2024**	**Version**	**Version 38.0**
• Update to DP 349B to align with RIPA policy approved by Governance Committee • Update to Schedule 1 in the Scheme of Delegation to take account of new regulations - Education (Penalty Notices) (England) (Amendment) Regulations 2024 • Update to DP59 to clarify authorisation to incur expenditure in emergencies.			
Updated Date	**14 January 2025**	**Version**	**Version 39.0**
• Inclusion of The Animal Welfare (Primate Licences) (England) Regulations 2024 within Schedule 2 of the Scheme of Delegation to officers.			
Updated Date	**11 July 2025**	**Version**	**Version 40.0**
• Amendment within scheme of delegation to reflect current organisational structure and review of regulatory legislation within Schedules 1 and 2 of the scheme to ensure this remains up to date. • Update to Schedule 1 of Members' Allowances Scheme			
Updated Date	**15 May 2026**	**Version**	**Version 41.0**
• Updates to job title to reflect change from Managing Director to Chief Executive • Amendment within scheme of delegation to reflect current organisational structure and job titles • Clarification of references to 'extraordinary meetings' and 'special meetings' • Update to reflect changes to Shareholder Arrangements agreed Council 9 October 2025 • Inclusion of protocol and guidance for Directors of Council Companies and Joint Ventures • Update to Schedule 1 of Members' Allowances Scheme • Update to Delegated Powers schedule to reflect Renters Rights legislation and minor changes to other legislation. • Update to include revised Contract Procedure Rules.			
Updated Date	**18 June 2026**	**Version**	**Version 42.0**
• Minor update to Scheme of delegation to reflect transfer of school transport function, signatory of allotment agreements and staff change in planning services.			
Updated Date	**10 July 2026**	**Version**	**Version 43.0**
• Minor update to Scheme of delegation to reflect transfer of school transport function, signatory of allotment agreements and staff change in planning services. • Clarification of job titles within Trading Standards, Environmental protection etc • Addition of Criminal Records Checks for Elected Members policy and associated amendment to Code of Conduct, to reflect Full Council Decision on 25 June 2026			

CONSTITUTION OF THE COUNCIL

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Part 1 - Summary and Explanation

Summary and Explanation

The Council's Constitution

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

The Constitution is divided into 16 articles – which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to provide clear local leadership through partnership, efficiency, accountability, creativity and transparency. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Cabinet (Article 7).
- Regulatory and other committees (Article 8).
- The Governance Committee (Article 9).
- Neighbourhood Action Partnerships (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

It should be noted that, within this document, references to any legislation include subsequent legislation which amends or varies the legislation stated.

How the Council operates

The Council is composed of 59 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Governance Committee trains and advises them 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 the Council's overall policies and set the budget each year. The Council makes the appointments to the Cabinet, the Scrutiny Committees, the regulatory and Governance committees etc. It also makes the policy of the Council and hosts a public question time.

How decisions are made

The executive is the part of the Council which is responsible for most day-to-day decisions. The executive is made up of a Cabinet of the Leader and between two and nine elected members appointed by the Leader each with a portfolio from time to time determined by the Leader. When major decisions (called 'key decisions') are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

Overview and scrutiny supports the work of the Cabinet and the Council as a whole by holding the Cabinet to account for its decision making and also by allowing citizens to have a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Corporate Resources and Governance Scrutiny and Improvement Committee and other Scrutiny and Improvement Committees manage the process, commissioning Scrutiny Panels to conduct the inquiries and directly holding the Cabinet to account for its decisions and the performance of the Council against its objectives. The Overview and Scrutiny function can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy. The Regulatory Committee also has an overview and scrutiny mode for commenting on the Development Plan and planning policies.

In order to give local citizens a greater say in council affairs, Neighbourhood Action Partnerships have been created and will be responsible for executive

functions/advising on matters of concern locally. They will involve councillors for each particular area and will be held in public.

Neighbourhood Action Partnerships

In order to allow Members to oversee the work of area based environment and community safety teams and community safety initiatives, and to give local citizens a greater say in Council affairs 24 Neighbourhood Action Partnerships have been created. They involve Councillors from each particular area and are held in public. The purpose and composition of the Neighbourhood Action Partnerships are set out in more detail in Article 10.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relations between officers and members of the council.

Citizens' Rights

Citizens 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 specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in the Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by overview and scrutiny;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council about the delivery of Council services;

- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.
- Petition the Council in relation to local issues

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Governance Section by telephoning on 01642 774 774 to receive a statement of your rights. We will also try to answer your questions.

Part 2 - Articles of the Constitution

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 The Constitution

This Constitution, including all its appendices, is the Constitution of Redcar and Cleveland Borough Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

2. support the active involvement of citizens in the process of local authority decision-making;

3. help councillors represent their constituents more effectively;

4. enable decisions to be taken efficiently and effectively;

5. create a powerful and effective means of holding decision-makers to public account;

6. ensure that no one will review or scrutinise a decision in which they were directly involved;

7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

8. provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 – Members of the Council

2.01 Composition and eligibility

(a) **Composition.** The Council will comprise 59 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Electoral Commission.

(b) **Eligibility.** Only registered voters of the area or those living or working there, who have reached the minimum age of 18, will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

Election and terms. The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. No meetings will be convened during this four day period except for those arising out of a state of emergency.

(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) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole

(v) be involved in decision-making;

(vi) be available to represent the Council on other bodies; and

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

(b) **Rights and duties**

(i) Councillors will have such 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) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

(iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and The Council

3.01 Citizens' rights and the Duty to Involve

The Council will involve its citizens in the exercise of its functions. It will do this by:

1) **Providing Information** – about the functions of the Council in an accessible, easy to understand way

2) **Consulting** – provide appropriate and genuine opportunities for local people to have their say

3) **Involving in another way** – Over and above being in formed or consulted, greater influence over decisions and delivery of service

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

(a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) **Community Governance Review.** Part 4 of the Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about matters such as the creation of parishes and their electoral arrangements from the Secretary of State and the Electoral Commission to the Council who are now responsible for undertaking any community governance review within its electoral area. A community governance review is a review of the whole or part of the council's area for the purpose of making recommendations on a parish. This recommendation may be about the naming of parishes, the merging, de-grouping or abolishing of parishes and a change in the electoral arrangements for parishes. A review can also be triggered if a valid petition is presented to the council which asks for a review to be undertaken.

What is a valid petition?

- If fewer than 500 electors then 50% support is required
- If there are between 500 – 2,500 local government electors, 250 signatures are required
- If more than 2,500 local electors then 10% support required
- The Petition must define the area and specify recommendations

(c) **Information.** Citizens 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) attend meetings of the Cabinet when key decisions are being considered;

(iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;

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

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

(d) **Consultation**

(i) citizens have the right to be consulted on specific areas of service delivery

(ii) the Council is committed to effective consultation with residents and service users in order to ensure that they have the opportunity to be involved in the planning, prioritising and monitoring of the Council's services.

(iii) The Council will ensure that consultation is undertaken which adheres to the principles contained within its Consultation Strategy and, in particular, will:

(a) use a variety of consultation methods in order that as many people as possible have the opportunity to become involved and to provide their views

(b) reduce barriers to communication and consultation

(c) identify ways of involving groups of people often excluded from consultation exercises

(d) ensure that the nature of any consultation initiative is clear and that an appropriate level of consultation is undertaken

(e) liaise closely with recognised stakeholders

(f) work in partnership with a variety of other organisations and groups and

(g) ensure adequate feedback to consultees takes place

(e) **Participation.** Citizens have the right to participate in the Council's question time and contribute to investigations by overview and scrutiny. They also have the right to organise or add their name to a petition regarding a local issue.

(f) **Complaints.** Citizens 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 Monitoring Officer about a breach of the Councillor's Code of Conduct.

Complaints will be used by the Overview and Scrutiny function to improve Council services.

(g) **Human Rights Act**

The rights of citizens under the Human Rights Act 1998 will be observed by the Council, its Members and Officers.

3.02 Citizens' responsibilities

Citizens must not be violent, abusing 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 Meanings

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

- Local (Development)Plan
- Local Transport Plan
- Licensing Authority Policy Statement
- Corporate Plan
- Housing Strategy

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, 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.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

(a) adopting and changing the Constitution;

(b) approving or adopting the policy framework and the budget;

(c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

(d) appointing the leader;

(e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;

(f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;

(g) adopting an allowances scheme under Article 2.05;

(h) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;

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

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

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

4.03 Council meetings

There are three types of Council meeting;

(a) the annual meeting;

(b) ordinary meetings;

(c) extraordinary meetings (also referred to as special meetings).

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

Article 5 – Chairing The Council

5.01 Role and function of the Mayor

The Mayor and in their 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 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 the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;

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

5. to be the conscience of the Council; and

6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

Article 6 – Scrutiny and Improvement Committees

6.01 Terms of Reference

The Council will appoint the Scrutiny and Improvement committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

COMMITTEE	SCOPE
5 Scrutiny and Improvement Committees are established as follows: Adults, Wellbeing & Health Children & Families Corporate Resources & Governance Climate and the Environment Growth	The Scrutiny and Improvement Committees will approve and present investigative reports to the Cabinet and Council, detailing findings and recommendations on issues within their remit. The Scrutiny and Improvement Committees will contribute at an early stage to the formulation and content of reports to Cabinet and Council. Each of the Scrutiny and Improvement Committees will have a remit/terms of reference as set out Table 1 to the Scrutiny and Improvement Procedure Rules set out in Part 4 of the Constitution. The Scrutiny and Improvement Committees will commission investigations as capacity dictates in relation to matters within their remit and will have responsibility for maintaining an overview of those investigations, to ensure that they remain to schedule and adhere to pre-defined terms of reference.
Corporate Resources & Governance Scrutiny and Improvement Committee – additional functions	In addition to the above functions, the Corporate Resources and Governance Scrutiny and Improvement Committee will be responsible for the strategic oversight and direction of the scrutiny function of the Council and of the Scrutiny and Improvement Committees. In its discretion, it will exercise the scrutiny function in relation to Borough-wide issues. The Corporate Resources and Governance Scrutiny and Improvement Committee will also: • exercise the power of call-in. • monitor and review the operation of the Constitution • exercise the powers of the Council in relation to Councillor Call for Action.

The terms of reference of the committees are more particularly defined in Table 1 to the Scrutiny and Improvement Procedure Rules set out in Part 4 of the Constitution.

6.02 General Role

Scrutiny and Improvement Committees

Within their terms of reference, the Scrutiny and Improvement Committees will:

(i) give overview in relation to reports referred to them and make recommendations to the relevant Cabinet Member(s) before Cabinet deliberations.

(ii) examine the Corporate Plan to ensure that strategic objectives within their remit are being achieved.

(iii) the Adults, Wellbeing & Health Scrutiny and Improvement Committee will review and scrutinise the provision, planning and operation of Health Services in the Borough and will scrutinise relevant health service providers in accordance with Health Scrutiny regulations.

(iv) the Climate and the Environment Scrutiny and Improvement Committee will also scrutinise the work of the Community Safety Partnership and discharge the Council's scrutiny functions under the Crime and Disorder (Overview and Scrutiny) Regulations 2009, Police and Justice Act 2006 and related legislation.

(v) make reports and/or recommendations to Full Council and/or the Cabinet and/or any policy, joint committee or neighbourhood action partnership in connection with the discharge of any functions.

(vi) examine reports referred to them and make recommendations to the relevant Cabinet Member(s) before Cabinet deliberations.

Corporate Resources and Governance Scrutiny and Improvement Committee

Within its terms of reference and in addition to the functions undertaken within its remit as a directorate scrutiny and improvement committee, the Corporate Resources & Governance Scrutiny and Improvement Committee will also:

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

(ii) consider Borough-wide matters affecting the area or its inhabitants, as appopriate.

(iii) exercise and operate the process of call-in for decisions made but not yet implemented by the Cabinet and/or any policy or Neighbourhood Action Partnerships.

(iv) exercise and operate the process for Councillor Call for Action.

(v) scrutinise all relevant information relating to the corporate performance of the organisation to ensure that the strategic objectives of the Council are being achieved, either directly through the Council or through partnership groups where applicable.

6.03 Specific Functions

Scrutiny and Improvement Committees

(a) ***Policy development and review***

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

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

(iii) to make recommendations to the Cabinet and/or Council arising from the outcome of the policy development and review process

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

(v) to question Members of the Cabinet and/or committees and Chief Officers about their views on issues and proposals affecting the area, and

(vi) to 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***

(i) to review and scrutinise the decisions made by and performance of the Cabinet and/or committees and Chief Officers.

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

(iii) to question members of the Cabinet and/or 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, services, initiatives or projects

(iv) to make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process

(v) review and scrutinise the performance of individuals or public bodies in the area and invite reports from them and/or request them to address the Committee.

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

(c) ***Finance***

All Scrutiny and Improvement Committees may exercise overall responsibility for the finances made available to them.

6.04 Proceedings of Scrutiny and Improvement Committees

Scrutiny and Improvement Committees will conduct their proceedings in accordance with the Scrutiny and Improvement Procedure Rules set out in Part 4 of this Constitution.

Article 7 – The Cabinet

7.01 Role

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The Cabinet will consist of the Leader of the Council together with at least 2, but not more than 9 councillors appointed to the Cabinet by the Leader.

7.03 Leader

The Leader is elected by the Full Council at its post election annual meeting (or if the Council fails to elect a Leader at that meeting, at a subsequent meeting of the Council). The term of office of the Leader starts on the day of his or her election as Leader, and ends on the day of the next post election annual meeting or the day when the Council holds its first annual meeting after the normal day of retirement as a councillor unless he or she:

(a) is removed from office or resigns;

(b) ceases to be a Councillor, or

(c) is disqualified from being a Councillor before that day.

The Leader may be removed by a resolution by simple majority of the Council. If the Council passes a resolution to remove the Leader, a new Leader is to be elected – a) at the meeting at which the leader is removed from office, or b) at a subsequent meeting.

The Leader shall determine the Scheme of Delegation for the discharge of the executive functions of the Council.

7.04 Deputy Leader

The Deputy Leader will be appointed by the Leader to hold office until the end of the term of the Leader (unless the Deputy Leader resigns as Deputy Leader, ceases to be a Councillor, or is disqualified, or removed from office by the Leader). The Leader may remove the Deputy Leader from office but the Leader must then appoint another person to be the Deputy Leader.

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in the place of the Leader. If the Deputy Leader is unable to act or that office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to so act.

7.05 Other Cabinet members

Other Cabinet members will be appointed by the Leader. The Leader allocates any areas of responsibility ('portfolios') to the members of the Cabinet and may remove them from the Cabinet or change their areas of responsibility at any time. They shall hold office until:

(a) they resign from office; or

(b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

(c) they are no longer councillors; or

(d) they are removed from office, either individually or collectively, by the Leader.

7.06 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.07 Responsibility for functions

The Leader of the Council will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

Article 8 – Regulatory and other committees

8.01 Regulatory and other committees

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

Article 9 – The Governance Committee

9.01 Governance Committee

The Council meeting will establish a Governance Committee.

9.02 Composition

(a) **Membership.** The Governance Committee will be composed of:

15 members consisting of 11 Elected Members (excluding the Leader of the Council) plus:

- two persons who are not a councillor or an officer of the council or any other body having a committee undertaking standards functions (independent members);
- two co-opted members of a parish council wholly or mainly in the Council's area (a parish member);

(b) **Independent members.**

(c) **Parish members.** Parish members must be present when matters relating to those parish councils or their members are being considered. Their period of office will be two years.

(d) **Parish Councils sub-committee.** The Governance Committee will include a sub-committee to exercise the function set out in Article 9.03 (h) below. The sub-committee will include at least one Independent Member and one Parish Member.

(e) **Chairing the Committee.** A member of the Cabinet may not chair the Committee.

(f) **Sub-Committees.**

a) The Governance Committee will include two separate 3 person Sub Committees consisting of an Independent Chair and two elected members, one elected member to be a Parish/Town Councillor if the complaint relates to a Parish Councillor:

- To be responsible for conducting assessments of alleged breaches of the Code of Conduct referred by the Monitoring Officer

b) The Hearings Panel

9.03 Role and Function

The Governance Committee will have the following roles and functions:

1. To undertake the following functions relating to standards of conduct -

- Promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives

- Assist the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct

- Advise the Council on the adoption or revision of the Members' Code of Conduct

- Monitor the operation of the Members' Code of Conduct

- Advise, train or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct

- Grant dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct

- Deal with any reports from the monitoring officer on any matter which is referred to it.

- Oversee the Constitution (in consultation with the Cabinet and Overview and Scrutiny Committees)

- Has all the powers of the Authority to determine appeals or complaints against decisions made by the Cabinet, a Committee or Panel of the Authority where the Council's policies or procedures or legislation (as the case may be) provide a right of appeal or complaint except where the matter is the responsibility of some other body or person(s) as provided for in the Constitution.

2. To undertake the following functions relating to audit -

- Ensure that external regulatory and inspection reports are distributed, reviewed, monitored and actioned.

- Is responsible for ensuring good stewardship of the authority's resources.

- Manage any legislative requirements arising from the Government's proposals to establish an ethical framework for local government, which will include monitoring and implementation of principles of conduct for local councillors, rules for dealing with members' interest, rules for dealing with registration and acceptance of gifts and hospitality.

- Enhance the profile, status and authority of the internal audit function and demonstrate its independence.

- Contribute towards making the authority, its committees and departments more responsive to the audit function.

- Is charged with the responsibility for promoting internal control by the systematic appraisal of the authority's internal control mechanisms, by the development of an anti-fraud culture and by the review of financial procedures.

- Is charged with the responsibility for focussing audit resources, by agreeing with the audit plans and monitoring delivery of the audit service.

- Monitor both internal and external audit performance by ensuring auditor/officer collaboration within the agreed timescales, by securing the timely preparation and response to audit reports, by ensuring the implementation of audit recommendations and by monitoring the finalisation of the annual accounts.

- Review compliance with the relevant standards, codes of practice and corporate governance policies.

- Review and monitor the arrangements for the identification, monitoring and control of strategic and operational risk within the authority.

Article 10 - Neighbourhood Action Partnerships Terms of Reference

10.01 Background

Redcar & Cleveland Borough Council has 24 Neighbourhood Action Partnerships to enhance community engagement and influence in local decision-making and promote more effective partnership working at neighbourhood level. A key role for Neighbourhood Action Partnerships is to provide a means of accountability for Neighbourhood Action Plans. The Neighbourhood Action Partnership areas correspond with ward boundaries.

10.02 Purpose

Neighbourhood Action Partnerships will: -

I. Contribute towards monitoring and reviewing the Neighbourhood Action Plan(s) for the area
II. Provide a means of engagement which is local, accessible, relevant and appealing to communities
III. Provide a forum for neighbourhood-level partners to address local issues, tackling underlying causes as far as possible
IV. Feed any issues arising from Neighbourhood Action Partnerships into relevant thematic partnership groups, so informing and influencing local strategies and strategic activity

10.03 Partnership Principles and Values

I. Everyone's contribution is of equal value
II. All participants have equal access to the information needed for informed decision-making, and in having the opportunity to make their views heard
III. All participants are listened to and treated with respect. The Partnership is a team and partners support each other, to be effective in addressing local priorities
IV. All Neighbourhood Action Partnerships are committed to dialogue and debate, leading to consensus, compromise and agreement, and to considering what is in the best interests of the area, listening to the views of local people
V. All participants will contribute experience and expertise to discussions in order to achieve good, workable solutions, including raising areas of concern in a constructive and supportive manner in order to improve the quality of life for people in their area
VI. All participants are to be committed to equality of opportunity and creating inclusive communities.

10.04 Membership

Each Neighbourhood Action Partnership will consist of the following membership categories: -

I. Ward councillors for the area (elected members)
II. Representatives from local voluntary and community sector organisations and businesses active in the area (community/business organisations)
III. Local residents (members of the public)
IV. Representatives from the local neighbourhood team and other Council services and representatives from public agencies active in the area (public agencies)

A member of the public must live or work in the Neighbourhood Action Partnership area. Work will include unpaid work.

10.05 Roles and Responsibilities

a) The Chair provides effective leadership to the Partnership and is responsible for:

I. Finalising the agenda with the Council's Neighbourhood Manager and the Council's Neighbourhood team
II. Ensuring meetings start on time and proceed according to the agenda
III. Conducting meetings according to the "Partnership Principles And Values", ensuring all participants treat others with courtesy and respect at all times and reaching decisions by negotiation and consensus
IV. Ensuring that all decisions and actions are clear and understood by the members of the Partnership
V. Involving and briefing the Vice Chair to enable them to substitute effectively when required.

b) The Vice Chair will be responsible for deputising for the Chair as necessary, and will accordingly receive appropriate contact and support from the Council's Neighbourhood team

c) Community participants (community/business organisations and members of the public) are responsible for:

I. Representing the views of the community
II. Taking an active and positive role in the work of the Neighbourhood Action Partnership
III. Actively seeking the views of their local community and any community organisation or business to which they belong on issues relevant to the Neighbourhood Action Partnership
IV. Feeding back information and decisions of the Neighbourhood Action Partnership to their organisation and the local community
V. Taking collective responsibility for the decisions of the Neighbourhood Partnership

d) (Public) Agency Participants are responsible for:

I. Feeding the views and decisions of the Neighbourhood Action Partnership back to their services or organisations
II. Providing expert knowledge and information to support the development and implementation of the Neighbourhood Action Plan
III. Establishing necessary links with colleagues and management to identify organisational contributions or potential collaborative opportunities with other partners which contribute towards achieving the outcomes of the Neighbourhood Action Plan
IV. Ensuring that local policy and strategic development within their organisation can be informed and influenced by the decisions and priorities of the Neighbourhood Action Partnership, through establishing appropriate and effective communication of the work of the Neighbourhood Action Partnership.

10.06 Chairing Of Meetings

The Neighbourhood Action Partnership Chair will be a ward councillor for the area. Representatives from public agencies (excluding the Council), from local voluntary and community organisations or businesses, or from the local community will be eligible to serve as Vice Chair.

At the first meeting of the Partnership year (which will coincide with the Council's municipal year), the first item of business will be to agree the appointment of the Chair and Vice Chair for the forthcoming year.

The role of the Chair and Vice Chair is to facilitate the smooth running of Partnership meetings (as outlined in "Roles and Responsibilities" above).

If, in the opinion of the Chair, a participant oversteps the mark, the Chair is entitled to ask for an apology and if an apology is not forthcoming has the right to insist that the person shall leave the meeting.

10.07 Meetings

Meetings will consider issues of interest to local residents, as well as issues of concern to the Council and partner agencies. It will be for Neighbourhood Action Partnerships to determine the most suitable format and venues for their meetings. Meetings will be held at least bi-monthly and will be open to all residents of the area.

Neighbourhood Action Partnerships will be able to hold combined or joint meetings if this is an effective way of addressing local issues, and meets local needs.

Meetings will be promoted throughout the area. Posters promoting meetings will be distributed to the meeting venue, local libraries and community centres within the Neighbourhood Action Partnership's area. Agencies and local organisations will receive invitations. Posters and invitations will be issued at least two weeks in advance of meetings. As soon as practicable in the first

year of operation, and at least a month before the first meeting of subsequent years, a schedule of meetings will be set and widely circulated.

10.08 Agenda Planning

The agenda planning process for meetings will be managed by the Chair and Vice Chair, with the assistance of the appropriate Council Neighbourhood Manager and Neighbourhood team.

Agenda items may be raised from the following: -

I. Neighbourhood Action Partnership participants may forward items for consideration
II. Items may arise from the previous meeting
III. The Neighbourhood Manager may put forward update reports

Agenda planning meeting dates will be noted on the Neighbourhood Action Partnership meeting schedule.

10.09 Decision Making

Neighbourhood Action Partnership decision-making will be by consensus.

10.10 Conflict Of Interest

Participants must declare any interests they have in any matter to be considered.

A conflict of interest arises where a participant, a close associate, immediate family, firm, organization or employer has an interest in a matter which is the same as, connected to or may be affected by the matter under discussion.

Those who have a conflict of interest may be present to make representations, answer queries and provide supporting evidence but should leave the meeting at the point the Chair deems the meeting has heard enough to reach a decision. Their leaving the meeting should also be recorded in the minutes.

Where a participant, a close associate, immediate family, firm, organization or employer has an interest in the matter being discussed which a member of the public who knew of the facts would reasonably regard as so significant that it is likely to prejudice the participant's judgment of the Partnership's interest in the matter, then the participant must declare the interest at the start of the agenda item, must not vote on the matter, and must leave the meeting until that agenda item has been concluded.

If any participant fails to declare a conflict of interest, then they may have to answer an allegation of improper conduct. If the allegation is upheld, then they will be barred from the Neighbourhood Action Partnership and the Chair will write to the individual and any organisation that need be concerned in the matter.

10.11 Representation On External Bodies

The Neighbourhood Action Partnership will determine who shall represent them on external bodies.

10.12 Sub Groups Of The Neighbourhood Action Partnership

The Neighbourhood Action Partnership will have the power to set up task and finish groups to support its own work and will agree the remit, membership and Chair of the task group.

10.13 Complaints

If any individual Neighbourhood Action Partnership participant wishes to raise a concern they should do so at the next available meeting.

If a Neighbourhood Action Partnership participant feels unable to do so because of the nature of the issue or the urgency of the matter they should write to the Chair and send a copy to the appropriate Council Neighbourhood Manager.

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

The Council or the Cabinet 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.

11.02 Joint arrangements

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

(b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Subject to (c) below, the Cabinet may appoint Cabinet members to such a joint committee and those Members need not reflect the political composition of the local authority as a whole.

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

- The joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- Where otherwise permitted by legislation.

(d) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to information

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

(b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

(c) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

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

(b) The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council/Cabinet meeting.

11.05 Contracting out

The Council and the Cabinet may contract out to another body, or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 – Officers

12.01 Management structure

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

(b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Services)	Overall corporate management and operational responsibility (including overall management responsibility for all officers). The Chief Executive also has responsibility for the functions of the Resources Directorate: Organisational Change Communications Governance Financial Services Assets/IT Policy and Performance
Executive Director for Adults and Communities	Adult Services Health Public Health Social Value Culture Community Development
Executive Director for Children and Families	Early Help, Safeguarding, Education Adoption and Fostering Learning and Skills
Director of Public Health	Health Improvement Health Protection and Quality
Executive Director for Growth, Enterprise and Environment	Neighbourhood Services: Waste, Streetscene and Highways Planning & Development Management Business & Employment Growth

	Place Development & Investment

Chief Officers are entitled to attend the Executive Management Team (EMT) as is the Monitoring Officer.

(c) **Head of paid service, monitoring officer and chief financial officer.** The Council will designate the following posts as shown:-

Post	Functions and areas of responsibility
Chief Executive	Head of Paid Services
Governance Director (Monitoring Officer)	Monitoring Officer (who is also described as the Chief Legal Officer in this Constitution).
Finance Director	Chief Finance Officer/S151 Officer

Such posts will have the functions described in Article 12.02 – 12.04 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 at Part 7 of this Constitution.

(e) **Changes in Structure.** Any changes to the structure and consequential changes to the details of Part 3 of the Constitution, other than changes in relation to or affecting the Head of Paid Service, Monitoring Officer and Chief Finance Officer, will not represent changes to the Constitution for the purposes of Article 15.

12.02 Functions of the head of paid service

(a) **Discharge of functions by the Council.** The head of paid service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(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.

12.03 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 consultation by members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council or to the Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report

will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Governance Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance Committee.

(d) **Receiving complaints.** The monitoring officer will receive and act on complaints alleging a breach of the Members Code of Conduct.

(e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by the Governance Committee Assessment Sub-Committee and make reports or recommendations in respect of them to the Governance Committee following consultation with the Independent Person.

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

(g) **Advising whether Cabinet decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(h) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

(i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

(j) Chief Officers shall refer all issues with legal connotations to the Monitoring Officer at an early stage for advice and guidance.

12.04 Functions of the chief finance officer

(a) **Ensuring lawfulness and financial 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 or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the monitoring officer and chief finance officer

The Council will provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 13 – Decision Making

13.01 Responsibility for decision-making

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

13.02 Principles of decision-making

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

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

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

(c) **respect of human rights**;

(d) **a presumption in favour of openness**;

(e) **clarity of aims and desired outcomes (including performance review)**; and

(f) **an explanation of what options have been considered** and giving the reasons for decisions.

13.03 Types of decision

(a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

(b) Key decisions.

(i) A key decision is defined as:

"Any decision in relation to an Executive function which results in the Local Authority incurring expenditure which is, or the making of savings, which are, significant having regard to the Local Authority's budget for the service or functions to which the decision relates" and/or

"which is likely to have a significant impact on two or more wards."

The value of a financial key decision is subject to local determination and for the purposes of this constitution it shall be £250,000 gross expenditure or income and will apply to revenue/capital virements, new projects and savings unless

previously identified or referred to in any of the Council approved plans or strategies.

(ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

(iii) Any Cabinet decisions taken in the course of developing proposals to the full Council to amend the policy framework will be treated as key decisions within the context of (b) above. Where the decision maker is of the view that any such decision does not fall within the definition of a key decision, then that decision itself will be treated as a key decision. Where the Cabinet, an officer or joint arrangement exercising executive functions has the power from the Council to amend any aspect of the policy framework, any decision to do so will be treated as a key decision. If the decision maker is however of the view that any such decision does not fall within the definition of a key decision, then that decision itself will be treated as a key decision.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Cabinet

Subject to Article 13.08, the Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by Scrutiny and Improvement committees

Scrutiny and Improvement committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the rights to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

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

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Chief Legal Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case whether the chief legal officer considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Legal Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Chief Legal Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Legal Officer should be sealed. The affixing of the Common Seal will be attested by two officers from amongst the Chief Legal Officer and officers duly authorised by the Chief Legal Officer for that purpose.

Article 15 – Review and Revision of the Constitution

15.01 Duty to monitor and review the constitution

The Corporate Resources and Governance Scrutiny and Improvement Committee (in consultation with the Governance Committee) will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of constitution by monitoring officer

A key role for the monitoring officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better 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; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

(a) **Approval.** Changes to the constitution will only be approved by the full Council after consideration of the proposal by the Cabinet and the Corporate Resources and Governance Scrutiny and Improvement Committee in consultation with the Governance Committee.

(b) **Change within a mayoral form of executive.** Unless the change relates only to the operation of overview and scrutiny, any resolution of the full Council to approve a change will have no effect without the written consent of the Mayor.

(c) **Change from a mayoral form of executive to another form of executive or to alternative arrangements, or from alternative arrangements to a mayoral form of executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. The change will not take effect until the end of the Mayor's term of office.

(d) **Change from a leader and Cabinet form of executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other persons in the area when drawing up proposals.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

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

(b) **Procedures to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) **Rules capable of suspension.** Any of the Rules specified below (except those expressly required by law e.g. Council Procedure Rule 18.2) may be suspended in accordance with Article 16.01.

16.02 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. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

5. Publication

(a) The Chief Legal Officer will provide access to a copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

(b) The Chief Legal Officer will ensure that the constitution is available for inspection at council offices, libraries and other appropriate locations. Printed copies can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Chief Legal Officer will ensure that the Constitution is made widely available and is updated as necessary.

Schedule 1: Description of Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny committees) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Cabinet) and the Executive Procedure Rules;
3. Article 10 (Neighbourhood Action Partnerships);
4. Article 11 (Joint arrangements);
5. Article 13 (Decision making) and the Access to Information Procedure Rules;
6. Part 3 (Responsibility for Functions).

Part 3 – Responsibility for Functions

Responsibility for Functions

Preamble

This part of the Constitution explains who is responsible for the various functions of the Council. The overall principle is that the Cabinet runs the Council, making all the "in year" decisions. However, its decisions have to be in accordance with the budget and policy framework, which only the Council can set. Usually the Cabinet will propose the budget and policies to the Council for consideration. As a check and balance to the Cabinet's wide powers that they have so that they are able to run the Council properly, the Overview and Scrutiny function has powers to arrange for Cabinet decisions to be "called in". This is to ensure that the Cabinet acts in accordance with the Constitution.

Where the business being transacted is not about running the Council but granting or withholding a benefit (e.g. a licence or planning permission), where there is requirement for procedural fairness, these decisions cannot be taken by the Cabinet.

So it is important to know who is responsible for the various functions of the Council so that Councillors and the public can tell whether the Council is acting constitutionally.

The responsibility for carrying out all functions are governed by regulations ("the functions regulations") which have been made (and will from time to time be added to and amended) under powers contained in the Local Government Act 2000. At the time of writing the Regulations are:

- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001.
- The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2004.

The responsibility for functions in this Constitution are as described by the functions regulations. Functions fall into three categories.

1. **Non-Executive Functions**

   These are functions which, under the law, may not be the responsibility of the Cabinet. In some cases, such as adopting the Council's budget or the policy framework, only the full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for the decision to a Committee or an Officer. Annex A sets out which non-executive functions will be exercised by the full Council and which will be delegated to specified committees or officers. Where functions are being exercised by full Council, they will normally appear on the Council Meeting Agenda either as:

   - Minutes of the Cabinet expressed to be for determination by the Council
   - Reports from Committees, including Scrutiny and Improvement Committees arising as a result of "call-in" or as "Select" Committee activity
   - Reports from Officers or others (e.g. the District Auditor).

2. 'Local Choice' Functions

There are some functions which the Council may treat as being the responsibility of the Cabinet (in part of whole) or as being non-executive, at its discretion. Again these functions can be delegated to officers. Annex B shows who is authorised to take the decision.

3. Executive Functions

All other functions are "executive" functions. Decisions on these functions will be taken by the Cabinet unless they are dealt with under joint arrangements or delegated to an officer. The details of these arrangements are set out in Annex C.

4. Neighbourhood Action Partnerships

4.1 Article 10 of the Constitution provides for the provision of Neighbourhood Action Partnerships including delegations under this part of the Constitution. Subject to the overall supervision of the Council's executive (referred to as the Cabinet), the Neighbourhood Action Partnerships shall have such delegated authority as is needed to discharge their responsibilities for overseeing the work of the area based environment and community safety teams within the delegated budgets for community safety initiatives and local environment maintenance and improvements within their area.

4.2 These delegations are subject to such conventions and protocols from time to time adopted by the Council including in particular those required by legislation to prevent a Neighbourhood Action Partnerships from making a decision which significantly affects a part of the Council's area in respect of which that partnership does not have functions and other matters as may be detailed in the convention or protocol.

5. Rules Relating to Delegations

The following rules relate to delegations:

(i) The body or person to whom a delegated power is given may (subject to any legal requirement to the contrary) delegate further and for the avoidance of doubt any officer to whom any power or function is delegated may authorise another officer to exercise those powers or functions in his name.

(ii) Where any function is delegated to a Committee or any other body, or to an officer, the body or person that delegated the function may direct that in any particular case that the delegation is not to apply, and may determine the matter himself/herself/itself.

(iii) A Committee or other body, or an officer to whom any function is delegated, is not obliged to exercise that delegation and may report to the Council or to the Cabinet (as the case may be) or to any other appropriate body on any delegated matter.

(iv) The exercise of delegated powers in relation to matters of significance under this Part of the Constitution shall be recorded in writing and reported as soon as is practicable in the Cabinet Business Papers.

(v) Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.

6. Scheme of Delegation to Officers

This Scheme sets out the powers that have been delegated to officers. They cover functions from all three categories described above. The details of the scheme are set out in Annexe D. Additions and amendments to the Scheme are deemed not to be amendments to the Constitution.

ANNEXE A NON-EXECUTIVE FUNCTIONS

Matters to be dealt with by the full Council

The full Council will exercise the following functions, duties and powers:-

(i) The functions, duties and powers as set out in Article 4 of this Constitution.

(ii) Determining the amount of any allowance payable under sections 3.5, 173 or 175 of the Local Government Act 1972 (Mayor's/Deputy Mayor's expenses, financial loss allowance, Conference allowance).

(iii) Determining the rates of travelling and subsistence allowance payable under section 174 of the Local Government Act 1972.

(iv) The making, amending, revoking or replacing of and the amount of any allowance payable pursuant to, a scheme under Section 18 of the Local Government and Housing Act 1989, and the rates at which payments by way of any such allowance are to be made.

(v) Determining whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of the Cabinet, and the amount of any such charge.

(vi) The powers and duties of the Council in relation to elections and electoral registration, including:

(a) the appointment of an electoral registration officer and a returning officer for Local Government Elections;

(b) the division of the authority's area into polling districts;

(c) the submission to the Secretary of State of proposals for pilot schemes for local elections.

(vii) The functions and powers of the Council in relation to parish councils (except for matters which are the responsibility of the Governance Committee).

(viii) The functions of the Council in relation to Local Government Pensions.

(ix) The power to make payments or provide other benefits in cases of maladministration in accordance with section 92 of the Local Government Act 2000.

(x) The functions of the Council relating to sea fisheries.

(xi) The duty under section 151 of the Local Government Act 1972 to make arrangements for the proper administration of the authority's financial affairs.

(xii) The duty to designate an officer as head of the paid service and to designate different officers as the Chief Financial Officer and the Monitoring Officer, and to provide them with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

(xiii) The power to appoint proper officers under section 270(3) of the Local Government Act 1972.

(xiv) The duty to approve proposals in connection with the preparation of an altered or replacement development plan, prior to public consultation, under regulations 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Delegation by the Council

The Council will appoint the stated number of Members to the following bodies at the Annual General Meeting, where required. The Council may vary the number of Members at its discretion.

Functions and Responsibilities of Committees

Council Committees

Body	No of Members	Functions	Delegation of Functions
1.Regulatory Committee	13 Councillors of the Authority	All the functions relating to licensing and registration contained in any local act and or as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), Part B Nos. 1 to 68 (excluding Nos 37 and 38), Part C and Part I No 42, and including Pavement Licences under the provisions of the Business and Planning Act 2020. Established in accordance with section 6 of the Licensing Act 2003 which states that “each licensing authority must establish a licensing committee consisting of at least ten, but no more than fifteen, members of the authority. All the functions relating to town and country planning and development control and other matters as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) Part A Nos 1 to 27, Part B Nos 37 and 38, Part I Nos 41, 46 and 47 To consider and provide views to the Cabinet and the Council on new or amended planning policy, the proposed plans and alterations which together comprise the Development Plan and on any revisions, modifications or variations thereto including proposals in connection with the preparation of an altered or replacement development plan, prior to public consultation under regulations 10 and 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999	Delegation to Officers as set out in the Scheme of Delegation to Officers

Body	No of Members	Functions	Delegation of Functions
2. Governance Committee	15 members made up of 11 Councillors of the Authority, plus 2 co-opted independent members and 2 co-opted Parish Council members.	The functions of the Committee are set out in Article 9 of this Constitution.	Delegation to Officers as set out in the Scheme of Delegation to Officers.
3. Employment, Health and Safety Committee (NB Where this committee is convened to consider other matters within its remit which are unrelated to health & safety or employment, it will be identified on minutes/agenda etc as "sitting as the General Purposes Committee)	13 Councillors of the Authority (NB Where a meeting of the committee is to consider health and safety matters, the following officers (or, in their absence, a nominated representative) will be required to attend: Chief Executive, Governance Director (Monitoring Officer) and, a Director or Assistant Director to represent each directorate as appropriate, Health and Safety Manager, Trade Union Health and Safety Representative(s))	All the powers of the Council (but not the executive) to deal with all employment and human resources matters. Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974 (to the extent that such functions are exercised by the Council as employer only) including: a. statistics on accident records, ill health, sickness absence; b. accident investigations and subsequent action; c. inspections of the workplace by enforcing authorities, management or employee health and safety representatives; d. risk assessments; e. health and safety training; f. emergency procedures; and g. changes in the workplace affecting the health, safety and welfare of employees. To deal with any matters reserved for full Council in the Constitution but which by reason of urgency, commercial sensitivity or other relevant reason, it is in the opinion of the Proper Officer not desirable to call a meeting of the full Council. All the functions relating to the registration of common land or town or village greens as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) Part B Nos 37 and 38.	The hearing of appeals and grievances from officers below Chief Officer and the consideration of and approval of applications for early retirements and voluntary redundancy is delegated to a Panel consisting of three independent senior officers of the Council graded Head of Service or above as set out in the Scheme of Delegation to Officers

Body	No of Members	Functions	Delegation of Functions
		NB Health and safety issues will normally be considered by the committee only at meetings arranged specifically for that purpose. One meeting of the committee per quarter will be set aside to consider health and safety matters, but additional meetings may be arranged on other occasions in response to urgent issues and/or unexpected events. Agenda items unrelated to health and safety will not be considered during such meetings other than in the case of significant urgency and in agreement with the Chair.	
4. Appointments Panel	7 Councillors of the Authority in accordance with the requirements for political proportionality and, if practicable, at least one Member of the Panel shall be a Member of the Cabinet.	The Panel may exercise all the powers of the Authority, in accordance with the Officer Employment Procedure Rules in relation to the appointment of the head of paid service, and chief officers, to interview candidates and make a recommendation to the Council where required.	
5. Single Health and Wellbeing Board between Redcar and Cleveland Borough Council and Middlesbrough Council	The membership of the Board is prescribed by the Health and Social Care Act 2012 as amended and is exempt from rules as to political proportionality. Redcar and Cleveland Representation will include 5 Councillors of the Authority as follows – • The Leader • Cabinet member with responsibility for Health and Housing • Cabinet member with responsibility for Children	Provide strategic direction Ensure strategic influence over commissioning decisions across health, public health and social care. Strengthen democratic legitimacy by involving democratically elected representatives and patient representatives in commissioning decisions alongside commissioners across health and social care. The Board will also provide a forum for challenge, discussion, and the involvement of local people. Bring together clinical commissioning groups and council commissioners to develop a shared understanding of the health and wellbeing needs of the community.	Delegation to Officers as set out in the Scheme of Delegation to Officers

Body	No of Members	Functions	Delegation of Functions
	• Cabinet Member with responsibility for adults • 1 Councillor nominated by the Leader	Ensure the Joint Strategic Needs (and assets) Assessment (JSNA) is undertaken and develop a joint Health and Wellbeing Strategy to address needs and improve health and wellbeing outcomes. This will include supporting the development of joint commissioning and integrating services across health and care where this makes sense. Create a more effective and responsive local health and care system. Other services that impact on health and wellbeing such as housing and education provision will also be addressed.	
6. Corporate Parenting Board	12 Councillors of the Authority to include the Cabinet members with responsibility for Health and Housing, and Children.	To raise the awareness of Members of the Council on the role of Corporate Parenting To develop effective corporate responses to fulfil the Authority's responsibilities as a Corporate Parent To review the Council's Corporate Parenting Policy To implement changes to policy and practice and to inform service development in the context of Corporate Parenting To ensure the education, health and social needs of children looked after including those leaving care are met To promote and safeguard the welfare of all children looked after including those placed outside the Borough To review the Council's arrangements for rota visits to children looked after and arrangements for conducting Section 33 visits to Children's Homes To advise the Cabinet Member on the issues identified above.	

Body	No of Members	Functions	Delegation of Functions
7. Shared Services Appointments Panel (Joint Committee)	9 Members consisting of 4 Elected Members each from Redcar and Cleveland Borough Council & Middlesbrough Council, and 1 co-opted (non-voting) member who shall act as Chair of the Panel. Where political proportionality permits, at least 1 of the 4 members should be a member of the Cabinet The co-opted Member/Chair shall be suitably qualified and from an external organisation directly relevant to the appointment in question; and shall be nominated in consultation between the Chief Executive/ Chief Executive/Head of Paid Service and relevant Cabinet Member(s) of each council, with their co-option being confirmed at meetings of the respective Councils or the Panel	The Panel may exercise all the powers of the Authority, in accordance with the Officer Employment Procedure Rules in insofar as they involve the appointment of chief officers and to interview candidates insofar as such appointments relate to posts involving the management of shared service arrangements.	

Cabinet Committees

8. Executive Shareholder Committee	All members of the Cabinet. The Chairs of all Scrutiny and Improvement Committees may attend and speak on relevant items, but are not part of the committee and do not have voting rights.	As per Terms of Reference in Schedule 1 below.	Delegations to Shareholder Representatives (S151 Officer and Commercial and Legal Manager) as per Schedule 1 below and Scheme of Delegation to Officers.

			Delegation to Monitoring Officer to update the constitution to reflect any relevant decisions of the Executive Shareholder Committee. Delegation to the Chief Executive to appoint an appropriate senior officer to the roles of Shareholder Representative and Director as required, in consultation with the Leader or another Cabinet Member nominated by the Leader for this purpose.

NB A Protocol and Guidance for Directors of Council Companies and Joint Ventures document appears later within the constitution.

Schedule 1

Executive Shareholder Committee Terms of Reference and Delegations

For the purposes of this Schedule, the companies referred to herein are:

a) Veritau Tees Valley Ltd; and

b) Redcar and Cleveland Legal Services Ltd.

c) Any such companies as may be added to this Schedule from time-to-time as a result of the Council's involvement in a local authority controlled company.

General Matters

1. Monitor the performance of the companies in relation to their Business Plans and, in particular, the companies' performance:

   (a) in financial matters
   (b) against the social goals of the company as set out in the company's Objects, Business Case or Business Plans; and
   (c) against the values of the Council.

2. Evaluate and monitor via periodic reports and/or annual reports:

   (a) performance and progress against business plans;
   (b) financial and social returns on investment (be that shareholding, loans or direct investment); and
   (c) risks and opportunities including those arising from joint ventures or new opportunities.

3. Consider matters reserved to the Council for shareholder approval, such as those listed below but more particularly set out in a company's Articles of Association or Shareholder Agreement:

   (a) The change of the Company's name.

   (b) The making of any variation to the Memorandum of Association of the Company or the Articles.

   (c) The amalgamation or merger of the Company with any other company, business or undertaking or the acquisition of any shares in any company or any business or undertaking of any person, the establishment of any Subsidiaries or the participation by the Company in any legal partnership or joint venture (whether incorporated or not).

   (d) The making of any petition or resolution to wind-up the Company or any application for administration or giving any notice of intention to an administrator unless in any case the Company is at the relevant time insolvent and the Directors reasonably consider (taking into account their fiduciary duties) that the Company ought to be wound-up.

   (e) The admission of persons as shareholders of the Company.

   (f) The appointment and terms of appointment of directors other than Directors appointed by other parties.

   (g) Approving amending or terminating any agreement in respect of a transaction or commitment with a value of more than £200,000 relating to the performance or functions of the Company, or such other value as maybe specified in the attached Appendices where applicable.

(h) Increasing or decreasing or cancelling the authorised or issued share capital of the Company or agreeing to allot any of the share capital of the Company or otherwise reorganise the share capital of the Company

(i) The percentage of Profit to be distributed as dividends.

(NB The Executive Shareholder Committee will not have operational control over the company. All decisions regarding the day-to-day operation of the Company its business developments and commercial opportunities and the development and implementation of its internal procedures, rest with the Directors)

4. Consider proposals that might be outside of the agreed operational parameters and business plans.

5. Exercise oversight on decision making and assurance that the statutory functions of the companies are being properly discharged.

6. Any specific matters as set out in the attached Appendices as applicable to each individual company.

Decision making by the Shareholder Representatives:

7. The Shareholder Representatives for each company are identified in the relevant Appendices to this Schedule. If, for any reason, the Shareholder Representative is unavailable and a matter cannot wait until their return, the Alternative Shareholder Representative is authorised to undertake their role in full, as set out within these Terms of Reference.

8. Where a reserved matter is considered by the Council's Shareholder Representative to necessitate a shareholder decision before a meeting of the Executive Shareholder Committee is due to take place, the Council's Shareholder Representative, or their appointed nominee, is authorised to perform all functions within the duties and powers of the Executive Shareholder Committee in accordance with provisions set out below and as shareholder representative.

9. The Council's Shareholder Representative is authorised, subject to the concurrence of the Leader or, in his/her absence, the Deputy Leader or other nominated Cabinet Member, to perform all functions within the powers and duties of that Executive Shareholder Committee in any case in which the prompt performance of any of the Council's shareholding functions is desirable and necessary, subject to the action taken being reported through delegated decision notices. In the event that the Leader, Deputy Leader or a nominated Cabinet Member is not available to consult and the matter is of such urgency that a decision cannot be postponed, the Shareholder Representative shall instead consult with the Chief Executive/Head of Paid Service or, in their absence, the person at the time acting in that role.

10. The Council's Shareholder Representative, or his/her nominee, is further authorised to exercise the Council's vote as shareholder at general meetings of a company and to undertake the following:

    (a) Monitoring the strategic and business plans and approving emergency amendments.

    (b) Approving the appointment or dismissal of company Directors including the Chair.

    (c) Matters relating to the terms and conditions of company Directors.

    (d) Matters relating to the entering of any contracts with company Directors.

    (e) Matters relating to the employment of senior management team of the company.

    (f) Changes to share capital and admission of shareholders.

    (g) Making changes to the nature of the company's business.

    (h) Approving changes to the area in which the company works.

    (i) Altering the company's name or registered office.

    (j) Where required giving any further specific approval to a Shareholder Reserved Matter provided for within the Shareholders' Agreement and in accordance with the timescales required to ensure compliance with the Project Agreement.

    (k) Where required giving any further specific approval to a matter provided for within the approved business plan.

    (l) To act on behalf of the Executive Shareholder Committee to monitor Performance of the Company.

    (m) To take appropriate action and decisions as the Shareholder as directed by the Executive Shareholder Committee.

    (n) To take all other decisions as the Shareholder as provided for by legislation or the Company's governance documents.

    (o) To report back to the Executive Shareholder Committee annually or from time to time on formal decisions made.

11. It is agreed that if there is a conflict or inconsistency between the provisions set out in this Terms of Reference document and the Shareholders' Agreement, the provisions of the Shareholders' Agreement

shall prevail. In the event of inconsistency between the Terms of the Reference and an Appendix, the Appendix shall prevail.

Company Specific Provisions

12. Any specific provisions relating to an individual company as set out within the following appendices, or as amended by the Executive Shareholder Committee shall apply, including specific provisions in relation to such additional companies as may be added from time-to-time by the Executive Shareholder Committee in accordance with first paragraph of this Schedule. Where such changes occur, this Schedule will be updated within the Constitution accordingly.

Appendix A – Veritau Tees Valley Ltd

Company	Shareholder Representative
Veritau – Tees Valley Ltd	Shareholder Representative: Section 151 Officer Alternative Shareholder Representative. In the absence of the Section 151 officer the Chief Executive or any Executive Director are authorised to act as Alternative Shareholder Representative in the event of an urgent decision being required.

Company Specific Provisions

None

Appendix B – Redcar and Cleveland Legal Services Ltd

Company	**Shareholder Representative**
Redcar and Cleveland Legal Services Ltd	Shareholder Representative: Commercial and Legal Manager Alternative Shareholder Representative. In the absence of the Commercial and Legal Manager, the Monitoring Officer, Chief Executive or any Executive Director are authorised to act as Alternative Shareholder Representative in the event of an urgent decision being required.

Company Specific Provisions

None

ANNEXE B - LOCAL CHOICE FUNCTIONS

Body	No of Members	Functions	Delegation of Functions
1. The Cabinet	The Leader and between 2 and 9 Members	Any function under a local act (other than licensing or consent functions).	Delegation to officers as set out in the Scheme of Delegation to Officers.
2. The Governance Committee	11 Councillors of the Authority, 2 Parish Councillors and 2 independent member	The determination of an appeal against any decision made by or on behalf of the authority or any complaint made against the authority.	
3. The Council	59 Councillors of the Authority	The appointment of review boards under the Social Security Act 1988	Delegation to Officers as set out in the Scheme of Delegation to Officers.
4. The Cabinet	The Leader and between 2 and 9 Members	The making of arrangements for appeals against the exclusion of pupils.	
5. The Cabinet	The Leader and between 2 and 9 Members	The making of arrangements for School Admission Appeals.	
6. The Cabinet	The Leader and between 2 and 9 Members	The making of arrangements for appeals by governors against the authority's decision to admit a child who has previously been excluded.	

Body	No of Members	Functions	Delegation of Functions
7. The Council	59 Councillors of the Authority	The making of arrangements for enabling questions to be put on the discharge of the functions of a police authority.	
8. The Council	59 Councillors of the Authority	The making of appointments to the Joint Committee for the appointment of Members to the Police Authority.	
9. The Cabinet	The Leader and between 2 and 9 Members	The conducting of best value reviews.	
10. The Regulatory Committee (1) The Cabinet (2)	13 Councillors of the Authority The Leader and between 2 and 9 Members	(1) Matters relating to the serving and enforcing of notices in the discharge of functions relating to contaminated land. (2) Any matter relating to contaminated land except (1) above.	Delegation to officers as set out in the Scheme of Delegation to Officers.
11. The Cabinet	The Leader and between 2 and 9 Members	The discharge of any function relating to the control of pollution or the management of air quality.	Delegation to Officers as set out in the Scheme of Delegation to Officers.
12. The Cabinet	The Leader and between 2 and 9 Members	The service of an abatement notice in respect of a statutory nuisance.	Delegation to Officers as set out in the Scheme of Delegation to Officers.

Body	No of Members	Functions	Delegation of Functions
13. The Cabinet	The Leader and between 2 and 9 Members	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Delegation to Officers as set out in the Scheme of Delegation to Officers.
14. The Cabinet	The Leader and between 2 and 9 Members	The inspection of the authority's area to detect a statutory nuisance.	Delegation to Officers as set out in the Scheme of Delegation to Officers.
15. The Cabinet	The Leader and between 2 and 9 Members	The investigation of any complaint as to the existence of a statutory nuisance.	Delegation to Officers as set out in the Scheme of Delegation to Officers.
16. The Regulatory Committee	13 Councillors of the Authority	The obtaining of particulars of persons interested in land under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Delegation to Officers as set out in the Scheme of Delegation to Officers.
17. The Cabinet (1) The Regulatory Committee (2)	The Leader and between 2 and 9 Members 13 Councillors of the Authority	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. These functions may be undertaken by the Cabinet or the Regulatory Committee in connection with the discharge of any of their functions.	Delegation to Officers as set out in the Scheme of Delegation to Officers.

Body	No of Members	Functions	Delegation of Functions
18. The Cabinet	The Leader and between 2 and 9 Members	The making of agreements for the execution of highway works.	Delegation to Officers as set out in the Scheme of Delegation to Officers.
19. The Council (save for those where: a. the Outside Body in question requires the appointment of a Cabinet Member; or b. the Monitoring Officer, in consultation with all political group leaders, determines that the appointment should be an executive function, referring any disagreement on the issue for consideration via the formal route for constitutional changes.	59 Councillors of the Authority	Appointment of any individual: (a) to any office other than an office in which he is employed by the Authority (b) to any body other than i) the authority ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	
20. The Cabinet	The Leader and between 2 and 9 Members	The making of agreements with other local authorities for the placing of staff at the disposal of those authorities.	
21. The Cabinet	The Leader and between 2 and 9 Members	Any function of the authority in its capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of Schedule 2 of the Functions Regulations).	

ANNEXE C – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Preamble

The Leader determines the scheme of delegation for the discharge of the executive functions of the Council. Subject to this, the Cabinet is responsible for fulfilling the following functions –

- to lead the Community planning process and the search for best value, with input and advice from overview and scrutiny, Neighbourhood Action Partnerships and any other person, as appropriate
- to lead the preparation of the local authority's policies and budgets
- take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the full Council; and
- to be a focus for forming partnerships with other local public, private, voluntary and community sector organisations to address public needs

Roles, Responsibilities and Delegations

The functions which are the responsibility of the Cabinet can be discharged collectively or individually by members of the Cabinet. In Redcar and Cleveland's Constitution, the members of the Cabinet appointed by the Leader have a portfolio for which they are responsible and have delegated authority under this Constitution to decide any matter within their respective portfolio subject to the provisions of this Annexe.

In the event of any disagreement between Cabinet Members as to whether any particular item falls within their portfolios, the Leader of the Council will determine the issue following consultation with the statutory officers and the relevant Director(s) after considering the views of the Cabinet Members whose portfolios are affected.

The Leader of the Council will then give written notice to the proper officer (the Monitoring Officer) of his decision. The proper officer will then notify in writing the Cabinet Members and publicise the decision in the same manner as executive decisions are published. Such decisions are not subject to call-in.

The delegations to Cabinet Members do not derogate from the Scheme of Delegation to Officers which is detailed in this part of the constitution and is subject to the rules set out herein.

Joint Arrangements

Table 4 below describes briefly those executive functions that are delegated to a joint committee or arrangement with details of any advisory joint committee set up to advise the authorities concerned (and/or their executives) on the discharge of such functions.

Further information on the exact nature of the delegated functions is contained in the relevant legal agreement.

TABLE 3

Who is responsible	Membership	Functions	Delegation
Leader of the Council	Cabinet	This role provides overall political leadership of the Council and is the authority's principal link with national and regional partnerships. The Leader will promote the interests of the Borough and the Council generally with potential investors and partners, and in the wider local government context through the Local Government Association and other routes. The Leader is the Council's lead representative on the Tees Valley Combined Authority. The Leader secures strategic and political co-ordination, chairs the Cabinet and represents its collective position to Council and the community. The Leader will manage relationships between the Council's various political groups and ensure that the Cabinet is properly accountable to the wider Council. As Leader, the portfolio holder is responsible for all corporate plan commitments. The Leader of the Council provides political leadership: • In determining the size of the Cabinet and relevant portfolios, and to make appointments accordingly. • To provide the political leadership to the Council, including proposing the political framework within which the Council will operate and to take such executive action as may be delegated by the Authority • To ensure effective Corporate Governance including working with the opposition groups to seek to achieve where possible cross-party cooperation • To exercise community leadership through representation by the Council on local, regional and national organisations ensuring that the views of a wide variety of partners from the public, private, voluntary and community sectors are	Delegation of all matters to be determined by the Cabinet within the Portfolio.

Who is responsible	Membership	Functions	Delegation
		heard by the Council and others; and our own response/position on issues is considered by others • To ensure the work of the Council is business-like across all portfolios • To lead the Cabinet and ensure that its work is conducted in accordance with the Council's Constitution and with due regard to any statutory provisions set out in legislation • To ensure that Cabinet achieves its terms of reference both collectively and as individual portfolio holders • To ensure the effective integration of roles, responsibilities and functions within the Cabinet membership • To provide political leadership to steer organisational change that may be required to ensure the long-term sustainability of the Council • To communicate the Administration's policies and priorities to the Executive Management Team and receive their advice • To ensure, through working with the Chief Executive, the long term financial, business and economic stability of the Council • To hold the Chief Executive to account by participation in the agreed annual appraisal process • To be the ambassador voice of the Council - for example in its dealings with Central Government, other Local Authorities and their Associations - positively promote the Council as a whole in the media and ensure that it is properly represented in key meetings as appropriate. • To act as the political spokesperson for the Council • To encourage the highest standards of probity and corporate governance for the well-being of the Borough	

Who is responsible	Membership	Functions	Delegation
		• To work with the Chief Executive to promote a positive and courteous working environment where staff and Members are valued for their contribution and operate within an environment of mutual respect.	
Cabinet Member for Climate and Culture (Deputy Leader)	Cabinet	The Deputy Leader works in partnership with the Leader of the Council in providing the political leadership which shapes strategy and policy in order to ensure that the Council delivers on the corporate plan and the priorities within. The Deputy Leader will deputise in the absence of the Leader of the Council. As the Deputy Leader, the portfolio holder is responsible for all corporate plan commitments. In addition to working alongside the Leader of the Council to provide overall political leadership with the Council, the Deputy Leader of the Council has responsibility for the following areas/functions: • assist the Leader to provide effective political leadership and strategic direction for the council - this includes developing overall strategy, budgets, policy arrangements and service reviews, and representing the council in the community and in discussions with regional, national and international organisations • deputise for the Leader in their absence and undertake the duties set out in the role profile of the Leader of the Council insofar as it is permitted under the Constitution • to have a detailed understanding of the strategic role of the Leader of the Council	Delegation of all matters to be determined by the Cabinet within the Portfolio

Who is responsible	Membership	Functions	Delegation
		• To act as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader. • To hold and lead on any Portfolio Holder position which the Council may allocate. • To undertake specified delegated / designated Leader duties. • To share and support in general the full workload of the Leader. **The portfolio holder for Climate & Culture provides political leadership across the following functions/areas:** • Achieving a net zero borough • Delivery of a net zero organisation • Climate change mitigation and environmental protection • Biodiversity • Environmental and climate justice • Land use and land reform • Greener Future Programme • Air quality • Countryside Services • Advocacy • Property Services • Tourism and Culture • Events • Heritage Buildings • ERF Facility	

Who is responsible	Membership	Functions	Delegation
Cabinet Member for Children	Cabinet	To provide political leadership to shape strategy and policy in order that the Council delivers the corporate plan priorities: As a Cabinet Member, the portfolio holder is responsible for all corporate plan commitments, but with a specific remit for Children. This is a role specifically required by Section 19 of the Children Act 2004 and accordingly, the portfolio holder has specific statutory obligations to ensure that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed. The portfolio holder for Children provides political leadership across the following functions/areas: • Children's Safeguarding and Social Work • Fostering and Adoption • Children in our Care and care leavers • Early Help • Special Educational Needs • Children with Disabilities • Youth & Community Services • Family Hubs • Supporting Families	Delegation of all matters to be determined by the Cabinet within the Portfolio

Who is responsible	Membership	Functions	Delegation
		• Health Visiting and School Nursing • Foundation for Jobs • Careers and Employability • Education including early years • School Crossing Patrols • Educational Psychology • Attendance and Welfare • Educational Achievement • Education of Children in our Care • School admissions • School place planning • Home to School transport • Tackling Child Poverty	
Cabinet Member for Corporate Resources	Cabinet	To provide political leadership to shape strategy and policy in order that the Council delivers the corporate plan priorities: As a Cabinet Member, the portfolio holder is responsible for all corporate plan commitments, but with a specific remit for Resources. The portfolio holder for Resources provides political leadership across the following functions/areas: • Financial Services & Accountancy • Local taxation, recovery & support • Audit & Assurance • Governance (Risk Management, Business Continuity & Insurance)	Delegation of all matters to be determined by the Cabinet within the Portfolio.

Who is responsible	Membership	Functions	Delegation
		• Youth Employment Schemes • Legal & Procurement Services • Democratic Services • Registrars • Information Governance • Human Resources • Information Technology • Policy & Performance • Communications	
Cabinet Member for Adults	Cabinet	To provide political leadership to shape strategy and policy in order that the Council delivers the corporate plan priorities: As a Cabinet Member, the portfolio holder is responsible for all corporate plan commitments, but with a specific remit for Adults. This is a role specifically required under statutory guidance, with specific obligations for ensuring a strategic approach to services for adults provided by the local authority and, in particular, promoting wellbeing, preventing social exclusion and protection of vulnerable adults with care and support needs and their unpaid carers. The portfolio holder for Adult's provides political leadership across the following functions: • Adult Safeguarding including Domestic Abuse	Delegation of all matters to be determined by the Cabinet within the Portfolio

Who is responsible	Membership	Functions	Delegation
		• Adult Social Care and Social Work • Occupational Therapy • In-house Provider Services • Housing Adaptations • Learning Disabilities • Adult and Older People's Mental Health • Commissioning and Contract Management • Social Care Payments and Income	

Cabinet Member for Growth & Enterprise	Cabinet	To provide political leadership to shape strategy and policy in order that the Council delivers the corporate plan priorities:
		
		As a Cabinet Member, the portfolio holder is responsible for all corporate plan commitments, but with a specific remit for Growth and Enterprise.
		
		The portfolio holder for Growth & Enterprise provides political leadership across the following functions/areas:
		
		• Planning & Development
		  ○ Development Management
		  ○ Planning Strategy
		  ○ Housing Strategy
		  ○ Building Control
		  ○ Licensing
		• Strategic Asset Management
		• Place Development Investment
			Delegation of all matters to be determined by the Cabinet within the Portfolio.

Who is responsible	Membership	Functions	Delegation
		○ Area Growth Plans (Regeneration Projects) • Business Engagement ○ Business Support/Advice ○ Place Marketing • Learning, Skills and Employment ○ Adult Learning ○ Training and Employment Hubs ○ Employment Support ○ Youth Employment Initiative	
Cabinet Member for Health, Welfare and Housing	Cabinet	**Portfolio Responsibility** To provide political leadership to shape strategy and policy in order that the Council delivers the corporate plan priorities. As a Cabinet Member, the portfolio holder is responsible for all corporate plan commitments, but with a specific remit for Health, Welfare and Housing. The portfolio holder for Health, Welfare & Housing provides political leadership across the following functions: • Public health • Environmental Health • Trading Standards • Scambusters • Health Improvement • Domestic Abuse • Leisure	Delegation of all matters to be determined by the Cabinet within the Portfolio.

Who is responsible	Membership	Functions	Delegation
		• Homelessness Prevention • Housing Support • Affordable Warmth	
Cabinet Member for Highways and Transport.	Cabinet	**Portfolio Responsibility** To provide political leadership to shape strategy and policy in order that the Council delivers the corporate plan priorities: As a Cabinet Member, the portfolio holder is responsible for all corporate plan commitments, but with a specific remit for Highways and Transport. Council lead for Transport on the TVCA transport committee. The portfolio holder for Highways & Transport provides political leadership across the following functions/areas: • Engineering Projects • Fleet Management • Highways Maintenance • Sustainable Transport • Public Transport • Strategic Transport • Structures and Street Lighting • Flood prevention and coastal erosion • Parking Strategy • Concessionary Travel	Delegation of all matters to be determined by the Cabinet within the Portfolio.

Who is responsible	Membership	Functions	Delegation
		• Christmas Lights • Alley Gating Scheme • Public Rights of Way (PROW) • Fleet	
Cabinet Member for Neighbourhoods	Cabinet	To provide political leadership to shape strategy and policy in order that the Council delivers the corporate plan priorities: As a Cabinet Member, the portfolio holder is responsible for all corporate plan commitments, but with a specific remit for Neighbourhoods. Cabinet Member is also charged with specific responsibility for Community Safety and hence will chair such committee and will be the Council political lead for Emergency Planning. The portfolio holder for Neighbourhoods provides political leadership across the following functions/areas: • Waste and Recycling • Street Cleansing • Parks & Grounds Maintenance • Tree Maintenance & Planting • Monuments, Cenotaphs & Playgrounds • Allotments & Pest Control • Enforcement • Cemeteries & Bereavement Services	Delegation of all matters to be determined by the Cabinet within the Portfolio.

Who is responsible	Membership	Functions	Delegation
		• Community Safety (Chair of Community Safety Partnership) • CCTV • Emergency Planning • Private Sector Housing Standards • Gypsies and Travellers • Asylum Seekers and Refugees • Libraries • Customer Services • Community Development Officers	

TABLE 4

JOINT ARRANGEMENTS – FUNCTIONS

Who is responsible	Membership	Functions	Onward Limits of Delegation	Checks and Balances
Cabinet	The Leader and between 2 and 9 Members	Tees Valley Music Service	Executive Director for Children and Families.	Stockton Borough Council Lead Authority. Service Level Agreements with Middlesbrough, Redcar and Cleveland and Hartlepool Borough Councils
Cabinet	The Leader and between 2 and 9 Members	Archives	Executive Director for Children and Families.	Middlesbrough Borough Council as Lead Authority; Joint Committee (subject to transitional arrangements and regulations issued by the Secretary of State)
Cabinet	The Leader and between 2 and 9 Members	Special Schools	Executive Director for Children and Families.	Stockton Borough Council Lead Authority. Service Level Agreements with Middlesbrough, Redcar and Cleveland and Hartlepool Borough Councils.
Cabinet	The Leader and between 2 and 9 Members	Social Services Appliance Stores	Executive Director for Children and Families.	Middlesbrough Borough Council Lead Authority and a Joint Agreement.
Cabinet	The Leader and between 2 and 9 Members	Metrology Laboratory	Executive Director for Adults and Communities	Middlesbrough Borough Council Lead Authority and a Joint Agreement.
Cabinet	The Leader and between 2 and 9 Members	Geotech Laboratory	Executive Director for Adults and Communities	Middlesbrough Borough Council Lead Authority.
Cabinet	The Leader and between 2 and 9 Members	Urban Traffic Control	Executive Director for Adults and Communities	Middlesbrough Borough Council Lead Authority.

Who is responsible	Membership	Functions	Onward Limits of Delegation	Checks and Balances
Cabinet	The Leader and between 2 and 9 Members	Public Transport	Executive Director for Adults and Communities	Redcar and Cleveland Borough Council
Cabinet	The Leader and between 2 and 9 Members	Archaeology	Executive Director for Adults and Communities	Hartlepool Borough Council Lead Authority.
Cabinet	The Leader and between 2 and 9 Members	Waste Management	Executive Director for Adults and Communities	Stockton Borough Council Lead Authority.
Cabinet	The Leader and between 2 and 9 Members	Joint Strategy and Forecasting	Executive Director for Adults and Communities	Joint Strategy Committee (subject to transitional arrangements and Regulations issued by the Secretary of State) and a Joint Agreement.
Cabinet	The Leader and between 2 and 9 Members	Emergency Planning	Executive Director for Adults and Communities	Hartlepool Borough Council as Lead Authority; Joint Committee (subject to transitional arrangements and Regulations issued by the Secretary of State).

ANNEXE D - SCHEME OF DELEGATION TO OFFICERS

Preamble

The Scheme of Delegation to officers captures delegations in relation to:

- Local choice functions
- Council retained functions
- Cabinet functions

Delegations are subject in some cases to consultation and in all cases to recording. Exercise of delegated powers (other than minor matters) will be reported through the Council's decision making processes.

Power to add additional delegations

The Chief Legal Officer is hereby given delegated power to add new or amend existing delegated powers relating to routine operational matters. These will be added to the definitive version of the Constitution published on the Council's web site.

Details of the Scheme are set out below.

Interpretations

For the purposes of the Scheme the following interpretations apply:-

'Chief Executive' means the officer of the Council for the time being who is designated 'the Head of Paid Service'

'Chief Finance Officer' means the officer of the Council for the time being having the responsibility for managing the Council's finances and designated 'Chief Finance Officer' under the relevant legislation

'Chief Legal Officer' means the officer of the Council for the time being having the responsibility for giving legal advice to the Council

'Chief Personnel Officer' means the officer of the Council for the time being having the responsibility for giving personnel advice to the Council

SCHEME OF DELEGATION TO OFFICERS

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
Chief Executive and/or Chief Officers				
1	To prepare, for approval, the Council's~~,~~ overall policy framework including the Council's Strategic Plan, Service Plans, associated policies and strategies and the Medium Term Financial Plan and annual budget and to exercise all necessary delegated powers to deliver all Council (or partner) services for which they have departmental responsibility.	Chief Executive and/or Executive Management Team Members	Council Executive Delegated	In consultation with Cabinet Member(s)
2	To monitor and review the Council's overall policy framework including the Service Plans, associated policies and strategies and Medium Term Financial Plan and annual budget, and to: (a) provide any advice and guidance to Cabinet and Council on implementation. (b) propose to Cabinet or Council any changes. To address new legislation or secure further improvements in service delivery.	Chief Executive and/or Executive Management Team Member	Council Executive Delegated	In consultation with Cabinet Member(s)
3	To monitor and review the delivery of Council services and make any minor decisions having regard to the Council's Strategic Plan, Service Plans, associated policies and strategies, the Medium Term Financial Plan, the annual budget and all enabling legislation in relation to: (a) The provision of new services. (b) Changes in the delivery of current services (including partnering arrangements)	Chief Executive and Executive Management Team Members	Council Executive Delegated	In consultation with Cabinet Member(s)

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
4	To monitor, review and report to the Cabinet and Overview and Scrutiny on: (a) New legislation and any implications arising for the Council. (b) Progress in relation to the delivery of the Council's overall policy framework including the Strategic Plan, Service Plans, associated policies and strategies and the Medium Term Financial Plan and annual budget. (c) The results/achievement of local and national performance indicators, targets and quality standards.	Chief Executive and/or Executive Management Team Members	Executive Overview and Scrutiny function Delegated	In consultation with Cabinet Member(s) Overview and Scrutiny Chair(s)
5	To take action to deliver works and services and to implement partnering initiatives, having regard to the Council's overall policy framework and associated policies and strategies, the Medium Term Financial Plan, the annual budget and all enabling legislation.	Chief Executive and/or Executive Management Team Members	Council Executive Delegated	In consultation with Cabinet Member(s)
6	To review management structures and make changes within budget thereto short of major re-structuring and to appoint all staff below Executive Director grade.	Chief Executive and/or Executive Management Team Members	Council/Executive Delegated	In consultation with Cabinet Member(s) Overview and Scrutiny Chair(s)and subject to personnel advice Consultation to be done on a collective and not individual basis.
7	The discipline (including dismissal) of employees subject to and in accordance with the approved disciplinary and capability policies and procedures of the Council.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
8	Consideration of appeals against disciplinary action and grievances of all staff below Chief Officer grade.	Chief Executive and/or Executive Management Team Members	Council/Executive Delegated	Appeals on grievances and disciplinary matters to be heard by such officers/panels as are specified in the relevant Human Resources policies which apply at the time.
9	The determination of grant aid to the voluntary sector and other bodies within the Council's overall Medium Term Financial Plan and Medium Term Plan and associated policies and strategies.	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with Cabinet Member(s)
10	The appointment of senior officers as Directors or Shareholder Representatives for Local Authority Controlled Companies	Chief Executive	Executive Delegated	In consultation with the Leader or other Cabinet Member nominated by the Leader for this purpose.
11	To determine any matter which the Chief Executive or Executive Management Team Member considers to be of such urgency that it is not practicable to refer the matter to the relevant decision maker.	Chief Executive or her nominee	All Decision Makers Delegated	In consultation with The Leader / Deputy Leader of the Council subject to Procedure Rules

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
12	To authorise any named Officer to exercise powers delegated to the Chief Executive and/or any Executive Management Team Member and/or any other officer to whom powers or functions are delegated in this scheme of delegation.	Chief Executive and/or Executive Management Team Members	All Decision Makers Delegated	
13	To determine numbers, grades and designation of posts and to appoint or promote within their respective departments all staff up to the prescribed salary grade within the establishment.	Chief Executive and/or Executive Management Team Members	Council/Executive Delegated	Subject to personnel advice and in line with Council procedure.
14	Determination of personal applications for regrading.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to Job Evaluation interview.
15	Clearance of vacant posts.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and following Council's recruitment procedure.
16	Agreement to offer a starting salary within the grade but which is above the minimum	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice.
17	Authorisation of accelerated increments and progression within banded, career or trainee grades provided the appropriate maximum is not exceeded.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and within procedure (taking note of equality issues).
18	Authorisation of temporary additional duties payments and honoraria in accordance with the National Agreement for Local Government Employees and related Local Agreements.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and within procedure (taking note of equality issues).
19	Designation of posts as car users.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and in line with Council Policy.

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
20	Approvals of allowances for telephones installed in employees' homes for the purpose of making or receiving business calls.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and within procedure (taking note of equality issues).
21	Calculation and payment of Long Service and Retirement gifts awards including any ceremonies which may be organised.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and Council procedure.
22	Approval of paid special leave not exceeding twenty one working days.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and Council procedure.
23	Approval of paid special leave of between one and four weeks.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and Council procedure.
24	Approval of unpaid special leave of up to four weeks except where the absence is for maternity reasons in which case the Chief Officer may approve a longer period subject to personnel advice.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and Council procedure.
25	To grant leave of absence with or without pay to employees for purposes authorised by the appropriate conditions of service e.g. Magisterial duties, trade union activities.	Chief Executive and/or Executive Management Team Members	Council Delegated	As per procedure
26	Extensions of sick pay up to four weeks (Extensions beyond four weeks to be referred to HR Strategy Manager).	Chief Executive and/or Executive Management Team Members	Council Delegated	As per procedure
27	Ex-gratia payments for loss of or damage to clothing and personal effects of up to £160.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and Council procedure.

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
28	Calculations and payment of retirement gratuities in accordance with the local scheme.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and Council procedure.
29	Authorisation of the appointment of “early retired” persons.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice, H R Strategy and Council procedure.
30	Approval of extensions of service beyond the normal retirement age.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and Council policy.
31	Approval of expenses related to relocation of new employees where discretion is needed within the overall scheme.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice and Council procedure on equalities.
32	Authorisation of planned overtime payments to employees on senior officer grade and above.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice.
32A	Approval of early retirement/voluntary redundancy of officers on terms in accordance with Council policy	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to approval in line with Council policy
33	To sell surplus vehicles, stores, plant, furniture and equipment for the best price obtainable and to “write off” any such vehicle, stores, plant furniture and equipment which has become unfit for use/of no value.	Chief Executive and/or Executive Management Team Members	Council Delegated	
34	To exercise the powers in the various conditions of service so far as discipline is concerned and to decide in cases where an employee leaves without giving appropriate notice whether or not the salary or wage or accrued annual holiday pay should be withheld.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice.

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
35	To approve requests from Officers for time off with pay to carry out election duties where there would be no conflict with the demands of the job.	Chief Executive and/or Executive Management Team Members	Council Delegated	Subject to personnel advice.
36	To approve the attendance of employees at training courses (including post-entry) or such other courses within the UK.	Chief Executive and/or Executive Management Team Members	Council/Executive Delegated	Subject to personnel advice.
37	To develop policies for charging for Council facilities and services for consideration by the Cabinet or in the case of licensing charges, the Council.	Chief Executive and Executive Management Team Members	Council/Executive Delegated	In conjunction with the Chief Finance Officer.
37A	Power to determine charges and vary as appropriate for Library Services in accordance with Council policy, including charges for overdue items, reservations, hire of audio/visual items, room hire, sale of goods including commission where appropriate.	Assistant Director, Executive Director of Adults & Communities	Council/Executive Delegated	In consultation with the Chief Financial Officer
38	Power to act in pursuance of those matters and under those statutory provisions which are within their respective remits as set out below.	Chief Executive and/or Executive Management Team Members	Council/Executive Delegated	
39	To issue formal Cautions pursuant to those statutory provisions which are within the remit of their respective services as set out below.	Chief Executive and/or Executive Management Team Members, Assistant Directors	Council/Executive Delegated	
40	To discharge the Council's functions in relation to the recovery of debts including the writing off of debt under the control of their respective Departments in accordance with protocols agreed under Delegated Power No 99.	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with the Chief Finance Officer and Chief Legal Officer.

No.	**Powers and Duties**	**Delegation Exercised By**	**Origin Extent of Delegation**	**Checks and Balances**
40A	To institute proceedings against secondary parties under the Accessories and Abettors Act 1861 or s44 of the Magistrates Court Act 1980 as appropriate in relation to any offence committed by a principal offender in contravention of legislation applicable to their respective remits as set out herein.	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with the Chief Legal Officer.
41	To develop and implement approved capital projects and partnership initiatives.	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with the Chief Financial Officer
42	a) The division of the authority's area into polling districts and the determination of polling places and polling stations b) Notification of election results.	Chief Executive	Council Delegated	
Specific Delegations: only to be exercised by those Officers identified below:				
Legal and Administration Services				
43	To institute, prosecute, defend, withdraw, conduct, settle or appeal any legal proceedings on behalf of the Council, including legal proceedings for contraventions of any of the statutory provisions set out in this Scheme, including contraventions of any related Statutory Instruments, Regulations, Byelaws or Orders except where authority has been given to another specific Officer and all appropriate legal proceedings under common law, other than where any statutory provision, enactment or the Council gives specific authority to a particular Officer, including the authentication of such proceedings other than where so authorised pursuant to Procedure Rules contained in this Constitution relating to the authentication of documents for legal proceedings.	Chief Legal Officer	Council Executive Committees Delegated	In consultation with and/or on the instructions of the appropriate Executive Management Team Member and with Cabinet Member(s) in appropriate cases.

No.	**Powers and Duties**	**Delegation Exercised By**	**Origin Extent of Delegation**	**Checks and Balances**
44	To sign contracts, notices and other documents where the signature of another Officer is not expressly required or authorised by any statutory provision, enactment or the Council, and other than those which require sealing pursuant to Procedure Rules relating to the sealing of documents.	Chief Legal Officer	Council Executive Delegated	In consultation with the appropriate Executive Management Team Member
45	To seal and sign all Deeds, Contracts and other documents on behalf of the Council pursuant to Procedure Rules relating to the sealing of documents.	Chief Legal Officer	Council Executive Delegated	
46	NOT USED			
47	To authorise any officer of the Council to appear on behalf of the Council in any Court, Tribunal, Hearing or Inquiry on any matter relating to the business of the Council.	Chief Legal Officer	Council/Executive Committees Delegated	In consultation with Cabinet Member(s)
48	To make representations in the interests of the inhabitants of the Borough at any public inquiry held by or on behalf of any Minister or public body under any enactment or statutory provision.	Chief Legal Officer	Council/Executive Committees Delegated	In consultation with Cabinet Member(s)
49	To seek Counsel's opinion and to instruct Counsel to represent the Council in any matter relating to the business of the Council.	Chief Legal Officer	Council/Executive Committees Delegated	In consultation with relevant Executive Management Team Member and Cabinet Member(s) as appropriate
50	To negotiate, issue, conclude, execute any notice, document or agreement required to give effect to any decision made by the Council or its Committees or Chief Officers in pursuance of delegated powers (whether or not that decision specifically records such an authorisation).	Chief Legal Officer	Council/Executive Committees Delegated	

51	NOT USED			

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
52	Local Government (Miscellaneous Provisions) Act 1976 – S16 authority to serve notices requiring particulars of persons interested in land.	Any Executive Management Team member and/or Chief Legal Officer	Council/Executive Committees Delegated	
53	Institution of legal proceedings in the Magistrates Court against any person failing to respond to a requisition/notice served under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Chief Legal Officer or any member of the Executive Management Team	Council/Executive Committees Delegated	In consultation with relevant Executive Management Team Members
54	Byelaws – institution of legal proceedings in respect of alleged offences against any byelaws for which the Council is the enforcing authority.	Chief Legal Officer or Any Executive Management Team Member	Council Committees Delegated	
55	To submit objections to the licensing justices in respect of liquor, bingo, betting and gaming licence applications. Licensing Act 1964. Gaming Act 1968. Betting, Gaming and Lotteries Act 1963.	Chief Legal Officer	Council/Executive Committees Delegated	
56	To take any necessary steps including the commencement of legal proceedings to secure the payment of any debt, to recover possession of any land or to enforce the performance of any obligation due to the Council and to take any such steps as he may consider necessary to enforce any judgement order.	Chief Legal Officer	Council/Executive Committees Delegated	
57	Election Fees – to review the scale of fees payable at local elections having regard to the latest	Chief Executive	Council Delegated	

	Parliamentary Election Fees Order and the Tees Valley authorities prevailing schedule.			
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
58	Civic Functions – to undertake the detailed arrangements of civic functions where the policy has been determined by the Council and to support as necessary the Lord Lieutenant.	Chief Executive	Council/Executive Delegated	In consultation with Cabinet Member(s) regarding key issues
59	Emergency Planning: (a)To provide, replace and maintain equipment and facilities to be used in the event of a major incident. (b) To authorise expenditure in the case of emergency situations	(a) Chief Executive / Executive Management Team Members (b) As above, plus officers acting as Silver/Gold Command as per the emergency call out rota	Council/Executive Delegated	In consultation with Cabinet Member(s) regarding key issues where appropriate.
60	To fix the opening times of Administrative buildings and to carry out emergency repairs to administrative buildings outside of the approved maintenance budget where such works should not be left unattended.	Chief Executive or Executive Management Team Members	Council/Executive Delegated	In consultation with Cabinet Member(s).
61	Regular review of security arrangements within administrative buildings and carry out such precautions as seems reasonable having regard to the interests of the Council and its employees.	Chief Executive or Executive Management Team Member	Executive Delegated	
62	Authorisation to take legal proceedings against rival markets including giving cross undertakings in damages.	Chief Legal Officer	Executive Delegated	In consultation with Cabinet Member(s)

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
63	Authority to prosecute any organiser or person wishing to hold a rival market who had failed to give the required one month's notice to the Council of their intention to hold the event – Section 37 Local Government (Miscellaneous Provisions) Act 1982.	Chief Legal Officer	Executive Delegated	In consultation with Cabinet Member(s)
64/65	NOT USED			
66	Local Government Act 1972 – Section 270 (3) – Proper Officer functions.	Chief Executive	Council Delegated	
67	Local Government and Housing Act 1989 – Section 5 – Monitoring Officer Functions.	Chief Legal Officer	Council Delegated	
Head of Paid Service				
68	Local Government and Housing Act 1989 – Section 4 – Head of Paid Service functions.	Chief Executive	Council Delegated	
Performance and Reputation				
69	To plan, undertake or commission consultation on behalf of the Authority on the Council's services, image, specific initiatives/developments, etc.	Chief Executive	Executive Delegated	
70	NOT USED			
71	To co-ordinate the preparation of the Council's Corporate Plan	Chief Executive	Executive Delegated	In consultation with Cabinet Member(s)
Financial Administration Statutory Powers				
72	S151 Local Government Act 1972. Proper administration of financial affairs and requirement to report to Council on any breach.	Chief Finance Officer	Council/Executive Delegated	External and independent testing by external auditor and public report via annual management letter.
73	S114 Local Government Act 1988. Requirement to report to Council if (a) unlawful expenditure (b) unbalanced budget.	Chief Finance Officer	Council/Executive Delegated	In consultation with Cabinet Member(s)

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
74	Accounts and Audit Regulations 2003 • proper accounting records and control systems in accordance with CIPFA Codes of Practice • effective internal audit in accordance with CIPFA Codes of Practice	Chief Finance Officer	Council/Executive Delegated	
75	To monitor and administer the Council's financial arrangements in accordance with the fiduciary responsibility to local taxpayers.	Chief Finance Officer	Council/Executive Delegated	
Management and Development of Devolved Financial Administration				
76	Establish protocols for operation of devolved finance including level of delegation to Departmental Finance Officers in all areas of devolved financial administration.	Chief Finance Officer	Executive Delegated	External audit management letter.
77	Monitor and audit operation of the operation of devolved financial admin.	Chief Finance Officer	Executive Delegated	
78	Develop protocols to guide operation in partnerships where appropriate.	Chief Finance Officer	Executive Delegated	
79	Direct and monitor professional financial standards within the authority.	Chief Finance Officer	Executive Delegated	
80	Establish and administer the finance training strategy for authority.	Chief Finance Officer	Executive Delegated	
Budgets and Financial Relationship with Other Agencies and Precepting Bodies				
81	Agree and implement financial transfers between the Council and external bodies.	Chief Finance Officer	Executive Delegated	
82	Agree payment dates for precepting/levying bodies.	Chief Finance Officer	Council/Executive Delegated	
Accounts				
83	Prepare annual accounts for audit.	Chief Finance Officer	Council/Executive Committees Delegated	External audit

84	Approve adjustments.	Chief Finance Officer	Council/Executive Committees Delegated	
Shareholding and Companies				
84A	To take all actions in relation to companies as a Shareholder Representative, as set out in the Terms of Reference and Delegations for the Shareholder Committee (see Part 3 above).	Chief Finance Officer Commercial and Legal Manager	Council/Executive/Committees Delegated.	
Risk Management and Insurance				
85	Develop insurance and risk management strategy.	Chief Executive	Executive Delegated	
86	Review insurance contracts (cover and administration).	Chief Executive	Executive Delegated	
87	To authorise expenditure from Risk Management Fund	Chief Executive	Executive Delegated	
87A	To settle insurance claims from the Council's Claims Fund (including appointment of Loss Adjusters)	Chief Executive	Executive Delegated	

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
Internal Audit				
88	Develop rolling audit plan based upon risk assessment.	Chief Finance Officer or Chief Executive	Council/Executive Delegated	External Audit. Consultation exercise with Executive Management Team Members
89	Reporting of serious weakness in systems and fraud and corruption to Council and Audit Committee.	Chief Finance Officer or Chief Executive	Council/Executive Delegated	
VAT				
90	To develop, manage and supervise VAT systems and to ensure VAT is properly accounted for and where appropriate VAT is recovered.	Chief Executive	Executive Delegated	In consultation with Section 151 Office
Treasury				
91	To develop borrowing strategy for the Council in accordance with the CIPFA Code on Treasury Management.	Chief Finance Officer	Executive Delegated	
92	Lend/Borrow Funds including leasing in accordance with the CIPFA Code on Treasury Management.	Chief Finance Officer	Executive Delegated	
93	Appoint Advisors.	Chief Finance Officer	Executive Delegated	In consultation with Cabinet Member(s)
94	Approve and manage banking/cash handling contracts.	Chief Finance Officer	Executive Delegated	
Payroll				
95	Develop and implement Authority's payroll system and monitor operation where devolved.	Chief Executive	Executive Delegated	External Audit. Internal Audit.
96	Co-ordinate and manage financial transactions with - Pension Funds, Inland Revenue, Charities	Chief Executive	Executive Delegated	External Audit. Internal Audit.
Creditors				
97	Operate and control payments system including deduction scheme for contractors.	Chief Finance Officer	Executive Delegated	External Audit. Internal Audit.

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
Debtors				
98	Operate and control debtors systems.	Chief Executive	Executive Delegated	External Audit. Internal Audit
99	Develop and approve write off protocols.	Chief Executive	Executive Delegated	In consultation with Cabinet Member(s).
Mortgages				
100	Recover due sums.	Chief Executive	Executive Delegated	In consultation with Chief Finance Officer
101	Write-off in accordance with protocols.	Chief Executive	Executive Delegated	In consultation with Chief Finance Officer
102	Recommend revised rates.	Chief Executive	Executive Delegated	In consultation with Chief Finance Officer
Community Charge				
103	Recovery of outstanding community charge.	Chief Executive	Executive Delegated	In consultation with Chief Finance Officer
104	Write off approval in accordance with protocols.	Chief Executive	Executive Delegated	In consultation with Chief Finance Officer
Council Tax/Business Rates				
105	Billing and recovery of outstanding sums.	Chief Executive	Executive Delegated	In consultation with Chief Finance Officer
106	Write off in accordance with protocols.	Chief Executive	Executive Delegated	In consultation with Chief Finance Officer
107	Approval of rate relief.	Chief Executive	Executive Delegated	In consultation with Chief Finance Officer
108	Determination of Court Costs	Chief Executive	Executive Delegated	In consultation with Chief Finance Officer
109	Appointment of Bailiff.	Chief Executive	Executive Delegated	In consultation with Cabinet Member(s)

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
Information Technology				
110	Appointment of cash security contractor.	Chief Executive	Executive Delegated	
111	To advise on all areas of Information Technology.	Chief Executive	Executive Delegated	
112	To establish standards and protocols for the acquisition and operation of IT.	Chief Executive	Executive Delegated	
113	To audit/monitor operation of IT.	Chief Executive	Executive Delegated	
114	To manage and control operation of IT.	Chief Executive	Executive Delegated	
115	To appoint contractors/advisors to support development and operation of IT.	Chief Executive	Executive Delegated	
116	To identify and implement funding solutions for IT.	Chief Executive	Executive Delegated	
117	Not Used			
Leases				
117A	To accept tenders for the provision of finance by way of finance lease, operating lease or other form of lease finance (as defined in Capital Finance Regulations).	Chief Executive	Executive Delegated	
Personnel, Training, Development and Health and Safety				
118	To monitor the effectiveness of corporate and departmental training policies and programmes.	Chief Personnel Officer/ Executive Management Team Members	Executive Delegated	

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
119	Negotiation, Agreement and Signing of Contracts in respect of funded training initiatives.	Chief Personnel Officer	Executive Delegated	In consultation with Cabinet Member(s)
120	NOT USED			
121	Issue of appropriate notices to the relevant government department in respect of potential and actual redundancy situations within the Council.	Chief Personnel Officer	Executive Delegated	
122	NOT USED			
123	To halt operational activity by any Council employees or its contractors/sub-contractors in instances of significant risk to the health, safety and welfare of employees or the public.	Chief Personnel Officer/Executive Management Team member.	Executive Delegated	
124	To appear on behalf of the Council in any Tribunal, Hearing or Inquiry on any matter relating to the business of the Council.	Chief Personnel Officer and/or Chief Officers	Executive Delegated	
125 - 127	NOT USED			
Procurement of and Management of Partnerships for the delivery of goods and services				
128	Power to enter into any contract or arrangement for the provision of goods and/or services relating to partnerships	Any Executive Management Team Member	Executive Delegated	Subject to advice from the Chief Financial Officer, Chief Legal Officer and Procurement Section

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
129	Power to manage any contract or arrangements in connection with the provision of goods and/or services relating to partnerships	Any Executive Management Team Member	Executive Delegated	Subject to advice from the Chief Financial Officer, Chief Legal Officer and Procurement Section
130	Power to undertake any action in connection with any contract or arrangements relating to partnerships	Any Executive Management Team Member	Executive Delegated	Subject to advice from the Chief Financial Officer, Chief Legal Officer and Procurement Section
131	Power to serve any notice under any contract for the provision of goods and/or services relating to partnerships	Any Executive Management Team Member	Executive Delegated	Subject to advice from the Chief Financial Officer, Chief Legal Officer and Procurement Section
132	Power to make arrangements for the procurement of goods and/or services to the Council including (without prejudice to the generality of the foregoing) power to prepare protocols, procedures, lists of tenders, serve notices, conduct interviews, assessments and evaluations and (in conjunction with the Chief Legal Officer) to prepare contracts, make awards, enter into and maintain performance under contracts and provide services to any other body or person, relating to partnerships.	Any Executive Management Team Member	Executive Delegated	Subject to advice from the Chief Financial Officer, Chief Legal Officer and Procurement Section
133	NOT USED			
134	Duty to operate the School Crossing Patrol Service and provision of new/removal of existing patrols.	Executive Director for Children and Families	Executive Delegated	All in consultation with School Heads. In consultation with Cabinet Member(s) and Ward Members
135	NOT USED			

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
136	Approval of applications from charities, social groups and political organisations for the use of Council Market Stalls.	Chief Executive / Executive Director for Growth, Enterprise and Environment /Executive Director for Adults and Communities	Executive Delegated	
137	To accept, subject to contract, the highest tender received for any land or property identified as surplus for disposal and advertised for sale or let by way of a lease or licence upon the open market.	Chief Finance Officer/Chief Executive	Executive Delegated	
138	To dispose of sites held for industrial and commercial development by way of sale or lease.	Chief Finance Officer/Chief Executive	Executive Delegated	In consultation with Cabinet Member(s) and subject to legal advce
139	To grant early entry under licence onto land or into buildings for which authority to sell or lease has previously been granted.	Chief Finance Officer/Chief Executive	Executive Delegated	Subject to legal advice
140	To agree terms and authorise the acquisition of properties/land required for delivery of Council services, projects, statutory functions and/or related matters up to the value of £900,000.	Chief Finance Officer/Chief Executive.	Executive Delegated	Subject to the agreement of the Cabinet Member for Resources and other relevant Cabinet Member(s), supported by an acceptable business case, as per current governance arrangements.
141	To approve Compulsory Purchase Order compensation settlements with associated disturbance/homeless claims within the limits of approved budgets.	Chief Finance Officer/Chief Executive	Executive Delegated	

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
142	To agree terms for and authorise the granting of wayleaves and easements over the Council's land.	Chief Executive	Executive Delegated	Subject to legal advice
143	Within approved budgets, to agree terms and authorise the taking of wayleaves and easements over land owned by third parties, where the Council has already agreed to enter into such arrangements.	Chief Executive	Executive Delegated	Subject to legal advice
144	To agree terms for the grant of new leases/licences/agreements.	Chief Executive	Executive Delegated	In consultation with Cabinet Member(s) Subject to legal advice
145	To agree lease renewals, including determinations by the Courts.	Chief Executive	Executive Delegated	In consultation with Cabinet Member(s) Subject to legal advice
146	To consent to alterations to lease terms and restrictive covenants.	Chief Executive	Executive Delegated	In consultation with Cabinet Member(s) Subject to legal advice
147	To review rents of all properties and land, including referrals to arbitration.	Chief Executive	Executive Delegated	In consultation with Cabinet Member(s) Subject to legal advice
148	To process assignments or sub-letting of lease agreements to approve changes in name or in corporate identity.	Chief Executive	Executive Delegated	Subject to legal advice
149	To give consent pursuant to a covenant contained within a conveyance or lease.	Chief Executive	Executive Delegated	In consultation with Cabinet Member(s) Subject to legal advice
150	To enforce lease terms and covenants in conveyances and to institute proceedings in respect of any breach, including action for possession.	Chief Executive	Executive Delegated	Subject to legal advice
151	To agree surrenders/repossessions on suitable/most advantageous terms.	Chief Executive	Executive Delegated	Subject to legal advice
152	To terminate leases and to serve all necessary notices, including any statutory notice	Chief Executive	Executive Delegated	Subject to legal advice

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
153	To consider rating appeals.	Chief Executive	Executive Delegated	
154	To undertake any actions required under the obligations relating to any property leases or as required under land ownership rights or obligations.	Chief Executive	Executive Delegated	
154a	To make decisions on nominations to or the removal of assets from the Councils Assets of Community Value list, acting in accordance with the Councils operational policy and evaluation procedure	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	In consultation with the Cabinet Member for Neighbourhoods
155	Local Government (Miscellaneous Provisions) Act 1976 – S15.Power to authorise entry of Officers onto land for the purpose of concluding surveys.	Chief Legal Officer, Executive Team Member	Executive Delegated	In consultation with the land owner
156	To approve cost increases/variations on approved projects within Single Regeneration Budget Programmes and any other funding regimes where the Council is acting as Accountable Body up to £10,000 or 5% of the approved grant whichever is the greater.	Chief Executive	Executive Delegated	In consultation with the Chief Finance Officer.
157A	To approve the disposal in terms of plots of land to adjoining owners	Chief Executive	Executive Delegated	
157AA	To authorise the sale of land or interests in land up to £500,000 in value.	Chief Executive	Executive Delegated	In consultation with the relevant Cabinet Member(s)

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
Applications under the Planning Acts				
157AB	To make assessments as to the requirements necessary to enable applications to be processed.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	
Schedule of Planning and Listed Building Consent Applications for Delegation				
157B	To discharge the Council's functions as local planning authority, within agreed policy and development plans by determining all applications as from time to time to set out in a policy approved by the Regulatory Committee in that regard.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning	Regulatory Committee Delegated	

		Officer in accordance with the Council's procedures		
For all Planning Applications				
158	To approve or reject details reserved for the approval of the local planning authority in accordance with a planning condition imposed to this effect.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	
159	To approve minor amendments to planning consents where there is no material effect on the proposal or its surroundings.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning	Regulatory Committee Delegated	

		Officer in accordance with the Council's procedures		
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
160	All planning applications other than: a) those applications which appear to the Executive Director for Growth, Enterprise and Environment or his/her senior officers to be controversial when viewed against the Council's major policy documents; b) development promoted by the Council itself; c) those cases where the officer recommendation conflicts with Development Plan policies; d) those cases where 5 or more unresolved objections (emanating from separate addresses) remain and the officer recommendation was to grant permission; e) those cases where there were 5 or more representations in support (emanating from separate addresses) and the officer recommendation was to refuse the application; f) Where a Member requests Committee consideration of an application, in accordance with the Member Referral Procedure.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	Prior to the issuing of a delegated decision the chair and vice chair shall be notified, via email, of the officer recommendation for planning applications which exceed the following threshold. • Have a site area of more than 5 hectares, • Involve more than 7,500m^2 of floor space or • Create more than 150 residential units. The chair and vice chair shall have a period of 7 days following the notification to review the application and request in writing a committee decision. Should no response be received, or no call in requested, within the 7-day period a delegated decision can then be issued.

161	NOT USED			
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
Hazardous Substances Regulation				
162	To determine applications for Hazardous Substances consent under the Environment Act 1995 which have the support of the Health and Safety Executive.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	
163	To determine applications for the continuation of a hazardous substances consent under Section 17 of the Hazardous Substances Act 1990, where there is a change in the person in control of part of the land.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning	Regulatory Committee Delegated	

		Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures		
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
Applications for Prior Approval				
164	To determine if the prior approval of the local planning authority is necessary.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	
Planning Appeals				
165	To determine the form of planning appeal.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager,	Regulatory Committee Delegated	

		the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures		
Tree Preservation Orders and Hedgerows				
166	To authorise the making of Tree Preservation Orders under the Town and Country Planning Act 1990 or any future modification or re-enactment thereof.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	
167/ 168	NOT USED			
169	To confirm an unopposed Tree Preservation Order.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the	Regulatory Committee Delegated	

		Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures		
170	All powers relating to the protection of hedgerows and to determine submissions under the Hedgerows Regulations 1997.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	
For all Buildings Regulations Applications				
171	To exercise the Council's functions in relation to applications for building regulation consent, inspection of work in progress and enforcement of the building regulations.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director Growth & Enterprise, the Head of Planning	Executive Delegated	

		and Development, the Building Control Manager or the Principal Building Control Surveyor		
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
172	To fix and recover charges for the performance of Building Regulations functions.	Executive Director for Growth, Enterprise and Environment / Assistant Director Growth & Enterprise, the Head of Planning and Development, the Building Control Manager or the Principal Building Control Surveyor	Executive Delegated	
173	To make observations on behalf of the Council to the Secretary of State where applications under the Building Regulations are made jointly for determination under Section 16(10) of the 1984 Building Act in respect of conformity of plans.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director Growth & Enterprise, the Head of Planning and Development, the Building Control Manager or the Principal Building Control Surveyor	Executive Delegated	
174	Make observations to the Secretary of State on applications under the Building Regulations under	Executive Director for Growth, Enterprise	Executive Delegated	

	appeal against refusal to dispense with or relax Building Regulations.	and Environment / Assistant Director Growth & Enterprise, the Head of Planning and Development, the Building Control Manager or the Principal Building Control Surveyor		
174A	To initiate and carry out enforcement action in regard to contravention of Building Control legislation.	Executive Director for Growth, Enterprise and Environment / Assistant Director Growth & Enterprise, the Head of Planning and Development, the Building Control Manager or the Principal Building Control Surveyor	Executive Delegated	
Planning Enforcement				
175	To authorise the issue of Planning Contravention Notices pursuant to the Town and Country Planning Act 1990 (or any future modification or re-enactment therefore) and to institute criminal proceedings in the event of any failure to reply or reply correctly.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning	Regulatory Committee Delegated	

		Officer in accordance with the Council's procedures		
176	To initiate and undertake enforcement action in regard to contravention of planning legislation.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	
General				
177	To authorise the completion and issue of all Notices, Orders, Agreements, applications and other documentation relating to functions of the Regulatory Committee.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning	Regulatory Committee Delegated	

		Officer in accordance with the Council's procedures		
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
178	To take all necessary action under the Planning Acts including the institution of legal proceedings where planning control has been breached in accordance with policy approved by the Regulatory Committee in that regard.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
Matters of Urgency where deadlines do not accord with diaried Regulatory Committee Meetings				
179A	To determine the need for and to secure emergency notices, Directions, Orders etc under the Planning Acts and to respond to consultations.	Executive Director for Growth, Enterprise and Environment, Assistant Director Growth & Enterprise, the Head of Planning and Development, the Development Services Manager, the Development Management Team Leader, Planning Strategy Manager, or the Principal Planning Officer in accordance with the Council's procedures	Regulatory Committee Delegated	In consultation with the Chair and Vice Chair of Regulatory Committee
Development				
180	Promotion of Economic Development – seek opportunities to work in partnership with other organisations and businesses, and undertake joint	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with Cabinet Member(s)

	promotional activity as appropriate (Local Government and Housing Act 1989, Section 33).			
181	Power to apply for European Regional Development Fund and European Social Fund grants and authority to sign any appropriate forms in connection with such applications (Local Government Act 2000 Section 2)?	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
182	Approval of expenditure on all schemes and projects within approved budgets up to £15,000 (Local Government and Housing Act 1989).	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with the Chief Finance Officer
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
183	The allocation and reallocation of resources in approved Budgets (e.g. Industrial Promotions, Enterprise and Economic Development) as appropriate up to £15,000.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with the Chief Finance Officer
184	Power to receive and utilise grants towards expenditure incurred by reason of special need (e.g. Lottery, English Partnerships etc) and authority to sign appropriate application forms.	Chief Executive, Executive Directors	Executive Delegated	In consultation with the Chief Finance Officer
185	Authority to appoint consultants for particular schemes where funding is available and to implement partnership initiatives.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
186	Power to deal with derelict, neglected or unsightly land – to apply for Derelict Land Grant and authority to sign appropriate forms (Derelict Land Act 1982, Section 3)	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
187	Power to allocate financial assistance to companies in accordance with the terms and conditions of the Council's Approved Business Grants Scheme.	Executive Director for Growth, Enterprise and Environment/ Chief Executive	Executive Delegated	In consultation with Cabinet Member(s)
188	Power to (offer/allocate) financial assistance in accordance with the terms and conditions of approved Tees Valley local packages.	Executive Director for Growth, Enterprise	Executive Delegated	In consultation with the Cabinet Member(s)

		and Environment/ Chief Executive		
189	Powers to acquire land for planning and public purpose by local authorities and the Secretary of State – the authority to state that Compulsory Purchase Order powers would be used to achieve necessary acquisitions (Town and Country Planning Act, National parks and Access to the Countryside Act 1947).	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
190	Power to submit planning applications for projects in approved programmes (Town and Country Planning Act)	Executive Management Team and Assistant Directors	Executive Delegated	
191	Authority to manage the letting of the Business Centre, Small Business Units and Business Centre Café Units (Local Government Act 2000 Section 2).	Executive Director for Growth, Enterprise and Environment / Chief Executive and Chief Finance Officer	Executive Delegated	
192	Authority to approve initial rent free periods at the Business Centres (Local Authorities (Land) Act 1963).	Executive Director for Growth, Enterprise and Environment / Chief Executive and Chief Finance Officer	Executive Delegated	
193	Authority to approve up to 6 months half rent for new businesses starting in the Small Units (Local Government Act 2000 Section 2).	Executive Director for Growth, Enterprise and Environment / Chief Executive and Chief Finance Officer	Executive Delegated	

No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
Traffic Management and Transportation Planning				
194	Authority to implement approved projects where funding is 100% provided through grant aid.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
195	Temporary TRO and Highway/Public Rights of Way Closures/Diversions.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Council Delegated	
196	Emergency TRO and Highway/Public Rights of Way Closure/Diversions.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Council Delegated	
197	Permanent TRO and Highway/Public Rights of Way Closures/Diversions/Modifications.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Council Delegated	In consultation with Cabinet Member(s) and Ward Members

No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
198	To serve notices and carry out works to reinstate and define paths and remove crops under Schedule 12A of the Highways Act 1980 as amended by the Rights of Way Act 1990.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Council Delegated	In consultation with Landowners
199	To deal with any application for temporary diversions, licences and extensions of time limits related to agricultural practices and public rights of way, under Highways Act 1980, Section 134 and Section 135 as amended by the Rights of Way Act 1990.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Council Delegated	In consultation with Landowners
200	Powers of entry on to land, together with the service of appropriate notices, under the Rights of Way Act 1990 (Sections 7 and 8).	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with Landowners
201	To implement Traffic Surveys/Roadside Interviews/Traffic Signs.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with the Chief Constable

No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
202	To manage and develop Traffic Signal Operation.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with Middlesbrough Lead Authority
203	Determination of the locations of red light and speed cameras and their installation.	Executive Director for Growth, Enterprise / Chief Executive	Executive Delegated	In consultation with the Chief Constable
Road Safety				
204	Road Safety Plan Preparation and Implementation	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
205	Duty to provide education, promotion and training.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
206	Accident Statistics Provision and Maintenance of Records and Analysis	Executive Director for Growth, Enterprise	Executive Delegated	In consultation with the Chief Constable

		and Environment / Chief Executive		
Car Parking				
207	Powers to determine, implement and operate a Charging Scheme and Control of Use Orders on car parks.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with Cabinet Member.
208	Institute legal proceedings in respect of contravention of Car Parking Regulations	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
209	Maintenance of all Car Parks (charging and non-charging)	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
209A	Residents Parking Zones Identification, implementation, operation and modification.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with Cabinet Member(s) and Ward Members

No.	**Powers and Duties**	**Delegation Exercised By**	***Origin and Extent of Delegation***	**Checks and Balances**
Public Transport				
210	Subsidised Contracts for non-commercial bus services (Boroughbus) and Publicity	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with Cabinet Member and Other Authorities
211	NOT USED			
212	Concessionary Fares Implementation	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with the Cabinet Member
213	Concessionary Fares (Transport Act 1985) 1. Service of Participation Notice 2. Institute legal proceedings in respect of non compliance with participation notices	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with Cabinet Member
Local Highways				
214	Determination and implementation of minor highway improvements (inc. junction improvements, local safety schemes, traffic calming schemes and environmental improvements)	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with Cabinet Member(s) and Ward Members

No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
215	Street Naming and Numbering	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
216	Miscellaneous powers under Highways Act 1980	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
217	Private Street Works Code – Proper Officers under the Street Works Code	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with Cabinet Member
218	Authority to implement the powers of the Private Street Works Code	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	

No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
219	Authority to enter into Section 278 Agreements and to implement capital works on highways.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
220	Road Traffic Act 1971 – S47 – power to ask police for criminal record check.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
221	Environmental Protection Act 1990 – dealing with stray dogs, Litter Wardens, dumping	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director - Environment	Executive Delegated	
221A	To initiate all necessary action in respect of any contravention, up to and including the institution of legal proceedings, in respect of the Dogs (Fouling of Land) Act 1996.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director - Environment	Executive Delegated	
222	Refuse collection – recycling, collection, household waste recycling centres etc – power to agree minor changes to specification with the contractors.	Executive Director for Growth, Enterprise and Environment / Chief Executive /	Executive Delegated	

		Assistant Director – Environment		
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
223	Street Cleansing – power to agree minor changes to specification with the Contractors.	Executive Director for Growth, Enterprise and Environment / Chief Executive / / Assistant Director – Environment	Executive Delegated	
224	Public Conveniences – Power to deal with repairs, maintenance, cleansing requirements, manning levels and opening hours and agree minor variation to contract.	Executive Director for Growth, Enterprise / Chief Executive / / Assistant Director – Environment	Executive Delegated	In consultation with the Cabinet Member(s) and Ward Members
225	Bins – (includes litter, dog and recycling etc) power to provide, siting and type.	Executive Director for Growth, Enterprise and Environment / Chief Executive / / Assistant Director – Environment	Executive Delegated	
226	Environmental Protection Act 1990 part IV – provisions relating to litter include fixed penalty notices, street litter control notices, public registers etc.	Executive Director for Growth, Enterprise and Environment / Chief Executive / / Assistant Director – Environment	Executive Delegated	
226A	To initiate all necessary action in respect of any contravention, up to and including the institution of legal proceedings, in respect of littering and fly tipping under sections 33 and 87 of the Environmental Protection Act 1990.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	

227	Community Tidy Up Skips – power to provide and site.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
228	Appointment of veterinary officers to inspect premises.	Executive Director for Adults and Communities	Council Delegated	
229	Approval of charitable collections.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Council Delegated	
229A	Fee income – power to determine charges and vary as appropriate for all licences and registrations, pest control charges, recharges and works in default in accordance with policy.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment / Assistant Director Growth & Enterprise	Council/Executive Delegated	
230	Prevention of Damage by Pest Act 1949 – control of rodents through service of notice and taking of appropriate action e.g. take default action.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment / Assistant Director – Growth and Enterprise	Executive Delegated	
231	Maintenance of Highway and Adoption Records	Executive Director for Growth, Enterprise	Executive Delegated	

		and Environment / Chief Executive / Assistant Director – Environment.		
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
232	Bus Shelters Location and Implementation	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	In consultation with Cabinet Member(s) and Ward Members
233	Objections against HGV Licence applications	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
234	Authority to accept open spaces for future maintenance by the Council following satisfactory completion by developers. Open Spaces Act 1906 – Section 9.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
235	To implement and maintain landscaping schemes.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	

236	To approve the placing of litter bins, seating and other street furniture on public open space.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	In consultation with Cabinet Member(s) and Ward Members
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
237	Authority to approve the placing of telegraph, telephone, electricity, television relay lines or other apparatus over and under public open space.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment.	Executive Delegated	
238	To erect on public open space such signs as might be necessary to enforce the current byelaws.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
239	Authority to take the necessary action in respect of any unauthorised development or encroachment onto the Authority's public open space or public highway.	Executive Director for Growth, Enterprise and Environment / Chief Executive.	Executive Delegated	In consultation with the Chief Legal Officer
Highway Maintenance				
240	Highway Maintenance Plan Preparation and Implementation	Executive Director for Growth, Enterprise and Environment / Chief Executive /	Executive Delegated	

		Assistant Director – Environment		
241	Authority to prepare and approve the Annual Highway Maintenance Programme and implementation.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	In consultation with Cabinet Member
242	Street Lighting Maintenance Operational Requirements	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
243	Street Lighting Improvement Programme	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	In consultation with Cabinet Member
244	Power to make arrangements for the routing etc of abnormal loads	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	In consultation with Chief Constable

245	Annual Highway Maintenance Tenders – preparation, submission and approval.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
Statutory Undertakers				
246	Licences and Consents under NRASW Act	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
Winter Maintenance				
247	Preparation and implementation of Winter Maintenance Plan	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
Becks and Watercourses				
248	Maintenance Works	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
Bridges and Structures				

249	To manage and maintain highway structures including Annual Programme approval and implementation.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
250	Technical Approval Procedures	Executive Director for Growth, Enterprise and Environment / Chief Executive / Assistant Director – Environment	Executive Delegated	
251	Dangerous Buildings – authority to take the necessary actions.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive	Executive Delegated	
252	Ruinous and Dilapidated Buildings – authority to take the necessary actions.	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
253	Power to take any action in relation to insecure buildings and building to be demolished by others	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	
254	Maintenance of Register under Reservoirs Act	Executive Director for Growth, Enterprise and Environment / Chief Executive	Executive Delegated	

255	Safety of Stands and Sports Grounds	Executive Director for Growth, Enterprise and Environment	Executive Delegated	
Adoption of Highways and Sewers, Public Rights of Way and other matters				
256	Authority to serve Section 219/220 Highways Act 1980 Notices, to enter into Section 38 agreements and adoption of highways in accordance with the provisions of Section 38 Agreements.	Executive Director for Growth, Enterprise and Environment (or Executive / Chief Executive	Executive Delegated	In consultation with the Chief Financial Officer
257	Power to discharge all the functions set out in paragraphs 1 to 34, 41, 42, 46, and 47 of Paragraph I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	Executive Director for Growth, Enterprise and Environment / Chief Executive	Council Delegated	
Licensing				
258	Power to determine pavement licence and scrap metal applications in accordance with the Business and Planning Act 2020 and the Scrap Metal Dealers Act 2013.	Executive Director for Growth Enterprise and Environment and/or Assistant Director for Growth and Enterpriseand/or Service Manager and/or Licensing Manager.	Executive Delegated	
259	Power to suspend or revoke driver licences with immediate effect under the provisions of section 61 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive Director for Growth Enterprise and Environment and/or Assistant Director for Growth and Enterpriseand/or Service Manager	Council / Regulatory Committee Delegated	

		and/or Licensing Manager.		
260	Authority to exercise the powers of an authorised officer in relation to licensing functions in accordance with the legislation set out in Schedule 2 unless the power has been specifically delegated to an officer or reserved to committee.	Executive Director for Growth Enterprise and Environment and/or Assistant Director for Growth and Enterprise and/or Service Manager and/or Licensing Manager and/or Team Leader and/or Licensing Officers.	Council/Executive Delegated	
Allotments				
261	Power to sign agreements for the occupation of Council-owned allotments subject to the Allotment Acts 1908 to 1950.	Assistant Director – Environment, Sustainability and Culture, Countryside and Ecology Manager, Allotments Officer		Consultation with Legal Services in cases involving non-standard agreements.
262	NOT USED			
Trading Standards, Housing and Consumer Protection Act Etc				
263	Authorisation of Officers to act under any act or regulation set out in Schedule 1 hereto.	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth & Enterprise, Service Manager/Head of Service.	Executive Delegated	Named Officers, holding statutory qualifications where required
263B	To appoint appropriately qualified Officers for the purposes of enforcing the Weights and Measures Act	Executive Director for Growth Enterprise	Executive Delegated	

	1985 and the European Communities Act 1972 and any Statutory Instruments made thereunder, and to prosecute and defend actions under the said Act and any subsidiary legislation.	and Environment, Assistant Director for Growth and Enterprise, Service Manager/Head of Service.		
263C	To act on behalf of the Council for the purpose of suspending goods under Section 14 of the Consumer Protection Act, 1987	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth and Enterprise. Trading Standards Team Manager, Senior Trading Standards Officer, Trading Standards Officers, Regional Enforcement Manager, Investigations Officer and Service Manager/Head of Service.	Executive Delegated	
263D	Pursuant to sections 222 and 223 of the Local Government Act 1972, to act on behalf of the Council to prosecute or defend legal proceedings in respect of current legislation including the option to charge offenders and the issue of formal cautions and the institution of proceedings (including by way of charging at a police station) under all the acts and subsidiary legislation enforced by the Council in respect of its	Chief Legal Officer, Executive Director for Growth Enterprise and Environment, Assistant Director for Growth and Enterprise, Service Manager/Head of Service.	Council/Executive Delegated	

	obligation as a Weights and Measures Authority (as set out in Schedule 1 here to)			
264	To act on behalf of the Council for the purposes of the General Product Safety Regulation 2005 to impose a Suspension, Recall, Withdrawal or Marking Notice in respect of a suspect dangerous product	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth and Enterprise Trading Standards Team Manager, Senior Trading Standards Officer, Trading Standards Officer / Fair Trading Officer, Regional Enforcement Manager and Investigations Officer.	Council/Executive Delegated	Named Officers holding statutory qualifications subject to prior approval of the Chief Financial Officer
265	Power to inspect, serve notice, seize goods equipment and documents etc or take other such action as authorised by any acts or regulations or subsidiary legislation enforced by the Council in respect of its obligation as a Weights and Measures Authority (as set out in Schedule 1 hereto)	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth and Enterprise, and/or Trading Standards Team Manager (Chief Inspector of Weights and Measures), Trading Standards Officer / Fair Trading Officer / Animal	Council/Executive Delegated	Trading Standards Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.

		Health & Welfare Officer, Service Manager/Head of Service and/or Senior Trading Standards Officer/Trading Standards Apprentice, Regional Enforcement Manager and Trading Standards Officers specially appointed for the purpose		
266	To authorise individual Trading Standards Officers to charge offenders at a Police Station.	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth and Enterprise, Service Manager/Head of Service or Trading Standards Team Manager, Regional Enforcement Manager and Investigations Officer.	Council Executive Delegated	
267	Service of Notices and obtaining warrants To exercise the powers of Authorised Officers for the purposes of the legislation listed below, serve notices and obtain warrants of entry from a Justice of the Peace for the purposes of that legislation Renters Rights Act 2025 Housing Acts 1985, 2004	Trading Standards Officer, Senior Trading Standards Officer, Fair Trading Officer, Trading Standards Apprentice,	Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another

	Management of Houses in Multiple Occupation Regulations 2006 Licensing & Management of HMO & other Houses (Miscellaneous Provisions) (England) Regulations 2006 Environmental Protection Act 1990 Building Act 1984 Local Government (Miscellaneous Provisions) Acts 1976, 1982 Prevention of Damage by Pests Act 1949 Public Health Act 1961 Licensing and Management of Houses in Multiple Occupation (additional provisions) (England) Regulations 2007 Mobile Homes Act 2013 Caravan Sites & Control of Development Act 1960	Service Managers/Head of Service, Enforcement Officers, Public Protection Officers, Port Health Technical Officer, Environmental Health Officers, Animal Health and Welfare Officer, Environmental Health Officer Apprentice, Scientific Officer, Team Managers, Regional Intelligence Analyst, Regional Intelligence Officer and Investigations Officer.		officer authorised under this delegated power.
268	<u>Renters Rights Act 2025 – Investigatory Powers</u> To exercise the local housing authority's investigatory powers under Part 4, Chapter 3 of the Renters Rights Act 2025 (sections 114 to 132), including (as applicable) requiring information and documents, entry (with or without a warrant), inspection, seizure/retention of documents and things, and applying for, obtaining and executing warrants.	Trading Standards Officer, Senior Trading Standards Officer, Fair Trading Officer, Trading Standards Apprentice, Trading Standards Team Manager, Housing Standards Team Manager, Environmental Health Officer, Enforcement	Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.

		Officers, Public Protection Officer, Housing Triage Support Officer, Environmental Health Officer Apprentice and Service Manager/Head of Service, Regional Enforcement Manager, Regional Intelligence Analyst, Regional Intelligence Officer and Investigations Officer		
269	Renters Rights Act 2025 – Landlord redress scheme To exercise the local housing authority's enforcement functions in relation to landlord redress schemes under Part 2, Chapter 1 of the Renters Rights Act 2025 (sections 64 to 67), including (as applicable) investigation and the imposition and recovery of financial penalties under section 66.	Trading Standards Officer, Senior Trading Standards Officer, Fair Trading Officer, Trading Standards Apprentice Trading Standards Team Manager, Housing Standards Team Manager, Environmental Health Officer, Enforcement Officers, Public Protection Officer, Housing Triage Support Officer, Environmental Health Officer Apprentice and Service	Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.

		Manager/Head of Service, Regional Enforcement Manager, Regional Intelligence Analyst, Regional Intelligence Officer and Investigations Officer.		
270	Renters Rights Act 2025 – Choice of tenant: discrimination enforcement To investigate and take enforcement action in relation to the choice of tenant provisions, including the prohibitions in sections 33 and 34, any regulations under section 39, and the imposition and recovery of financial penalties under section 40, in accordance with Schedule 5.	Trading Standards Officer, Senior Trading Standards Officer, Fair Trading Officer, Trading Standards Apprentice, Trading Standards Team Manager, Housing Standards Team Manager, Environmental Health Officer, Enforcement Officers, Public Protection Officer, Housing Triage Support Officer, Environmental Health Officer Apprentice and Service Manager/Head of Service, Regional Enforcement Manager, Regional Intelligence Analyst,	Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.

		Regional Intelligence Officer and Investigations Officer.		
271	Renters Rights Act 2025 – Private rented sector database and related restrictions To exercise the local housing authority's functions under sections 82 to 93 of the Renters' Rights Act 2025 in relation to the Private Rented Sector Database and associated restrictions on marketing, advertising and letting, including powers under sections 86 to 88. This includes the investigation of suspected breaches, the imposition, variation (including withdrawal) and recovery of financial penalties under section 91 (in accordance with Schedule 5), and the institution of proceedings for offences under section 92, together with all ancillary enforcement functions provided for by the Act.	Trading Standards Officer, Senior Trading Standards Officer, Fair Trading Officer, Trading Standards Apprentice , Trading Standards Team Manager, Housing Standards Team Manager, Environmental Health Officer, Enforcement Officers, Public Protection Officer, Housing Triage Support Officer, Environmental Health Officer Apprentice and Service Manager/Head of Service, Regional Enforcement Manager, Regional Intelligence Analyst, Regional Intelligence Officer and Investigations Officer.	Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.
272	Renters Rights Act 2025 – Financial penalties: procedure and recovery	Trading Standards Officer, Senior	Executive Delegated	Trading Standards Apprentice and

	To impose, determine, vary (including withdrawal) and recover financial penalties where the local housing authority is authorised to do so under the Renters Rights Act 2025, and to exercise all functions relating to such penalties in accordance with section 102 and Schedule 5 of the Act, including the service of notices of intent and final notices, consideration of representations, determination of penalty amounts, conduct of appeals before the First-tier Tribunal, and recovery of unpaid penalties through the county court. Schedule 5 applies to financial penalties imposed under sections 40, 57, 66 and 91 of the Act.	Trading Standards Officer, Fair Trading Officer, Trading Standards Apprentice ,Trading Standards Team Manager, Housing Standards Team Manager, Environmental Health Officer, Enforcement Officers, Public Protection Officer, Housing Triage Support Officer, Environmental Health Officer Apprentice and Service Manager/Head of Service, Regional Enforcement Manager, Regional Intelligence Analyst, Regional Intelligence Officer and Investigations Officer		Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.
273	<u>Renters Rights Act 2025 – Rent repayment orders</u> To make applications for rent repayment orders and conduct associated proceedings under the Housing and Planning Act 2016 as amended by sections 98 and 103 of the Renters Rights Act 2025.	Trading Standards Officer, Senior Trading Standards Officer, Fair Trading Officer, Trading Standards Apprentice, Trading Standards Team Manager, Housing	Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.

		Standards Team Manager, Environmental Health Officer, Enforcement Officers, Public Protection Officer, Housing Triage Support Officer, Environmental Health Officer Apprentice and Service Manager/Head of Service, Regional Enforcement Manager, Regional Intelligence Analyst, Regional Intelligence Officer and Investigations Officer		
274	Renters Rights Act 2025 – Stating proposed rent and rental bidding To investigate and take enforcement action in respect of breaches of the requirements to state the proposed rent and the prohibition of rental bidding under the Renters Rights Act 2025, including the imposition, administration and recovery of financial penalties in accordance with sections 56 and 57 and Schedule 5 of the Act, and to exercise all associated investigatory and enforcement powers available to the local housing authority.	Trading Standards Officer, Senior Trading Standards Officer, Fair Trading Officer, Trading Standards Apprentice, Trading Standards Team Manager, Housing Standards Team Manager, Environmental Health Officer, Enforcement Officers, Public Protection Officer,	Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.

		Housing Triage Support Officer, Environmental Health Officer Apprentice and Service Manager/Head of Service, Regional Enforcement Manager, Regional Intelligence Analyst, Regional Intelligence Officer and Investigations Officer.		
275	Unlawful eviction and harassment To investigate and take enforcement action in relation to unlawful eviction and harassment, including (as applicable) the including the imposition and recovery of financial penalties in accordance with Part 4 of the Renters' Rights Act 2025 (including section 58 where applicable) and the institution of prosecutions under the Protection from Eviction Act 1977 and the Housing Act 1988	Trading Standards Officer, Senior Trading Standards Officer, Fair Trading Officer, Trading Standards Apprentice Trading Standards Team Manager, Housing Standards Team Manager, Environmental Health Officer, Enforcement Officers, Public Protection Officer, Housing Triage Support Officer, Environmental Health Officer Apprentice and Service Manager/Head of	Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.

		Service, Regional Enforcement Manager, Regional Intelligence Analyst Regional Intelligence Officer and Investigations Officer.		
276 - 299	Unused			
Social Services				
300	To consider complaints and representations in respect of matters relating to health and social care in relation to:- Local Authority Social Services Act 1970 Section 7B; Local Authority (Complaints Procedure) Order 1990; Complaints Procedure Directions 1990; Children Act 1984 S.26(3);Data Protection Act 1998.	Executive Director for Children and Families/ or Executive Director for Adults and Communities	Executive Delegated	In accordance with Council's Complaints Policy
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
301 to 305	NOT USED			
306	As defined by NHS and Community Care Act 1990; Part III of National Assistance Act 1948; Section 45 of Health Permitted Public Health Act 1968; Section 21 and Schedule 8 to the National Health Service Act 1977; Section 117 of the Mental Health Act 1983; Registered Homes Act 1984; Disabled Persons Act 1986; Chronically Sick and Disabled Persons Act 1970 and all Statutory Regulations derived from the above Acts which incorporate the following: • Undertake assessment of Individual and Community Need, care planning arrangement and purchasing care packages • Implementation of Charging Policies	Executive Director for Adults and Communities	Executive Delegated	

	• Inspection of independent sector residential care homes and other providers of care in accordance with legislation and the Council's policies • Compile registers of adults and children with disabilities • Implementation of Guardianship Orders (in respect of patients over 16 years of age suffering from a mental disorder)			
307	Emergency admissions to hospital for mental health problems	Executive Director for Adults and Communities	Executive Delegated	
308	Duties under the Mental Health Act 1985 including:- • Social reports • Approved Social Worker appointments and deployment • Inspection • Hospital Visits • After care • Mental Illness Specific Grant • Mental Health Grant	Executive Director for Adults and Communities	Executive Delegated	
309	Arrange for burial or cremation under National Assistance Act 1948.	Executive Director for Adults and Communities	Executive Delegated	
310	As defined by Children Act 1989; Criminal Justice Act 1991; CJ and Public Order Act 1994; Adoption Act 1976; Education Act 1993, Children Act 2004, Adoption and Children Act 2002, Working Together 1999 and Working Together 2005; and all Statutory Regulations	Executive Director for Children and Families	Executive Delegated	

	derived from the above Acts which incorporate the following: • General duty to safeguard and promote the Welfare of Children who are in need and to promote the upbringing of children by their families. • Approval of Applications for Registration of Day Care • Provision and childminders under Part X of Children Act 1989. • Approval of adoption allowances. • Approval of Residence Order Allowances. • Approval of Fostering Allowances. • Approval of Special Guardianship Allowances. • Payment of adopters legal expenses on recommendation of Adoption Panel – Agency decision maker. • Application for Secure Accommodation Order. • Oversight of private fostering • Leaving Care Act response. • Implementing charging policy for Children's Services. • Consent to the marriage of a child looked after by the Local Authority. To give consent for a passport application and foreign holiday of a child looked after or accommodated by the Local Authority.			
Revenue and Benefit Services Etc				
311 to 317	NOT USED			
318	To discharge the Council's functions in relation to the administration of the statutory and modified housing benefit schemes.	Chief Executive	Executive Delegated	

319	To discharge the Council's functions in relation to the administration of the statutory and modified Council Tax benefit scheme.	Chief Executive	Executive Delegated	
320	To discharge the Council's functions in relation to the administration of the statutory and modified Community Charge benefit scheme.	Chief Executive	Executive Delegated	
321	Operation of the Discretionary Fund for private tenants paying rents above the Rent Officer's determinations.	Chief Executive	Executive Delegated	
322	Investigation of alleged offences relating to Social Security Fraud.	Chief Executive	Executive Delegated	In consultation with Internal Audit
323	Exercise of powers to require an appropriate person to supply information (Social Security Administration Act 1992 s.126A)	Chief Executive	Executive Delegated	
324	Decision to offer an administrative penalty as an alternative to prosecution (s115A Social Security Administration Act 1992)	Chief Executive	Executive Delegated	
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
325	Decision to offer a formal or informal caution as an alternative to prosecution for any offence pursuant to the Social Security (Administration) Act 1992 as amended by Social Security Administration (Fraud) Act 1997.	Chief Executive	Executive Delegated	
326	Appointment of Inspectors – Social Security (Administration) Act 1992 as amended by the Social Security Administration (Fraud) Act 1997.	Chief Executive	Executive Delegated	
327 to 344	NOT USED			
345	To initiate all necessary action in respect of any contravention, up to and including the institution of legal proceedings, in respect of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for	Executive Delegated	

		Adults and Communities		
346	NOT USED			
347	Employ temporary staff as the fluctuating demands of service contracts require and appoint replacement of permanent staff as the need arises	Executive Directors	Executive Delegated	In consultation with the Chief Personnel Officer
348	Authorise the replacement of existing vehicles and equipment when required, changes to vehicle and equipment specification and the purchase of additional vehicles and equipment to meet contract requirements.	Chief Executive	Executive Delegated	In consultation with Cabinet Member(s)
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
Community Safety/Security and Surveillance/Development Support				
349A	To discharge the Council's functions under the Crime and Disorder Act 1998.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	In consultation with the relevant Chief Officer(s)
349AA	To initiate all necessary action, including the institution of legal proceedings where appropriate, under the Crime and Disorder Act 1998.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	

349B	To authorise surveillance in pursuance of the Council's functions in accordance with the Regulation of Investigatory Powers Act 2000.	Chief Executive – Senior Responsible Officer. Monitoring Officer – Authorising Officer Deputy Monitoring Officer – Authorising Officer	Executive Delegated	In accordance with policy as approved by Governance Committee.
350	To negotiate and sign contracts for the supply of security and surveillance services to organisations up to an individual value of £10,000 per annum.	Executive Management Members	Executive Delegated	Authority to sign not exercisable where Standing Orders relating to the sealing of documents apply. Prior consultation with the Chief Legal Officer
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
350A	To exercise all the powers allocated to the Council through the Anti-social Behaviour, Crime and Policing Act 2014, including, but not exclusively: - To apply for injunctions - To request the prosecutor to apply for a criminal behaviour order - To respond to consultation for a dispersal order - To issue community protection notices - To issue closure notices - To apply for closure notices - To apply for Respect Orders - To issue Community Protection Warnings		Executive Delegated	In consultation with the Chief Legal Officer

351	To advise the payment of small grants to community groups/associations in accordance with an approved scheme up to the value of £1000	Executive Directors	Executive Delegated	In consultation with relevant Ward Councillors
Education Services				
351A	To discharge the Council's policy regarding home/school and post-16 transport.	Governance Director, Assistant Director - Corporate Resources	Executive Delegated	Consultation to take place with the Leader and Cabinet Members for Children and Resources, in cases of proposed changes to longstanding dedicated coach service provision for specific schools/areas
352	To take action in respect of issues relating to the employment of children and young persons.	Executive Director for Children and Families	Executive Delegated	
353	To exercise personnel functions within the Council's corporate policies relating to teaching and non-teaching staff where such functions do not form part of the role of governing bodies of schools.	Executive Director for Children and Families	Executive Delegated	
354	The exercise of the Council's powers and duties in respect of policies regarding education sports and recreational facilities (including swimming) for both schools based and community facilities.	Executive Director for Children and Families.	Executive Delegated	
354B	The exercise of the Council's powers and duties in respect of policies regarding educational visits for both schools based and community facilities.	Executive Director for Children and Families /Chief Officer	Executive Delegated	
355	To oversee the arrangements for multi-cultural education.	Executive Director for Children and Families	Executive Delegated	
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
356	To oversee outdoor education issues.	Executive Director for Children and Families	Executive Delegated	

357	To oversee the arrangements for the music service.	Executive Director for Children and Families	Executive Delegated	
358	To discharge the duties of the Council in relation to child protection.	Executive Director for Children and Families	Executive Delegated	
359	To discharge the duties of the Council in relation to school attendance issues.	Executive Director for Children and Families	Executive Delegated	
360	To oversee the arrangements for governor support.	Executive Director for Children and Families	Executive Delegated	
361	To develop the partnership between the LA governing bodies and other groups.	Executive Director for Children and Families	Executive Delegated	
362	To oversee operational adult education issues.	Executive Director for Children and Families	Executive Delegated	
363	To oversee operational youth service issues.	Executive Director for Children and Families	Executive Delegated	
364	To operate and review mechanisms regarding transport and pupil and student support.	Executive Director for Children and Families	Executive Delegated	
365	To discharge the duties of the Council in relation to admissions prior to any appeal.	Executive Director for Children and Families	Executive Delegated	
366	Approval of the Tourism Exhibition Programme.	Executive Director for Adults and Communities	Executive Delegated	In consultation with Cabinet Member(s)
367 - 371	NOT USED			
372	To exercise the Council's responsibilities in respect of the Monitoring of Schools and in respect of intervention.	Executive Director for Children and Families	Executive Delegated	
373	To exercise the Council's right to appoint additional governors in schools causing concern	Executive Director for Children and Families	Executive Delegated	In consultation with Cabinet Member(s)
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
374	To amend Boarding Education Awards approved by the Council, in consequence of changes in parental income.	Executive Director for Children and Families	Executive Delegated	

375	To deal with the transfer of pupils in and out of the Borough.	Executive Director for Children and Families	Executive Delegated	
376	To approve applications for pupils and students to attend schools and courses which would give rise to recoupment claims.	Executive Director for Children and Families	Executive Delegated	
377	To authorise the institution of legal proceedings relating to school attendance or behaviour.	Executive Director for Children and Families	Executive Delegated	In consultation with the Chief Legal Officer
378	Service of school attendance notices and orders.	Executive Director for Children and Families	Executive Delegated	
378B	Seeking of Parenting Orders for attendance and/or behaviour difficulties	Executive Director for Children and Families	Executive Delegated	
379	To approve variations from the Council's procedures as defined in standing orders and/or financial regulations, to facilitate school governors in undertaking schemes of local financial management under the provisions of the School Standards and Framework Act 1998.	Executive Director for Children and Families	Executive Delegated	
380	To determine the implementation of any proposals published under Sections 28, 29 and 31 of the School Standards and Framework Act 1998 for the establishment, alteration or discontinuance of school premises, subject to there being no statutory objections to such proposals or substantial changes in the circumstances.	Executive Director for Children and Families	Executive Delegated	In consultation with Cabinet Member(s)
381	To nominate Local Authority School Governors for appointment to relevant Schools within the Borough	Assistant Director (Education & Skills)	Executive Delegated	In consultation with the Cabinet Member for Education.
382	NOT USED			
383	To make representations to Disciplinary Committees of maintained Schools regarding a pupil's fixed term or permanent exclusion.	Executive Director for Children and Families	Executive Delegated	In consultation with the Chief Legal Officer

384	To make representations to the Exclusions Appeal Panel regarding a pupil's fixed term or permanent exclusion.	Executive Director for Children and Families	Executive Delegated	In consultation with the Chief Legal Officer
385	To advertise for and appoint members to the Exclusions and Admissions Appeal Panels.	Chief Executive/Executive Director of Children and Families	Executive Delegated	
386	NOT USED			

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
387	To assist the Council in dealing with the welfare of children who have suffered or may have suffered significant harm and also children with special educational needs.	Executive Director for Children and Families	Executive Delegated	
388	Special Educational Needs (SEN) • decision whether to make an assessment of special educational needs of a child • giving notice of proposals to carry out an assessment of a child's special educational needs • decision as to whether to make a statement of SEN after assessment • making of statement of SEN	Executive Director for Children and Families	Executive Delegated	
389	Admissions to schools.	Executive Director for Children and Families	Executive Delegated	
389A	Authority to authorise prosecutions in connection with noise and disturbance on educational premises – Section 40 Local Government (Miscellaneous Provisions) Act 1982. Minute 20 of Education Committee 12 July 1996	Executive Director for Children and Families	Executive Delegated	In consultation with Cabinet Member(s)
389B	Authority to remove persons from educational premises – Section 40 Local Government (Miscellaneous Provisions) Act 1982. Minute 20 of Education Committee 12 July 1996	Executive Director for Children and Families	Executive Delegated	In consultation with Cabinet Member(s)
Leisure General				
390	To be responsible for the enforcement of the current byelaws appertaining to leisure facilities up to, but not including, the commencement of legal proceedings.	Executive Director for Adults and Communities	Executive Delegated	

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
391	**Libraries** – to select, acquire and as necessary discard all books, other printed matter and any other media suitable for library use.	Executive Director for Adults and Communities	Executive Delegated	
392	To liaise with other libraries and organisations in schemes assisting in the interlending of books and other library material.	Executive Director for Adults and Communities	Executive Delegated	
393	To adjust opening hours of facilities to accommodate Bank and National Holidays.	Executive Director for Adults and Communities	Executive Delegated	
394	**Museums and Galleries** – to select, acquire and as necessary discard items for display within museums and art galleries.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	
395	To acquire items of local historical interest.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	
396	To organise exhibition and events programmes within museums and galleries within the agreed budget.	Executive Director for Growth, Enterprise / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
397	To collaborate with other galleries and museums in the UK with regard to the interlending of items for temporary exhibition.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	Recipient Authority must be registered with the Museums and Galleries Commission
398	To set fees and charges for Library Services and to set admission charges for temporary and special exhibitions in accordance with policy.	Executive Director for Adults and Communities	Executive Delegated	In consultation with the relevant Cabinet Members
399	To adjust opening hours of Museums and other facilities to accommodate Bank and National Holidays.	Executive Director for Adults and Communities	Executive Delegated	
400	Countryside – To organise a suitable events programme within the agreed budget.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities / Assistant Director Environment	Executive Delegated	
401	To authorise the use of Libraries, Museums and other facilities by voluntary/community/charity groups in accordance with the agreed conditions.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for	Executive Delegated	

		Adults and Communities		
402	To exercise the Council's powers under the Dutch Elm Disease (Local Authorities) Order 1974.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	
Miscellaneous				
403	Community Centres – Approve emergency grants to community associations to a maximum amount of £500 for the payment of invoices submitted by statutory undertakings.	Executive Director for Adults and Communities	Executive Delegated	
404	To approve minor alterations to Community Centre leases.	Executive Director for Adults and Communities	Executive Delegated	In consultation with the Chief Legal Officer
405	Events and Recreation – To liaise with community/voluntary groups and other organisations in the promotion of an events programme for the Borough	Executive Director for Adults and Communities	Executive Delegated	
Registration of Births, Deaths and Marriages				
406	To approve premises for the Solemnisation of Marriage	Chief Legal Officer	Council Delegated	In consultation with Cabinet Member(s)
Miscellaneous				
407	To approve attendances of Members and Officers at conferences, courses etc where the cost is met within budget	Chief Executive, Executive Management Team Member, Chief Legal Officer	Executive Delegated	In consultation with Cabinet Member(s)

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
408	To enter into contracts for the provision of personal social services from a contractor where the cost does not exceed £50,000 and is within a specific grant funding budget	Executive Director for Children and Families/ or Executive Director for Adults and Communities	Executive Delegated	In consultation with Cabinet Member(s)
408A	To consult with all political groups on the Council for the purpose of convening a meeting or meetings of any committee or working party of the Council.	Chief Legal Officer	Council/Executive Committees	
408B	To seek and agree nominations of Elected Members for vacancies in-year in consultation with the relevant Cabinet Member.	Chief Legal Officer	Executive Delegated	In consultation with the Leader of the Council or appropriate Cabinet Member
409	To convene a panel to hear school exclusion appeals with full delegated powers to determine the appeals	Chief Legal Officer	Council Delegated	
410	To convene a panel to hear school admission appeals with full delegated powers to determine the appeals	Chief Legal Officer	Council Delegated	
411	To convene a panel to hear school governing body appeals with full delegated powers to determine appeals	Chief Legal Officer	Council Delegated	
412	To commission services on behalf of Partnership Boards in respect of services to children	Executive Director for Children and Families	Council/Executive Delegated	In consultation with the Chief Financial Officer
412A	To commission services on behalf of Partnership Boards in respect of adult health and social care.	Executive Director for Adults and Communities	Council/Executive Delegated	In consultation with the Chief Financial Officer.
413	To undertake all the functions of the Council in relation to Town or Village Greens and Commons Registration	Chief Legal Officer	Executive General Purposes and Village Greens Committee Delegated	

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
414	To initiate complaints in the civil courts to obtain Undertakings for the purpose of compliance with the Enterprise Act 2002 and/or the Digital Markets, Competitions & Consumers Act 2024, where those undertakings are breached or, where it is suspected that Undertakings will not be accepted, to obtain Injunctions under the said Act (or such other legislation as may from time to time apply) and commence all necessary actions in relation thereto.	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth and Enterprise, Trading Standards Team Manager, Senior Trading Standards Officer, Trading Standards Officer, Fair Trading Officer, Animal Health & Welfare Officer, Trading Standards Apprentice, Regional Enforcement Manager, Regional Intelligence Analyst, Regional Intelligence Officer and Investigations Officer.	Executive Delegated	Trading Standards Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power.
415	To enforce the provisions of the Criminal Justice and Police Act 2001 (or as amended) relating to underage sales of alcohol and to exercise the powers under the Customs and Management Act 1979 (or as amended) to seize and detain non-duty paid tobacco products	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth and Enterprise, Service Manager/Head of Service, Trading Standards Team Manager, and/or Senior Trading Standards Officers	Executive Delegated	

		and/or Trading Standards Officers		
416	To financially recompense individual complainants as advised by the Local Government & Social Care Ombudsman or under Section 92 of the Local Government Act 2000 subject to a maximum of £2,000 in each individual case.	Executive Management Team Members	Council	In consultation with Cabinet Member(s) and Chief Finance Officer, Chief Legal Officer and relevant Director subject to an Annual Report of all payments including all Ombudsman complaints.
417	Duty or power to examine, inspect or enter premises and/or equipment, and records/documents, or interview persons, in order to gather evidence for the purposes of allowing the local authority to act or take actions under any of the provisions set out in Schedule 2 to the Scheme of Delegation to Officers	Any Executive Management Team Member, Assistant Directors, Service Managers/Head of Service, Team Leader, Principal Officers, Homelessness Prevention Officers, Enforcement Officers, Public Protection Officers, Port Health Technical Officer, Environmental Health Officers, Homelessness Prevention Officer, Petroleum Officers, Animal Health and Welfare Officer, Licensing Officers, Trading Standards	Council/Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power

		Officers, Scientific Officer, Fair Trading Officers, Senior Trading Standards Officers, Team Managers, Trading Standards Apprentice and Environmental Health Officer Apprentice, Regional Intelligence Analyst, Regional Intelligence Officer, Investigations Officer and Regional Tobacco Officer.		

No.	Power	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
418	Duty or power of local authority to act or take actions under the legislation set out in Schedule 2	Any Executive Management Team Member, Assistant Directors, Service Managers/Head of Service, Team Leader, Principal Officers, Homelessness Prevention Officers, Enforcement Officers, Public Protection Officers, Port Health Technical Officer and/or Environmental Health Officers, Homelessness Prevention Officers, Petroleum Officers, Animal Health and Welfare Officer, Licensing Officers, Team Managers, Trading Standards Officers, Trading Standards Apprentices, Environmental Health Officer Apprentices Scientific Officer, Fair Trading Officers, Senior Trading Standards Officers, Regional Intelligence Analyst, Regional Intelligence Officer, Investigations	Council/Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power

		Officer and Regional Tobacco Officer.		

No.	Power	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
419	Exercise of powers of entry, investigation, inspection and ancillary related powers authorised by and contained within those statutes listed in Schedule 2 including all relevant statutory provisions made thereunder.	Any Executive Management Team Member, Assistant Directors, Service Managers/Head of Service, Team Leader, Principal Officers, Enforcement Officers, Public Protection Officers, Environmental Health Officers, Licensing Officers, Team Managers, Trading Standards Apprentice, Environmental Health Officer Apprentice, Trading Standards Officers, Scientific Officer, Fair Trading Officers, Animal Health & Welfare Officer, Senior Trading Standards Officers, Regional Enforcement Manager, Regional Intelligence Analyst, Regional Intelligence Officer, Investigations Officer and Regional Tobacco Officer.	Council/Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under supervision of another officer authorised under this delegated power
420	To sign and issue statutory notices, directions and orders as the proper officer for statutes in Schedule 2 unless otherwise stated including, but not limited to, authorisation in respect of prescribed processes, enforcement, prohibition, revocation and variation notices. To sign authorisations in respect of prescribed processes.	Any Executive Management Team Member, Chief Legal Officer, Assistant Directors, Service Managers/Head of Service, Team Leader, Principal Officers, Environmental Health Officers, Enforcement Officers, Public Protection Officers, Licensing Officers, Trading Standards	Council/Executive Delegated	Trading Standards Apprentice and Environmental Health Officer Apprentice may only exercise these powers under

		Officers, Scientific Officer, Team Managers, Senior Trading Standards Officers, Trading Standards Apprentice, Environmental Health Officer Apprentice, Fair Trading Officers, Animal Health and Welfare Officer, Investigations Officer and Regional Tobacco Officer.		supervision of another officer authorised under this delegated power
421	Authorise prosecution of offences and the institution of proceedings for failure to comply with any notice served	Chief Legal Officer, any Executive Management Team Member, Assistant Directors, Service Managers	Council/Executive Delegated	
422	Issue simple cautions in accordance with relevant statutory guidance.	Any Executive Management Team Member, Assistant Directors, Service Managers	Council/Executive Delegated	

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
423	To appoint and authorise officers and other persons acting on behalf of the Council to carry out those duties and functions contained within those statutes listed in the Schedule 2 including all relevant statutory provisions made thereunder including powers of entry, investigation and inspection.	Any Executive Management Team Member, Assistant Directors, Service Managers	Council/Executive Delegated	
424	Health & Safety at Work etc Act 1974 To exercise the powers and entitlement of an inspector under the Health and Safety At Work Act etc 1974 (The 1974 Act) specified in: I. Sections 20, 21, 22, 25 and 39 of The 1974 Act II. Any Health & Safety Regulations III. The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified, as in force from time to time. To institute proceedings pursuant to Section 38 of the 1974 Act.	Chief Executive/or Assistant Directors and/or Service Managers/Head of Service and/or Team Leader and/or Team Manager and/or Principal Officers, Environmental Health Officer or Enforcement Officer or any licensing enforcement officer or any petroleum officer.	Council/Executive Delegated	Section 18 (4) Health and Safety at Work etc Act 1974 requires that the performance of duties must be in accordance with guidance from the Health and Safety Commission.
425	Health & Safety at Work etc Act 1974 Power to agree transfers and assignments under health and safety legislation to change the enforcing authority responsibilities when the local authority can deal with these and has to be passed to the Health & Safety Executive.	Chief Executive /or Assistant Director and/or Service Managers and/or Environmental Health Team Manager (Commercial) and/or Service Manager/Head of Service.	Council/Executive Delegated	In consultation with the Health and Safety Executive.

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
426	Food Safety Act 1990 To exercise the powers of an authorised officer under the Food Safety Act 1990 as amended Sections 9, 10, 12, 29, 30, 32 and any other relevant regulations and provisions made thereunder. Food Safety and Hygiene (England) Regulations 2013 To exercise the powers of an authorised office under the Food Safety and Hygiene (England) Regulations 2013, Regulations 6, 8, 9, 10, 14, 15, 16 and 29.	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth and Enterprise. Service Manager/Head of Service, Environmental Health Team Manager (Commercial), any Environmental Health Officer, Enforcement Officer of Public Protection Officer duly authorised	Council/Executive Delegated	Powers to be exercised in accordance with the Food Law Code of Practice.

427	Authority to: • Grant and issue full and conditional approvals of product specific establishments under the provisions of the Food Safety Act 1990, Food Safety and Hygiene (England) Regulations 2013 and any relevant associated EU and/or domestic regulations • Approve, grant and issue licences, consents, permits, registrations and other authorisations under specific legislation.	Executive Director for Growth Enterprise and Environment and/or Assistant Director for Growth and Enterprise and/or Service Manager/Head of Service, Trading Standards Team Manager and/or Licensing Manager and/or and/or Environmental Health Team Manager (Commercial) and/or Housing Standards Team Manager and/or Environmental Protection Team Manager.	Council/Executive Delegated	
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**

428	Authority to: • Refuse, suspend, or withdraw approvals or conditional approvals or product specific establishments under the provisions of the Food Safety Act 1990, Food Safety and Hygiene (England) Regulations 2013 and any relevant associated EU and/or domestic regulations • Suspend, refuse or revoke licences, consents, permits, registrations and other authorisations in accordance with specific legislation	Executive Director for Growth Enterprise and Environment and/or Assistant Director for Growth and Enterprise and/or Service Manager/Head of Service and/or Licensing Manager and/or Team Leader and/or Team Manager and/or Environmental Health Team Manager (Commercial) and/or Environmental Health Officer.	Council/Executive Delegated	
429	Appointment of: • Public Analyst • Food Examiner • Agricultural Analyst	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth & Enterprise and/or Service Managers	Council/Executive Delegated	Powers to be exercised in accordance with the Food Law Code of Practice and the Feed Law Code of Practice

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
430	Appointment of Proper Officers for the purpose of • The Health Protection (Notification) Regulations 2010 Regulations 2, 3 and 6 • Public Health (Control of Disease) Act 1984 Section 48 as amended by the Health and Social Care Act 2008 • Public Health (Control of Disease) Act 1984 Section 61 • Public Health (Control of Disease) Act 1984 Section 61 as amended by Health and Social Care Act 2008 on its coming into force • National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 Section 47 • Public Health Act 1936. Sections 84 and 85 • Public Health Act 1961. Section 37	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth & Enterprise Director of Public Health and/or and/or Service Managers/Head of Service.	Council/Executive Delegated	In consultation with the Health Protection Agency
431	To issue housing assistance approvals and refusals in accordance with the Council's housing renewal policy	Executive Director for Growth Enterprise and Environment, Assistant Director for Growth and Enterprise, Service Manager/Head of Service.	Council/Executive Delegated	
431A	Regulation of Investigatory Powers Act 2000 To approve, authorise officers (and others acting on behalf of the Council) to carry out covert surveillance, investigation and inspections.	Chief Executive and/or All Executive Management Team Members and/or All Assistant Directors (ie JNC Graded Officers)	Council/Executive Delegated	

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
Anti-Social Behaviour Act 2003, Licences for Performances by Children and PFI Agreements				
432	To discharge the Council's functions, responsibilities and obligations under the Anti-Social Behaviour Act 2003 in relation to s12 - s17, s40 –s42, s55 –s56, s65 - 84 as necessary to discharge those functions including all miscellaneous, general and ancillary powers including ; Publish policies and procedures on how the Local Authority deals with tenants committing Anti-social Behaviour Make application for a Demotion Order EHO's to issue a warning for noise in a domestic dwelling at night EHO's to issue Fixed Penalty Notice if warning not adhered to To issue legal proceedings in the event of contravention of a closure notice To investigate fly-tipping and institute proceedings against those responsible for the dumping of waste. To investigate complaints in relation to high hedges, issue formal notices and institute legal proceedings in the event of non-compliance	Executive Director for Growth Enterprise and Environment / Chief Executive / Assistant Director for Growth & Enterprise / Assistant Director Environment	Executive Delegated	In consultation with the Chief Legal Officer
433	To discharge the Council's functions, responsibilities and obligations under the Anti-Social Behaviour Act 2003 in relation to s19 –s24 as necessary to discharge those functions including all miscellaneous, general and ancillary powers including ; Enter into parenting contracts with the parent(s) of a child who has truanted or been excluded from school; To apply to the Court for parenting orders ;To issue fixed penalty notices to a parent in relation to the truancy of their child and to institute proceedings in the event of non-payment.	Executive Director for Children and Families	Executive Delegated	In consultation with the Chief Legal Officer

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
434	To discharge the Council's functions, responsibilities and obligations under the Anti-Social Behaviour Act 2003 in relation tos1-s11, s43 –s52, 85(4)(10B), s85 (4)(10A), s86 (3)(9A), s87, s89 (1) – (7) as necessary to discharge those functions including all miscellaneous, general and ancillary powers including ; Authorised officer to issue Fixed Penalty Notice in relation to graffiti Authorised officer to issue Fixed Penalty Notice in relation to fly posting Authorised officer to issue a graffiti removal notice To institute proceedings for breach of an Anti-social Behaviour Order To institute proceedings for breach of an Anti-social Behaviour Order made on conviction of offences Only Accredited persons to issue Fixed Penalty Notices for disorder to 16-17 year olds Only Accredited persons to stop a person on a cycle who is committing an offence Only Accredited persons to issue Fixed Penalty Notices for riding a cycle on a footpath	Executive Management Team member(s) as appropriate in the circumstances	Executive Delegated	In consultation with the Chief Legal Officer
435	To discharge the Council's functions, responsibilities and obligations under the Anti-Social Behaviour Act 2003 in relation to s90 as necessary to discharge those functions including all miscellaneous, general and ancillary powers including; Report to Court by local authority in certain cases where a court remands a person aged 10 or 11 on bail.	Executive Director for Children and Families	Executive Delegated	In consultation with the Chief Legal Officer

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
436	To discharge the Council's functions, responsibilities and obligations under the Anti-Social Behaviour Act 2003 in relation to s39(1) – (6), s54, s91, s85 (5) – (6) & (9) – (11) as necessary to discharge those functions including all miscellaneous, general and ancillary powers including ; Prohibition of certain weapons that use the self-contained gas cartridge system Sale of aerosol paints banned to under 16 year olds Request that a power of arrest is attached to an injunction obtained under s222 LGA 1972	Executive Director for Growth Enterprise and Environment / Chief Executive	Executive Delegated	In consultation with the Chief Legal Officer
437	To issue licences for performances by children in compliance with s37 Children and Young Persons Act 1963	Executive Director for Children and Families	Executive Delegated	
438	To complete a PFI agreement with the preferred bidder to procure the Group Schools PFI Project	Executive Director for Children and Families and Chief Finance Officer	Executive Delegated	In consultation with the Chief Legal Officer
439	To discharge the Council's functions, responsibilities and obligations under the Traffic Management Act 2004	Chief Executive / Executive Director for Adults and Communities / Executive Director for Growth, Enterprise and Environment.	Executive Delegated	
440	To discharge the Council's functions, responsibilities and obligations in relation to sections 12-16 of the Criminal Justice and Police Act 2001 and to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	In consultation with the Chief Legal Officer

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
Clean Neighbourhoods And Environment Act 2005				
441	To discharge the Council's functions, responsibilities and obligations under the Clean Neighbourhoods and Environment Act 2005 in relation to Part 1 s1 Crime and disorder reduction strategies Part 2 S10 – 14 abandoned vehicles Part 3 s18 – 27 Litter and refuse Part 4 s28 – 31 and 34 Graffiti and fly posting and removal of placards ad posters Part 5 s35 – 54 Transport deposit and disposal of waste Part 6 s55 - 68 Controls on dogs Part 9 s96 – 100 Use of fixed penalty receipts, shopping and luggage trolleys As necessary to discharge those functions including all Schedules, miscellaneous, general and ancillary powers	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	In consultation with the Chief Legal Officer

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
442	To discharge the Council's functions, responsibilities and obligations under the Clean Neighbourhoods and Environment Act 2005 in relation to Part 1 s2 Gating orders Part 4 s33 Unlawful display of advertisements: defences Part 8 s87 – 95 Commission for Architecture and the Build Environment as necessary to discharge those functions including all Schedules, miscellaneous, general and ancillary powers	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	In consultation with the Chief Legal Officer
443	To discharge the Council's functions, responsibilities and obligations under the Clean Neighbourhoods and Environment Act 2005 in relation to Part 4 s32 Sale of aerosol paint to children as necessary to discharge those functions including all Schedules, miscellaneous, general and ancillary powers	Executive Director for Adults and Communities / Executive Director for Children and Families		In consultation with the Chief Legal Officer
444	To discharge the Council's functions, responsibilities and obligations under the Clean Neighbourhoods and Environment Act 2005 in relation to Part 2 s3 – 9 Nuisance parking offences and s15 – 17 illegally parked vehicles as necessary to discharge those functions including all Schedules, miscellaneous, general and ancillary powers	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	In consultation with the Chief Legal Officer

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
445	To discharge the Council's functions, responsibilities and obligations under the Clean Neighbourhoods and Environment Act 2005 in relation to Part 9 s101 – 103 statutory nuisance relating to insects and lighting as necessary to discharge those functions including all Schedules, miscellaneous, general and ancillary powers	Executive Director for Growth, Enterprise and Environment / Chief Executive / Executive Director for Adults and Communities	Executive Delegated	In consultation with the Chief Legal Officer
446	To discharge the Council's functions, responsibilities and obligations under the Clean Neighbourhoods and Environment Act 2005 in relation to Part 7 s69 – 86 Audible intruder alarms, noise from premises and statutory noise nuisances Part 9 s104 – 105 Pollution: contaminated land as necessary to discharge those functions including all Schedules, miscellaneous, general and ancillary powers	Executive Director for Growth Enterprise and Environment	Executive Delegated	In consultation with the Chief Legal Officer

No.	Powers and Duties	Delegation Exercised By	Origin and Extent of Delegation	Checks and Balances
PROCUREMENT				
447	In accordance with the Council's Contract Procedure Rules 5.5: Commence a procurement process to award a contract.	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with Cabinet Member (s), Chief Finance Officer and Chief Legal Officer
448	Not Used			
449	Not Used			
450	In accordance with the Council's Contract Procedure Rules 5.65 and the examples set out in 9.8: Award a Contract to the most advantageous bidder	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with Cabinet Member (s), Chief Finance Officer, and Chief Legal Officer
451	Approval to call off from a Framework, utilise a Contract or Other Agreement established by another Contracting Authority including but not limited to NEPO, or other relevant public sector organisations	Chief Executive and/or Executive Management Team Members		In consultation with Cabinet Member (s), Chief Finance Officer, and Chief Legal Officer
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
452	In accordance with the Council's Contract Procedure Rules 11.4: To implement an optional extension under existing contract terms	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with Cabinet Member (s), Chief Finance Officer; Chief Legal Officer
453	In accordance with the Council's Contract Procedure Rules 11.12:	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with Cabinet Member (s), Chief Finance

	Power to modify the terms of an existing contract, where there is provision within the contract to do so			Officer; Chief Legal Officer
454	In accordance with the Council's Contract Procedure Rules 10.15: To transfer a contract	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with Cabinet Member (s), Chief Finance Officer; Chief Legal Officer
455	Exercise power of exemption to Standing Orders in accordance with Section 12 of the Contract Procedure Rules	Chief Executive and/or Executive Management Team Members	Executive Delegated	In consultation with Cabinet Member (s), Chief Finance Officer; Chief Legal Officer
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
Public Health				
456	To act as the Council's Director of Public Health in accordance with the Section 73A(1) of the NHS Act 2006 and, accordingly, to: • discharge the Council's statutory responsibilities for public health services as set out in the Health and Social Care Act 2012;	Director of Public Health	Executive Delegated	In consultation with Cabinet Member (s), Chief Finance Officer and Chief Legal Officer

	• exercise any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – including services mandated by regulations made under section 6C of the NHS Act 2006. • exercise the Secretary of State's public health functions exercised by local authorities in pursuance of arrangements under section 7A of the 2006 Act • exercise any such other public health functions as the Secretary of State may prescribe • discharge the Council's responsibilities for non-mandated public health commissioning			
457	To make representations about licensing applications for the Council's public health response as a responsibly authority under the Licensing Act 2003.	Director of Public Health	Executive Delegated	In consultation with the Chief Legal Officer
458	To agree, in consultation with the relevant Cabinet member, the memorandum of understanding and annual work plan between the Council and NHS commissioners to provide the mandatory function to provide public health advice (otherwise known as the public health 'core offer').	Director of Public Health	Executive Delegated	In consultation with Cabinet Member (s).
No.	**Powers and Duties**	**Delegation Exercised By**	**Origin and Extent of Delegation**	**Checks and Balances**
459	To write an annual report on the health of people in Redcar and Cleveland.	Director of Public Health	Executive Delegated	In consultation with Cabinet Member (s)and Chief Finance Officer
460	To determine, in consultation with the relevant Cabinet member, the local authority's duties to take steps to improve public health	Director of Public Health	Executive Delegated	In consultation with Cabinet Member (s).

461	To exercise the Council's functions in planning for, and responding to, emergencies that present a risk to public health.	Director of Public Health	Executive Delegated	
462	To fulfil the local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.	Director of Public Health	Executive Delegated	
463	To ensure, through professional responsibility and accountability, that the Council's commissioned public health services are effective, accessible, equitable and represent good value for money.	Director of Public Health	Executive Delegated	In consultation with Cabinet Member (s), Chief Finance Officer

SCHEDULE 1 TO THE SCHEME OF DELEGATION TO OFFICERS

This list of Statutes encompasses all directions, orders and regulations made thereunder.

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Administration of Justice Act 1977
Administration of Justice Act 1982
Administration of Justice Act 1985
Advanced Television Services Regulations 2003
Aerosol Dispensers (EEC Requirements) Regulations 1977 (Amended 1996)
The Aerosol Dispensers Regulations 2009
African Horse Sickness (England) Regulations 2012
Agricultural Produce (Grading & Marking) Acts 1928 & 1931 and any Regulation made there under
Agriculture Act 1970
Agriculture and Horticulture Act 1964
Agriculture Miscellaneous Provisions Act 1968
Agriculture Miscellaneous Provisions Act 1972
Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020
Alcoholic Liquor Duties Act 1979
Ammonium Nitrate Materials (High Nitrate Content) Safety Regulations 2003
Animals Act 1971
Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015
Animal Feed (Basic Safety Standards) (England) Regulations 2019
Animal By-Products (Enforcement)(England) Regulations 2013
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
Animal Feed (Hygiene, Sampling, etc and Enforcement) (England) Regulations 2015
Animal Feed (England) Regulations 2010
(Various) Animal Feedstuffs Orders and Regulations having effect by virtue of the

Copyright Designs and Patents Act 1988
Copyright, Etc and Trade Marks (Offences and Enforcement) Act 2002
The Cosmetic Products Enforcement Regulations 2013

County of Cleveland Act 1987
Consumer Rights Act 2015
Counter Terrorism Act 2008
Creosote (Prohibition on Use and Marketing) Regulations 2003
Crime (Overseas Productions Orders) Act 2019
Crime and Policing Act 2026
Criminal Justice Act 1988
Criminal Justice Act 1991
Criminal Justice Act 1993
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Crime and Disorder Act 1998
Crime (International Co-Operation) Act 2003
Crossbows Act 1987
Crystal Glass (Descriptions) Regulations 1973
Customs and Excise Management Act 1979
The Dangerous Substances and Explosive Atmospheres Regulations 2002
Deposit Scheme for Drinks Containers (England and Northern Ireland) Regulations 2025
Diseases of Swine Regulations 2014
Detergents Regulations 2010
Digital Markets, Competition and Consumers Act 2024
Development of Tourism Act 1969
Duty Stamps Regulations 2006
EC Fertilisers (England and Wales) Regulations 2006
Education Reform Act 1988
Education Act 1996
Education (Penalty Notices) (England) (Amendment) Regulations 2024.
Eggs and Chicks (England) Regulations 2009
Eggs (Marketing Standards) Regulations 1995
Electrical Equipment (Safety) Regulations 2016

The Food Information Regulations 2014
Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006
Footwear (Indication of Composition) Labelling Regulations 1995
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Free-Range Poultry Meat Marketing Standards (Amendment) (England) Regulations 2025
Gambling Act 2005
Gangmasters (Licensing) Act 2004
Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018
General Product Safety Regulations 2005
Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004
Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 in so far as it relates to feed law
Hallmarking Act 1973
Harris Tweed Act 1993
Health and Safety at Work Etc Act 1974 (including other relevant statutory provisions set out at Schedule 1 thereto)
Health and Social Care Act 2012
The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020
The Health Protection (Coronavirus, Restrictions) (England) (No.2) Regulations 2020
Homelessness Reduction Act 2017
Homelessness (Priority Need for Accommodation) (England) Order 2002
Housing Act 2004
Housing and Planning Act 2016
Identity Cards Act 2006
Identity Documents Act 2010
The Industrial Emissions Directive 2010/75/EU
Intoxicating Substances Supply Act 1985

Property Misdescriptions Act 1991
Protection of Animals Act 1911
Protection of Children (Tobacco) Act 1986
Protection from Harassment Act 1997
Poisons Act 1972
Price Indications (Bureaux de Change) (No 2)
Regulations 1992
Price Marking Order 2004
Prices Act 1974
Prices Act 1975
Proceeds of Crime Act 2002
Psychoactive Substances Act 2016
Public Health Acts Amendment Act 1907 and
Bye laws as to the Regulation of the Seashores and Promenades within the Borough 1976.
Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018
Quick-frozen Foodstuffs (England) Regulations 2007
Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
Radio Equipment Regulations 2017
Recreational Craft Regulations 2004
Recreational Craft Regulations 2017
Redress Schemes for Letting Agencies Work & Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014
Registered Designs Act 1949
Registration of Establishments (Laying Hens) (England) Regulations 2003
Regulation of Investigatory Powers Act 2000
Renters Rights Act 2025
Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
Road Traffic (Consequential Provisions) Act 1988
Road Traffic (Foreign Vehicles) Act 1972

Agriculture Act 1970 and the European Communities Act 1972 Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015 Animal Health – Animals (Penalty Notices) (England) 2023 Animal Health Act 1981 Animal Welfare Act 2006 Enforcement Regulations 2024 Animals (Low-Welfare Activities Abroad) Act 2023 Animal Welfare (Import of Dogs, Cats and Ferrets) Act 2025 Animal Welfare (Livestock exports) Enforcement Regulations 2024 Animal Health Act 1981 Animal Welfare Act 2006 Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014 Anti-Terrorism, Crime and Security Act 2001 Avian influenza (Preventative Measures) (England) Regulations 2006 Avian Influenza (Vaccination)(England) Regulations 2006 Beef and Veal Labelling Regulations 2010 Biocidal Products Regulations 2001 Bluetongue Regulations 2008 Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 Brucellosis (England) Order 2015 Building Act 1984 Building Safety Act 2022 Sections 123 and 124 Business Names Act 1985 Business Protection from Misleading Marketing Regulations 2008 Cancer Act 1939 CAP (Wine)(England and Northern Ireland) Regulations 2001 Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 Cattle Identification Regulations 2007	The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 Electronic Commerce (EC Directive) Regulations 2002 Electromagnetic Compatibility Regulations 2006 Electromagnetic Compatibility Regulations 2016 Electro-medical Equipment (EEC Requirements) Regulations 1988 Emergency Control Regulations (various) Employment Agencies Act 1973 Employment of Women, Young Persons & Children Act 1920 Energy Act 1976 Energy Act 2008 Energy Conservation Act 1981 The Energy Efficiency (Private Rented Property) (England And Wales) Regulations 2015 (As Amended) Home Energy Conservation Act 1995 Energy Information Regulations 2011 Energy Information Regulations (having effect by virtue of the European Communities Act 1972) Enterprise Act 2002 Energy Performance of Buildings (England and Wales) Regulations 2012 The Enterprise and Regulatory Reform Act 2013 (pertaining to The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) Environment Act 1995 Environment Act 2021 The Environmental Permitting (England and Wales) Regulations 2016 Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2002 The Environmental Protection (Controls on Dangerous Substances) Regulations 2003 Environmental Protection (Microbeads) (England) Regulations 2017 Environmental Protection (Plastic Plates etc and Polystyrene Containers etc) (England) Regulations 2023 The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020 Environmental Protection Act 1990 The Environmental Protection (Single-use vapes) (England) Regulations 2024	Knives Act 1997 Leasehold Reform (Ground Act) Act 2022 Legal Services Act 2007 Licensing Act 2003 Licensing (Young Persons) Act 2000 Local Government Act 1972 Local Government Act 1988 Local Government Act 2000 Local Government Act 2003 Lotteries and Amusements Act 1976 Management of Houses in Multiple Occupation (England) Regulations 2006 as amended Malicious Communications Act 1988 Marking of Retail Goods Regulations 2025 Materials and Articles in Contact with Food (England) Regulations 2012 Measuring Container Bottles (EEC Requirements) Regulations 1977 Measuring Instruments Regulations 2016 Medical Devices Regulations 2002 Medicines Act 1968 Medicines and Medical Devices Act 2021 Mental Capacity Act 2005 Merchant Shipping Act 1995 Misrepresentation Act 1967 Mock Auctions Act 1961 Money Laundering Regulations 2007 Motor Vehicles (Safety Equipment for Children) Act 1991 Motorcycle Noise Act 1987 National Lottery Act 1993 and 2006 Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 Non-automatic Weighing Instruments Regulations 2000 Non-automatic Weighing Instruments Regulations 2016 NHS Act 2006 Novel Foods (England) Regulations 2018 Nurses Agencies Act 1957 Offensive Weapons Act 1996 Offensive Weapons Ac 2019 Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 in so far as it relates to food law Official Feed and Food Control (England) Regulations 2009	Road Traffic (Offenders Act) 1988 Road Traffic Act 1988 Road Traffic Act 1991 Sale and Supply of Goods Act 1994 Serious Crime Act 2007 Social Security Administration Act 1992 Scotch Whiskey Act 1988 Scotch Whisky Regulations 2009 Scrap Metal Dealers Act 1964 Simple Pressure Vessels (Safety) Regulations 1991 Simple Pressure Vessels (Safety) Regulations 2016 Single Use Carrier Bags Charges (England) Order 2015 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 Specified Products from China (Restrictions on First Placing on the Market) (England) Regulations 2008 Spirit Drinks Regulations 2008 Sunbeds Regulation Act 2010 Supply of Goods and Services Act 1982 Supply of Machinery (Safety) Regulations 1992 The Supply of Machinery (Safety) Regulations 2008 Solicitors Act 1974 Supported Housing (Regulatory Oversight) Act 2023. Telecommunications Act 1984 Tenant Fees Act 2019 Textile Products (Indications of Fibre Content) Regulations 1986 Textile Products (Labelling and Fibre Composition) Regulations 2012 Theft Act 1968 and 1978 Timeshare Act 1992 Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 Tobacco Advertising and Promotion Act 2002 Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002

Celluloid and Cinematographic Film Act 1922 Charities Act 1992 Charities Act 2006 Chemicals (Hazard Information & Packaging) Regulations 1993 Chemicals (Hazard Information & Packaging for Supply) Regulations 2009 Children and Young Persons (Protection from Tobacco) Act 1991 Children and Young Persons Act 1933 Children & Families Act 2014 Clean Air Act 1993 The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 Climate Change and Sustainable Energy Act 2006 Communications Act 2003 Companies Act 1985 Companies Act 2006 Companies Consolidation (Consequential Provisions) Act 1985 Construction Products Regulations 1991 The Construction Products Regulations 2013 The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 Consumer Credit Act 1974 Consumer Credit Act 2006 Consumers, Estate Agents and Redress Act 2007 Consumer Protection Act 1987 Consumer Protection (Distance Selling) Regulations 2000 Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations 1987 Consumer Protection from Unfair Trading Regulations 2008 Consumer Rights Act 2015 The Consumer Rights (Payment Surcharges) Regulations 2012 The Construction Products Regulations 2013 Contaminants in Food (England) Regulations 2007	Environmental Protection (Wet Wipes Containing Plastic) (England) Regulations 2025 Equine Identification (England) Regulations 2018 Equipment Theft (Prevention) Act 2023 Estate Agents Act 1979 EU Cosmetic Products Regulation 1223/2009 European Union (Withdrawal) Act 2018 Explosives Act 1875 Explosives Act 1923 Explosives (Age of Purchase) Act 1976 The Explosives Regulations 2014 Fair Trading Act 1973 Farm and Garden Chemicals Act 1967 Farm and Garden Chemicals Regulations 1971 Feeding Stuffs (England) Regulations 2005 Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regs 2010 Feeding Stuffs (Enforcement) Regulations 1999 Feeding Stuffs Regulations 2000 Financial Services (Distance Marketing) Regulations 2004 Firearms Act 1968 Firearms Act 1982 Fireworks Act 1951 Fireworks Act 2003 Fluorinated Greenhouse Gases Regulations 2015 Food Act 1984 Food and Environmental Protection Act 1985 The Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020 Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016 Food (Promotion and Placement) (England) Regulations 2021 Food Safety Act 1990 (various) Food Standards Orders and Regulations having effect by virtue of the Food Safety Act 1990 and the European Communities Act 1972	Olive Oil (Marketing Standards) Regulations 2014 Olympic Symbol etc (Protection) Act 1995 Offensive Weapons Act 1996 Ozone-Depleting Substances Regulations 2015 Package Travel and Linked Travel Arrangements Regulations 2018 Package Travel, Package Holidays and Package Tours Regulations 1992 Packaging (Essential Requirements) Regulations 2015 Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001 Patents, Designs and Marks Act 1986 Performing Animals (Regulation) Act 1925 Personal Protective Equipment Regulations 2002 Personal Protective Equipment (Enforcement) Regulations 2018 The Petroleum (Consolidation) Regulations 2014 Police and Criminal Evidence Act 1984 (PACE) Pressure Equipment Regulations 1999 Pressure Equipment (Safety) Regulations 2016 Poultry meat (England) Regulations 2011 Product of Animal Origin (Import and Export) Regulations 1996 Products of Animal Origin (Disease Control) (England) Regulations 2008 Product Regulation and Metrology Act 2025	Tobacco Products (Traceability and Security Features) Regulations 2019 Tobacco and Related Products Regulations 2016 Tobacco and Vapes Act 2026 Toys (Safety) Regulations 2011 Trade Descriptions Act 1968 Trade Marks Act 1994 Trading Representations (Disabled Persons) Acts 1958 Trading Schemes Act 1996 Trading Stamps Act 1964 Transmissible Spongiform Encephalopathies (England) Regulations 2018 Unfair Terms In Consumer Contracts Regulations 1999 Unsolicited Goods and Services Act 1971 Unsolicited Goods and Services (Amendment) Act 1975 Vehicles (Crime) Act 2001 Veterinary Medicines Regulations 2013 Video Recordings Act 1984 and 1993 Violent Crime Reduction Act 2006 Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012 Welfare of Animals at Time of Killing (England) Regulations 2015 Weights and Measures etc Act 1976 Weights and Measures Act 1985 Welfare of Animals at Time of Killing (England) Regulations 2015 Wine Regulations 2011 Zoonoses (Monitoring) (England) Regulations 2007

Contaminants in Food (England) Regulations 2009 Control of Misleading Advertisements Regulations 1988 Control of Pollution Act 1974 Control of Pollution (Amendment) Act 1989 Controls on Dangerous Substances and Preparations Regulations 2006	Food Safety and Hygiene (England) Regulations 2013		

Including:

(a) any offence under any legislation, or at common law, which is of a similar nature or related to the foregoing including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts; and

(b) any modification or re-enactment to the foregoing.

SCHEDULE 2 TO THE SCHEME OF DELEGATION TO OFFICERS TO WHICH DELEGATED POWERS 417 TO 431 APPLY

This list of Statutes encompasses all directions, orders and regulations made thereunder.

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Advanced Television Services Regulations 2003
Aerosol Dispensers (EEC Requirements) Regulations 1977
African Horse Sickness (England) Regulations 2012
Agricultural Produce (Grading & Marking) Acts 1928 & 1931
Agriculture Act 1970
Agriculture and Horticulture Act 1964
Agriculture Miscellaneous Provisions Act 1968
Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020
Air Quality (England) Regulations 2000
Air Quality Limiting Value Regulations 2001
Amusements with Prizes (Variation of Monetary Limits) Order 1999
Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015
Animal Boarding Establishment Act 1963
Animal By-Products (Enforcement) (England) Regulations 2011
Animal By-Products (Enforcement)(England) Regulations 2013
The Animals Act 1971
Animal Feed (Basic Safety Standards) (England) Regulations 2019
Animal Feed (England) Regulations 2010
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
Animal Feed (Hygiene, Sampling, etc and Enforcement) (England) Regulations 2015
Animal Health Act 1981
Animal Health – Animals (Penalty Notices) (England) 2023
Animal Health and Welfare Act 1984
Animal Welfare (Livestock Exports) Enforcement Regulations 2024
Animals (Low-Welfare Activities Abroad) Act 2023
Animal Welfare Act 2006
Animal Health – Animals (Penalty Notices) (England) 2023
Animal Welfare (Import of Dogs, Cats and Ferrets) Act 2025
Education Act 1996
Education Reform Act 1988
Eggs and Chicks (England) Regulations 2009
Electrical Equipment (Safety) Regulations 2016
The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
Electricity and Gas Order 2009
Electromagnetic Compatibility Regulations 2016
Electro-medical Equipment (EEC Requirements) Regulations 1988
Electromagnetic Compatibility Regulations 2006
Electronic Commerce (EC Directive) Regulations 2002
Emergency Control Regulations
Employment Agencies Act 1973
Employment of Women & Young Persons & Children Act 1920
Energy Act 1976
Energy Act 2013
Energy Conservation Act 1981
The Energy Efficiency (Private Rented Property) (England And Wales) Regulations 2015 (As Amended)
Energy Information Regulations 2011
Energy Performance of Buildings (England and Wales) Regulations 2012
Enterprise Act 2002
The Enterprise and Regulatory Reform Act 2013 (pertaining to The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.)
Environment Act 1995
Environment Act 2021
The Environmental Permitting (England and Wales) Regulations 2016
Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2002
Environmental Protection Act 1990
Environmental Protection (Microbeads) (England) Regulations 2017
The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
Litter Act 1983
Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996
Local Government Act 1972
Local Government Act 1988
Local Government Act 2000
Local Government & Housing Act 1989
Local Government (Miscellaneous Provisions) Act 1976/1982
Local Government Act 2003
Lotteries and Amusements Act 1976
Malicious Communications Act 1968
Management of Houses in Multiple Occupation (England) Regulations 2006 as amended
Marking of Retail Goods Regulations 2025
Materials and Articles in Contact with Food (England) Regulations 2012
Measuring Container Bottles (EEC Requirements) Regulations 1977
Measuring Instruments Regulations 2016
Medicines and Medical Devices Act 2021
Non-automatic Weighing Instruments Regulations 2016
Novel Foods (England) Regulations 2018
Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 in so far as it relates to food law
Olive Oil (Marketing Standards) Regulations 2014
Ozone-Depleting Substances Regulations 2015
Package Travel and Linked Travel Arrangements Regulations 2018
Performing Animals (Regulation) Act 1925
Personal Protective Equipment (Enforcement) Regulations 2018
Poultry meat (England) Regulations 2011
Pressure Equipment (Safety) Regulations 2016
Products of Animal Origin (Disease Control) (England) Regulations 2008
Radioactive Substances Act 1993
REACH Enforcement Regulations 2008
Medicines Act 1968
Mental Capacity Act 2005
Merchant Shipping Act 1979
Mines and Quarries Act 1954
Misrepresentation Act 1967
Mock Auctions Act 1961
Motor Salvage Operations Regulations
Motor Vehicles (Safety Equipment for Children Act 1991)
Motorcycle Noise Act 1987
Motorcycle Noise Act 1987
National Assistance Act 1948
National Health Service and Community Care Act 1990
Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015
Noise Act 1996
Notice and Statutory Nuisance Act 1993
Noise Emissions in the Environment by Equipment for use Outdoors Regs 2001
Non-automatic Weighing Instruments Regulations 2000
Regulations 1984
Nurses Agencies Act 1957
Offensive Weapons Ac 2019 – (1996 Act listed)
Official Feed and Food Controls (England) Regulations 2009
Offshore Safety Act 1992
Offensive Weapons Act 1996
Olympic Symbol etc (Protection) Act 1995
Offensive Weapons Act 1996
Offices, Shops & Railway Premises Act 1963
Package Travel, Package Holidays and Package Tours Regulations 1992
Packaging (Essential Requirements) Regulations 2015
The Petroleum (Consolidation) Regulations 2014
Plant Protection Products Regulations 2011
Product of Animal Origin (Third Country) (England) Regulations 2004
Performing Animals (Regulations) Act 1925
Pet Animals Act 1951
Pet Animals (Amendment) Act 1983

Animal Welfare (Livestock exports) Act 2024 Animal Welfare (Livestock exports) Enforcement Regulations 2024 Animal Health Act 1981 Animal Welfare Act 2006 Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014 Asylum and Immigration Act 1996 Asylum and Immigration Act 1999 Avian influenza (Preventative Measures) (England) Regulations 2006 Avian Influenza (Vaccination)(England) Regulations 2006 Banking Act 1987 Beef and Veal Labelling Regulations 2010 Betting Game and Lotteries Act 1963 Bluetongue Regulations 2008 Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 Breeding of Dogs Act 1973/1991 Broadcasting Act 1990 Brucellosis (England) Order 2015 Building Act 1984 Building Safety Act 2022 Sections 123 and 124 Burial Act 1857 Business Names Act 1985 Business and Planning Act 2020 Byelaws for Pleasure Ground, Public Walks and Open Spaces 1989 Cancellation of Contracts made at a Consumer's Home or Place of Work, etc. Regulations 2008 Cancer Act 1939 Caravan Sites and Control of Development Act 1960 Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 Cattle Identification Regulations 2007 Celluloid and Cinematographic Film Act 1992 Charities Act 1992 Children Act 1989 Children and Young Persons (Protection from Tobacco) Act 1991 Children and Young Persons Act 1933 Children (Leaving Care) Act 2000 Chronically Sick & Disabled Persons Act 1970 Civil Contingencies Act 2004 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005	The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020 Environmental Protection (Plastic Plates etc and Polystyrene Containers etc) (England) Regulations 2023 The Environmental Protection (Single-use vapes) (England) Regulations 2024 Environmental Protection (Wet Wipes Containing Plastic) (England) Regulations 2025 Equine Identification (England) Regulations 2018 Equipment Theft (Prevention) Act 2023 EU Cosmetic Products Regulation 1223/2009 European Communities Act 1972 European Union (Withdrawal) Act 2018 Explosives Act 1875 Explosives Act 1923 Explosives (Age of Purchase) Act 1976 The Explosives Regulations 2014 Fair Trading Act 1973 Farm and Garden Chemicals Act 1967 Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regs 2010 Feeding Stuffs (Enforcement) Regulations 1999 Feeding Stuffs Regulations 2000 Feeding Stuffs (England) Regulations 2005 Financial Services (Distance Marketing) Regulations 2004 Fire Precautions Act 1971 Fire Safety and Safety of Places of Sport Act 1987 Fireworks Act 1951 Fireworks Act 1964 Fluorinated Greenhouse Gases Regulations 2015 Food Act 1984 Food and Environmental Protection Act 1985 The Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 Food (Promotion and Placement) (England) Regulations 2021 Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and	Recreational Craft Regulations 1996 Registered Designs Act 1949Rent Act 1977 Rent (Agriculture) Act 1976 Refuse Disposal (Amenity) Act 1978 Regulatory of Investigatory Powers Act 2000 Regulatory Reform (Housing Assistance) Order 2002 Riding Establishment Act 1964/1970 Road Traffic (Consequential Provisions) Act 1988 Road Traffic (Foreign Vehicles) Act 1972 Road Traffic (Offenders Act) 1988 Road Traffic Act 1988 Road Traffic Act 1991 Road Traffic Regulations Act 1984 Safety of Places of Sport Act 1987 Sale and Supply of Goods Act 1994 Sales of Goods Act 1979 Scotch Whisky Regulations 2009 Smoke Control Areas (Exempted Fireplaces) Order 1999 Smoke Control Areas (Exempted Fireplaces) Order 2001 Smoke Control Areas (Authorised Fuels) (England) Regs 2001 Sunday Trading Act 1994 Supply of Goods and Services Act 1982 Scotch Whiskey Act 1988 Scrap Metal Dealers Act 1964 Scrap Metal Dealers Act 2013 Serious Crime Act 2007 Single Use Carrier Bags Charges (England) Order 2015 Solicitors Act 1974 Stop Now Orders (EC Directive) Regulations 2001 Town and Country Planning Act 1990 Town Police Clauses Act 1847/89 Transport Act 1981/85 Telecommunications Act 1984 Tenant Fees Act 2019 Textile Products (Indications of Fibre Content) Regulations 1986 Theft Act 1968 Timeshare Act 1992 Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 Torts (Interference with Goods) Act 1977	Petroleum (Consolidation) Acts 1928 & 2014 Pipelines Act 1962 Poisons Act 1972 Police and Criminal Evidence Act 1984 (PACE) Police and Factories (Miscellaneous Provisions) Act 1916 Pollution Prevention & Control Act 1999 Pollution Prevention & Control Act 2000 Pollution Prevention & Control (England & Wales) Regs 2000 Prevention of Damage by Pests Act 1949 Prices Act 1975 Private Security Industry Act 2001 Product Regulation and Metrology Act 2025 The Transmissible Spongiform Encephalopathies (England) Regulations 2010 TSE (England) Regulations 2002 (as amended) Protection from Eviction Act 1977 Protection of Animals Act 1911 Prot Public Health (Infectious Disease) Psychoactive Substances Act 2016 Public Health Act 1907 Public Health Act 1936 Public Health Act 1961 Public Health (Control of Disease) Act 1984 Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001 Patents, Designs and Marks Act 1986 Personal Protective Equipment Regulations 2002 Pesticides (Fees and Enforcement) Act 1989 Product of Animal Origin (Import and Export) Regulations 1996 as amended Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 Quick-frozen Foodstuffs (England) Regulations 2007 Radio Equipment Regulations 2017 Recreational Craft Regulations 2017 Redress Schemes for Letting Agencies Work & Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 Registration of Establishments (Laying Hens) (England) Regulations 2003

The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019) Companies Act 1985 The Construction Products Regulations 2013 Consumers, Estate Agents and Redress Act 2007 Companies Consolidation (Consequential Provisions) Act 1985 Consumer Credit Act 1974 Consumer Protection Act 1987 Consumer Protection (Cancellation of Contaminants in Food (England) Regulations 2003 Consumer Protection from Unfair Trading Regs 2008 Consumer Rights Act 2015 Contracts Concluded away from Business Premises) Regulations 1987 The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 Consumer Protection (Distance Selling) Regulations 2000 The Consumer Rights (Payment Surcharges) Regulations 2012 Control of Pollution Act 1974 Control of Pollution (Amendment) Act 1989 Copyright Designs and Patents Act 1988 County of Cleveland Act 1987 Criminal Justice and Immigration Act 2008 Criminal Justice and Public Order Act 1994 Crime and Disorder Act 1998 Crime (Overseas Productions Orders) Act 2019 Crystal Glass (Descriptions) Regulations 1973 Country of Origin of Certain Meats (England) Regulations 2015 The Dangerous Substances and Explosive Atmospheres Regulations 2002 Dangerous Wild Animals Act 1976 Deposit Scheme for Drinks Containers (England and Northern Ireland) Regulations 2025 Detergents Regulations 2010 Development of Tourism Act 1969 Digital Markets, Competition and Consumers Act 2024 Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 Diseases of Swine Regulations 2014 EC Fertilisers (England and Wales) Regulations 2006	Compositional Requirements) (Amendment etc.) (England) Regulations 2020 Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016 The Food Information Regulations 2014 (as amended) Food Safety and Hygiene (England) Regulations 2013 Food Safety Act 1990 (as amended) Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006 Footwear (Indication of Composition) Labelling Regulations 1995 Forgery and Counterfeiting Act 1981 Free-Range Poultry Meat Marketing Standards (Amendment) (England) Regulations 2025 Gambling Act 2005 Game Act 1845 Game Licence Act 1860 Gaming Act 1968 Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 General Product Safety Regulations 1994 Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004 Guard Dogs Act 1975 Hallmarking Act 1973 Harris Tweed Act 1993 Health Act 2006 Health and Safety at Work Etc Act 1974 (including other relevant statutory provisions set out at Schedule 1 thereto) Highways Act 1980 Highways Noise Payments & Moveable Homes (England) Regs 2000 Home Energy Conservation Act 1995 Home Safety Act 1961 Homelessness Act 2002 Homelessness Reduction Act 2017 Homelessness (Priority Need for Accommodation) (England) Order 2002 House to House Collections Act 1939 Housing Act 1985 Housing Act 1988 Housing Act 1996 Housing Act 2004 Housing and Planning Act 2016	Trade Descriptions Act 1968 Trade Marks Act 1994 Trade in Animals and Related Products Regulations 2011 Trading Representation (Disabled Persons) Acts 1958 and 1972 Trading Schemes Act 1996 Trading Stamps Act 1964 The Environmental Damage (Prevention & Remediation) Regulations 2009 The Contaminants in Food (England) Regulations 2010 The Human Medicines Regulations 2012 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 The Animal Welfare (Primate Licences) (England) Regulations 2024 The Official Feed and Food Controls (England) Regulations 2009 The Organic Products Regulations 2009 The Organic Products (Amendment) Regulations 2010 The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 No.696 The Pyrotechnic Articles (Safety) Regulations 2015 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 The Sunbeds (Regulation) Act 2010 The Textile Products (Labelling & Fibre Composition) Regulations 2012 The Timeshare, Holiday Products, Resale & Exchange Contracts Regulations 2010	Regulation on Accreditation and Market Surveillance No 765/2008 (“GB RAMS”) Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 Simple Pressure Vessels (Safety) Regulations 2016 Specified Products from China (Restrictions on First Placing on the Market) (England) Regulations 2008 Spirit Drinks Regulations 2008 Sunbeds Regulation Act 2010 Supported Housing (Regulatory Oversight) Act 2023. Textile Products (Labelling and Fibre Composition) Regulations 2012 Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 Tobacco Products (Traceability and Security Features) Regulations 2019 Tobacco and Related Products Regulations 2016 Tobacco and Vapes Act 2026 Toys (Safety) Regulations 2011 Transmissible Spongiform Encephalopathies (England) Regulations 2018 Unfair Terms In Consumer Contracts Regulations 1999 Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 Unsolicited Goods and Services Act 1971 Unsolicited Goods and Services (Amendment Act) 1975 Act Vehicle Crimes Act 2001 Vehicles (Crime) Act 2001 Vehicles (Excise) Act 1971 Veterinary Medicines Regulations 2013 Video Recordings Act 1984 and 1993 Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012 Welfare of Animals at Time of Killing (England) Regulations 2015 Zoonoses (Monitoring) (England) Regulations 2007 Water Act 1973 Water Industry Act 1991 Waste (England & Wales) Regulations 2011 Wildlife and Countryside Act 1981 (as amend

	Housing Grants, Construction & Regeneration Act 1996 Identity Documents Act 2010 The Industrial Emissions Directive 2010/75/EU Insurance Brokers (Registration Act) 1977 Insurance Companies Act 1982 Intoxicating Substances Supply Act 1985 Imported Food Regulations 1997 Knives Act 1997 Land Compensation Act 1961/73 Landlord & Tenant Act 1985 Law of Property (Miscellaneous Provisions) Act 1989 Leasehold Reform (Ground Act) Act 2022 Legal Services Act 2007 Licensing Act 1964 Licensing Act 2003		Weights and Measures etc Act 1976 Weights and Measures Act 1985 Weights & Measures (Packaged Goods) Regulations 2006 Welfare of Animals at Time of Killing (England) Regulations 2015 Wine Regulations 2011 Zoo Licensing Act 1981 Zoonoses (Monitoring) (England) Regulations 2007 **Bye- Laws** Acupuncture 1974 Ear Piercing and Electrolysis 1984 Good Rule and Government of the Borough 1972 Hairdressers and Barbers 1922 Pleasure Fairs 1979 Preventing the keeping of animals so as not to be prejudicial to health 1978 Tattooing 1984 Regulation and administration of Boat Stands 1989 Certain Nuisances 1977 Common Lodging Houses 1972 Byelaws with respect to Hackney Carriages made under Section 68 of the Town Police Clauses Act 1847

Including:

(a) any Orders or Regulations made thereunder or relating to any of the foregoing or having effect by virtue of the European Communities Act 1972 or the European Union (Withdrawal) Act 2018; and

(b) any offence under any legislation, or at common law, which is of a similar nature or related to the foregoing including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts; and(c)any modification or re-enactment to the foregoing.

Proper Officer Appointments

All “Proper Officer” appointments are made by the Council under Section 270(3) of the Local Government Act 1972.

No	Provision	Power	Proper Officer
1	Any provisions of any Act or Statutory Instrument requiring the appointment of a Proper Officer not dealt with elsewhere in this table.	Any power or requirement.	The Chief Executive or in his absence the Chief Legal Officer or such person he/she respectively may appoint.
2	Section 13(3) Local Government Act 1972	Parish Trustee	The Chief Executive
3	Section 83 Local Government Act 1972	The Officer to whom a person elected to the Office of Chairman, Vice-Chairman or Councillor shall deliver a declaration of acceptance of office and before whom such a declaration may be made (including acceptance of the Code of Conduct).	The Chief Executive or in his/her absence the Chief Legal Officer or such person as he/she respectively may appoint in writing.
4	Section 84 Local Government Act 1972	The Officer to whom a person elected to any office under the Act may give written notice of resignation.	The Chief Executive or in his/her absence the Chief Legal Officer or such person as he/she respectively may appoint in writing.
5	Section 88 Local Government Act 1972	The Officer who may convene a meeting for the election of the Chairman of the Council (ceremonial Mayor) following a casual vacancy in that office.	The Chief Executive or in his/her absence the Chief Legal Officer or such other person as he/she respectively may appoint in writing.
6	Section 89 Local Government Act 1972	The Office to whom notice shall be given of a casual vacancy in the office of Councillor.	The Chief Executive or in his/her absence the Chief Legal Officer or such other person as he/she respectively may appoint in writing.
7	Section 100B – 100F Local Government Act 1972	Functions with respect to exempt information.	The Chief Legal Officer
8	Section 115(2) Local Government Act 1972	Receipt of money due from officers.	The Chief Finance Officer
9	Section 146(1)(a) & (b) Local Government Act 1972	Declarations and certificates with regard to securities.	The Chief Finance Officer

10	Section 191 Local Government Act 1972	Functions with respect to ordnance survey	Executive Director for Growth, Enterprise and Environment (or, in their absence, the member of the Executive Management Team with responsibility for these functions).
11	Section 204(3) Local Government Act 1972	Receipt of application for licence under Schedule 2 Licensing Act 1964 (replaces clerk to rating authority)	Executive Director for Growth, Enterprise and Environment (or, in their absence, the member of the Executive Management Team with responsibility for these functions).
12	Section 210 Local Government Act 1972	The Officer in whom powers relating to charities shall be vested and the Officer who shall hold any office of trustee.	The Chief Executive
13	Section 210(6) & (b) Local Government Act 1972	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office, to Proper Officers.	The Chief Executive
14	Section 212(1) and (2) Local Government Act 1972	Proper Officer to act as local registrar for Land Charges Act 1925	The Chief Legal Officer
15	Section 225 Local Government Act 1972	The Office with whom any document shall be deposited pursuant to the Standing Orders of either House of Parliament or any enactment or instrument	The Chief Executive or in his/her absence the Chief Legal Officer or such other person as he/she respectively may appoint in writing.
16	Section 229 Local Government Act 1972	The Officer who shall certify a photographic copy of a document.	The Chief Legal Officer or such person as he/she may appoint in writing.
17	Section 234 Local Government Act 1972	The Officer who may authenticate any notice, order or other documents which the Local Authority are authorised or required to give, make or issue.	The Chief Legal Officer or such person he/she may appoint in writing.
18	Section 236 Local Government Act 1972	The Officer who shall send a copy of every byelaw made by the Council and confirmed to the Proper Officer or any parish or community to which they apply or in the case of a parish not having a Council to the Chairman of the Parish meeting.	The Chief Legal Officer or such person he/she may appoint in writing.

No	Provision	Power	Proper Officer
19	Section 238 Local Government Act 1972	The Officer who may certify byelaws.	The Chief Legal Officer or such person he/she may appoint in writing.
20	Section 248 Local Government Act 1972	The Officer who shall keep the role of freemen.	The Chief Executive
21	Schedule 12 Paragraph 4(2)b Local Government Act 1972	The Officer who shall sign the summons to attend a meeting of the Council.	The Chief Executive or in his absence the Chief Legal Officer or such person he/she respectively may appoint.
22	Schedule 12 Paragraph 4(3) Local Government Act 1972	The Officer to whom a Member of the Council shall give a notice asking or desiring that summonses to attend meetings to be sent to an address specified in the notice other than his place of residence.	The Chief Executive or in his absence the Chief Legal Officer or such person he/she respectively may appoint.
23	Schedule 14 Paragraph 25 (7) Local Government Act 1972	The Officer who should certify a copy of a resolution of the Council.	The Chief Legal Officer or such person he/she may appoint in writing.
24	Schedule 16 Paragraph 28 Local Government Act 1972	Receipt on deposit of lists of protected buildings (section 54(4) of the Town and Country Planning Act 1971)	The Executive Director for Growth, Enterprise and Environment (or, in their absence, the member of the Executive Management Team with responsibility for these functions).
25	Schedule 25 Paragraphs 3(3), 4(2) and 6 Local Government Act 1972	The Officer who shall be the Proper Officer for the purposes of the Licensing Act 1964.	The Executive Director for Growth, Enterprise and Environment or such person she/he may appoint in writing (or, in their absence, the member of the Executive Management Team with responsibility for these functions).
26	Schedule 29 Paragraphs 41(3) and (4)	The Officer who shall be the Proper Officer for the purposes of the Registration Service Act 1953 (Registration of Births, Deaths and Marriages)	The Chief Legal Officer or such person he/she may appoint in writing.
27	Section 30(5) Local Government Act 1974	The Officer who shall give public notice, by advertisement in newspapers etc that copies of reports of a Local Commissioner will be available for inspection.	The Chief Executive or in his absence the Chief Legal Officer or such person he/she respectively may appoint.

No	Provision	Power	Proper Officer
28	Section 41 Local Government (Miscellaneous Provisions) Act 1976	The Officer who shall certify resolutions and minutes of proceedings.	The Chief Legal Officer or such person he/she may appoint in writing.
29	Section 6(3) of the Sheriff's Act 1887	The Officer who shall keep the duplicate warrant relating to the nomination and appointment of the Sheriff.	The Chief Executive
30	Commons Registration Act 1965	The Officer who shall be the Proper Officer for all purposes required under the Act.	The Chief Legal Officer or such person as he/she may appoint in writing.
31	Section 35 and Section 8 Representation of the People Act 1983 and the Combined Authorities (Mayoral Elections) Order 2017	The Officer appointed to be Returning Officer and Electoral Registration Officer.	The Chief Executive as Returning Officer and Electoral Registration Officer, the Chief Legal Officer as Deputy Returning Officer and Deputy Electoral Registration Officer.
32	Section 82 Representation of the People Act 1983	The Officer appointed for the taking of an election candidate's declaration of expenses.	The Chief Executive or in his absence, the Chief Legal Officer or such person he/she respectively may appoint in writing.
33	Section 2 Local Government and Housing Act 1989	The Officer who shall maintain the list of politically restricted posts.	The Chief Personnel Officer
34	Local Authorities (Members Interests) Regulations 1992	The Officer who shall keep the records of members interests.	The Chief Executive
35	Section 41(2A) Local Government (Miscellaneous Provisions) Act 1976	The Officer who shall certify the records of decisions of the Cabinet.	The Chief Legal Officer
36	The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactment) Order 2001	The Officer who shall record the declarations of pecuniary interests of Cabinet members.	The Chief Executive
37	The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	The Officer who shall determine confidential and exempt information relating to reports to and records of decisions of the Cabinet.	The Chief Legal Officer
38	Local Elections (Declaration of Acceptance of Office) Order 2001	The Officer who shall receive the declaration of office of Members.	The Chief Executive

No	Provision	Power	Proper Officer
39	The Registration Services Act 1953	The Officer who shall be the Proper Officer for all purposes required under the Act.	Chief Legal Officer and Civil Registration
40	Section 532 of the Education Act 1996	The Officer who shall be the Proper Officer for all purposes required under the Act.	The Executive Director for Children and Families
41	Section 6 of the Local Authority Social Services Act 1970	The Officer who shall have responsibility for social services functions of the Authority.	The Executive Director for Adults and Communities
42	Public Health (Control of Disease) Act 1984. Sections 11, 18, 20, 21, 22, 24, 29, 31, 36, 40, 42, 43 and 48	Notification and control powers for Communicable Diseases	Director of Public Health
43	Public Health (Infectious Diseases) Regulations 1988. Regulations 6, 8, 9 & 10 and Schedules 3 & 4.	Additional powers to number 42	Director of Public Health
44	National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951. Section 47.	Removal of persons to suitable accommodation in certain circumstances	Director of Public Health/ Executive Director for Children and Families/ Executive Director for Adults and Communities
45	Milk and Dairies (General) Regulations 1959. Part VII (Regulations 18 to 20).	Pasteurisation Orders.	Director of Public Health
46	Public Health Act 1936. Sections 84 and 85	Cleansing of filthy or verminous articles, persons or clothing	Director of Public Health
47	Public Health Act 1961. Section 37.	Disinfestation of verminous articles offered for sale.	Director of Public Health
48	Proceeds of Crime Act 2002	The officer who shall be the Appropriate Officer for the purposes of s378(1) and s378(4) of the Act	Stephen Hampson – Investigations Officer Jacqueline Mandy Lowther - Investigations Officer

No	Provision	Power	Proper Officer
49	Proceeds of Crime Act 2002	The officer who shall be the Senior Appropriate Officer for the purposes of s378(2) and s378(6) of the Act	Howard Turton – Regional Enforcement Manager
50	Counter Terrorism and Security Act 2015, Section 36.	The strategic safeguarding lead for Prevent and Channel with responsibilities for ensuring compliance by the Council, for the purposes of s36 of the Counter Terrorism and Security Act 2015 and any amending legislation	Executive Director for Children and Families

Part 4 - Rules of Procedure

Council Procedure Rules

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

(i) elect a person to preside if the Mayor or Deputy Mayor is not present;
(ii) elect the Mayor of the Council;
(iii) elect the Deputy Mayor of the Council;
(iv) approve the minutes of the last meeting;
(v) receive any announcements from the Mayor and/or head of the paid service;
(vi) following the ordinary election of councillors, elect the Leader of the Council;
(vii) receive any announcements from the Leader
(viii) appoint at least one scrutiny and improvement committee, a Governance Committee and such other committees and working parties as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
(ix) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree;
(x) approve a programme of ordinary meetings of the Council for the year; and
(xi) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

(i) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
(ii) receive nominations of councillors to serve on each committee and outside body;
(iii) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet or by the Leader; and
(iv) appoint the Chairs and Vice-Chairs of Scrutiny and Improvement Committees, Governance Committees, committees of the Council and Working Parties.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

(i) elect a person to preside if the Mayor and Deputy Mayor are not present;
(ii) approve the minutes of the last meeting;
(iii) receive any declarations of interest from members;
(iv) receive any announcements from Mayor, The Leader of the Council, members of the Cabinet or the head of paid service;
(v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
(vi) debate petitions in accordance with the approved Petitions Scheme
(vii) deal with any business from the last Council meeting;
(viii) receive reports from the Cabinet, Cabinet Members and the Council's committees and receive questions and answers on any of those reports;
(ix) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
(x) consider motions and questions;
(xi) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of Scrutiny and Improvement for debate; and
(xii) appoint Members of council bodies and representatives to serve on other bodies to which Members are appointed by the Council

3. EXTRAORDINARY MEETINGS (SPECIAL MEETINGS)

3.1 Calling extraordinary meetings.

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

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

3.2 Business

The business of the meeting shall be limited to the matters specified in the Summons.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

In respect of all committees and sub-committees, all members of the same political group shall be eligible to act as substitutes (except as may be otherwise agreed).

4.2 Number

For each committee or sub-committee, the number of substitutes sitting in respect of any political group, shall not exceed the number of seats allocated to that political group.

4.3 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 Substitution

Substitute members may attend meetings in that capacity only:

(i) to take the place of the ordinary member for whom they are substituting;

(ii) where the ordinary member will be absent for the whole of the meeting; and

(iii) after notifying the Chief Executive at the commencement of the meeting of the intended substitution

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the chair. Where these rules apply to committee and sub-committee meetings,

references to the chair also include the chair of committees and sub-committees.

8. QUORUM

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

9. DURATION OF MEETING

9.1 Interruption of the meeting

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY THE PUBLIC

10.1 General

Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council.

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the chair may group together similar questions.

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday 10 calendar days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put. In order to comply with the requirements of the Freedom of Information Act 2000, a questioner submitting a question more than 20 working days before the meeting in question will be given the opportunity to have it dealt with by officers rather than waiting for the meeting to take place. The Mayor may exercise discretion to accept a question submitted after the 10 day notice period.

10.4 **Number of questions**

At any one meeting no person may submit more than 3 questions and no more than 3 such questions may be asked on behalf of one organisation.

10.5 **Scope of questions**

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

10.6 **Record of questions**

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

10.7 **Asking the question at the meeting**

The chair will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the chair to put the question on their behalf. The chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 **Supplemental question**

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The chair may reject a supplementary question on any of the grounds in Rule 10.5 above.

10.9 **Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

10.10 **Reference of question to the Cabinet or a committee**

Unless the chair decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be

referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

11. QUESTIONS BY MEMBERS

11.1 On reports of the Cabinet or committees

A member of the Council may ask the relevant Cabinet Member, the Leader of the Council or the Chair of a committee as the case may be any question without notice upon an item of the report of the Cabinet, Cabinet Member or a committee when that item is being received or under consideration by the Council. A member may ask any question without notice upon an item of a report given by a Cabinet Member to the Council on work of the Cabinet Member's portfolio.

11.2 Questions on notice at full Council

Subject to Rule 11.4, a member of the Council may ask:

- the chair;
- a member of the Cabinet;
- the chair of any committee or sub-committee;
- a member of the Fire Authority, Police and Crime Panel or the Tees Valley Combined Authority Scrutiny Committee

a question on any matter in relation to which the Council has powers or duties or which affects Redcar and Cleveland or, in the case of questions to a member of the Fire Authority, Police and Crime Panel or Combined Authority Scrutiny Committee, a question on any matter relating to the discharge of the respective functions of those bodies.

In the case of questions relating to the Combined Authority Scrutiny Committee, such questions shall be addressed to the representatives of the Tees Valley Combined Scrutiny Committee.

11.3 Questions on notice at committees and sub-committees

Subject to Rule 11.4, a member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affect Redcar and Cleveland and which falls within the terms of reference of that committee or sub-committee.

11.4 Notice of questions

A member may only ask a question under Rule 11.2 or 11.3 if either:

(a) they have given at least 2 working days notice in writing of the question to the Chief Executive

(b) the question relates to urgent matters, they have the consent of the chair to whom the question is to be put and the content of the question is given to the Chief Executive by 10.00 a.m. on the day of the meeting.

11.5 **Order of Questions**

Where notice of more than one question is submitted, a member should indicate the numbered order of priority to be attributed to each question.

Questions will be considered in the order in which notice of the questions was received and in accordance with the priority attributed to them, as follows:

- the questions submitted and given first priority by members will be considered in turn, followed by those given second priority, and so on.

Where any questions to be considered at the meeting remain unanswered due to a lack of time or for any other reason, those questions shall generally not be carried over to the next ordinary meeting but shall, instead, be answered in writing within 7 days, with the response being circulated to all members. However, any member who submitted a question which remains unanswered may, by way of notice to Democratic Services, request that it be carried over to the next ordinary meeting of the Council.

Where questions are carried over to a later meeting, those questions shall be considered at the appropriate point on the agenda in accordance with the arrangements set out above, and prior to any other questions that may be received for that meeting.

11.6 **Response**

An answer may take the form of:
(a) a direct oral answer;
(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.7 **Supplementary question**

A member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

11.8 **Time Limits**

The questions shall be limited to 2 minutes to ask the question and 1 minute to ask any supplementary question. The respondent will have five minutes for an initial reply and two minutes for the supplementary.

12. **MOTIONS ON NOTICE**

12.1 **Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least 2 members, must be delivered to the Chief Executive 5 clear working days before the date of the meeting. These will be entered in a book open to public inspection.

12.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect Redcar and Cleveland.

13. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

(a) to appoint a chair of the meeting at which the motion is moved;
(b) in relation to the accuracy of the minutes;
(c) to change the order of business in the agenda;
(d) to refer something to an appropriate body or individual;
(e) to appoint a committee or member arising from an item on the summons for the meeting;
(f) to receive reports or adoption of recommendations of the Cabinet, committees or officers and any resolutions following from them;
(g) to withdraw a motion;
(h) to amend a motion;
(i) to proceed to the next business;
(j) that the question be now put;
(k) to adjourn a debate;
(l) to adjourn a meeting;
(m) that the meeting continue beyond 3 hours in duration;
(n) to suspend a particular council procedure rule;
(o) to exclude the public and press in accordance with the Access to Information Rules;
(p) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
(q) to give the consent of the Council where its consent is required by this Constitution.

14. RULES OF DEBATE

14.1 **No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 **Right to require motion in writing**

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

14.3 **Seconder's speech**

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

14.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech of the proposer of any Motion or Amendment may exceed 10 minutes and all other speeches may not exceed 5 minutes without the consent of the chair.

14.5 **When a member may speak again**

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

(a) to speak once on an amendment moved by another member;
(b) to move a further amendment if the motion has been amended since he/she last spoke;
(c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
(d) in exercise of a right of reply;
(e) on a point of order; and
(f) by way of personal explanation.

14.6 **Amendments to motions**

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

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
(ii) to leave out words;
(iii) to leave out words and insert or add others; or
(iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion.

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

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

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

(e) After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 **Alteration of motion**

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

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

(c) Only alterations which could be made as an amendment may be made.

14.8 **Withdrawal of motion**

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

14.9 **Right of reply**

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

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

(c) The mover of the amendment has no right of reply to the debate on his or her amendment.

14.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:
(a) to withdraw a motion;
(b) to amend a motion;
(c) to proceed to the next business;
(d) that the question be now put;
(e) to adjourn a debate;
(f) to adjourn a meeting;
(g) that the meeting continue beyond 3 hours in duration;

(h) to exclude the public and press in accordance with the Access to Information Rules; and

(i) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 **Closure motions**

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

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

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

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

14.12 **Point of order**

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

14.13 **Personal explanation**

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

15. **FREEDOM OF THE BOROUGH**

15.1 **Advisory Panel Recommendation**

The conferment of the Freedom of the Borough upon individuals or organisations will only be granted following the recommendation of the advisory panel set up for the purpose.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 2 members.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 6 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. VOTING

17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

17.2 Chair's casting vote

If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

17.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 17.4 and 17.5, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Ballots

The vote will take place by ballot if 15 members present at the meeting demand it. The chair will announce the numerical result of the ballot immediately the result is known.

17.5 Recorded vote

If 15 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

17.6 **Right to require individual vote to be recorded**

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

17.7 **Voting on appointments**

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

18. MINUTES

18.1 **Signing the minutes**

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

18.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

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

18.3 **Form of minutes**

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

19. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution, Rule 22 (Disturbance by Public) or Rule 25 (Use of audio/video recording and transmission devices).

21. MEMBERS' CONDUCT

21.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the chair. If more than one member stands, the chair will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

21.2 Chair standing

When the chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

21.3 Member not to be heard further

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

21.4 Member to leave the meeting

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

21.5 General disturbance

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

22. DISTURBANCE BY PUBLIC

22.1 Removal of member of the public

If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

22.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

23.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. None of the Rules apply to meetings of the Cabinet. Only Rules 5–9, 11–14, 16–18, 20–24 (but not Rule 21.1) apply to meetings of committees and sub-committees.

25. USE OF AUDIO/VIDEO RECORDING & TRANSMISSION DEVICES

25.1 Combined video and audio recordings will usually be made of all Borough Council meetings and published on the Council's website. Notices to this effect will be displayed to inform members of the public that this is the case. No cameras will generally be directed at the public gallery during this process.

25.2 All third party recordings must be undertaken in accordance with the Protocol on Recording, Filming, Photographing and Broadcasting Redcar and Cleveland Borough Council Meetings contained within this constitution. Subject to this, no other restrictions will generally be placed upon members of the press and public attending meetings in relation to the use of equipment and/or social media or media tools, provided that their actions do not affect the conduct of the meeting.

25.3 Any breach of these requirements may lead to a member of public or the press being excluded from the meeting at the discretion of the Chair.

Access to Information Procedure Rules

1. **SCOPE**

These rules apply to all meetings of the Council, Scrutiny and Improvement, the Governance Committee and regulatory committees and public meetings of the Cabinet (together called meetings).

2. **ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. **RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. **NOTICES OF MEETING**

The council will give at least five clear days notice of any meeting by posting details of the meeting at Redcar and Cleveland House (‘the designated office’).

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 designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection for the time the item was added to the agenda.

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 Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge 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 or records of decisions taken, together with reasons, for all meetings of the Cabinet 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 Chief Executive 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 does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political advisor.

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 will be kept at and will be available to the public at Redcar and Cleveland Town. Where appropriate documents will be published on the Council's web site.

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.

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.

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 Meaning of confidential information

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.

10.4 Meaning of exempt information

Information is exempt from public disclosure if it falls into one of the 7 categories below, subject to a public interest test.

Public interest has been described as "something which is of serious concern and benefit to the public". It has also been held that public interest does not mean what is of interest to the public but what is in the interest of the public. When applying this exemption, it must be considered whether, in all the circumstances of the case, the public interest in disclosing the information is not outweighed by that in maintaining the exemption. If the two are evenly balanced, the presumption should always be in favour of disclosure.

(NB: Paragraph numbers of the categories mirror those contained in Part 1 of Schedule 12A, as amended of the Local Government Act 1972.)

CATEGORY	QUALIFICATIONS/DEFINITIONS
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).	Information is not exempt information if it is required to 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; or* *(f) the Charities Act 1993* 'financial or business affairs' includes contemplated, as well as past or current, activities 'registered' in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)
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	'employee' means a person employed under a contract of service 'labour relations matter' means – *(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or* *(b) any dispute about a matter falling within paragraph (a) above;* and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority; 'office-holder', in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of 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.	

7A	Information which is subject to any obligation of confidentiality.	Applies to Standards Committee only
7B	Information which relates in any way to matters concerning national security.	Applies to Governance Committee only
7C	The deliberations of a standards committee or of a subcommittee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.	Applies to Governance Committee only

Town and Country Planning
Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Chief Executive 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.

11.1 Where a report (either in whole or part) to Cabinet or its committees is to be treated as exempt or confidential, so that the public are likely to be excluded during consideration of the relevant matter, the following requirements must be complied with:-

(a) at least 28 clear days before the meeting, a notice of the intention to hold the meeting (or part) in private must be made available at the Council’s offices and published on the Council’s website. For the sake of clarity, inclusion of notice within the Forward Plan, in accordance with Rule 14 below, will satisfy this requirement.

(b) the notice must include a statement of reasons for the meeting (or part) to be held in private.

(c) at least 5 clear days before the meeting, a further notice of the intention to hold the meeting (or part) in private must be made available at the Council’s offices and must also be published on the Council’s website.

(d) the notice must include the reasons for the meeting (or part) to be held in private and provide details of any representations received about why the meeting (or part) should be open to the public, and a statement of the Council’s response to any such representations.

11.2 Where it is not practicable to comply with these requirements, the meeting (or part) may only be held in private if agreement has been obtained from:-

(a) the Chair of the Corporate Resources and Governance Scrutiny and Improvement Committee; or

(b) if there is no such person, or if the Chair is unable to act, the Mayor; or

(c) if there is no Mayor, and no Chair, the Deputy Mayor,

that the meeting (or part) is urgent and cannot reasonably be deferred.

11.3 As soon as reasonably practicable after such an agreement has been obtained, a notice must be made available at the Council's offices, and published on the Council's website, setting out the reasons why the meeting (or part) is urgent and cannot reasonably be deferred.

12. APPLICATION OF RULES TO THE CABINET

Rules 13-24 apply to the Cabinet and its committees.

If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is defined in Article 13.03 of the Constitution.

If the Cabinet or its committees meet to discuss a key decision to be taken collectively with an officer other than a political assistant present, within 28 clear days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution. This requirement does not include meetings whose sole purpose is for officers to brief members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

(a) a notice (called here a forward plan) has been published in connection with the matter in question;

(b) at least 28 clear days have elapsed since the publication of the forward plan; and

(c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of forward plan

Forward plans will be prepared on a regular basis and will be published as and when required in order to ensure, so far as reasonably practicable, compliance with the requirements of the preceding Rule 13 insofar as the taking of the key executive decisions are concerned

14.2 Contents of forward plan

The forward plan will contain matters which the chair has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

(a) the matter in respect of which a decision is to be made:
(b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
(c) the date on which, or the period within which, the decision will be taken;
(d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
(e) the means by which any such consultation is proposed to be undertaken;
(f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
(g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The forward plan will also include details relating to any intention to hold a meeting in private along with a statement of reasons.

The forward plan must be published at least 28 clear days before the meeting at which the decision(s) will be taken.

The forward plan is published on the authority's website.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;

(b) the proper officer has informed the chair of a relevant Scrutiny and Improvement committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;

(c) the proper officer has made copies of that notice available to the public at the offices of the Council and published it on the Council's website;

(d) as soon as reasonably practicable after compliance with the preceding requirements of this Rule, the proper officer has made copies of a notice available to the public stating why compliance with Rule 14.2 is impracticable and also published this on the Council's website.

(e) at least 5 clear days have elapsed since the proper officer complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public.

16. SPECIAL URGENCY

16.1 If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant Scrutiny and Improvement committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant Scrutiny and Improvement committee, or if the chair of the relevant Scrutiny and Improvement committee is unable to act, then the agreement of the Mayor or in his/her absence the Deputy Mayor will suffice.

16.2 As soon as reasonably practicable after agreement has been obtained under Rule 16.1 that the making of the decision is urgent and cannot reasonably be deferred, the proper officer must make copies available to the public of a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred and publish that notice on the Council's website.

17. REPORT TO COUNCIL

17.1 When a Scrutiny and Improvement committee can require a report

If the Corporate Resources and Governance Scrutiny and Improvement Committee thinks that a key decision has been taken which was not:

(a) included in the forward plan; or

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with a relevant Scrutiny and Improvement committee chair, or the Mayor/Deputy Mayor of the Council under Rule 16;

it may require the Cabinet to submit a report to the Council within such reasonable time as it specifies. The power to require a report rests with the Corporate Resources and Governance Scrutiny and Improvement Committee, but is also delegated to the proper officer, who shall require such a report on behalf of the Corporate Resources and Governance Scrutiny and Improvement Committee when so requested by the chair or any 5 members. Alternatively the requirement may be raised by resolution passed at a meeting of the Corporate Resources and Governance Scrutiny and Improvement Committee.

17.2 Cabinet's report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice of the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and, if the Leader of the Council is of the opinion that it was not a key decision, the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader of the Council will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its committees, whether held in public or private, the Chief Executive, or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The Cabinet will decide whether meetings relating to matters which are not key decisions will be held in public or private.

20. NOTICE OF PRIVATE MEETING OF THE CABINET

Members of the Cabinet and of its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency. This notice will include details of any representations received about why the meeting should be open to the public and a statement of response to any such representations.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

21.1 a) All members of the Cabinet will be served notice of all private meetings of committees of the Cabinet, whether or not they are members of that committee.

b) All members of the Cabinet are entitled to attend a private meeting of any committee of the Cabinet.

21.2 a) The head of the paid service, the chief financial officer and the monitoring officer, and their nominees are entitled to attend any meeting of the Cabinet and its committees. The Cabinet may not meet unless the proper officer has been given reasonable notice that a meeting is to take place.

b) A private Cabinet meeting may only take place in the presence of the proper officer or his/her nominee with responsibilities for recording and publicising the decisions.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

22.1 Reports intended to be taken into account

Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

22.2 Provision of copies of reports to Scrutiny and Improvement

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to every relevant Scrutiny and Improvement chair as soon as reasonably practicable, and make it publicly available at the same time. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

22.3 **Record of individual decision**

As soon as reasonably practicable after a Cabinet decision has been taken by an individual member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare~~,~~ a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political or mayor's assistant.

23. OVERVIEW AND SCRUTINY ACCESS TO DOCUMENTS

23.1 **Rights to copies**

Subject to Rule 23.2 below, any Scrutiny and Improvement committee or scrutiny panel will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

(a) any business transacted at a public or private meeting of the Cabinet or its committees or

(b) any decision taken by an individual member of the Cabinet.

23.2 **Limit on rights**

An Scrutiny and Improvement committee or scrutiny panel will not be entitled to:

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(c) the advice of a political adviser.

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 **Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

(a) it contains exempt information; or

(b) it contains the advice of a political adviser.

24.2 **Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless paragraph (a) or (b) above applies.

24.3 **Nature of rights**

These rights of a member are additional to any other right he/she may have.

Budget and Policy Framework Procedure Rules

1. **The framework for Cabinet decisions**

   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 Cabinet to implement it.

2. **Process for developing the framework**

   (a) The council will publicise by including in the forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The chairs of Scrutiny and Improvement committee(s) will also be notified.

   (b) At the end of the consultation period, the council will then draw up firm proposals having regard to the responses to that consultation. If the overview and scrutiny function wishes to respond to the Cabinet in that consultation process then it may do so. As the Corporate Resources and Governance Scrutiny and Improvement Committee and Scrutiny and Improvement Committees have responsibility for fixing their work programme, it is open to them to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the overview and scrutiny function into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

   (c) Once the Cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.

   (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.

   (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

   (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader of the Council.

   (g) An in-principle decision will automatically become effective 5 days from the date of the Council's decision, unless the Leader of the Council informs the proper officer in writing within 5 days that he/she objects to the decision becoming effective and provides reasons why;

(h) In that case, the proper officer will call a Council meeting within a further 5 days. The Council will be required to re-consider its decision and the Leader of the Council's written submission within 5 days. The Council may

(i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or

(ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority;

(i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;

(j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. **Decisions outside the budget or policy framework**

(a) Subject to the provisions of paragraph 5 (virement) the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, Neighbourhood Action Partnerships or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.

(b) If the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, Neighbourhood Action Partnerships or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. **Urgent decisions outside the budget or policy framework**

(a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, Neighbourhood Action Partnerships or joint arrangements discharging executive functions may take a decision

which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

(i) if it is not practical to convene a quorate meeting of the full Council; and

(ii) if the relevant Scrutiny and Improvement chair agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and for the consent of the relevant Scrutiny and Improvement chair to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant Scrutiny and Improvement committee the consent of the Mayor and in the absence of both the Deputy Mayor will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. **Virement**

Virement shall be undertaken only in accordance with the Financial Procedure Rules set out in this Constitution.

6. **In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council and decisions by the Cabinet, a committee of the Cabinet an individual member of the Cabinet or officers, Neighbourhood Action Partnerships or joint arrangements discharging executive functions must be in line with it. No changes to any policy framework may be made by those bodies or individuals except those changes:

(a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;

(d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

7. **Call-in of decisions outside the budget or policy framework**

(a) Where a Scrutiny and Improvement committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the monitoring officer and/or chief financial officer.

(b) In respect of functions which are the responsibility for the Cabinet, the monitoring officer's report and/or chief financial officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the Corporate Resources and Governance Scrutiny and Improvement Committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief financial officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Corporate Resources and Governance Scrutiny and Improvement Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 5 days of the request by the Corporate Resources and Governance Scrutiny and Improvement Committee. At the meeting it will receive a report of the decision or proposal and the advice of the monitoring officer and/or the chief financial officer. The Council may either:

(i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(ii) amend the council's financial procedure rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer/chief financial officer.

Executive Procedure Rules

1. How does the executive operate?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council.

1.2 The Council's scheme of delegation and executive functions

The Leader determines the scheme of delegation for the discharge of executive functions as set out in the executive arrangements adopted by the Council.

1.3 Conflicts of Interest

If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised by a person or body identified by the Chief Executive.

1.4 Cabinet meetings – when and where?

The Cabinet will meet at least 10 times per year at times to be agreed by the Leader of the Council. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader of the Council.

1.5 Public or private meetings of the Cabinet?

It is a principle of the Constitution that meetings of the Cabinet shall be held in public subject to confidentiality requirements as set out in the Access to Information Procedure Rules.

1.6 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet or 3 whichever is the largest.

1.7 How are decisions to be taken by the Cabinet?

(a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

(b) Where Executive decisions are delegated to a committee of the Cabinet or individual Cabinet members, the rules applying to executive

decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader of the Council is present he/she will preside. In his/her absence, then the deputy Leader of the Council will preside.

2.2 Who may attend?

Subject to the requirements of confidentiality (as set out in the Access to Information Procedure Rules) meetings will be open to the public.

2.3 What business?

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

(i) consideration of the minutes of the last meeting;

(ii) declarations of interest, if any;

(iii) matters referred to the Cabinet (whether by overview and scrutiny or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

(iv) consideration of reports from overview and scrutiny; and

(v) matters set out in the agenda for the meeting.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and overview and scrutiny, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 **Who can put items on the Cabinet agenda?**

(a) The Leader of the Council will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader of the Council's requests in this respect.

(b) Any member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the proper officer will comply.

(c) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where overview and scrutiny or the full Council have resolved that an item be considered by the Cabinet. However, there may only be up to 6 such items on any one agenda.

(d) Any member of the Council may ask the Leader of the Council to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader of the Council agrees the items will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to 2 such items per Cabinet meeting.

(e) The monitoring officer and/or the chief financial officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

Overview and Scrutiny Procedure Rules

1. **What will be the number and arrangements for Scrutiny and Improvement Committees?**

   The Council will have the Scrutiny and Improvement Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. They may appoint scrutiny panels for a fixed period, on the expiry of which they will cease to exist.

2. **Who may sit on Scrutiny and Improvement Committees?**

   Any Councillor except a Member of the Cabinet may be a Member of a Scrutiny and Improvement Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

3. **Co-Optees**

   Each Scrutiny and Improvement Committee or Sub-Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees as set out in Table 1.

4. **Education Representatives**

   The Children and Families Scrutiny and Improvement Committee shall include in its membership the following voting representatives when considering education matters:

   (a) 1 Church of England diocese representative

   (b) 1 Roman Catholic diocese representative

   (c) 3 parent governor representatives.

5. **Meetings of the Scrutiny and Improvement Committees**

   There shall be one ordinary meeting of the committees in every six week cycle. In addition, extraordinary meetings (also known as special meetings) may be called from time to time as and when appropriate. A meeting may be called by the chair, by any three Members of the Committee or by the Chief Executive if he/she considers it necessary or appropriate.

6. **Quorum**

The quorum for a Scrutiny and Improvement Committee shall be as set out for Committees in Council Procedure Rules in Part 4 of the Constitution.

7. **Who Chairs Scrutiny and Improvement Committee Meetings?**

Chairs of Scrutiny and Improvement Committees/Sub-Committees will be drawn from the Members sitting on the committee/sub-committee and subject to this requirement (and to Council Procedure Rules) the committee/sub-committee may appoint such a person as it considers appropriate as Chair.

8. **Work Programme**

Committees will be responsible for setting the work programme for the Overview and Scrutiny function and in doing so will take into account wishes of all Scrutiny Members who are not Members of the largest political group on the Council.

9. **Work Programme Items**

(a) Any member of a Scrutiny and Improvement Committee shall be entitled to request that an item be added to the work programme for investigation or give notice to the Chief Executive that he or she wishes an item relevant to the functions of the Scrutiny and Improvement Committee to be included on the Agenda. The relevant Committee must ensure that it is included on the next available agenda.

(b) Any three Members of the Council who are not Members of the Scrutiny and Improvement Committee may give written notice to the Chief Executive that they wish an item to be included on the Agenda of a relevant Scrutiny and Improvement Committee. If the Chief Executive receives such a notification, then he/she will include the item on the first available Agenda of the relevant Scrutiny and Improvement Committee for consideration by the committee

(c) The Scrutiny and Improvement Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the Scrutiny and Improvement Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Scrutiny and Improvement Committee within one month of receiving it.

(d) The Scrutiny and Improvement Committees shall discuss the validity of Councillor Call for Action Requests based upon a submitted request form no later than 7 working days before the meeting. Requests are intended as a way of resolving long standing or complex local issues and do not replace the existing mechanisms through which a councillor

can get local issues resolved. The CCfA should be seen as a last resort, to be used when all other reasonable avenues have been explored and exhausted. If the request has been accepted the item is added to the next available agenda. A Special meeting of the relevant committee should be set up within 4 weeks of the request being accepted.

10. **Policy Review and Development**

(a) The role of Overview and Scrutiny in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework the Scrutiny and Improvement Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference

(c) Scrutiny and Improvement Committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they occasionally consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. **Reports from Overview and Scrutiny**

(a) Once recommendations on proposals for development have been formed through investigations, a formal report will be submitted to the relevant Scrutiny and Improvement Committee for consideration. If satisfied that it is proper to do so the Scrutiny and Improvement Committee shall submit any report to the Chief Executive for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

(b) If the relevant Scrutiny and Improvement Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

(c) The Council or Cabinet shall consider the report of the Scrutiny and Improvement Committee within one month of it being submitted to the Chief Executive.

12. **Making sure that Overview and Scrutiny reports are considered by the Cabinet**

(a) Once an Overview and Scrutiny report on any matter has been submitted to the Chief Executive in accordance with Paragraph 11 above, it shall be included on the Agenda of the next available meeting of the Cabinet, unless the matter is scheduled to be considered by the Cabinet within a period of four weeks from the date the report was adopted by the relevant Scrutiny and Improvement Committee. In such cases, the report shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet do not consider the report within four weeks then the matter will be referred to the next following Council for review.

13 **Rights of Scrutiny and Improvement Members to Documents**

(a) In addition to their rights as Councillors, Members of Scrutiny and Improvement Committees have the right to documents, and to notice of meetings as will be set out in the Access to Information Procedure Rules in Part 4 of the Constitution.

(b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny function as appropriate depending on the particular matter under consideration.

14 **Members and Officers Giving Account**

(a) The Scrutiny and Improvement Committees and any scrutiny panel which they commission may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions relevant to their remit. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, head of paid service and/or any senior officer (or in respect of paragraph (iv) only below, any other officer who may be accompanied by a senior officer of their choice) 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. their performance

iv. to give evidence on any matter

and it is the duty of those persons to attend.

15. **Attendance by Others**

The Scrutiny and Improvement Committees or any Scrutiny Panel which they commission may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example, wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

16. **Call-In**

Call-in should only be used in exceptional circumstances. These are where Members of the Corporate Resources and Governance Scrutiny and Improvement Committee have evidence which suggests that the executive decision maker did not take the decision in accordance with the following principles:-

(a) (i) proportionality (i.e. the action must be proportionate to the desired outcome);
(ii) due consultation and the taking of professional advice from Officers;
(iii) respect for human rights;
(iv) a presumption in favour of openness;
(v) clarity of aims and desired outcomes (including performance review) and
(vi) an explanation of what options have been considered and giving the reasons for decisions.

(b) when a decision is made by the Cabinet, an individual Member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet or a neighbourhood action partnership or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made.

(c) the publication will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented on the expiry of five working days after the publication of the decision, unless the Overview and Scrutiny function objects to it and initiates the call-in procedure.

(d) during that period, the Proper Officer shall call-in a decision for scrutiny by the Corporate Resources and Governance Scrutiny and Improvement Committee, if so requested by the Chair or any three Overview and Scrutiny Members and then shall notify the decision maker of the call-in and call a special meeting of the Corporate Resources and Governance Scrutiny and Improvement Committee; inviting officers and Cabinet Members or relevant decision makers to attend as appropriate.

(e) if, having considered the decision, the Corporate Resources and Governance Scrutiny and Improvement Committee is concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to the Full Council. If referred to the decision maker he/she/it shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision. The Members who requested the call-in shall be entitled to attend at the proceedings of the Corporate Resources and Governance Scrutiny and Improvement Committee and to be informed of the date of the meeting at which the matter will be discussed.

(f) if following an objection to the decision, the Corporate Resources and Governance Scrutiny and Improvement Committee does not for any reason consider, or refer the matter back to the decision maker (as the case may be), the decision shall take effect on the date of the next following Corporate Resources and Governance Scrutiny and Improvement Committee meeting.

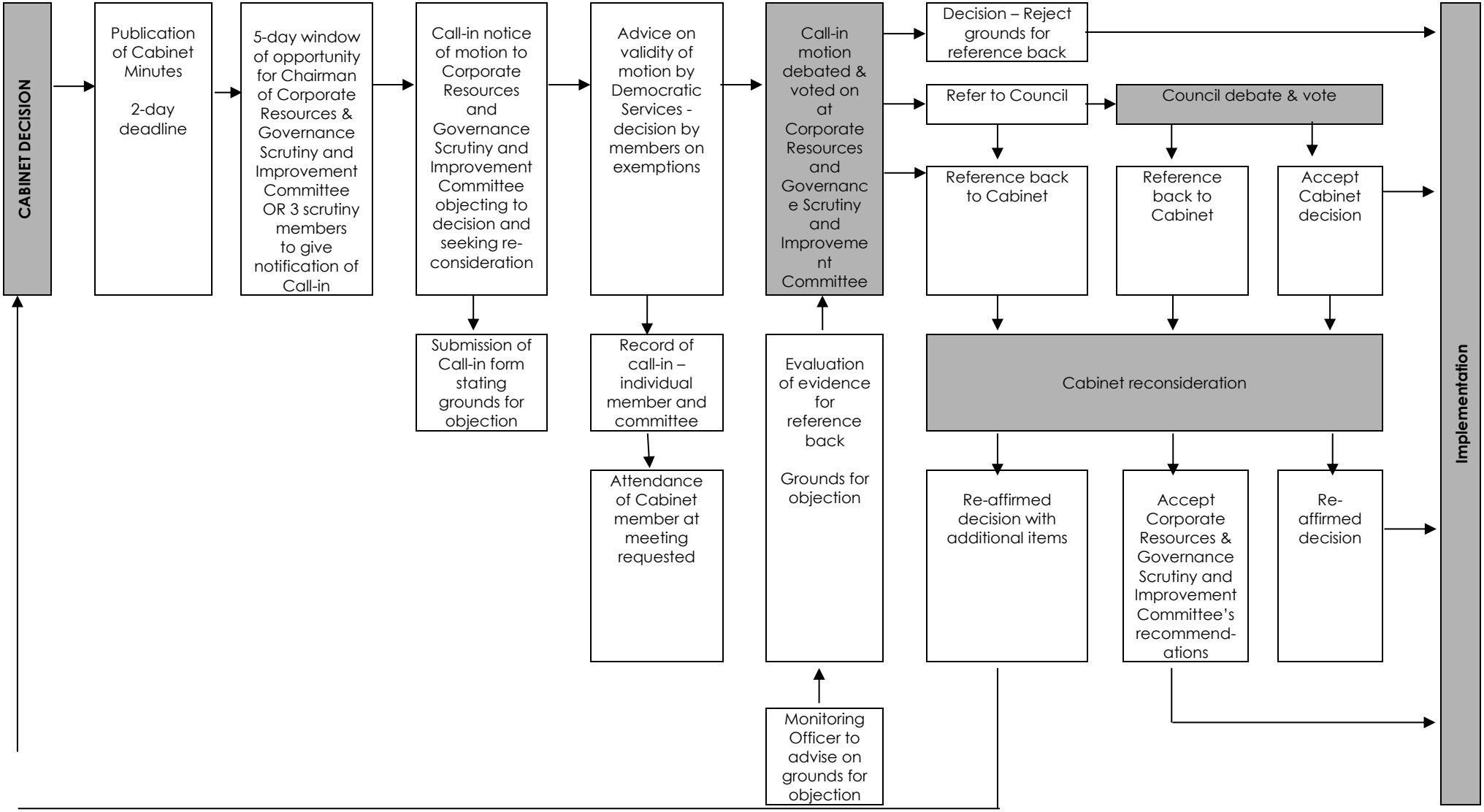
(g) if the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provisions below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is a Cabinet decision which is contrary to the policy framework, or contrary to or not wholly consistent with, the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making person or body shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it or a Neighbourhood Action Partnership or joint arrangement, the matter will be referred to the next following meeting of the Cabinet (or its committee) or Neighbourhood Action Partnership or joint arrangement. Where the decision was made by an individual, the individual will reconsider within five working days of the Council's request

(h) if the Council does not consider the matter for any reason, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the next following Council meeting

(i) where a call-in has been initiated and the need for a decision is required before the date upon the next following meeting of the relevant Cabinet, (or its committee) or Neighbourhood Action Partnership or Council, then the Chief Executive shall call a special meeting of the relevant Cabinet, committee or Council as the case may be.

A flow chart illustrating the procedure in diagrammatic form, appears as Diagram 1 to these rules to assist in understanding the process

CALL-IN SCHEMA FOR CABINET DECISIONS



Exceptions

(j) in order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are placed on its use. These are:
   i. that the Overview and Scrutiny function may only call-in a maximum of forty decisions per year;
   ii. the Chair or any three Scrutiny and Improvement Members are needed for a decision to be called-in
   iii. once a Member has signed a request for call-in under this paragraph he/she may not do so again until a period of eight weeks have expired

Call-In and Urgency

(k) the call-in procedure shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with reasons for urgency

(l) the operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary

17. **The Party Whip**

"The 'Party Whip' is any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner." (Per DETR Guidance)

When considering any matter in respect of which a Scrutiny and Improvement Member is subject to a Party Whip the Member must declare the existence of the Whip, and the nature of it before the commencement of deliberations on the matter. The declaration, and the details of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. **Procedure at Scrutiny and Improvement Committee Meetings**

(a) The Scrutiny and Improvement Committees shall consider the following business:

i. minutes of the last meeting

ii. declarations of interest (including whipping declarations)

iii. items placed on the Agenda by a Member of the committee or three Non-Members

iv. The Forward Plan

v. examination of Service Delivery Plan(s) for strategic impact

vi. scrutiny of quarterly performance indicators

vii. scrutiny of relevant partnership body

viii. scrutiny of specific Service Delivery Plan

ix. Scrutiny of Crime and Disorder Reduction Partnerships

x. liaison with Neighbourhood Action Partnerships

xi. referrals from any Scrutiny Panel of reports for submission to the Cabinet

xii. responses of the Cabinet to reports of Scrutiny and Improvement

xiii. reports to the Cabinet in relation to the relevant policy area and portfolio to consider formulation of advice to Cabinet Member

xiv. items place on the Agenda by a Member of the committee or three Non-Members

xv. any other business set out on the Agenda and urgent items

(b) in addition to the above, the Corporate Resources and Governance Scrutiny and Improvement Committee shall consider the following business:

i. minutes of the last meeting

ii. declarations of interest (including whipping declarations)

iii. co-ordination and consideration of any matter referred for a decision in relation to call-in of a decision

iv.

v. consultation, liaison and monitoring of the overview and scrutiny work programme

vii. any other business set out on the Agenda and urgent items

(c) where a Scrutiny Panel is commissioned to conduct an investigation (e.g. work with a view to policy development), it may also ask people to attend to give evidence at its meetings which shall be conducted in accordance with the following principles:-

i. that the investigation will be conducted fairly and all Members of the panel be given the opportunity to ask questions of attendees and to contribute and speak

ii. that those assisting the panel by giving evidence be treated with respect and courtesy

iii. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis

iv. that confidentiality be observed, and panels have power to exclude any Elected Member or Officer from any of their deliberations on the same basis such exclusion would be permissible in a court of law

(d) following any investigation or review the panel shall prepare a report for submission to the relevant Scrutiny and Improvement Committee which, following agreement of the report shall submit it to Cabinet and/or Council as appropriate and shall make its report and findings public

TABLE 1

CORPORATE RESOURCES AND GOVERNANCE SCRUTINY AND IMPROVEMENT COMMITTEE

Membership	15 Non-Executive Members. Politically proportionate
Meetings	Once per cycle
Relevant Cabinet Members	The work of the Committee may relate to the responsibilities of any Cabinet Member but will predominantly concern the work of the Leader, the Deputy Leader and Cabinet Member for Resources
Director	Chief Executive
Remit	• To undertake the Overview and Scrutiny role on behalf of the Council in respect of all matters in relation to the Resources Directorate. • To have strategic oversight and direction of the scrutiny function of the Council • To exercise and operate the process of call-in • To exercise the powers of the Council in relation to Councillor Call for Action.

ADULTS, WELLBEING AND HEALTH SCRUTINY AND IMPROVEMENT COMMITTEE

Membership	13 Non-Executive Members. Politically proportionate
Meetings	Once per cycle
Relevant Cabinet Members	The work of the Committee may relate to the responsibilities of any Cabinet Member but will predominantly concern the work of the Leader, the Deputy Leader, the Cabinet Member for Adults and the Cabinet Member for Health, Welfare and Housing.
Director	Executive Director for Adults and Communities and Director of Public Health
Remit	• To undertake the Overview and Scrutiny role on behalf of the Council in respect of all matters in relation to the functions within the Adults and Communities Directorate save for Tourism and Culture. • To discharge the Health Scrutiny responsibilities of the Council, reviewing and scrutinising the provision, planning and operation of Health Services in the Borough in accordance with Health Scrutiny regulations.

CHILDREN AND FAMILIES SCRUTINY AND IMPROVEMENT COMMITTEE

Membership	13 Non-Executive Members. Politically proportionate
Meetings	Once per cycle
Relevant Cabinet Members	The work of the Committee may relate to the responsibilities of any Cabinet Member but will predominantly concern the work of the Leader, the Deputy Leader and the Cabinet Member for Children
Director	Executive Director for Children and Families
Remit	• To undertake the Overview and Scrutiny role on behalf of the Council in respect of all matters in relation to the Children and Families Directorate.

CLIMATE AND ENVIRONMENT SCRUTINY AND IMPROVEMENT COMMITTEE

Membership	13 Non-Executive Members. Politically proportionate
Meetings	Once per cycle
Relevant Cabinet Members	The work of the Committee may relate to the responsibilities of any Cabinet Member but will predominantly concern the work of the Leader, the Deputy Leader, the Cabinet Member for Climate & Culture, the Cabinet Member for Neighbourhoods and the Cabinet Member for Highways and Transport.
Director	Executive Director for Growth, Enterprise and Environment
Remit	To undertake the Overview and Scrutiny role on behalf of the Council in respect of all matters in relation to: • Climate and the environment; • Neighbourhoods; • Tourism and Culture To discharge the Council's scrutiny responsibilities in relation to Crime and Disorder Reduction in line with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, Police and Justice Act 2006 and related legislation.

GROWTH SCRUTINY AND IMPROVEMENT COMMITTEE

Membership	13 Non-Executive Members. Politically proportionate
Meetings	Once per cycle
Relevant Cabinet Members	The work of the Committee may relate to the responsibilities of any Cabinet Member but will predominantly concern the work of the Leader, the Deputy Leader and the Cabinet Member for Growth and Enterprise.
Director	Executive Director for Growth, Enterprise and Environment
Remit	• To undertake the Overview and Scrutiny role on behalf of the Council in respect of all matters in relation to the Growth, Enterprise & Environment Directorate, save for those areas within the remit of other Scrutiny and Improvement Committees as set out above. • To undertake the Overview and Scrutiny role on behalf of the Council in respect of the Tees Valley Combined Authority, Teesworks and the Freeport as they affect Redcar and Cleveland.

REGULATORY COMMITTEE (SITTING IN OVERVIEW AND SCRUTINY MODE)

Membership

13 Councillors

Terms of Reference

The Regulatory Committee will have a role for contributing to the Development Plan by being consulted on all relevant matters by the Growth Scrutiny and Improvement Committee.

Its view will be sought formally and reported to the Cabinet before any matter relating to the Development Plan is determined.

The Regulatory Committee may set up or participate in any advisory group, committee or sub-committee, to discharges its duties in relation to the Development Plan.

Financial Procedure Rules

Preamble

The purpose of these Financial Procedure Rules is to set out a framework to control the way in which the Council manages its finances and safeguards its assets. These rules form part of the Council's constitution and are intended to ensure proper financial arrangements are in place.

Powers and Duties

1 The Council, the Cabinet, every committee and Directorate shall ensure that these Rules and Accounting Instructions are observed and to this end each Chief Officer shall designate an Assistant Director or other Senior Officer who will be responsible for the observance by the relevant Directorate of such Rules and Accounting Instructions. Each Chief Officer is responsible for making arrangements to ensure that these Rules and Accounting Instructions are made known to all appropriate employees and to keep suitable records showing this has been done.

2 Each Directorate shall let such contracts as are necessary for the execution of its functions and authorise all variations involving additional expenditure subject to Standing Orders and these Rules.

3 The appropriate Chief Officer shall ensure that reports and statements to the Cabinet, Scrutiny and Improvement and other Committees for the purposes of these Rules are submitted in such form and at such time as the Chief Finance Officer may prescribe.

4 Chief Officers shall seek the advice of the Chief Finance Officer and the Monitoring Officer in relation to all significant transactions (i.e. transactions involving the Council in a level of expenditure/income or risk or have an effect, equivalent to that of a 'key decision'). Chief Officers shall reflect any advice received in any actions and all reports to Members in relation to such transactions and shall ensure that in reporting, Member's specific attention is drawn to that advice. In any cases of uncertainty, Chief Officers will seek clarification from the Chief Finance Officer and the Monitoring Officer.

Virement - Revenues

5 a) an allocation in the Revenue Budget may be diverted in accordance with the following:

i) By the Chief Officer - **within** the Assistant Director's allocated budget. The maximum permitted virement is £250,000

Any such decision to divert money should be documented in writing with reasons.

ii) By the Chief Officer acting on the advice of the relevant Cabinet Member **between** the Assistant Director's allocated budgets. The

maximum permitted virement is £250,000.

Any such decision to divert money should be documented in writing with reasons.

iii) By the Cabinet. If the sum involved exceeds the limits set out above, a written report must be submitted by the Chief Officer of the appropriate Directorate to the Cabinet making a positive case that the money available could better be spent in the current year in the manner proposed. That report must be examined and approved by the Chief Finance Officer before the Cabinet Meeting.

b) Virement may only be made on controllable budgets i.e. to exclude capital finance charges, central support service costs and credits, leasing and capital charges.

c) An Assistant Director's budgets are those allocated to the relevant Assistant Director.

d) No virement may add an extra net cost in future years, or alter the permanent establishment of the Council without the approval of a report to the Cabinet.

e) If, in the opinion of the Chief Finance Officer multiple virements are being used to circumvent these rules, then the matter will immediately be referred to the Cabinet.

f) All virements must have the prior agreement of the Chief Finance Officer.

Virement - Capital

6 a) That Virement transfer within thematic blocks is delegated to the Chief Finance Officer up to a limit of £250,000. All transfers, above this threshold are subject to approval by Cabinet

b) Any Virement transfer between the thematic blocks are subject to a Cabinet recommendation to Council

c) Any increase in the agreed capital programme not supported by matched external funding be subject to a Cabinet recommendation to Council

d) That the re-phasing of the capital programme across financial years be delegated to the Chief Finance Officer, provided that no additional funding is required

Unspent Balances

7 A Directorate may carry forward from one year to another the unspent balance of a revenue budget only where the Cabinet (having received the advice of the Chief Finance Officer) is satisfied:

a) That one or more of the following sub-paragraphs are applicable:

i) That for reasons beyond the Directorate's control, supplies and services are not obtainable within the financial year; or

ii) That because of changes of specification, design, etc., it is advantageous to defer a purchase beyond the end of a financial year; or

iii) That the nature of the budget is such that it spans across the financial years and

b) That the specific budget is under spent by at least the amount requested to be carried forward, and that moneys are available from an overall under-spending in the Directorate's and Council's budget.

Chief Officers

8 Each Chief Officer shall ensure:

a) That expenditure incurred by Directorates under their control is supervised to the extent that no liability shall be incurred whether by the issue of an order for goods or services or otherwise, unless the cost is covered by a budget approved by the Council; and

b) That the procedure for the receipt of all income is properly documented and maintained; and

c) The allocation of all expenditure, costs and income to the proper cost centre and sub code.

9 Each Chief Officer shall at all times endeavour to secure value for money, and to that end:

a) Shall establish appropriate cost centres and cost limits for their Directorate's various services and functions;

b) Define the limits of financial responsibility of each officer authorised to incur expenditure on the Directorate's behalf;

c) Establish controls to secure the observance of such limits, make full use of all common supplies and services provided by any other Directorates of the Council;

d) Encourage the use throughout their Directorate of the Value for Money management techniques; and

e) Identify property which may be surplus to the requirements of a Directorate and Council.

10 Chief Officers shall make proper arrangements to:

a) Bring immediately to the notice of the Chief Finance Officer any suspected

or apparent irregularity affecting cash, stores or other property of the Council.

b) Bring to the notice of the Chief Finance Officer all insurable risks whether to property or otherwise, arising from the carrying out of their Directorate's functions.

c) Fix (after receiving the advice of the Chief Finance Officer and other Officers concerned) the scale of charges to be made for services rendered, or where the amount to be recovered depends also upon the debtor's means, fix the standard charge and the scale of the assessment.

d) Recommend to the Cabinet (subject to Rule 26 below and the advice of the Chief Finance Officer to write off bad debts and deficiencies arising in connection with stores or any other property under its control.

11 It will be the duty of Chief Officers to prepare and supply to the Chief Finance Officer such information as may be necessary to carry out the duties in these Rules.

Chief Finance Officer - Powers and Duties

The Chief Finance Officer, as the proper officer under the provisions of Section 151 of the Local Government Act 1972, shall:

12 Manage their service in such a way as to provide the services called for in Rules 11 to 34 hereunder and any other services rendered within their area and act as head of profession for all officers undertaking financial duties in all Directorates. In this regard, all services rendered will be in accordance with:

a) The relevant CCAB body or CIPFA Standards of Professional Practice.

b) Any other statements of best practice, codes of practice and technical standards supported by the relevant CCAB body or CIPFA.

c) Accounts and Audit regulations, or any other legislation or regulations in force at any particular time.

13 Report, acting under Section 114 of the Local Government Finance Act 1988, to all the Local Authority's Members, in consultation with the Monitoring Officer and the Head of the Paid Service if there is likely to be unlawful expenditure, unlawful action taken, or unlawful entry in the Authority's accounts or an unbalanced budget.

14 a) Acting under powers delegated by the Council under the Accounts and Audit Regulations 1996 (and their revisions), carry out an internal audit of all the functions of the Council, in every Directorate, for which purposes the Chief Finance Officer shall have authority to visit all Directorates of the Council, have right of access to all staff, records and property of the Council at all times, and shall be entitled to require such explanations as they considers necessary to satisfy themselves of the correctness of any matter under examination.

b) In addition, the Chief Internal Auditor shall have the right of access to any Chief Officer of the Council, the Cabinet and to any Committee of the Authority.

15 Provide a financial and economic appraisal of the future plans and projects of the Cabinet.

16 Have responsibility for the corporate financial information systems of the Authority and provide appropriate information to the Cabinet, Committees and Chief Officers on the progress of the Authority's performance against financial plans to facilitate effective budget management and control.

17 Advise Directorates on techniques and practices to manage and control their budget and secure the cost effectiveness of their outlays.

18 a) Continuously review the financial management needs of the Authority, and develop, implement and maintain such systems as are required to ensure sound financial management.

b) At such intervals as may be agreed by the Council, report to the Cabinet on the progress of the Council's capital and revenue expenditure and income.

c) Report to Cabinet and the Council for decision any proposed use of the Council's reserves and provisions for a purpose other than that which the reserve or provision was created.

d) Report budget adjustments to the Cabinet (and where they exceed the powers of the Cabinet, the Council for decision) at intervals during the year specified by the Cabinet.

e) Report to Cabinet either:

i) If it appears likely that the reserves provision will be inadequate; or

ii) That the reserves and provisions are likely to exceed requirements.

19 Manage all the funds and trust funds of the Council.

20 Prepare, maintain and oversee the accounts of the Authority and prepare the Council's final accounts. This will be carried out in accordance with all relevant legislation, CIPFA/LASAAC Code of Practice on Local Authority Accounting in Great Britain, Standards of Professional Practice on Financial Reporting, accounting codes of practice, and CIPFA guidelines and recommended practices as appropriate and currently in force.

21 Have responsibility for changes to any financial system or procedure which may be adopted by the Council.

22 Acting under Section 151 of the Local Government Act, 1972, and otherwise, from time to time issue Accounting Instructions as to:

a) Safe and efficient arrangements for the receipt of monies paid to the Council

and the issue of monies payable by the Council.

b) Custody and supervision and recording of all stores held by Directorates under their control and of items of furniture, equipment etc.

c) The checking and certification of all invoices, vouchers, contract certificates, time, wage and salary records, and all other documents initiating the disbursement of Council monies.

d) The recording of all income due to the Council arising from the activities of Directorates under its control.

e) The prompt furnishing of information required by them for centralised accounting arrangements.

f) The design and keeping of financial records and ensuring that no such records are kept other than those approved by the Chief Finance Officer.

g) Generally to secure the good financial administration of all the Directorates of the Council.

23 Provide for other bodies and persons such information as to the Council's accounts as may be appropriate or specified by statute or otherwise.

24 Determine the application of the proceeds of sale or appropriation of any of the Council's land or property, subject to any general direction that may be given by the Cabinet or the Council as the case may be.

25 Settle all matters of account which may be in dispute between Directorates of the Council. Where any Directorate does not accept his or her adjudication, the matter shall be referred to the Cabinet for decision.

26 Supervise the conduct of all financial negotiations with Government Departments, other local or public authorities, or any other bodies. The Cabinet’s attention will be directed to matters of substance.

27 Manage all the Council's banking accounts.

28 Collect and recover the Council Tax and NNDR, make proposals for the alteration of the local Council Tax List and local Rating List, administer appeals in respect of liability for these taxes, make refunds of overpayments, and determine exemptions and discounts in respect of Council Tax and mandatory and discretionary relief in respect of NNDR.

29 Collect and recover all other income due to the Council, apart from that specified from time to time in Accounting Instructions.

30 Write off bad and irrecoverable debts, subject to authorisation by the Cabinet where the amount is £10,000 or over, or such other sum as may be specified from time to time by the Cabinet. For this purpose, debts owed by one individual or business should be aggregated by such method as from time to time shall

be stipulated by the Chief Finance Officer. A list of all write off amounts to be fully maintained and available to Members as required.

31 Make all payments on behalf of the Council, except such payments as they may authorise Chief Officers to make from their Imprest Account or schools to make from local bank accounts.

32 Supervise the work of all Directorates in relation to payments to present or former employees of the Council.

33 Be responsible for all V.A.T. and income tax matters.

34 Manage the Council's investments and negotiate and manage all loans in accordance with the following framework:

a) That the Council adopts and follows in full CIPFA's revised Treasury Management Code of Practice and the requirements therein.

b) A treasury management policy statement setting out the matters detailed in CIPFA's Treasury Management Code of Practice shall be adopted by the Council and, thereafter, its implementation and monitoring shall be delegated to the Chief Finance Officer.

c) All money in the hands of the Council shall be under the control of the officer designated for the purposes of Section 151 of the Local Government Act 1972 referred to in the code as the Chief Finance Officer.

d) At or before the start of the financial year, the Chief Finance Officer shall report to the Cabinet on the strategy for treasury management which it is proposed to adopt for the coming financial year.

e) All executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer, who shall be required to act in accordance with CIPFA's "Code of Practice for Treasury Management in Local Authorities".

f) On a frequency to be determined by the Cabinet, the Chief Finance Officer shall report to the Cabinet on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

g) Should the Chief Finance Officer wish to depart in any material respect from the main principles of the Code, the reasons should be disclosed in a report to the Cabinet and referred to the Council for decision.

h) In addition to the above, the Chief Finance Officer and team shall comply with the Code of Conduct for Clearing and Settlement which applies to all those involved in market transactions.

35. **Financial Planning**

(a) Every Directorate shall early in each financial year consider and revise the plans for the development of its services for the next five years (or for such other period as the Council shall from time to time determine) and shall prepare forecasts for that period on capital accounts. Completed plans costed at current prices shall be submitted to the Cabinet for consideration for a Council decision.

(b) The Cabinet shall:-

(i) Consider estimated cost of the plans and the estimated amount needed to be raised by way of prudential borrowing, together with the revenue implications thereof, Council Tax or other resources in order to finance the expenditure in each of the years specified; and

(ii) Any variations in these amounts recommended in the light of the Cabinet's overall view of the Council's finances.

36. **Annual Budget**

(a) Every Directorate shall prepare annually, in such form as the Chief Finance Officer with the approval of the Cabinet, shall decide, detailed budgets in respect of both capital and revenue expenditure in respect of the next following financial year. These annual budgets, prepared by the Chief Officers of the appropriate Directorates Departments and the Chief Finance Officer, after approval by the Cabinet shall be submitted for consideration by the Council no later than the 11th March each year.

(b) The Cabinet may set targets for each Directorate and the Council overall in relation to the level of revenue resources available in the year.

(c) The Cabinet, on receipt of all Directorates detailed budgets and any subsequent revision thereto shall, after taking the into account the tax base of the Authority, precepts, parish items, balances available and grants receivable, recommend the level of Council Tax to be levied and advise the Council accordingly.

37. **Authority to incur expenditure**

(a) The inclusion of any item in a Directorate's approved revenue budget shall, unless suitably earmarked, confer authority on the Directorate to incur such expenditure. The inclusion of any item in a Directorate's capital budget, or of a suitably earmarked item in a Directorate's revenue budget, shall not confer authority to incur any expenditure until:

(i) in the case of capital expenditure the relevant prudential borrowing and other capital funding has been secured;

(ii) in the case of capital expenditure on earmarked items a tender or quotation has been received which does not exceed either the relevant approved funding, or the amount included in the capital or revenue budget increased by 10% or £25,000 whichever is less, or such other

limits as the Council may from time to time prescribe; and

(b) No Directorate shall cause or allow its expenditure whether on revenue account or, save as allowed by Rule 37(a), on capital account to exceed its budget nor divert financial provision from one budget to another budget in the revenue budget or from one priority theme to any other priority theme in the capital budget except in accordance with the Financial Procedure Rules of the Council.

38. **Supplementary Budget**

(a) If a Directorate proposes to incur expenditure not included in any budget line in the annual budget approved by the Council or anticipates over-spending of any budget line in the budget, then the virement rules as detailed in Financial Procedure Rules will apply. If the matter cannot be so dealt within the Directorate's budget, then a report on the matter shall be submitted to the Cabinet who may approve supplementary budgets up to a limit of £250,000 and above that limit shall advise the Council whether a supplementary budget should be granted to allow the appropriate Directorate to incur the additional expenditure. Any supplemental budget shall in any event never exceed the estimated Revenue Balance.

(b) The Directorate proposing to incur the expenditure shall in its report state the reasons why the expenditure in question was not provided for or not adequately provided for, as the case may be, in the Annual Budget and why it cannot be postponed until after the expiration of the current financial year.

39. **Capital expenditure in excess of approved estimates**

It shall be the duty of the Chief Officer having control of a Directorate to report to the next meeting of the Cabinet as soon as they are aware that the estimated cost of any capital work is likely to be exceeded or of any shortfall in funding.

40. **Setting of Council Tax**

The Minutes of the Cabinet in which are contained the recommendations to the Council relating to the setting of the Council Tax for the forthcoming financial year shall be placed first on the Council Summons in the order of Minutes of Committees submitted to that meeting.

A motion or amendment at such Meeting which, if carried, would have the effect of increasing the amount of any estimate or reducing any income, upon which the recommended Council Tax has been based, shall only be in order, if such motion of amendment is to refer the matter back to the Cabinet for further consideration and report.

41. **Increased expenditure/reduced income**

In every case where increase in expenditure is referred to in these Rules, this shall be construed as including also a reduction of income.

42. Financial Administration

The Council, the Cabinet and every Committee and Officer of the Council shall conform to the Financial Procedure Rules and Accounting Instructions made under the provisions of Section 151 of the Local Government Act, 1972.

Contract Procedure Rules for Redcar & Cleveland Borough Council

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Appendix A - Contract Type, Value and Process

Appendix B - UK Procurement Thresholds

Appendix C - Glossary of Terms

1. Introduction

1.1. These are the Contract Procedure Rules (the Rules) and processes to be followed for buying Goods, Services, Health Care Services and Works on behalf of Redcar and Cleveland Borough Council (the Council). They do not apply to internal purchases or in-house service provision, only where there is a need to purchase from outside the Council from third parties.

1.2. These Rules are part of the Council's Constitution and have been produced as the approach to the way the Council acquires Goods, Services, Health Care Services and Works in order to deliver its services.

1.3. These Rules must be read in conjunction with the Council's Procurement Handbook.

1.4. Effective procurement depends on clearly defined requirements, an appropriate Procurement Strategy and robust Contract Management practices. Procurement managed poorly can lead to inflated costs, unmet or substandard delivery of Goods, Services and Works and expose the Council to significant legal, reputational and operational risks.

1.5. Officers of the Council must always endeavour to achieve Value for Money in all purchasing activity and have due regard to relevant public sector procurement legislation. This means whilst seeking Value for Money, Procuring Officers must act within the principles of maximising public benefit, transparency, integrity and fair treatment of Suppliers.

1.6. Officers must assess the necessity of each purchase, irrespective of value, and ensure that it contributes meaningfully to the Council's strategic objectives.

1.7. If a purchase is necessary, Officers must consider whether this is best achieved independently or jointly with another organisation, such as neighbouring Local Authorities.

1.8. A Competitive Process or other means of sourcing must be undertaken in accordance with Section 5 of these Rules.

1.9. Should the Council fail in this duty a Supplier, Provider or Contractor may have grounds for a complaint and may be able to claim damages against the Council.

2. Principles and General Provisions

Legal Basis and Purpose

2.1. These Rules constitute Standing Orders made by Redcar and Cleveland Borough Council in pursuance of Section 135 of the Local Government Act 1972 for Tenders and Contracts.

2.2. These Rules have three main purposes.

2.2.1. To ensure compliance with legal obligations governing the spending of public money.

2.2.2. To secure Value for Money in the way the council spends money and delivers its corporate priorities.
2.2.3. To protect Council Officers who adhere these Rules.

Scope and Applicability

2.3. These Rules apply to any purchasing activity, including Concession Contracts.

2.4. These Rules apply to grant funded expenditure under Contract for Goods, Services, Health Care Services and Works, unless the grant funding body has set out specific procedures to be followed. Procuring Officers must comply with the procedures stipulated by the funding body and seek guidance from the Corporate Procurement team where necessary.

2.5. These Rules do not apply to employment contracts, the purchasing of property and Contracts relating solely to the disposal or acquisition of an interest in land.

2.6. Where procurement is delegated to a third party, the senior manager and/or procuring Officer shall ensure that the procurement is undertaken in line with these Rules.

2.7. If Officers are in any doubt about whether these Rules apply, they must check with the Corporate Procurement team or Legal Services.

Roles and Responsibilities

2.8. Procurement and Contract Management is the responsibility of each Executive Director.

2.9. Executive Directors must ensure that procurement activity is undertaken by Officers who can demonstrate skills and knowledge appropriate to the task. Relevant Officers must have regard to these Rules and read and understand the Procurement Handbook before undertaking a procurement procedure.

2.10. The Corporate Procurement team supports Procuring Officers with the procurement process and advises on compliance with these Rules and any relevant procurement legislation.

2.11. Procuring Officers are responsible for ensuring that a designated Contract Manager is appointed for the commencement of the Contract. Comprehensive Contract Management arrangements must be established from the outset and consistently maintained throughout the duration of the Contract.

2.12. Any Officer designated as a Contract Manager must attend Contract Management Training provided by the Corporate Procurement Team.

2.13. All decisions taken under these Rules must be recorded in the minutes of the Cabinet by the exercise of a Delegated Power under the Council's Scheme of Delegation, or by full Council decision or a Cabinet Report.

2.14. Any Inappropriate or unusual procurement activity must be reported immediately to

the Corporate Procurement team and Audit.

2.15. The Corporate Procurement Manager is responsible for keeping these Rules under review.

3. Compliance

3.1. All procurement activity must comply with,

3.1.1. All applicable statutory provisions.
3.1.2. Any applicable UK procurement legislation, including the Procurement Act 2023, Health Care Services (Provider Selection) Regime 2023 and the Public Contract Regulations 2015.
3.1.3. The Council's Constitution including these Rules and the Scheme of Delegation.

3.2. Any failure to comply with any of the provisions set out in these Rules may amount to misconduct, which could result in disciplinary action.

3.3. Procuring Officers are responsible for ensuring that employees, agency workers and consultants comply with these Rules.

3.4. Council Officers must adhere to all financial thresholds, value limits, and Aggregation requirements as set out in these Rules, ensuring full compliance with procurement governance and regulatory standards.

3.5. Council Officers must comply with the Council's 'No PO No Pay' Policy when raising any requisition for the purchase of any requirement.

3.6. A register of Council Contracts shall be kept and maintained by the Corporate Procurement Manager. The register shall specify the name of the Supplier, the Goods, Services, Health Care Services or Works to be supplied and the Contract Value.

4. Collaborative or Joint Procurement Arrangements

4.1. Where the Council is acting as the lead, host or spoke authority in any collaborative, joint or partnership arrangement, these Rules shall apply taking into account the Aggregated value of the collaborative or joint arrangement as a whole.

4.2. Where the Council accepts that a third party will undertake procurement on its behalf the Procuring Officer / Senior Manager shall ensure the procurement process is conducted in line with comparable Rules.

5. Procurement Planning

Contract Value and Aggregation

5.1. The value of the proposed Contract must be determined before undertaking a procurement to establish which Rules apply.

5.2. The value of the Contract is the total expenditure over its full term including optional extensions and not simply the estimated annual expenditure.

5.3. The value calculated for the proposed Contract shall be done so excluding VAT over the entire term of the Contract, including all options and potential extensions.

5.4. For the purposes of calculating a Contract where the Council does not pay a Supplier, or another Contracting Authority is responsible for paying or holding grant funding for example, the value of pecuniary interest to the Supplier must be used for the purposes of calculating the Contract value to determine which Rules apply.

5.5. Where the estimated pecuniary interest is equal to or above the UK Tender Threshold relevant at that time, a Delegated Power must be completed to commence a process.

5.6. Where the estimated pecuniary interest is £10,000 and above, a Delegated Power must be completed to award a Contract in accordance with section 9.8.

5.7. Procuring Officers must seek confirmation from Finance that there are sufficient funds available for the duration of a proposed Contract. Procuring Officers should also consider possible inflationary factors when calculating the spend across multiple years.

5.8. Where a Contract or Council requirement does not include a total price, the estimated value will be the amount of the consideration payable each month multiplied by 48 for an Aggregated total.

5.9. The exception to section 5.8 is where the Procuring Officer is aware that the requirement, will be less than 48 months and less than £10,000.

5.10. If purchasing collaboratively the total spend of all organisations must be Aggregated to determine the value of the whole requirement and whether it exceeds the UK Procurement Thresholds.

5.11. Council Officers must calculate the value of separate but similar requirements of the same type over a period of time. These must then be Aggregated to establish the value of the whole requirement to determine whether it falls within the UK Procurement Thresholds. Contact the Corporate Procurement team for further guidance.

5.12. Council Officers must never deliberately split the components of its requirements to avoid these Rules or UK Procurement Thresholds.

5.13. For the purposes of these Rules, a period for Aggregation will be no more than 48 months.

Conflict of Interest

5.14. Any potential, perceived or actual Conflict of Interest which may affect the award of a Contract under these Rules must be declared.

5.15. Every officer duly authorised to purchase Goods, Services, Health Care Services or Works must make a Written Declaration of Interest and update it immediately when an interest changes throughout the life of the Contract.

5.16. Where a procurement is estimated to be at or near the UK Procurement Threshold a Conflicts Assessment must be completed, reviewed and updated throughout the life of the Contract.

5.17. Any Mitigation for a Conflict of interest will be agreed between the Corporate Procurement team and the Procuring Officer in the first instance, with approval to be made by the Assistant Director of Governance and the Executive Director for the Service certifying that such interests as being acceptable or that appropriate mitigations have been included taking any necessary action in respect of potential Conflicts of Interest. This may include the Officer taking no part in the evaluation and/or award of a Contract by the Council relating to that interest.

5.18. A record of all procurement related Conflicts of Interests must be retained by the relevant Director.

5.19. Members must act in accordance with the Members Code of Conduct in relation to declaring Conflicts of Interest.

5.20. No gifts or hospitality that could be interpreted as an inducement should be accepted from any external organisations, and to do so is a disciplinary offence. Officers must refer to the Council's Gifts and Hospitality Guidance within the Constitution.

5.21. Officers must inform the relevant Executive Director for the service if they are dealing with a Contract for the Council and have been offered such a gift or hospitality.

Preparing for a Procurement

5.22. In preparing for a procurement process, Officers must,

5.22.1. Consider in-house provision to deliver the requirements.
5.22.2. Ensure that no Framework Agreement is available to source the requirements.
5.22.2.1. Where a Framework Agreement exists and is proposed not to be used, justification must be provided.
5.22.3. Consider how, where practicable, barriers can be removed that may prevent smaller and VCSE organisations bidding for the opportunity.
5.22.4. Consider how procurement may improve the social, environmental and economic wellbeing of the relevant in accordance with the Public Services (Social Value) Act 2012.
5.22.5. Define the requirements and establish a clear written specification.
5.22.6. Establish robust evaluation criteria for the procurement.
5.22.7. Consider how long the procurement process will take and consult with the Corporate Procurement team for advice on timescales.
5.22.8. Plan how the resultant Contract will be managed to ensure that what is

being procured is consistently delivered.

5.22.9. Ensure that a Key Decision has been recorded and published if the value is over £250,000.

5.22.10. Ensure that Cabinet Member approval has been received if the value is over £250,000

5.22.11. Ensure that if the total Contract value is £250,000 or more, a Forward Plan is completed.

5.23. Within approved budgets and schemes of delegation, Officers must place orders against an appropriate contract which has been entered into by the Council or to which the Council legally has access through approved consortia arrangements, joint Contracts with other Local Authorities or Central Government Contracts.

5.24. Advice must be sought from the Corporate Procurement team at the earliest opportunity before commencing a procurement process that exceeds the UK Procurement Thresholds as identified at Appendix B.

5.25. For each Contract where Public Procurement Legislation applies, relevant Notices must be published on the Central Digital Platform (CDP) by the Corporate Procurement team.

5.26. Minimum timescales relating to Tender procedures governed by Public Procurement Legislation are shown in the Procurement Handbook and these must always be adhered to.

5.27. Procuring Officers must have regard to the National Procurement Policy Statement (NPPS).

5.28. Where a procurement is of a High Value or Intermediate Value or where the proposed Contract is of an unusual or complex nature, Officers must consult the Corporate Procurement team before commencing a procurement process.

5.29. If the procurement relates to IT hardware, software or infrastructure the Procuring Officer must consult with the Council's IT Team before proceeding.

5.30. If an in-house service provider is capable of meeting the requirements, Procuring Officers should consider either commissioning them directly or inviting them to tender for the Contract.

5.31. Where a procurement is of a High Value, the Procuring Officer must obtain the relevant authority under the Scheme of Delegation; or from Cabinet prior to commencing a procurement process.

5.32. Procuring Officers must abide by these Rules and give consideration to any other Council policies that may apply. If in doubt, Officers should consult the Corporate Procurement team.

Specifying the Council's Requirements

5.33. Procuring Officers must determine in advance of any Competitive Process, the scope and specification of the Goods, Services, Health Care Services or Works

required and in accordance with all relevant procurement legislation including the Social Value Act 2012.

5.34. All specifications must be exact, concise, and explicit, providing a clear and unambiguous description of the Council's requirements. This ensures that Suppliers fully understand what is being procured and can respond appropriately and competitively.

5.35. Procuring Officers should avoid over specifying requirements as this can inflate costs and divert focus from the core objectives.

5.36. Procuring Officers should, in the case of a retendered service, consult with the Contact Manager and any other relevant stakeholders to determine any future requirements when specifying Goods, Services, Health Care Services or Works, identifying where future improvements, efficiencies and innovations can be achieved.

5.37. When defining specifications for Goods, Services, Health Care Services or Works, Procuring Officers must actively consider opportunities to reduce carbon impact throughout the lifecycle of the Contract. This includes where appropriate, incorporating environmental performance requirements, promoting the use of low-carbon materials and technologies, and aligning specifications with relevant sustainability standards.

5.38. Procuring Officers must consider any relevant Council Strategies when defining requirements prior to commencing a procurement process as appropriate.

5.39. Pilot schemes may be undertaken in order to identify the suitability of potentially new ways of delivering services. The term of any pilot scheme should not reasonably exceed the time required to assess the suitability of said scheme.

5.40. The pilot must be clearly defined in its period/length, scope, cost and required outcomes (which must be measurable) and it must have a clearly identified lead officer. Regular monitoring must be conducted to allow necessary adjustment and evaluation throughout the pilot scheme and if the outcomes are not being met a right to terminate must be included.

5.41. The Corporate Procurement team and Legal Services must be consulted prior to embarking on a pilot project to ensure compliance with all necessary legislation and to establish whether there is a need for a Contract.

5.42. A Delegated Power may also be required dependant on the threshold value of the pilot scheme. An exemption under the Rules cannot be applied for High Value opportunities above the UK Procurement Threshold.

Social Value in Procurement

5.43. The Council is committed to maximising social value through its procurement activities, in line with the Public Services (Social Value) Act 2012. All procurement decisions shall consider how contracts can improve the economic, social and environmental wellbeing within the boundaries of Redcar and Cleveland Borough

Council.

5.44. Social value considerations shall apply to all Council Contracts with a value exceeding £100,000. For lower value Contracts, social value may be incorporated where it is proportionate, and where the scope, nature of the contract, and the markets understanding of social value justify its inclusion.

5.45. All applicable Quotations and Tenders shall include the Council's Social Value Charter (or equivalent) and an appropriate social value measurement tool. Bidders shall set out clearly how they intend to meet the requirements of the Council's Social Value Charter, providing specific, measurable and evidence-based social value commitments that will be delivered as part of the contract.

5.46. Social value shall be evaluated as a distinct criterion within the Quotation or Tender process. A minimum of 10% of the available marks shall be allocated to social value.

5.47. The Council will engage with suppliers to raise awareness of social value expectations and provide guidance on how to submit meaningful, specific and deliverable social value commitments that are to be provided as a result of winning the Contract.

5.48. The social value commitments made by the successful bidder shall be translated into measurable Key Performance Indicators (KPIs), which the Contract Manager is responsible for monitoring throughout the duration of the contract.

5.49. Where appropriate, the Council may collaborate with other stakeholders, including neighbouring local authorities, NHS bodies, emergency services, and voluntary sector organisations—to maximise the delivery of social value through joint procurement initiatives or aligned objectives.

Procurement Strategy

5.50. Procuring Officers must contact the Corporate Procurement team who will support with determining an appropriate Procurement Strategy by which the Goods, Services, Health Care Services and Works will be acquired.

5.51. The Corporate Procurement team will advise which Rules apply to the Councils requirements, which includes;

5.51.1. The Procurement Act 2023.
5.51.2. The Health Care Services (Provider Selection Regime) Regulations 2023.
5.51.3. These Council Contract Procedure Rules.
5.51.4. The Public Contract Regulations 2015.

5.52. Officers must consider the following options when procuring Goods, Services, Health Care Services or Works.

5.52.1. Not purchase the requirements at all.
5.52.2. Providing the requirement internally.
5.52.3. Appointing an external Supplier, Provider or Contractor to deliver the

requirement.

5.52.4. Providing the requirement in partnership with another organisation, e.g Section 75 with an NHS organisation.

5.52.5. A shared service delivery working with another public sector body working in collaboration.

5.53. For procurement opportunities governed by the Procurement Act 2023, the following procedures are available.

5.53.1. Call off from an existing Framework Agreement

5.53.2. Open Procedure

5.53.3. Competitive Flexible Procedure

5.53.4. Direct Award (only in accordance with Sections 41 and 43 of the Act and Schedule 5) approved by the Corporate Procurement Manager and the Delegated Power Process.

5.54. For procurement opportunities governed by the Health Care Services (Provider Selection Regime) Regulations 2023, the following procedures are available.

5.54.1. Direct Award Process A

5.54.2. Direct Award Process B

5.54.3. Direct Award Process C

5.54.4. Competitive Process

5.54.5. Most Suitable Provider Process

5.55. For Procurement opportunities that are below UK Procurement Thresholds and therefore governed by these Rules, the following procedures are available.

5.55.1. Call off from a Framework Agreement

5.55.2. Closed Quotation

5.55.3. Open Quotation

5.56. Following the enactment of the Procurement Act 2023, no new Contract opportunities should be tendered for Contracts, Frameworks or Dynamic Purchasing Systems (DPS) under Public Contract Regulations 2015. All such procurements must now follow the procedures set out in the Procurement Act 2023.

5.57. Public Contracts Regulations 2015 may continue to apply in the following circumstances,

5.57.1. For managing existing Contracts, Frameworks and DPS that were awarded under the 2015 Regulations.

5.57.2. When placing a call off from a Framework or DPS that was awarded under the 2015 Regulations.

5.58. The Corporate Procurement team will provide advice and guidance on the choice and viability of the procedures and strategies available.

Threshold Based Procurement Rules

5.59. UK Procurement Thresholds are typically amended bi-annually in January and

published as a Procurement Policy Note (PPN). The latest UK Procurement Thresholds can be found in the table at Appendix B and in the Procurement Handbook.

5.60. All Contracts with an estimated value above £10,000 for Goods, Services and works must be processed via the Council's e-Procurement System. The Corporate Procurement team will facilitate the procurement process via the e-Procurement System on behalf of Procuring Officers.

5.61. All Health Care Services, regardless of value, that are competitively procured under the procedures outlined in section 5.54 must be processed via the Council's e-Procurement System.

5.62. When calculating total spend for Goods, Services and Works, Procuring Officers must calculate the total requirement, Aggregating the spend in line with 5.1 – 5.13

5.63. Documents to be used in any Quotation or Tender process must be obtained from the Corporate Procurement team. Only sections identified as amendable should be completed with relevant information to the Quotation or Tender.

5.64. Copies of Quotations or Tenders received must be retained by the Corporate Procurement team for audit purposes, in accordance with the Local Government Retention Guidelines.

5.65. Following a Competitive Process, Procuring Officers must seek approval via a Cabinet report or Delegated Power, to award the Contract to the Most Advantageous Tender (MAT).

5.66. All contract awards valued at and above £25,000 must have a Contracts Details Notice published on the CDP in accordance with the Procurement Act 2023.

5.67. Acceptance of a Quotation and/or the issue of a purchase order will create a legally binding Contract.

5.68. The Local Government Transparency Code requires the publication of details of any Contract, commissioned activity, purchase order, Framework Agreement and any other legally enforceable agreement with a value that exceeds £5,000. Procuring Officers must notify the Corporate Procurement Team in writing of all Contracts valued at and above £5,000. These will be published on the Councils Contract Register in accordance with the Local Government Transparency Code 2015.

5.69. The Procurement Act 2023 sets out requirements for Social and Other Specific Services, these include but are not limited to health care, social care, legal, benefit and religious services. This is referred to as the Light Touch Regime. Procuring Officers must seek advice from the Corporate Procurement team to determine which rules and procedure apply.

5.70. Contracts of all values must where possible include the Supplier Incentive Programme (SIP), encouraging Suppliers to sign up benefitting from payments within the standard 30 day terms. Where SIP is not included justification must be provided.

High Value Contracts that exceed the Procurement thresholds

5.71. Tenders must be invited via the Council's e-Tendering system for any Contract with a value estimated to be above or close to the relevant UK Procurement Threshold.

5.72. High Value Tenders are subject to the full extent of the relevant Procurement Legislation because they exceed the UK Procurement threshold identified at Appendix B.

5.73. The procedure to be used in High Value Tender opportunities must be determined prior to advertising and must be in accordance with one of the procedures as identified in section 5.53 of these rules.

5.74. In accordance with the Procurement Act 2023 Procuring Officers must consider offering the opportunity to the market in the form of separate lots. If it is deemed inappropriate to subdivide into lots, the reason must be recorded.

Intermediate Works Value Opportunities

5.75. Quotations must be invited via the Council's e-Tendering system for Works with a total value estimated at and exceeding £10,000 but below the UK Procurement threshold for Works.

5.76. Wherever practicable, Procuring Officers shall source requirements via an existing Framework Agreement. If no suitable Framework is available, officers must seek a minimum of three competitive Quotations. At least two of the invited Contractors should be based within the Redcar and Cleveland area, where possible.

5.77. The procedure to be used in Intermediate Works opportunities must be in accordance with the procedures identified in section 5.55.

Intermediate Goods and Services Opportunities

5.78. Quotations must be invited via the Council's e-Tendering system for Goods and Services, including social and other specific services, with a total value estimated at or exceeding £10,000 to the applicable UK Procurement Threshold.

5.79. Where practicable, Procuring Officers shall source requirements via an existing Framework agreement. If no suitable Framework is available, officers must seek a minimum of three competitive Quotations via the Council's e-Tendering system. At least two of the invited Contractors should be based within the Redcar and Cleveland area, where possible.

5.80. The procedure to be used in Intermediate Goods and Services opportunities must be in accordance with the procedures identified in section 5.55.

Low Value Works opportunities

5.81. For Works Contract opportunities with a value estimated below £10,000 it is the

Procuring Officers responsibility to demonstrate they have obtained Value for Money when purchasing the requirements.

5.82. Procuring Officers must consider awarding Contracts for Low Value Works to Contractors via an appropriate Framework Agreement, where possible.

5.83. Where a Framework Agreement is not available or appropriate, Procuring Officers must demonstrate that local Redcar and Cleveland Contractors have been considered for the opportunity and at least three Quotations obtained. At least two of the invited Contractors should be based within the Redcar and Cleveland area, where possible.

5.84. If a Quotation for a low value works opportunity reaches or exceeds £10,000, the Procuring Officer must consult the Corporate Procurement team. The team will then support with a Quotation process aligned with the procedures applicable to intermediate Work opportunities.

5.85. Approval for Low Value Works opportunities must be made via a Delegated Power where the contract value for the Works is or exceeds £10,000.

Low Value Goods and Services opportunities

5.86. For Goods and Services Contract opportunities valued below £10,000, it is the Procuring Officers responsibility to demonstrate they have obtained Value for Money when purchasing the requirements.

5.87. If a Quotation for a low value Goods or Services opportunity reaches or exceeds £10,000, the Procuring Officer must consult the Corporate Procurement team. The team will then support with a Quotation process aligned with the procedures applicable to Intermediate Goods and Services opportunities.

5.88. The exception to 5.86 is where a Corporate Contract is in place. In such instances, Procuring Officers must source requirements via the relevant Corporate Contract before seeking alternative Quotations. For further guidance on Corporate Contracts, officers should contact the Corporate Procurement team.

5.89. For all Contracts but particularly low value Contract opportunities in the absence of a formal Quotation or Tender, Procuring Officers should have regard in the first instance to local Redcar and Cleveland Suppliers and then by distance as follows;

5.89.1. Tees Valley Suppliers.
5.89.2. North East Suppliers.
5.89.3. Other UK based Suppliers based on distance to reduce the Council's Carbon footprint.

Provider Selection Regime Contract Opportunities

5.90. Where the Council's requirements are classified as a health care service, the Health Care Services (Provider Selection regime) Regulations 2023 shall apply.

5.91. UK Procurement Thresholds do not apply to Contracts that are governed under the

Provider Selection Regime, therefore all Health care Service Contract requirements are subject to the Legislation and the procedures identified at 5.54.

5.92. Only procedures set out at 5.54 are to be followed for applicable Health Care Services procured under the Health Care Services (Provider Selection regime) Regulations 2023.

5.93. Procuring Officers must contact the Corporate Procurement Team when looking to award a Contract which is subject to the Health Care Services (Provider Selection Regime) Regulations 2023, for support with the relevant award process.

Market Engagement

5.94. Before publishing Tender, or in some instances Quotation documentation, Officers may conduct Market Engagement with a view to.

5.94.1. Confirming or developing the Council's requirements and approach to the procurement.
5.94.2. Designing a procedure, Conditions of Participation or award criteria.
5.94.3. Understand the market and likely interested Suppliers.
5.94.4. seek advice from independent experts.
5.94.5. Building capacity amongst Suppliers in relation to the Contract.

5.95. If the procurement is valued at or near the UK Procurement Threshold, and Market Engagement is being used, a Preliminary Market Engagement Notice must be published on the government's CDP by the Corporate Procurement team.

5.95.1. If Market Engagement is not required for a High Value opportunity, an explanation must be provided in the Tender Notice as to why Market Engagement is not required.

5.96. Information obtained in Market Engagement may be used in the planning and strategy formation of the procurement, provided that it does not have the effect of distorting competition and does not result in violation of the principles of non-discrimination and transparency.

5.97. Officers undertaking Market Engagement must ensure that the exercise does not incorporate any element of supplier selection or bid evaluation; no commitments should be made by either party at Market Engagement.

5.98. Officers must ensure that Market Engagement exercises are conducted in an open and transparent manner, with all Suppliers being treated equally, no Supplier should be allowed to gain any advantage.

5.99. The Market Engagement process should be clearly documented and records kept of how the process was carried out including attendees, dates and details of discussions. Officers must consult with the Corporate Procurement team when undertaking Market Engagement.

6. Defining the Contract Terms

Terms and Conditions

6.1. Consideration must be given to establishing Contract terms and conditions to minimise the risks associated with the purchase of Goods, Services, Health Care Services or Works to be provided to the Council, with the default position being that the Council's own Standard Terms and Conditions shall be used in the first instance (unless it is otherwise advised by the Council's Legal Services team that its Standard Terms and Conditions would not be appropriate for the project in question).

6.2. Procuring Officers must ensure that the appropriate terms and conditions of Contract are in place for any purchase made.

6.3. Procuring Officers should ensure that purchases are subject to the Council's Standard Terms and Conditions and approved by Legal Services wherever possible. These shall be included with each purchase order or invitation to Quotation or Tender.

6.4. Where the inclusion of the Council's Standard Terms and Conditions is not possible, either because they are not appropriate, or alternatively because the Contractor insists upon the use of their own terms and conditions, an industry standard, or a model Contract, those terms and conditions must be reviewed and approved by Legal Services before they can be accepted.

6.5. In some circumstances, owing to the nature of the proposed Contract, the interests of the Council will be adequately protected by the issue of an official purchase order form. The Procuring Officer must seek confirmation from Legal Services that this is appropriate.

6.6. For all Contracts, Legal Services must be consulted to advise whether the Council's Standard Terms and Conditions are appropriate before inviting Tenders.

6.7. Where the value of the proposed Contract is £350,000 and above, the Contract must be executed under seal by Legal Services.

6.8. Procuring Officers must ensure that the terms and conditions of Contract stipulate that the Contractor will retain Contract documentation in line with the Council's and National Auditing Office requirements.

6.9. The Procuring Officer must ensure that where TUPE Regulations may apply, the terms and conditions of Contract contain the Council's Standard Terms and Conditions relating to TUPE information (where appropriate).

6.10. For Contracts under which access will be provided to Council and personal information, Procuring Officers must ensure that the terms and conditions of Contract stipulate that the Contractor will provide undertakings in relation to the adequacy of their information security and data protection measures required under the Data Protection Act 2018 and the General Data Protection Regulations (GDPR, including the UK GDPR) and, if appropriate, enter into any requisite confidentiality and/or third party access agreements as deemed necessary.

6.11. Procuring Officers must ensure that Bidders are advised of the Council's duties to disclose information where requested under the Freedom of Information Act.

6.12. The Council shall reserve the right to cancel the procurement process at any time, and this right will be included within the information forming part of the Quotation / Tender documentation.

Contractor Default

6.13. Procuring Officers must ensure that in a Contract for the supply of Goods, Services, Health Care Services or Works, a clause is inserted to reserve the right of the Council to terminate the Contract in full or in part and provide the Council with the option to fulfil the requirement using an alternative Supplier, where the Contractor fails to complete the Contract within the time specified or in the manner determined in the terms and conditions.

6.14. Procuring Officers must ensure that in a Contract for the supply of Goods, Services, Health Care Services or Works, a clause is inserted to reserve the right of the Council to recover any additional costs resulting from Contractor Default. As the contract is being developed active consideration should be given to the inclusion of penalty clauses to transfer risk to bidders for failure to fully deliver on the contract.

6.15. Procuring Officers must ensure that in a Contract for Goods, Services, Health Care Services or Works which amounts to £350,000 or more in value, the Contract shall provide for the payment of Liquidated Damages by the Contractor where they fail to complete the Contract within the time specified or the manner determined in the terms and conditions. Procuring Officers may also choose to include the appropriate provisions within the Contract to provide for the payment of Liquidated Damages by the Contractor where the value of the Goods, Services, Health Care Services or Works amounts to less than £350,000, but this is not an express requirement.

Guarantees and Performance Bonds

6.16. The Procuring Officer must consult Legal Services on all tenders where the total value is £350,000 or above to determine if a bond, parent company guarantee or other security is required. Where a bond is required, the value of the bond must be agreed with Legal Services.

6.17. In Contracts for Works, the Council will usually specify that a Contract performance bond will be required if the value or amount of the Contract is £350,000 or above, in addition to the retention of a proportion of the Contract sum, until the work has been satisfactorily completed and maintained. Such a bond is to be released on the practical completion of the Works. If the Procuring Officer considers it to be appropriate a Contract performance bond may be required for Works under £350,000.

6.18. The Procuring Officer must obtain prior consent from the Corporate Director for Resources or Director of Finance if the value of the proposed Contract for works is

£350,000 or above and security or bond is not required.

6.19. In a Contract for the supply of Goods, Services or Health Care Services, which amounts to £350,000 or more in value the Council will require a Contractor to give sufficient security for the due performance of the Contract. Such security or bond shall be released upon the completion of the Contract. If the Procuring Officer considers it is appropriate, then a bond may be required if the Contract value is less than £350,000.

7. Supplier Identification

Framework Agreements to meet Council Requirements

7.1. Procuring Officers should, where appropriate, seek to award Council requirements under a compliant Framework Agreement in the first instance.

7.2. Existing Framework Agreements, in particular those arranged by the North East Procurement Organisation (NEPO), must be considered first before any other Framework arranged by another Professional Buying Organisation (PBO), such as ESPO, YPO etc.

7.3. Procuring Officers must follow the call-off / award procedures set out in the Framework Agreement to ensure compliance.

7.4. The Corporate Procurement team will provide advice, guidance and support on the use of Framework Agreements and where appropriate a Delegated Power may be required.

Advertising Council Opportunities

7.5. All High Value opportunities that exceed or are likely to exceed the UK Procurement Thresholds must be advertised:

7.5.1. Locally, Regionally and Nationally
7.5.2. Where applicable, in accordance with the requirements of the Procurement Act 2023, on the CDP publishing all relevant Notices.
7.5.3. On the Council's e-Procurement System.

7.6. For Intermediate and Low Value opportunities, an advertisement for a Contract opportunity may be published, if it is in the Council's interest to do so. If a Notice is published, it must be published on the CDP before it is advertised anywhere else.

7.7. Where the procurement is not subject to the Procurement Act, the advertisement should be proportionate to the scope of the requirement but not less than 21 days from the deadline of submission of applications unless otherwise agreed by the Corporate Procurement team.

7.8. When a Contract is awarded at or above £30,000 (inclusive of VAT) a Contract Details Notice must be published on the CDP, Procuring Officers must inform the Corporate Procurement team who will be responsible for completing this.

7.9. Procuring Officers must consider any advertising requirements stipulated by a relevant grant funding body.

7.10. Notices should only be published by a member of the Corporate Procurement Team unless authorised by the Corporate Procurement Manager.

Conditions of Participation

7.11. Procuring Officers must satisfy themselves that Suppliers have relevant and proportional minimum levels of suitability to be either eligible to be awarded a Contract for Open tenders or participate in a Tender process in the case of a Competitive Flexible Procedure.

7.12. Where applicable, Procuring Officers may set proportionate minimum standards relating to Bidders legal and financial capacity, such as turnover thresholds or insurance requirements, provided these are justified and proportionate to the scope and risk of the Contract. Similarly, technical and professional ability may be assessed through evidence of past performance, qualifications, accreditations, or references.

7.13. Where the estimated Contract value is below the UK Procurement Thresholds for Goods, Services and Works, the Council must not include a qualification or Conditions of Participation stage to assess Quotations.

Appointment of Sub-Contractors

7.14. If a Sub-Contractor or Supplier is to be appointed by a main Contractor, the Contract Manager must ensure the following:

7.14.1. That the main Contractor remains responsible and liable for the acts and omissions of any other members of a consortium arrangement, Sub-Contractors, servants, agents and employees as though they were its own.
7.14.2. That the Council reserves the right to inspect any documentation relating to the appointment of Sub-Contractors
7.14.3. That any payment due from the main Contractor to the Sub-Contractor under the Contract is made as soon as possible but no later than the end of a period of 30 day from the date on which the relevant invoice is regarded and valid and undisputed.
7.14.4. That any Sub-Contractor is not or does not become an excludable Supplier under the Procurement Act 2023.
7.14.5. Prohibit any appointment of Sub-Contractors who appear on the Debarment List.
7.14.6. That the Sub-Contractor is a UK or treaty state Supplier

8. Submission of Tenders and Quotations

8.1. Quotations / Tenders must be published allowing Bidders an appropriate amount of time to consider and prepare a response to the requirements.

8.1.1. High Value Goods, Services and Works opportunities will be governed by the timescales set out in the Procurement Act 2023, these are minimum

timescales and consideration should be given to determine if more time should be given to Bidders in order to complete the tender.

8.1.2. Intermediate and where appropriate low value published opportunities shall be proportionate to the requirement, however in line with 7.7, be published for no less than 21 days unless agreed with the Corporate Procurement team.

8.2. Quotations / Tenders received using the Council's e-Procurement System will be accepted electronically and an audit trail will be recorded on the system.

8.3. Quotations / Tenders received must be opened electronically as soon as practicable after the deadline for submissions has passed.

8.4. Quotations / Tenders received shall be opened by a member of the Corporate Procurement team.

8.5. Quotations / Tenders received after the advertised deadline specified will be rejected. Bidders must be advised of this in the Quotation / Tender documentation.

8.5.1. The exception to 8.5 is where there is a genuine error with the e-Procurement System that prevented the Bidder submitting a compliant bid and this was outside of the control of the Bidder. This must be confirmed with the e-Procurement System provider at the earliest opportunity.

8.5.2. Approval to allow a late Quotation / Tender to participate in a procurement process in accordance with 8.5.1 must be authorised by the Corporate Procurement Manager and Legal Services and not prejudice any other Bidder.

8.6. Relevant Quotation / Tender information will be shared with Officers that have completed a Conflict of Interest Declaration for the purposes of evaluating the submission.

9. Evaluation of Quotations / Tenders and Contract Award

9.1. The purpose of evaluation is to identify the Most Advantageous Tender (MAT) which takes into consideration the evaluation criteria which should typically include, Quality, Price and Social Value.

9.2. An evaluation panel consisting of Subject Matter Experts will be formed and provided with guidance documentation that must be read, understood and signed before evaluating any Quotation or Tender.

9.3. Quotation / Tender questions must be evaluated by a minimum of two Subject Matter Experts.

9.4. Evaluators will not be provided with the Pricing Schedule so as to not influence any decisions in evaluation, except in circumstances where it is absolutely necessary to evaluate the Tender as a whole. The Price Schedule will only be disclosed on approval by the Corporate Procurement Manager.

9.5. Following individual evaluations, a moderation meeting will be scheduled for all evaluation panel members to agree on a moderated score for each Bidder. The

Corporate Procurement team will lead and facilitate moderation meetings.

9.6. For Tender processes subject to the Procurement Act 2023, negotiation is only permitted in exceptional circumstances by conducting a Competitive Flexible Procedure. Procuring Officers must contact the Corporate Procurement team for advice.

9.7. Where only one submission has been received following a Competitive Process, Procuring Officers must ensure the submission received is within budget and is deemed at or within the expected market rate.

9.8. Procuring Officers must seek approval for the award of any Contract valued at and above £10,000, via a Delegated Power or Cabinet Report in the following instances.

9.8.1. For any Goods, Services, Health Care Services and Works.
9.8.2. Following a competitive Quotation / Tender process.
9.8.3. Awarding under a Further Competition or a Direct Award from a Framework Agreement.
9.8.4. When awarding grant funding.
9.8.5. Where a Contract is to be awarded under Sections 41 or 43 or Schedule 5 of the Procurement Act 2023.
9.8.6. Where another Contracting Authority is responsible for payment to a Supplier but Redcar and Cleveland Borough Council receive goods, works or services as a result of the agreement.
9.8.7. Where the Council enters a Contract of zero value but the pecuniary interest to the Supplier exceeds £10,000 in any instance.
9.8.8. Where a Contract is to be awarded by an exemption under these Rules.

9.9. For Contracts subject to the Procurement Act 2023 an 8 working day Standstill Period must be observed between the Contract Award Notice being published and the Contract Details Notice being published. Only once all Bidders have received their 'Assessment Summaries' can the Contract Award Notice be published. The Assessment Summary must include:

9.9.1. Name and address of the Supplier.
9.9.2. The award criteria.
9.9.3. A summary of the assessment methodology.
9.9.4. Score against each award criterion.
9.9.5. Detailed reasons for the score for each award criterion plus (as best practice only) the reason why each criterion was not given the score immediately above the score it was awarded.
9.9.6. Total score for the tender.
9.9.7. All of the above for the successful Supplier.
9.9.8. An explanation of why the Tender was unsuccessful.

9.10. Procuring Officers must consider Bank Holidays of England, Wales, Scotland and Northern Ireland when calculating the 8 working day Standstill Period. The Corporate Procurement team will support with calculating the mandatory Standstill Period.

9.11. Procuring Officers must contact the Corporate Procurement team if asked for a

debrief by a Bidder.

10. Contractual Arrangements

10.1. Procuring Officers must secure the relevant authority to award a Contract prior to instructing Legal Services.

10.2. Where a Bidder has issued their own terms and conditions, Legal Services must be consulted to confirm if the terms can be accepted.

10.3. Where a formal written Contract is required, no purchase order should be issued to a Supplier until the Contract has been agreed and signed by both or all participating parties.

10.4. Where a formal written Contract is required the Procuring Officer must ensure that the Contract has been duly signed or executed under seal and deposited with Legal Services, prior to Contract Commencement.

10.5. Formal written Contracts must be signed by a minimum of two Authorised Signatories of the Council except where statutory rules apply.

10.6. Contracts with a value at or above £350,000 must be in writing and executed under seal by the Corporate Director for Resources and authorised by a minimum of two Authorised Signatories of the Council.

10.7. Every formal written Contract must be approved, signed, recorded and retained by the Corporate Director for Resources.

10.8. If an in-house provider is awarded a Contract it will take the form of a Service Level Agreement, incorporating appropriate terms and conditions.

10.9. Contracts will expire at the end of the terms as defined in the terms and conditions of the Contract.

10.10. A Contract that expires at the end of the term and is subject to the Procurement Act 2023 must have a relevant Notice published on the CDP. The Corporate Procurement team are responsible for publishing the Notice.

10.11. Contracts may be terminated early by agreement prior to the Contract Expiry Date in accordance with the termination provisions set out in the Contract and in conjunction with advice from Legal services.

10.12. Termination of a Contract must be approved by the Corporate Director in consultation with Legal Services; this must be reported to Cabinet and retained by the Council.

10.13. A Contract that expires as a result of Termination may require a Notice to be published to the CDP, please inform the Corporate Procurement team who will advise and action.

10.14. In appropriate circumstances the Council may agree to transfer a Contract.

10.15. A decision to transfer a Contract must be taken by the Cabinet or an Officer acting under Delegated Powers for all Contracts.

11. Contract Extensions and Modifications

Contract Extensions

11.1. A Contract may be extended before the Contract Expiry Date where it is permissible in the Contract in accordance with the original terms and conditions.

11.2. Before a Contract is extended in line with the original terms and conditions, the service lead in consultation with the Contract Manager must assess the performance and total cost of the Contract to determine if.

11.2.1. The requirement still exists.
11.2.2. The intended requirements will continue to be met.
11.2.3. Value for Money will continue to be achieved.

11.3. Contract Managers may consider benchmarking prior to committing to an extension to determine the points in 11.2

11.4. Procuring Officers must obtain approval for any Contract Extension via a Delegated Power or Cabinet Report where the Contract value is above £10,000 or the Extension takes the total Contract value above £10,000. Approval must be secured before the extension is implemented. Officers must consider how much notice both parties require, factoring in the anticipated timeframe for re-procurement to ensure continuity of service and compliance.

11.5. Where the Contract terms and conditions do not provide expressly for an extension and the Contract is subject to the Procurement Regulations, the Contract may only be modified by way of a Contract Modification and must not be extended without consulting Procurement and Legal Services.

11.6. Where the Contract terms and conditions do not provide expressly for an extension and the contract is not subject to the Procurement Regulations, it may be extended, under certain circumstances and only where Value for Money can be demonstrated, and in consultation with Procurement and Legal services.

11.7. All Contract Extensions must be agreed in writing by all parties.

11.8. An Expired Contract cannot be extended.

Contract Modifications

11.9. It is recognised that during the term of a Contract or Framework Agreement a Contract Modification to the scope, price, deliverable(s) or duration may be necessary to ensure continued Value for Money and alignment with the Council's objectives.

11.10. All Contract Modifications must,

11.10.1. Be documented in writing.
11.10.2. Comply with the original terms and conditions.
11.10.3. Be assessed for financial and operational impact.
11.10.4. Be recorded by the Contract Manager.

11.11. Before initiating any Contract Modification, Contract Managers must consult both the Corporate Procurement team and Legal Services to ensure compliance with both procurement and legal procedures.

11.12. Procuring Officers must obtain approval for any Contract Modification above £10,000 via a Delegated Power or Cabinet Report. Approval must be secured before the Modification is implemented.

11.13. High Value Contracts and Framework Agreements may be modified subject to restrictions set out in the Procurement Act 2023, specifically sections 74-77 and Schedule 8.

11.14. Where a Contract or Framework Agreement is governed by the Procurement Act 2023, a Contract Change Notice must be published prior to a modification taking effect.

11.15. The Corporate Procurement team is responsible for publishing all required Notices and ensuring compliance with transparency obligations.

11.16. Contract Modifications for any Contract that falls below the UK Procurement Thresholds are permissible, provided they follow the rules defined in section 11.10.

11.17. Where a Contract Modification causes the total value of a Low or Intermediate Value Contract to exceed the applicable UK Procurement Threshold, the Contract shall be deemed 'Convertible'. A Convertible Contract is one that transitions into a Public Contract and becomes subject to the full provisions of the Procurement Act 2023 and the requirement to publish Notices.

12. Exemptions to these Contract Procedure Rules

12.1. No exemption may be granted for procurements governed by,

12.1.1. The Procurement Act 2023
12.1.2. The Health Care Services (Provider Selection Regime) Regulations 2023

12.2. Exemptions under these Rules must be formally approved before awarding a Contract or issuing a Purchase Order.

12.3. An exemption may be approved by Cabinet or by Members and Officers acting under delegated authority, if they are satisfied after considering a written report by the Procuring Officer that the exemption is justified because,

12.3.1. the nature of the market for the Goods or Services to be provided or the Works to be carried out has been investigated and is demonstrated to be such that a departure from the requirements of these Rules is justifiable.

12.3.2. the Contract is for Goods, Services or Works that are required in circumstances of extreme urgency that could not reasonably have been foreseen.

12.3.3. the award is for emergency social care, special educational needs, or residential care that is required in circumstances of extreme urgency in order to meet the Council's statutory requirements.

12.3.4. the Services provided are under a pilot scheme as set out in 5.39 – 5.42.

12.3.5. Procurement when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract may only legitimately be awarded to a particular third party.

12.3.6. There are circumstances which are genuinely exceptional.

12.4. A record of the decision approving an exemption under these Rules and the reasons for it must be reported to Cabinet and retained by the Council.

Appendix A – Contract Type, Value and Process

Category	Contract Value	Procurement Process and Notice Requirement
Goods and Services High Value	Above the Goods and Services Threshold (currently £207,720 incl VAT / £173,100 excl VAT)	Tender or call off from an existing Framework Agreement, DPS or Dynamic Market. Requires all applicable Notices on the CDP. To be advertised through the Councils e-Procurement System.
Goods and Services Intermediate Value	10,000 to the Goods and Services Threshold (currently £207,720 incl VAT / £173,100 excl VAT)	Quotation (RFQ) or call off from an existing Framework Agreement, DPS Requires a Contract Details Notice (when the contract is £25,000 (excl VAT) and above) or if using a below threshold open Quotation a Tender Notice must be published. Procurement procedure can either a below threshold open or closed quotation To be advertised through the Councils e-Procurement System.
Goods and Services Low Value	< £10,000	Procuring Officers to ensure Value for Money and obtain 3 Quotes wherever possible. No formal Notice requirement. Procuring Officer must advise Corporate Procurement where the Contract / requirement is £5k or more so that an entry can be included on the Councils Contract Register in accordance with section 5.68 of these Rules.
Social and Other Specific Services (Light Touch Regime) High Value	Above the Light Touch Regime Threshold (currently £633,540 incl VAT / £527,950 excl VAT)	Tender or call off from an existing Framework Agreement, DPS or Dynamic Market. Requires all applicable Notices on the CDP. To be advertised through the Councils e-Procurement System.

Social and Other Specific Services (Light Touch Regime) Intermediate Value	£10,000 to the Light Touch regime Threshold (currently £633,540 incl VAT / £527,950 excl VAT)	Quotation or call off from an existing Framework Agreement, DPS or Dynamic Market. Requires a Contract Details Notice only (when the contract is £25,000 (excl VAT) and above). To be advertised through the Councils e-Procurement System.
Social and Other Specific Services (Light Touch Regime) Low Value	< £10,000	Procuring Officers to ensure Value for Money and obtain 3 Quotes wherever possible. No Notice requirement. Procuring Officer must advise Corporate Procurement where the Contract / requirement is £5k or more so that an entry can be included on the Councils Contract Register in accordance with section 5.68 of these Rules.
Works High Value	Above the Works Threshold (currently £5,193,000 incl VAT / £4,327,500 excl VAT)	Tender or call off from an existing Framework Agreement, DPS or Dynamic Market. Requires all applicable Notices on the CDP. To be advertised through the Councils e-Procurement System.
Works Intermediate Value	£10,000 to the Works Threshold (currently £5,193,000 incl VAT / £4,327,500 excl VAT)	Quotation (RFQ) or call off from an existing Framework Agreement, DPS. Requires a Contract Details Notice only (when the contract is £25,000 (excl VAT) and above). To be advertised through the Councils e-Procurement System.
Works Low Value	< £10,000	Procuring Officers to ensure Value for Money and obtain 3 Quotes from local Contractors wherever possible. Requires a Contract Details Notice only (when the contract is £25,000 (excl VAT) and above). Procuring Officer must advise Corporate Procurement where the Contract / requirement is £5k or more so that an entry can be included on the Councils Contract Register in accordance with section 5.68 of these Rules.

Provider Selection Regime	All Contract Values	Tender or Award in accordance with the Health Care (Provider Selection Regime) Regulations 2023 Notices in accordance with the Regulations. Procuring Officer must advise Corporate Procurement for all levels of spend, however, where the Contract / requirement is £5k or more the Corporate Procurement team will add the requirements under contract to the Councils Contract Register in accordance with section 5.68 of these Rules.

Appendix B – UK Procurement Thresholds

Procurement Thresholds 01 January 2026 to 31 December 2027.		
Contract Type	**Sub-Central Government Threshold Including VAT**	**Sub-Central Government Threshold Excluding VAT**
Goods and Services	£207,720	£173,100
Works	£5,193,000	£4,327,500
Social and Other Specific Services (Light Touch Regime)	£663,540	£552,950
Concession Contracts	£5,193,000	£4,327,500
Health Services covered by the Provider Selection Regime	No Thresholds – all Services classified as Health Care Services as defined in the Regime are subject to the regulations.	

Appendix C – Glossary of Terms

Term	Definition
Aggregation	Process by which demand for a specific category of Goods, Services or Works across all directorates of the Council is consolidated and brought to the market as a single contract opportunity. [back]
Assessment Summaries	Formal documents that a contracting authority must provide to each Supplier who submitted an Assessed Tender during a competitive tendering procedure. These summaries must be issued prior to the publication of the Contract Award Notice, as required under Section 50 of the Procurement Act 2023. [back]
Authorised Signatories	Specific Legal Officers duly authorised under the Scheme of Delegation to sign Contracts on behalf of the Council. A list of Authorised Signatories is held by Legal Services. [back]
Bidder(s)	An organisation engaging in a Competitive Process to win business with the Council. [back]
Central Digital Platform (CDP)	A secure, unified online system used to manage, publish, and access procurement-related information and documentation. It serves as the primary interface for contracting authorities and Suppliers to conduct tendering processes, submit bids, and communicate throughout the contract lifecycle. [back]
Closed Quotation	A below the UK Procurement Threshold Quotation governed by these Rules, where the Council chooses which suppliers to issue Quotation documentation to and only those are able to bid. Closed quotations must where applicable include at least three suppliers capable of providing the requirements, of which two should be a Redcar and Cleveland Supplier in the first instance or Tees Valley in the second instance. Where no Redcar and Cleveland or Tees Valley suppliers are available a Closed Quotation may include any Supplier but Procuring Officers should consider proximity to Redcar and Cleveland Borough Council. [back]
Competitive Process	An open and fair process which involves the Council seeking proposals from Suppliers, in

	order to obtain Value for Money in its purchasing activities. [back]
Concession Contract	A Concession Contract is used where the Council wishes to engage a party to provide a service within the Council area, consideration for which, is in the form of the party ("the concessionaire") being given a right to charge the public for the Services being provided. [back]
Conditions of Participation	The minimum requirements a Supplier must meet to be eligible to take part in a procurement process. These may include legal, financial, technical, or professional criteria necessary to ensure the Suppliers capability to deliver the contract. [back]
Conflict of Interest	A situation in which a person or organisation involved in a contract procedure has competing interests or loyalties that could improperly influence their impartiality, decision-making, or actions. This includes financial, personal, or professional interests that may compromise integrity or fairness in the procurement process. [back]
Conflicts Assessment	A structured evaluation conducted to identify, assess, and document any actual, potential, or perceived conflicts of interest that may affect the integrity or impartiality of individuals or organisations involved in a contract procedure. It supports transparency and ensures appropriate mitigation measures are in place. [back]
Contract	A legally binding arrangement between two or more parties, which is enforceable by law; for the purpose of these rules a Contract is a Contract for the supply of Goods, Services or Works; this can be written, verbal or implied by an officers actions, e.g. issuing a purchase order to a Supplier. [back]
Contract Commencement	Contract Commencement refers to the official start date from which the terms and obligations of a Contract become legally binding and enforceable by all parties. [back]
Contract Expiry Date	The final date on which a Contract remains valid. After this date, the terms of the agreement are no longer legally binding unless renewed or

	extended in line with the original terms and in accordance with relevant procurement legislation. [back]
Contract Extension	An agreed continuation of a Contract beyond its Initial Term, permitted only if the extension was clearly provided for in the initial Contract and complies with the conditions set out in the Procurement Act 2023 and the Health Care Services (Provider Selection) Regime 2023. [back]
Contract Management	The process of overseeing and administering a Contract throughout its lifecycle to ensure that all parties meet their obligations, performance standards are achieved, risks are managed, and Value for Money is delivered. It includes monitoring compliance, handling variations, resolving disputes, and maintaining effective communication. [back]
Contract Manager	An individual responsible for overseeing the execution and performance of a Contract, ensuring that all contractual obligations are met by both parties. This role includes managing risks, monitoring compliance, facilitating communication, managing modifications, and driving value throughout the contract lifecycle. [back]
Contract Modification	A formally agreed change to the terms of an existing Contract, which may alter its scope, deliverables, timing, price, or other conditions. Moderations must be documented, approved by all relevant parties, and comply with any procedural requirements set out in the original contract or applicable regulations. [back]
Convertible Contract	A Convertible Contract is a Contract that was originally awarded below the UK Procurement Threshold, but which due to a Modification now exceeds the Threshold. A Convertible Contract becomes subject to the full provisions set out within the Procurement Act 2023, including Notices. [back]
Corporate Contract	A formal agreement established for the procurement of Goods, Services, or Works that are intended for use across multiple departments or service areas. Corporate Contracts are designed to consolidate purchasing, ensure compliance with

	procurement regulations, and achieve Value for Money through standardised terms and economies of scale. [back]
Debarment List	Refers to the official register maintained by a Minister of the Crown, listing Suppliers who are prohibited or restricted from participating in public procurement processes due to past conduct or circumstances that give rise to mandatory or discretionary exclusion grounds under applicable legislation. Inclusion on the Debarment List signifies that a Supplier is either an excluded supplier or an excludable supplier. [back]
Dynamic Purchasing Systems	A fully electronic procurement procedure used for commonly available Goods or Services. It allows Suppliers to join at any time during its validity, subject to meeting selection criteria, and enables contracting authorities to run streamlined competitions among qualified Suppliers for specific Contracts. [back]
e-Procurement System	An electronic platform used to manage procurement processes digitally, including the publication of contract opportunities, submission of tenders, evaluation of bids, and award of Contracts. It enhances transparency, efficiency, and compliance in public and private sector procurement activities. [back]
Framework	A pre-established agreement between one or more contracting authorities and one or more Suppliers that sets out the terms under which specific purchases (call-offs) may be made during a defined period. It enables streamlined procurement without the need for repeated tendering, covering pricing, quality standards, and other key conditions. [back]
Framework Agreement	An arrangement between one or more contracting authorities and one or more Supplier(s) which establishes the terms (in particular the terms as to price and, where appropriate, quantity) under which the Supplier will enter into one or more Contracts with a contracting authority in the period during which the Framework Agreement applies. [back]
Goods	Tangible items or products that are purchased, supplied, or delivered under a Contract. This includes materials, equipment, consumables,

	and other physical assets, whether manufactured or in raw form, intended for use or resale by the contracting authority. [back]
Health Care Services	are services provided to support the physical or mental health and wellbeing of individuals. These may include medical treatment, nursing care, mental health support, rehabilitation, and preventative care, delivered by qualified professionals or organisations. Services can be provided in hospitals, clinics, community settings, or at home, and may be commissioned by the local authority in partnership with NHS bodies, charities, or private providers. [back]
High Value	Where the Contract value exceeds the UK Procurement Thresholds and a full Tender process in accordance with the Regulations is required. [back]
Intermediate Value	Where the Contract value exceeds the low value, £10,000 for Goods, Services and Works, but is below the UK Procurement Threshold. [back]
Light Touch Regime	The Light Touch Regime refers to a specific set of procurement rules applicable to Contracts for certain social, health, education, and other public services that are provided directly to individuals or communities. [back]
Liquidated Damages	A Specific sum of money, mathematically calculable at the time the Contract is entered into, which will act as compensation for a specific breach. The amount of damages must be a genuine pre-estimate of loss likely to be incurred by the party. [back]
Market Engagement	The process of interacting with Suppliers and stakeholders prior to a formal procurement to gather insights, test assumptions, and inform the development of the contracting strategy. It helps ensure that requirements are realistic, commercially viable, and aligned with market capabilities. [back]
Most Advantageous Tender	The Tender that offers the best overall Value for Money, assessed against pre-defined evaluation criteria such as quality, price, technical merit, sustainability, and social value. MAT is selected based on a holistic assessment rather than lowest cost alone. [back]

North East Procurement Organisation	A collaborative procurement body governed by twelve North East local authorities, NEPO develops and manages compliant procurement solutions across a wide range of Goods, Services, and Works. Established to deliver Value for Money and positive outcomes for the public sector, NEPO enables efficient, transparent, and socially responsible contracting through shared frameworks. [back]
Notices	Formal communications issued during the procurement process to inform interested parties of key events, decisions, or requirements. This includes publication of Contract opportunities, award decisions, modifications, and cancellations, typically via the Central Digital Platform. [back]
Open Quotation	A below the UK Procurement Threshold Quotation governed by these Rules, where the Council does not restrict who may bid for the opportunity. An Open Quotation must be advertised on the CDP first before it is advertised anywhere else. [back]
Procurement Policy Note (PPN)	Official guidance issued by the UK Government to communicate new or updated procurement policies and best practices to public sector organisations. PPNs support the consistent and compliant implementation of procurement regulations and strategic priorities across contracting authorities. [back]
Procurement Handbook	A guide produced for Procuring Officers to detail the procurement process and the roles and responsibilities for those involved. [back]
Procurement Strategy	A structured plan that outlines how an organisation will source Goods, Services, or Works to meet its objectives. It defines the approach to Supplier selection, Contract Management, risk mitigation, and value delivery, ensuring procurement activities align with broader organisational goals and regulatory requirements. [back]
Procuring Officer	The Officer duly responsible for procuring the Council's requirement in accordance with these rules and the applicable procurement legislation. [back]

Professional Buying Organisation	An entity that procures Goods, Services, or Works on behalf of multiple public sector bodies, often through collaborative frameworks. PBOs leverage collective buying power to deliver compliant, cost-effective, and efficient procurement solutions. Examples include Crown Commercial Service (CCS), North East Procurement Organisation (NEPO) and Eastern Shires Purchasing Organisation (ESPO). [back]
Public Contract	A Public Contract is an agreement for Goods, Services, or Works awarded by a Contracting Authority where the total value meets or exceeds the financial thresholds set out in the Procurement Act 2023. Such Contracts are subject to the full requirements of the Act, including transparency and publication obligations. [back]
Quote(s) / Quotation	A request for pricing generally deemed to be that of a low or Intermediate Value requirement that is not subject to the full extent of the Procurement Act 2023. [back]
Services	Activities or functions performed by a Supplier or Contractor to meet the needs of a contracting authority, excluding the supply of Goods or execution of Works. Services may include professional, technical, advisory, maintenance, or operational support delivered under a Contract. [back]
Standing Orders	A set of rules and procedures adopted by a public sector organisation to govern the conduct of procurement and contracting activities. Standing Orders ensure transparency, accountability, and compliance with legal and regulatory requirements, setting out minimum standards for decision-making, financial thresholds, and approval processes. [back]
Standstill Period	Refers to the mandatory interval between the publication of a Contract Award Notice and the formal entry into a Public Contract by the contracting authority. During this period—a minimum of eight working days beginning with the day the award notice is published—the authority must not enter into the Contract [back]
Sub-Contractor	Organisations or individuals engaged by a primary Contractor to carry out specific parts of a Contract. Sub-Contractors operate under the

	direction of the main Contractor and are responsible for delivering defined elements of the overall scope, often in specialised areas such as construction, consultancy, or technical services. [back]
Subject Matter Expert	Individuals with deep expertise and specialised knowledge in a particular field relevant to the procurement or Contract. SMEs provide technical insight, support decision-making, and contribute to the development of specifications, evaluation criteria, and risk assessments throughout the procurement lifecycle. [back]
Supplier, Provider or Contractor	An organisation or individual engaged to deliver Goods, Services, or Works under a contractual agreement with a contracting authority. These terms are often used interchangeably, depending on the nature of the Contract, and refer to entities responsible for fulfilling specified requirements in accordance with agreed terms and conditions. [back]
Supplier Incentive Programme	A commercial arrangement whereby suppliers are offered favourable payment terms such as accelerated payment in exchange for a small, agreed percentage deduction from the invoice value. The programme aims to improve supplier cash flow while generating cost efficiencies for the contracting authority. [back]
Tender	Where the Councils requirement(s) exceed the UK Procurement Thresholds for Goods, Services, Works and any Health Care Service requiring full compliance with the Procurement Act 2023. [back]
UK Procurement Thresholds	Monetary limits set under the Procurement Act 2023 that determine when public sector contracts must follow regulated procurement procedures. These thresholds vary by Contract type and buyer category, and include VAT. Contracts above the thresholds require formal Notices and compliance with transparency and competition rules, while below-threshold contracts follow simplified requirements. [back]
Value for Money	Value for Money is not the lowest possible price; it combines Goods, Services or Works that fully meet the Council's needs, with the level of quality required, delivery at the right time, and at an appropriate price. [back]

Works	Refers to activities involving the construction, repair, maintenance, or alteration of buildings, infrastructure, or other physical assets. This includes Contracts for the execution of building or civil engineering projects where the outcome is a deliverable of economic or functional value. Works Contracts are subject to specific procurement thresholds and procedures under the Act and are defined by specific Common Procurement Vocabulary (CPV) Codes. [back]
Written Declaration of Interest	Form completed by Officers in order to declare a Conflict of Interest in a Contract entered into by the Authority, as prescribed in the Officers Code of Conduct within the Council's Constitution. [back]

Officer Employment Procedure Rules

1. **Recruitment and appointment**

(a) Declarations

(i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor, officer of the Council, or of the partner of such persons.

(ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment.

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

(ii) no councillor will seek support for any person for any appointment with the Council.

2. **Recruitment of head of paid service and chief officers**

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and

(ii) any qualification 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.

3. **Appointment of head of paid service**

a) The full council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.

(b) The full Council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any member of the Cabinet.

4. **Appointment of chief officers**

(a) Chief Officers will be appointed by the Appointments Panel which should contain at least one Member of the Cabinet.

(b) An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.

5. **Other appointments**

(a) **Officers below chief officer**. Appointment of officers below chief officer (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee.

(b) **Assistants to political groups**. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary action**

(a) In the following paragraphs –
(i) "the 2011 Act" means the Localism Act 2011;
(ii) "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;
(iii) "independent person" means a person appointed under section 28 (7) of the 2011 Act;
(iv) "local government elector" means a person registered as a local government elector in the register of electors in the Council's area in accordance with the Representation of the People Acts;
(v) "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;
(vi) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
(vii) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer.

(b) A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

(c) The Council 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.
(d) In (c) above "relevant independent person" means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

(e) Subject to (f) below, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph (c) in accordance with the following priority order-

(i) A relevant independent person who has been appointed by the Council and who is a local government elector;
(ii) Any other relevant independent person who has appointed by the Council;
(iii) A relevant independent person who has been appointed by another authority or authorities.

(f) The Council is not required to appoint more than two relevant independent persons in accordance with paragraph (e) but may do so.

(g) The Council must appoint any Panel at least 20 working days before the relevant meeting.

(h) 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 –

(i) any advice, views, or recommendations of the Panel;
(ii) the conclusions of any investigation into the proposed dismissal; and
(iii) any representations from the relevant officer.

(i) Any remuneration, allowances, or fees paid by the Council 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.

(j) Councillors will not be involved in the disciplinary action against any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

Part 5 - Codes and Protocols

REDCAR AND CLEVELAND BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS

Introduction

This code applies to you as a Member of Redcar and Cleveland Borough Council when you act in your role as a Member and it is your responsibility to comply with the provisions of this code.

You are a representative of this Council and the public will view you as such. Your actions will impact on how the Council as a whole is viewed. Your actions can have both positive and negative impacts on the Council.

This code is adopted to comply with the requirement for Redcar and Cleveland Borough Council to promote and maintain high standards of conduct by its Members under Section 27 of the Localism Act 2011("the Act"). You are obliged to comply with all the requirements of this code and must co-operate with any investigation which is undertaken as part of the arrangements for dealing with Code of Conduct complaints. Any failure to comply with an investigation will, in itself, amount to a breach of this Code.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;
b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

Guidance on Social Media Use for Elected Members is attached at Appendix 1.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters

that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.
Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1. I treat other councillors and members of the public with respect.

1.2. I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1. I do not bully any person.

2.2. I do not harass any person.

2.3. I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of

behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1. I do not disclose information:

- **a. given to me in confidence by anyone**
- **b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - **i. I have received the consent of a person authorised to give it;**
  - **ii. I am required by law to do so;**
  - **iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - **iv. the disclosure is:**
    1. **reasonable and in the public interest; and**
    2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
    3. **I have consulted the Monitoring Officer prior to its release.**

4.2. I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3. I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1. I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1. I do not misuse council resources.

7.2. I will, when using the resources of the local authority or authorising their use by others:

a. act in accordance with the local authority's requirements; and

b. **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 local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1. I undertake Code of Conduct training provided by my local authority and comply with protocols and policies set out within the Council's constitution.

8.2. I cooperate with any Code of Conduct investigation and/or determination.

8.3. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1. I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix 1

Guidance on Social Media Use for Elected Members

Purpose of this Guidance

This document provides guidance to Elected Members on the appropriate use of social media in their capacity as Councillors. For ease of reference, the terms “Elected Members” and “Members”, will also be taken to include Co-Opted Members.

The guidance supports compliance with the Members’ Code of Conduct and aims to help:

- Uphold high standards of conduct in public office
- Promote respectful and lawful online engagement
- Protect the reputation of the Council and its Members
- Clarify responsibilities when using personal and “official” online platforms

This guidance should be read alongside the Members’ Code of Conduct and relevant legislation.

Scope

This guidance applies to:

- All Elected Members of Redcar and Cleveland Council
- All social media platforms (including but not limited to Facebook, X/Twitter, Instagram, LinkedIn, TikTok, YouTube, blogs, forums, and messaging apps where content is publicly shared)

Relationship with the Code of Conduct

The Members’ Code of Conduct applies to online behaviour where:

- A Member refers to themselves as a Councillor or to Council-related business
- They are acting, claiming to act, or giving the impression they are acting as a Councillor

However, Members should be aware that members of the public do not readily make a distinction between personal and official capacity and that social media activity, even on personal accounts, may lead to reputational issues and/or complaints being received.

Key obligations under the Code include:

- Treating others with respect
- Not bullying, harassing, or discriminating
- Not disclosing confidential information
- Not bringing the Council into disrepute
- Maintaining impartiality where required

Deviating from this guidance may constitute a breach of the Code of Conduct.

General Principles

Members should apply the **Nolan Principles of Public Life** at all times online, particularly:

- **Integrity** – avoid improper influence or misuse of position
- **Accountability** – be prepared to justify decisions and statements
- **Openness** – be transparent while respecting confidentiality
- **Objectivity** – avoid bias and pre-determination, particularly in planning/licensing matters
- **Respect** – engage courteously and professionally

Personal vs Councillor Accounts

Members may operate both personal and councillor-related social media accounts.

However, as indicated above, there is no clear boundary in public perception between personal and other accounts. Personal accounts may still fall within the Code of Conduct if the Member is identifiable as a Councillor or gives the impression they are acting in that capacity.

Members should:

- Clearly state when expressing personal views
- Avoid implying that personal opinions represent the Council
- Consider the reputational impact of all posts

In some cases, particularly where social media accounts are used for both personal and official matters, Members may wish to add a disclaimer to social media posts as follows: "Views expressed are my own and do not necessarily reflect those of Redcar and Cleveland Council."

Appropriate Use of Social Media

Members are encouraged to use social media to:

- Share information about Council services and decisions
- Engage constructively with residents
- Promote community initiatives
- Encourage democratic participation

Members should:

- Ensure information shared is accurate and up to date
- Correct errors promptly
- Attribute sources where appropriate

Inappropriate Use

Members must not:

- Post or share content that is defamatory, offensive, obscene, or discriminatory
- Engage in bullying, harassment, or personal attacks
- Disclose confidential or exempt information
- Make statements that could indicate bias or pre-determination
- Bring the Council or the office of Councillor into disrepute
- Post allegations for which there are specific policies and procedures to be followed – e.g. staff disciplinary issues

Members should avoid escalating conflicts and refrain from engaging in prolonged disputes online.

Predisposition and Decision-Making

Special care must be taken where Members are involved in regulatory decisions (e.g. planning):

- Avoid expressing a fixed view before all evidence is considered
- Do not make commitments on how you will vote
- Avoid campaigning on specific applications where you may act as decision-maker

Statements online may be used as evidence of bias and could invalidate decisions.

Confidentiality and Data Protection

Members must:

- Protect confidential and exempt information
- Comply with data protection legislation (UK GDPR and Data Protection Act 2018)
- Avoid sharing personal data without lawful basis

Care must be taken when responding to residents' concerns not to inadvertently disclose sensitive information.

Election Period (Pre-Election / Purdah)

During the pre-election period, Members must:

- Avoid using Council resources for political purposes
- Not present Council business in a politically biased manner
- Be mindful of restrictions on publicity

Social media activity must comply with electoral law and Council guidance.

Moderation and Engagement

Members who operate pages or groups should:

- Set clear rules for acceptable behaviour
- Remove offensive or unlawful content promptly

- Avoid hosting or amplifying misinformation

Members are not obliged to tolerate abusive behaviour and may block users in accordance with platform rules.

Legal Considerations

Members should be aware that social media posts may give rise to legal risks, including:

- Defamation
- Harassment
- Breach of copyright
- Breach of data protection law

Posts may also be subject to disclosure under the Freedom of Information Act 2000 where relevant.

Use of Council Resources

Members must not:

- Use Council devices, branding, or officer support for party political activity
- Represent personal or political content as official Council communications

Complaints and Breaches

Complaints about social media conduct may be:

- Considered under the Members' Code of Conduct complaints process
- Referred to the Monitoring Officer

Sanctions may be applied, where appropriate, in accordance with the Council's arrangements for dealing with Code of Conduct complaints.

Training and Support

The Council will offer:

- Guidance and training on social media use
- Advice from the Monitoring Officer or Communications Team

Members are encouraged to seek advice where unsure.

Practical Tips

As a rough guide, Members may wish to consider the following:

Do:

- Be respectful and professional
- Think before posting

- Check facts
- Declare interests where relevant

Don’t:

- Post in anger or react immediately to provocative comments/posts from other social media users
- Share confidential information
- Make prejudicial statements
- Engage in personal attacks

Review of Guidance

This guidance will be reviewed periodically as deemed necessary.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**).

"**Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.
"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which ***affects*** –
    a. your own financial interest or well-being;
    b. a financial interest or well-being of a relative or close associate; or
    c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

    you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above*)* ***affects*** the financial interest or well-being:
    a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
    b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

    You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

    If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* '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.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body
- (i) exercising functions of a public nature
- (ii) directed to charitable purposes or
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Officers' Code of Conduct

1. Introduction

1.1 This Code of Conduct is intended to apply to all employees of Redcar & Cleveland Borough Council. It explains the standards of behaviour required under the law, under Conditions of Service, and under Standing Orders, Financial Regulations and Accounting Instructions. This Code should be read in conjunction with the constitution, Protocol on Member/Officer Relations and all Employment Policies.

1.2 The Nolan Committee identified seven principles which apply to all aspects of public life, and therefore to all Redcar & Cleveland Borough Council employees. These general principles are:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public, and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions, and restrict information only when the wider public interest clearly demands.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

The Code of Conduct incorporates these principles.

2. General Conduct

2.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. The role of such employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with selflessness, integrity, objectivity, honesty and impartiality and in line with the Nolan Principles as outlined above.

2.2 Employees shall base their conduct on a consideration of the public interest, and resolve any conflict with their personal interests, at once, and in favour of the public interest.

2.3 Employees shall conduct themselves in a manner which maintains and strengthens the public's trust and confidence in the integrity of the Council and never take any action which would bring the Council, or its members or officers into disrepute.

2.4 Subject to its rights under the conditions of appointment not being prejudiced, the Council does not wish to limit unduly the activities of staff in their leisure time. The Council does, however, require that efficiency and due performance of official duties shall not be impaired by private work in leisure time, and it requires at all times to be satisfied that its interests are not being detrimentally affected in this respect.

2.5 The Council must be in a position to rebut with confidence any allegation that the integrity of its administration is being impaired because of the leisure time activities of any of its staff. Implicit in this is the requirement that there must be no question of staff undertaking activities in circumstances which might lead to suspicion of undue or improper favour being granted, or undue or improper influence exercised, in relation to contracts or any kind of consent, permission, licence etc., which members of the public seek from the Council.

2.6 Employees should always remember their responsibilities to the public and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

2.7 Employees are responsible to the Council through its senior managers. All employees are required to discharge the duties and responsibilities of their posts, including giving advice to members in appropriate cases. Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and individual

Members can damage the relationship and prove embarrassing to other employees and Members.

2.8 Employees must generally act only the basis of a request/instruction from their line manager or other relevant officer. Where there is a request from Members which is non-routine and/or appears to be outside of normal process, or there other concerns about its appropriateness, then Employees must raise this with their line manager or a senior officer in order to confirm what steps should be taken. In most cases, it will be appropriate to direct requests via the Members Enquiry system so the request can be logged and monitored.

3. Probity and Propriety

3.1 Employees should demonstrate:-

A probity in handling assets and resources entrusted to them;

B care in safeguarding property, assets and confidential information to ensure they are not stolen, abused or damaged;

C proper observance of the Council's rules and procedures, particularly when accounting for finances;

D economy to avoid waste and extravagance; and

E personal honesty in claiming expenses and ensuring that official assets and resources are not used for private advantage.

4. Private Paid Work

4.1 The following conditions must be strictly observed by any Officer who proposes to undertake or who undertakes private paid work for any person, firm or Company:-

4.2 Officers graded above spinal column point 28 shall devote their whole time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the written consent of the Chief Officer after consultation with the Chief Personnel Officer.

4.3 Private work must not be undertaken during working hours nor on official premises even after working hours.

4.4 In addition to there being no impairment of the proper execution of official duties, there must be no interference with any requirement to work contractual overtime on such duties.

4.5 Private work on projects or activities which may be subject to the Council's statutory supervision or consent must not be undertaken.

4.6 Private work must not be undertaken for any person, firm or Company, who is an applicant to the Council for a statutory consent or permission, for a discretionary licence (excluding licences which are issued automatically subject to the application being in order), or for any other purpose, where the application is or would be dealt with by the department in which the officer is serving. Officers undertaking private work for any person, firm or Company are responsible for ascertaining from them whether they are applicants to the Council for Statutory consents or permission.

4.7 Private work must not be undertaken for any person, firm or Company in contractual relationship with, or commissioned by, the Council, or concerned in any property transaction with the Council, or for any person known or believed by the officer undertaking the private work is serving in a Department materially concerned with such contractual relationship, commission or property transaction. Officers proposing to undertake private work for any person, firm or Company are responsible for ascertaining from them whether any contractual or commission relationship with the Council exists, or whether they are concerned in any property transaction with the Council.

4.8 Private work must not be undertaken by an officer for another officer where either

i) the officer is responsible <u>for</u> supervising that Officer OR

ii) the officer is responsible <u>to</u> that Officer

4.9 Private work must not be undertaken for any person, firm or Company with whom an officer deals in the course of his/her official duty.

5. Private Unpaid Work

5.1 If an officer wishes to undertake private work for which no payment or other reward is made but which would otherwise be prohibited under (4) above, or is for a voluntary body in receipt or likely to receive grant aid from the Authority, the officer must inform the Chief Officer who may relax such of the restrictions as may be thought appropriate. Such relaxation's are to be confirmed in writing.

6. Personal Interests of Officers

6.1 Employees should declare to an appropriate Manager, and register in writing, where appropriate, membership of any organisation not open to the public without formal membership and commitment of allegiance which has secrecy about rules of membership or conduct.

6.2 Employees must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

6.3 Employees must declare to an appropriate manager any financial and/or non-financial interests that they consider could bring about conflict with the authority's interests.

7. Interest of Officers in Contracts

7.1 The Local Government Act 1972 places the following requirement on Officers:

"The Proper Officer of the Council shall record in a book to be kept for the brief purpose particulars of any notice given by an Officer of the Council under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract and the book and such notice shall be open during office hours to be inspected by any Member of the Council."

7.2 Section 117 of the Local Government Act 1972 refers to the need for Officers to declare their interest and the interest of spouses in contracts negotiated between the Borough Council and third parties. This particular Section specifies as follows:

"If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a Local Authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he himself is a party), has been, or is proposed to be, entered into by the Authority or any Committee of the Authority, he shall as soon as practicable give notice in writing to the Authority of the fact that he is interested therein.

An Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract, if:

a) He or any nominee of his is a member of a Company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

b) He is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration

In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed to be also an interest of the other."

NOTE: Where the Act refers to "he" you should of course, read "he or she".

Any Officers affected by section 117 must complete the appropriate form.

8. Political Interests

8.1 In this context, relevant interests will include any significant political activity, as defined in the Nolan report, that is office-holding, public speaking and candidature for election, undertaken in the last five years. Any such activity should be disclosed in the register of interests and, where it may conflict, or appear to conflict, with public office, that person should take no part in the relevant discussion, decision or action.

8.2 Employees serve the Authority as a whole and must serve all Councillors equally and ensure that the individual rights of Councillors are respected. It follows they must serve all members and not just those of the majority political group and must ensure that the individual rights of all members are respected.

8.3 Where an employee is requested to advise a full meeting of a political group or its executive, the Chief Executive must be informed by the employee in advance of the meeting.

8.4 The posts of certain employees are classified as being “politically restricted”. All employees, whether holding politically restricted posts or not, must not allow their own personal or political opinions to interfere with their work.

8.5 Any political assistants which might be appointed by the Council are exempt from the standards set in paragraphs 8.2 - 8.4

9. Anti-Corruption and Bribery

9.1 Bribery and/or Corruption have no place in the activities of the Council. The Council’s policy is to conduct all of its business in an honest and ethical manner and employees must not promise, give, request, accept or receive a financial or other advantage to induce or reward a person with respect to the improper performance of a relevant function or activity.

9.2 It is a criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person.

9.3 Employees must ensure they use public funds entrusted to them in a responsible and lawful manner. In particular, employees should not seek to obtain financial advantage for themselves or any other person or organisation through the improper use of the Council’s financial resources or application of its systems or procedures. They must report any circumstances where it appears any officer or Member may be seeking to take action in respect of matters in which they have a vested interest.

9.4 The above should be read in conjunction with the Council’s Anti-corruption and Bribery Policy.

10. Gifts

10.1 A potential source of conflict between private and public interests is the offer of gifts, hospitality, or benefits in kind to employees in connection with their official duties.

10.2 Subject to 10.4 and 10.5 below, employees should refuse any gift offered to them or to any family member, by any person or organisation that has dealings with the Council. In the event of receiving a legacy or bequest in circumstances where services have been provided by the Authority, an employee should consult his or her Head of Service.

10.3 When a gift has to be refused, this should be done with tact and courtesy. If the gift is simply delivered to an employees place of work, there may be a problem returning it, in which case it should be reported to the appropriate Head of Service immediately.

10.4 Employees will be allowed to keep gifts of a promotional nature on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm. Employees will also be allowed to keep gifts of a token value such as diaries, pens, calendars etc.

10.5 In situations where small gifts are proffered as a “thank you”, and when a refusal may cause upset, and when the gift could not be interpreted as an inducement, then employees may accept gifts up to £50.00 in value.

11. Hospitality

11.1 A reasonable amount of hospitality is a normal part of the courtesies of public life, but it is important not to create the appearance that this may amount to an improper influence, which would thus undermine public confidence.

11.2 Hospitality is sometimes offered to representatives of the Authority and is accepted at official, i.e. Council, level because that is reasonable in all the circumstances.

11.3 Where hospitality is offered to individual employees, special caution is needed where the host is seeking to do business with the Council or to obtain a decision from it. It is important to avoid any suggestion of improper influence. The question is one of judgement, and the following check list of questions should help staff to decide whether a gift or an offer of hospitality should be accepted or tactfully rejected:-

A Is the donor, or event, significant in the local community or the Redcar & Cleveland area?

B Are you expected to attend because of your position in the community?

C Will the event be attended by others of a similar standing in the community or in other communities?

D What is the motivation behind the invitation?

E Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?

F Could you justify the decision to the Council, press and public?

G Is the extent of the hospitality or the nature of the gift reasonable, proportionate and appropriate?

H How will you respond to the hospitality?

I Are you comfortable with the decision?

11.4 Officers should also be careful in attending exhibitions or seminars, or visiting manufacturers, etc. There is an increasing trend towards linking such visits to major sporting events, shows, concerts, etc. Such devices may clearly be attempts to legitimise offers of hospitality in the guise of business activities.

11.5 When a particular person or body is in issue or dispute with the Council e.g. an arbitration arising from a contract, then offers of hospitality should be refused, even if at other times they might be regarded as acceptable.

11.6 Where an offer of a gift or hospitality has been made, employees must immediately record the offer on the appropriate form (available on the Intranet in the 'Forms' section) and submit the form to their Head of Service or Director who will endorse the form and forward it for inclusion within the Register of Gifts and Hospitality. Heads of Service or Directors who are offered a gift or hospitality will complete the form and submit it to another Director for endorsement. The Chief Executive will submit forms to the Monitoring Officer for endorsement.

12. Inventions by Officers

12.1 Any Officer who in the course of his employment produces an invention or design shall, at the request of the Council, assign the patent to the Council or, if the invention or design has not been patented, assist the Council in obtaining a patent in the name of the Council

12.2 It is not desirable that patents should be taken out for the personal benefit of Officers of the Council whose duty it is to devise improvements or to examine and report on the suggestions or inventions of others.

13. Books and Articles by Officers

13.1 The writing of books or articles for payment on subjects relating to an Officer's work for the Council requires the permission of the Council and there shall appear a statement in a prominent position in every such book or article to the effect that the opinions are those of the Author and do not necessarily represent the opinions of the Council and that the Council accept no responsibility for the Authors' opinions or conclusions.

13.2 Paragraph 13.1 shall not apply to books and articles on purely technical or scientific subjects and persons employed by the Council shall be at liberty to write and publish books and articles on these subjects and, if they so wish, to indicate therein that they are Officers of, or otherwise connected with, the Council provided that it is clearly stated that any opinions are those of the Author and do not necessarily represent the opinions of the Council.

13.3 Officers shall not use the data or other resources of the Council in preparing books and articles unless given the express written permission of their Chief Officer.

14. Talks and Lectures to Organisations outside the Council

14.1 Subject to the prior written approval of their appropriate Chief Officer, Officers may give talks or lectures on the work of the Council to organisations outside the Council. Any fees received can be retained by the Officers concerned. Departments must keep detailed records of talks given and any fees received. It is the individual Officer's responsibility to deal with the tax and national insurance implications of such fees.

14.2 The foregoing does not cover any situation where an employee is invited to give a lecture or course of lectures as tuition for any class of students in higher or further education. In such cases the employee will be regarded as a visiting lecturer and the fees payable will be the subject of a separate contractual agreement. In such cases the employee must apply for leave of absence without pay. This does not apply in cases where no fee is paid or where a single lecture has been arranged as part of a contribution to tuition being provided to a class by some other party.

15. Relationships

15.1 Employees should always remember their responsibilities to the community they 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.

15.2 All employees have a general duty to deal with colleagues with respect, that is, to be open, honest and courteous; have due consideration for others health, safety and personal welfare and avoid harassment, discrimination or abuse of any kind.

15.3 All relationships of a business or personal nature with external contractors or suppliers must be declared to your Chief Officer at the earliest opportunity. Orders and contracts must be awarded in accordance with the Council Standing Orders and Procedures, and no special favour should be shown to businesses run by, for example, friends and relatives.

16. Speaking to the Media

16.1 Generally there are three ways in which contact with the media can arise:-

16.2 Firstly a journalist may make contact on a new or 'breaking' issue possibly through an item from a council agenda, a national report which is being localised, or an issue which affects the borough.

Consult your Line Manager to check what your response should be. Always take a note of the reporter's name, who they represent and a contact telephone number. If you say you are going to ring back make sure you do. Recognising that contact may be made when you are under pressure, remember that reporters, just like you, have a job to do. So please do be polite.

A call to the Communications Team should be made if the issue is anything other than purely factual. The Unit will need to know for use in any follow-up media inquiries on the same issues and to ensure the Authority gives a co-ordinated response.

16.3 Secondly contact may be made when the answer is a clear cut factual one. Again consult with your line manager and ring back. Do not be side-tracked on the call back, stick to the question originally asked. Again ensure the Communications Team are informed of your actions.

16.4 Thirdly, if you want to publicise an event, project or issue you are involved with always think ahead. Prepare advance publicity first. Always contact the Communications Team who will send out Press Releases. No releases should be sent out by individual Departments, without sanction from the Communications Team.

16.5 If you do have clearance for any of the above scenarios, and are ready to comment, don't rush. Remember a minute or two will not make any difference to the caller, whatever they may say. Do not be afraid to write down your response, and read it out. If it is a radio or TV interview , ask beforehand what questions you will be asked. When the interview begins, don't be side-tracked, stick to your brief. Try and talk in short, concise sentences and avoid a ramble.

17. Whistleblowing

17.1 The Council's whistleblowing arrangements are set out in its Whistleblowing Policy. Generally employees with issues of concern should raise these with their Line Manager. If this is felt to be inappropriate employees could consult a more senior manager or their Assistant Director/Director. On rare occasions staff may need to take their concerns outside the normal management structure. The possible routes available for employees are:-

A To contact the HR Department.
B To contact the Chief Executive.

17.2 If employees need to take their concerns outside the Authority they should seek advice before doing so and contact:

C Their Trade Union through their union representative

D Using the number displayed in Anti-Fraud Policy notices or the documentation received on the induction course

17.3 Employees should be aware that an employee who raises an issue should not be subject to sanctions, harassment or abuse. If this is found to be the case the disciplinary procedure will be invoked.

18. Equality Issues

18.1 All employees of the Council must ensure that policies relating to equality issues are complied with in addition to the requirements of the law. All members of the public, customers and other employees have a right to be treated with fairness and equity, and in line with the Council's Equality Policy.

19. Disclosure of Information and Confidentiality

19.1 In the interests of open government, the law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware of the Council's rules concerning the disclosure of information, and act accordingly.

19.2 During the course of their work, employees may come into possession of sensitive or personal information. They should not disclose this information to others except in accordance with the Council's procedures. If employees are uncertain as to the Council's procedures in a particular circumstance, they should consult with their Service Manager or relevant Director, as appropriate.

19.3 The confidentiality of information received in the course of an employee's duties should be respected and must never be used for personal gain. Employees must not knowingly pass information on to others who might use it in such a way.

Protocol On Member/Officer Relations

1.0 PROMOTING AN ETHICAL CULTURE

1.1 The Council has in place Codes governing Members and Officers Conduct. The Code of Conduct for Members is a statutory one and is contained in this Constitution. These Codes reflect the emphasis which is placed on issues of ethical values and standards, as promoting public confidence in Local Government and having a practical value from a Corporate Governance point of view. The Council believes that ethical organisations perform best and the Council is striving to develop a culture which promotes complementary values and standards amongst its Members and Officers. These values and standards are set out in the relevant codes but can be described as follows:-

MEMBERS	OFFICERS
• Selflessness	• Impartiality
• Integrity	• Honesty and Integrity
• Objectivity	• Objectivity
• Accountability	• Accountability
• Openness	• Political Neutrality
• Honesty	• Mutual Respect
• Leadership	• Professionalism
• Respect for Others	• Fairness
• Duty to Uphold the Law	• Equal Treatment
• Personal Judgement	• Stewardship
	• Respect for Confidences

1.2 As an organisation, the Council will carry out its duties and provide its local services in a way which is customer orientated and which embraces the above values.

2.0 GUIDANCE

2.1 The purpose of this protocol is to offer guidance to Members and Officers of the Council about their relationship so that the citizens the Council serves receive the most efficient and effective service that the organisation can achieve. It will not cover every eventuality but seeks to cover issues which most commonly arise. The principles set out at the beginning of the Protocol however can be used in cases not covered by this advice.

2.2 The Protocol is outward looking as well as providing guidance on the Member/Officer relationship. Members and Officers frequently represent the

organisation and when doing so it is expected that Members and Officers will continue to esteem the values and standards set out in the Protocol and act accordingly.

3.0 THE MEMBER/OFFICER RELATIONSHIP

3.1 Members and Officers work best as a team and their roles whilst complementary are different and distinct.

3.2 Elected Members have three important roles which should be clearly recognised as they carry with them distinctive requirements:-

- to provide strong political leadership for the community which they serve which is well informed by high quality arrangements for consultation and communication
- to represent their constituents both individually and collectively by fully participating in Overview and Scrutiny of the Council's activities via its Scrutiny and Improvement Committees and giving voice to the views of the community that they serve
- to act impartially and with integrity when bestowing or withholding benefits within the borough.

3.3 Whilst Elected Members will be governed by different considerations in respect of their three roles, the traditional legal position of Local Authority Officers is that they are employees of and serve, the whole Council, offer support to and advise the Council, and the constituent parts of its decision-making machinery; implement Council decisions and may themselves take decisions formally delegated to them through the approved Scheme of Delegation. All Officers are required to be politically neutral and for Senior Officers and others this is enforced through the political restrictions of the 1989 Local Government and Housing Act.

3.4 As with Elected Members, it is important to recognise the differing roles of certain officers:

- the Chief Executive and the Executive Directors, along with the Section 151 and Monitoring Officers, together form the Executive Management Team which provides a formal interface between Members and Officers and has a leading role in relation to policy co-ordination and performance management
- Assistant Directors and/or Heads of Service who are directly responsible for the day-to-day delivery of services within the Council's established policy and decision-making framework
- Officers within services themselves who are primarily accountable to their Assistant Director/Head of Service and when assisting Members should always do so within the parameters of whatever authority they have been given.

3.5 Members and Officers understand their respective groupings and responsibilities and in dealing one with another will at all times comply with their respective Codes of Conduct.

4.0 THE MAYOR/DEPUTY MAYOR AND OFFICERS OF THE COUNCIL

4.1 The Mayor is the first citizen of the Borough and the embodiment of the rights and responsibilities of **the** democratically elected local body.

4.2 The Mayor is subject to the Code of Conduct but also has the following responsibilities under the Constitution:

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

2. to preside 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 the Council Meeting is a forum for the debate of matters of concern to the local community and the place in which Members who are not on the Cabinet are able to hold the Cabinet to account;

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

5. to be the conscience of the Council; and

6. to attend such civic and ceremonial functions of the Council as he/she determines appropriate.

4.3 The Mayor will be assisted by Democratic Services and, where appropriate, a Mayor's Attendant who shall ensure that the rights and dignities of the Office of Mayor are promoted by assisting the Mayor in undertaking mayoral or civic events or other engagements.

4.4 The Mayor shall receive honest and impartial advice from the Proper Officer of the Council in the discharge of his or her duties under the Constitution. The Proper Officer will assist the Mayor to interpret the terms and requirements of the Constitution so that the Mayor may discharge his or her duties to preside over meetings of the Council.

4.5 All Officers of the Council will seek to support the Mayor in the promotion of public involvement in Council activities and civic and ceremonial events whilst always bearing in mind the requirement for Officers to be accountable to the whole of the Council at all times.

4.6 The Deputy Mayor will support, assist and substitute for the Mayor in fulfilling all of his/her responsibilities.

5.0 THE LEADER OF THE COUNCIL/MEMBERS OF THE CABINET AND OFFICERS

5.1 The Leader of the Council is elected following the ordinary election of councillors and Cabinet members are appointed by the Leader. Collectively they make up the Cabinet and are responsible for the “in year” decisions that are required to run the Council on a day-to-day basis. The Council itself cannot deprive the Cabinet of its right to take the “in year” decisions provided that those decisions are made in accordance with the budget and policy framework which the Council has approved. The Leader of the Council will chair the Cabinet and will lead the Cabinet in its important role. The Deputy Leader of the Council acts as a Vice-Chair of the Cabinet.

5.2 All Members of the Cabinet have special responsibility for functions which are set out in the Constitution. Cabinet members are individually and collectively responsible for their specific areas which are crosscutting in nature to achieve a holistic approach to the delivery of services and the development of policy.

5.3 The business of the Cabinet comprises:

- reports from the Executive Management Team
- reports from the Head of Paid Service, the Chief Financial Officer or the Monitoring Officer
- reports from Scrutiny and Improvement Committees referred to the Cabinet
- proposals for the Forward Plan
- Cabinet proposals referred back by the Corporate Resources and Governance Scrutiny and Improvement Committee following the exercise of call-in
- Cabinet proposals referred back by the Council which fall to the Cabinet to determine
- proposals referred to it by the Council, which fall to the Cabinet to determine.

5.4 Any Member of the Council may ask the Leader of the Council to put an item on the agenda of the Cabinet meeting for consideration and if the Leader of the Council agrees, it will be considered at the next available meeting. The Notice of the Meeting will give the name of the Councillor who asked for the item to be considered and he or she will be invited to attend the meeting.

5.5 Cabinet decisions are made collectively principally through meetings of the Cabinet with the Chief Executive, the Executive Management Team and Heads of Service. Prior to the publication of the Cabinet Business Papers, an informal briefing meeting will be held between the Chief Executive and the Executive Management Team and Cabinet Members to determine the agenda for the forthcoming Cabinet meeting. This agenda meeting is programmed

into the Cabinet timetable. Reports for the formal Cabinet meeting will be published in the Cabinet Business Papers in accordance with the Access to Information Rules. Cabinet Members are entitled to be briefed on reports prepared by the Executive Management Team before the informal briefing with the Chief Executive. This is because the executive arrangements under which the Council operates make Cabinet members responsible for their policy areas. The Chief Executive is Principal Advisor to the Leader of the Council and Deputy Leader of the Council.

5.6 In discharging their respective roles, Cabinet Members and Members of the Executive Management Team will observe the following arrangements:-

a) As visible and accountable elected representatives with defined responsibilities set out in the Constitution, Cabinet members need to be properly briefed on all significant aspects of the work contained within their remit. Directors, as Principal Advisers will ensure a proper flow of information so that Cabinet members can effectively undertake their duties.

b) Good communications can best be achieved through planned and programmed meetings and briefing arrangements. On the basis that Directors should be ensuring that the information needs of Cabinet members are met, Cabinet Members should in turn seek to avoid making requests for unanticipated briefings or detailed information gathering exercises, which can unbalance planned departmental workloads.

c) Cabinet Members should channel requests for information, advice and other support via the relevant Director or via such arrangements as are agreed and established between the Cabinet Members and the Director. In the absence of prior agreement, the Cabinet Members should not normally approach other departmental staff directly with requests for information (except in cases of urgency) or seek to commission work from individual staff, as this can create conflict with day-to-day line management accountabilities.

d) Whilst Cabinet members will wish to work with Directors and Senior Management in the development of policies and programmes, they should recognise that there are categories of officer level meetings both inside and outside the Council, where attendance by a Cabinet member (or other Councillor) may not be appropriate.

e) Cabinet members (and other Councillors) have collective responsibility to the Council for the employment policies of the Council and the Council acts as the employing body for all Council staff. Employment policies, having been set by the Council, are implemented by Directors and Cabinet and/or other Members should avoid becoming over-involved in issues of individual performance of officers, or individual cases of e.g. grievance, disciplinary action or harassment as such

action brings with it the risk of undermining management arrangements and approved employment policies. Cabinet and other members have the right however to bring to the notice of relevant Directors any instances within their area of responsibility where they have evidence that there are problems of inefficiency or ineffectiveness and to be kept informed of what course of action is being pursued in such circumstances.

f) Cabinet members are expected to justify and account for any proposals relevant to their portfolio to the Council and to Scrutiny and Improvement Committees. When fulfilling this responsibility, Cabinet members should take appropriate advice from relevant Directors and Directors should ensure that the full and proper professional, legal and financial advice is provided to Cabinet members.

g) When new policies and proposals are brought forward, Cabinet members may wish to discuss contents of such reports and the framing of recommendations with the relevant Director. Whilst Cabinet members may wish to make suggestions on content and drafting to achieve clarity of presentation, simplify jargon or better explain issues, they should not attempt to edit out or over-ride any content of a report which Directors feel it is important to put before the Council. This is especially relevant for matters of a professional and technical nature and all members of the Executive Management Team, Assistant Directors and Heads of Service must be able to retain a right to report direct to the Council and all Committees where they consider it necessary.

h) A number of officers exercise statutory functions or have individual responsibilities. Cabinet members (and other Councillors) should not attempt to interfere with these roles. These include the functions of the Proper Officer (e.g. witnessing and receipt of declarations for acceptance of office, receipt of notices of interests and signature of summons to the Council Meeting); Monitoring Officer (e.g. maintaining the Council's Constitution; ensuring lawfulness and fairness of decision making and supporting the Governance Committee) and Chief Finance/S151 Officer (e.g. ensuring financial prudence of decision making; administering the authority's financial affairs and giving financial advice).

5.7 Where reports are placed before a Scrutiny and Improvement Committee for the purposes of advice to the Cabinet member, Cabinet members should attend in order to consult on issues contained within the report. Accordingly the Cabinet members will request the views of the committee and any witnesses the committee may wish to call and then sit in "listening" mode, in order to inform them on a range of views before the item is discussed at the Cabinet.

5.8 Where reports are called in for scrutiny, Cabinet members may be required to attend to answer questions. Cabinet members should normally be sufficiently briefed to answer the majority of questions themselves and to be able to provide justification for the recommendations in the report. On more technical and professional issues, however Cabinet members may wish to call on Directors or specialist officers to answer questions and explain the basis of the recommendations.

5.9 In discharging their duties generally it will be recognised that the following principles are paramount:

a) Chief Officers are employed to serve the whole Council and remain ultimately accountable to the whole Council.

b) All Officers are required to be politically neutral and for senior and other officers this is enforced through the political restrictions of the Local Government Housing Act 1989. All officers are required to abide by the Council's Officers Code of Conduct.

c) Chief Officers have individual responsibilities defined in their job descriptions. In some cases these will include professional or technical responsibilities of a statutory nature (e.g. regulatory functions, Proper Officer functions).

d) Chief Officers with professional responsibilities may also have a duty to observe codes and standards set by outside professional bodies, e.g. accountancy, law, structural engineering. There may be occasions on which these require to be treated as over-ruling the views of Cabinet members or Council policy decisions (and should such circumstances arise) Chief Officers will need to report the position via the decision making process.

e) The Chief Executive and the Executive Management Team have a collective responsibility to advise the Council on its priorities, allocation of resources and forward programmes.

f) Officers should conduct themselves with integrity, impartiality and honesty. They should give honest and impartial advice to the Leader and Cabinet members without fear or favour and make all the information relevant to a decision available to them. They should not deceive or knowingly mislead Cabinet members or other Councillors or the public or withhold information that may be relevant to a decision.

6.0 CHAIRS AND MEMBERS OF SCRUTINY AND IMPROVEMENT COMMITTEES AND OFFICERS

6.1 The primary role of the Chair and Members of the Scrutiny Committees is to scrutinise the decisions of the Cabinet. The Council's Overview and Scrutiny function is discharged through its Scrutiny and Improvement Committees.

6.2 The scrutiny process will operate on the basis of a call-in procedure regulated in accordance with the provisions of the Overview and Scrutiny Procedure Rules.

6.3 The Principal Adviser to the Corporate Resources and Governance Scrutiny and Improvement Committee will be the Governance Manager, who is the Council's statutory Scrutiny Officer under s9FB of the Local Government Act 2000. He or she, or an officer nominated by them, will meet the Chair to discuss any items which may have been called-in and will arrange for the attendance of any Cabinet members, senior officers or other parties at the proposed Corporate Resources and Governance Scrutiny and Improvement Committee meeting at which the called-in item or items are to be discussed.

6.4 The Overview and Scrutiny function will be provided with an appropriate level of support.

6.5 Lead Officers have the responsibility to assist the Overview and Scrutiny function with the preparation of their programme for Policy Development and to advise on the preparation of agenda items as set out in the Overview and Scrutiny Procedure Rules.

6.6 The Chair and Members of Scrutiny and Improvement Committees along with all other Councillors, and co-opted Members must observe the Code of Conduct for Members. Over and above these requirements Members have a responsibility for ensuring that the Scrutiny process operates fairly and openly.

6.7 The Chairs and Members of the Scrutiny and Improvement Committees expect that the Cabinet members and Officers are as open as possible with the Committees subject to legal confidentiality as set out in the Access to Information Procedure Rules. The Chair and Members of Scrutiny and Improvement Committees will still need to demonstrate the same "need to know" in respect of access to information as other Councillors.

6.8 Chairs of Scrutiny and Improvement Committees and Scrutiny Panels should keep separate their role as Chair and as constituency Councillor and should seek to ensure that no conflicts of interest arise. He/she should not seek to use his/her position to influence events unduly. The Overview and Scrutiny function acts in an inquisitorial capacity and no Scrutiny and Improvement Member should make comments which give the impression that they have made their minds up before having completed their consultation or enquiries.

6.9 In accordance with the Code of Conduct, Members must not use Council resources for party political purposes. They must uphold the political impartiality of the officer body and not ask officers to act in any way which would conflict with the officers obligation to act impartially. In dealings with their Lead Officer, the Chair and Members of Scrutiny and Improvement Committees will have to be aware of the resource consequences of any proposals. In some instances requests for research in pursuit of scrutiny may have to be refused on the grounds of expense or time. It may be that under

circumstances where information is under confidential review by the Cabinet, it will not normally be available on request to Members undertaking Overview and Scrutiny until the Cabinet has had an opportunity to discuss the matter.

6.10 Scrutiny and Improvement Committees may call on the Leader of the Council, the Deputy Leader of the Council or other Cabinet Members and senior officers to answer questions on decisions made by the Cabinet or by officers under delegated powers relating to executive functions. This can be done in accordance with the Overview and Scrutiny Procedure Rules.

7.0 CHAIRS AND MEMBERS OF OTHER COMMITTEES AND OFFICERS

7.1 Whilst it is important that there should be a close working relationship between the Chair Person and/or Vice Chair Person of the Committee and a Director and other officers for any department which reports to that Committee, such a relationship should never be allowed to become too close or appear to be so close as to bring into question the officers ability to deal impartially and fairly with other Members, other party groups or the public.

7.2 Whilst the Chair and/or Vice-Chair of the Committee will be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some circumstances the Director will be under a duty to submit a report on a particular matter. Any issues arising between a Chair and/or Vice-Chair and a Director in this area will be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

8.0 OFFICERS AND POLITICAL GROUPS

8.1 There is recognition for Political Groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by political groups subject to the same rules as to impartiality and integrity.

8.2 The support which officers may properly be called upon to provide can range from a briefing meeting with a Chair or spokesperson prior to the Cabinet or Committee meeting, to a presentation to a full political group meeting. Whilst in practice such officer support is likely to be in most demand from whichever political group is for the time being in control of the Council, such support is available to all such groups.

8.3 It is important to be clear about the boundaries to the support which officers can supply in this type of process. The following need to be borne in mind:-

a) Officer's support in these circumstances must not extend beyond providing information and advice in relation to matters of *Council business.* Officers must not be involved in advising on matters of group business. They should remain politically neutral. The observance of this distinction will be assisted if officers are only

expected to be present and remain in attendance at group meetings when matters of Council business are being discussed. There is a convention that there shall be no political discussion undertaken in the presence of the officer.

b) Political group meetings whilst they form part of the preliminary Council decision making are not empowered to make decisions on behalf of the Council. Conclusions reached at these meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such. However it must be remembered that the deliberations of such meetings have been considered by the courts in looking at the motivation behind decision making.

c) Where officers provide information and advice to a group meeting in relation to a matter of Council business, this cannot act as a substitute to providing all necessary information and advice to the relevant Council meeting when the matter in question is considered formally.

d) Special care needs to be exercised whenever officers are involved in providing information and advice to a group meeting which include persons who are not members of the Council. These people will not be bound by the Code of Conduct for Members (in particular the provisions concerning the Declaration of Interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

e) Officers must respect the confidentiality of any group and they should not relay any information which they become party to as part of this process to any other group.

f) Any issues of concern which arise in respect of this process shall be raised with the Chief Executive who will then discuss them with the relevant group leaders.

g) All Members should appreciate that the only basis upon which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members, is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. It should never be used in order to support Members in connection with any party political or campaigning activity or for Members private purposes. Members should not ask officers to provide support services other than those which are to be used for Council business purposes.

9.0 WARD MEMBERS AND OFFICERS

9.1 Members' role in a representative democracy means that they have a primary, overall responsibility and accountability to the Council as a whole, whilst representing their constituents and local communities.

9.2 Ward Councillors are the means by which the views and interests of those people who elect them are brought into the Council. They may take a lead role in developing local networks of organisations and individuals, and be

"*a people's champion of their local community, defending the public interest in the Council. …. They will bring their constituents' views, concerns and grievances to the Council through the Council's structure."*

9.3 This "champion role" is exercised by Members working in a number of roles:-

- **Signposting** – Members know how the system works and who to contact. They are well placed to advise local people about local issues and can point people in the right direction;

- **Scrutinising** – Members can help local people to make progress by overseeing and intervening on their behalf in decision making or policy development;

- **Advocacy** – Members have the necessary status, skills and ability to tackle failure. When things go wrong or break down, as elected representatives, they are well placed to intervene and to seek redress on behalf of local people; and

- **Representing** – Members can spot emerging issues and trends. They will know when a series of individual issues indicates that there is a real failure in the system that needs to be taken up by the Council itself and they can feed views into the local authority.

9.4 Whichever of these roles Ward Councillors perform, they need to be properly supported if they are to be effective. Democratic Services and other relevant Officers will support Ward Councillors by (amongst other things) providing information and documentation (subject to the following paragraphs of the protocol regarding access to information and Council documents); undertaking research about local issues; putting them in contact with individuals and groups in their Wards and adjoining Wards; maintaining the information for members via the intranet or other resources; co-ordinating a support service in connection with computers and new technology.

9.5 All Officers and, where appropriate, Cabinet Members, should consult with Ward Members on issues which relate to their Ward. Such issues may typically include:

- Changes in service delivery

- Neighbourhood issues
- Regeneration initiatives
- Planning Applications and proposals.

9.6 All Officers should identify any issues which may have implications for more than one Ward and consult with all the Ward Members who may be affected.

9.7 All Officers should always try to ensure, so far as it is reasonably practicable to do so, that Members have a realistic timescale in which to respond to consultation on matters affecting or relating to their Ward or constituents. Where, however, urgent action is required to address a particular issue which, for instance, does not realistically allow time for Ward Members to consult their constituents, Officers should inform the Members concerned as soon as possible of any actions taken.

9.8 All Officers acting within the remit of their delegated powers should ensure that they identify at an early stage any issues which should be drawn to the attention of Ward Members or which should form part of a prior consultation exercise with them.

9.9 Whenever a public meeting is organised by or on behalf of the Council to consider a local issue all the Members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.

9.10 Although there are some teams or individual members of staff whose roles, by their nature, involve regular contact with Members because they provide them with direct support (e.g. Democratic Services, Community Development Officers etc), in general terms, Members should not seek to instruct individual officers within wider services to carry out work or take specific action without going through normal channels and lines of management.

9.11 Members must not seek to become involved in directing or requesting action by officers in situations where they may have a close personal or other relationship with any relevant person or organisation, or where the public is likely to reasonably perceive that they have a conflict of interest.

10. MEMBERS' ACCESS TO INFORMATION AND THE COUNCIL DOCUMENTS

10.1 Members are free to approach any Council Department to provide them with such information, explanation and advice (about that Department's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the relevant Director or another nominated Senior Officer of the Department concerned although this should not in any way

prevent appropriate information gathering from taking place by means of contact with relevant Community Development or other Officers, in the usual way. A Member may also, inspect any document which has been considered by the Council and be supplied with a copy of such document. Access to documents and information is governed by the Access to Information Procedure Rules in the Constitution.

10.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by common law.

10.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Cabinet in public or Committee meeting. This right applies irrespective of whether the Member is a member of the Cabinet or Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items which may appear on the "Not for Publication" part of the agenda for meetings. The items in question are those which contain exempt information relating to e.g., employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel, advice received, information obtained and action to be taken in connection with proceedings affecting the Authority and criminal investigations. A Member should also not knowingly inspect and/or call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has any pecuniary interest. In addition, the Chief Legal Officer or any Solicitor to the Council may decline to allow inspection of any document which is, or in the event of legal proceedings, would be protected by privilege arising from the relationship of Solicitor and Client.

10.4 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.

10.5 In some circumstances (e.g. a Committee Member wishing to inspect non-personal or non-confidential documents relating to the functions of that Committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect Council documents which contain personal or confidential information about third parties, such as Council Tenants) there will be a presumption against disclosure and a Member will be expected to justify the request in specific terms. In certain cases, additional guidance regarding the circumstances when inspection may or may not be allowed may also have been approved by the Council.

10.6 Whilst the exercise of this common law right principally depends therefore upon the Member's ability to demonstrate that he/she has the necessary

"need to know" and that there are no legitimate reasons for non-disclosure, a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Director of Service whose Department holds the document in question (with advice from the Chief Legal Officer). In the event of dispute, the question falls to be determined by the relevant Council body e.g. a Committee in connection with whose functions the document is held.

10.7 As a general requirement, where a request to inspect or copy Council documents is likely to involve the significant use of resources, approval to the use of those resources should be requested by following the need to know determination procedure specified in the preceding paragraph.

10.8 Whilst the term "Council document" is very broad, and, prima facie, includes for example any document produced with Council resources, it does not cover draft documents or documents which do not relate to business to be considered by or transacted at a Council, Cabinet or Committee meeting. It is also accepted by convention that a Member of one party group will not have a "need to know" and therefore a right to inspect, a document which forms part of the internal workings of another party group.

10.9 Further and more detailed advice relevant to particular circumstances regarding Members' right to inspect Council documents may be obtained from the Chief Legal Officer.

10.10 Finally any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Members necessarily acquire much information that has not yet been made public and is still confidential. It is betrayal of trust to breach such confidences. Members should never therefore disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.

11. NON-COUNCILLOR MEMBERS OF COUNCIL BODIES

11.1 In accordance with legislative requirements, the Council may appoint diocesan and parent governor representatives to all meetings of the Children and Families Scrutiny and Improvement Committee dealing with matters of education. These representatives may only vote on education issues (as outlined in the Overview and Scrutiny Procedure Rules), although they may speak on non-education topics.

11.2 In particular, those representatives have the right to vote on any decision relating to schools maintained by the authority and pupils who attend local authority maintained schools or who are educated by the authority in some other way.

11.3 These education representatives are also allowed to vote on matters which affect how funds which have already been earmarked for education are to be spent, such as:

- how much of the education budget is devoted to schools compared to e.g. adult education;
- what proportion of the schools budget is retained centrally by the local education authority to provide services for schools and pupils, and what proportion is delegated to individual school budgets;
- what proportion of the school budget retained centrally is devoted to each of the 4 main funding areas (school improvement, pupil access, special education provisions and strategic management) and how much is contributed to Government grants for other specific activities;
- the formula by which individual school budgets are calculated

11.4 Education representatives should not vote on:

- any decision which determines the local education authority's total education revenue or capital budget;
- any matter which would require the Council to raise the Council Tax
- any matter in which the representative has a pecuniary interest. This would include a direct impact on the school at which the representative is, or was, a parent governor or where the representative's child or children are taught, for example, whether that school or another school should be given priority for the replacement of temporary classrooms.

11.5 Other non-Councillor representatives may be appointed to the Council's Scrutiny and Improvement Committees or Scrutiny Panels, but with no rights to vote whatsoever. The Council's other Committees may also co-opt non-Councillor representatives without voting rights.

11.6 All non-Councillor representatives appointed to the Council's bodies, whether they have voting rights or not, should comply with the Council's Code of Conduct for Members, particularly with regard to personal conduct; the declaration of interests; acceptance of gifts and hospitality; use of Council facilities and the basic principles of mutual trust and respect between Councillors and Officers.

11.7 All non-Councillor representatives should abide by and be subject to the provisions of this Protocol insofar as they can sensibly be applied to them when fulfilling their duties as representatives on Council Committees.

11.8 All non-Councillor representatives will be subject to the same requirements and restrictions as Members in respect of access to Council documents and information.

12. PUBLICITY MATERIAL AND PRESS RELEASES

12.1 The guiding principles as to the publication of publicity material and the issuing of press releases by local authority staff are to be found in the Local Government Act 1986 and the related Code of Recommended Practice on Local Authority Publicity as revised by the Secretary of State on 2 April 2001. For practical purposes the LGIU publication The Right Side of the Law is adopted.

12.2 The following is an extract from the 1986 Act:

> "*A local authority shall not publish any material which, in whole or in part, appears to be designed to affect support for a political party.*
>
> *In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and in particular the following matters:*
>
> - *whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;*
> - *where material is part of a campaign the effect which the campaign appears to be designed to achieve."*

12.3 The Council is not therefore permitted to fund the publication of publicity material and/or the production of press releases which are party political. To assist in defining this the following checklist can be used:

- party political logos should not be used
- party political names should not be used except where they are necessary in describing a position
- publicity should not be used to publicise individual Councillors unless they are acting on behalf of or representing the Council.

12.4 The names of non-Cabinet Members, and a short quote from them, may be included in press releases relating to a ward-specific issue in their ward or, in the case of Group Leaders, to a Council/Borough-wide issue. This may only occur where the Members concerned are speaking on behalf of the Council or in support of Council policy.

12.5 If these rules are respected there is no reason whatsoever as to why effective publications and other material cannot be produced and issued without contravening the law. Such material can be written by paid officers and printed by the local authority.

12.6 Any publication or press release which breaches any of the above will be deemed political and will need to be funded by the political party and Officers will not be able to participate.

12.7 Members acting as spokespersons for the Council, when responding to the press and media and making public statements on behalf of the Council should liaise with the Authority's Public Relations Officer on the form and content of any response or statement.

12.8 Members must not use Council resources for political purposes except as permitted by the members Code of Conduct. If members wish to purchase Council material for use for political purposes, a request should be made to the Monitoring Officer who will consider each request on its merit. By way of guidance, images involving Council staff, customers or citizens of the Borough will be very carefully considered as there are clear sensitivities in the use of such images in a party political publication. This will include the requirement to confirm that such usage is in compliance within Data Protection requirements and legislation.

13. CORRESPONDENCE

13.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member unless a prior protocol to that effect has been agreed e.g. as in the case of advice on Members' interests. Where exceptionally, without such agreement being in place, it is necessary to copy correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent" or "blind" copies should not be employed.

13.2 Official letters on behalf of the Council should normally be sent out under the name of the appropriate Officer, rather than under the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear under the name of a Member, but this should be the exception rather than the norm. Letters which for example, create obligations or give instructions on behalf of the Council should never be sent out under the name of a Member.

14. DEALING WITH PLANNING MATTERS

14.1 The public perception of probity in planning decision making is critical if the system is to remain effective and retain the confidence of its users. The Council has local guidance governing planning matters. It applies to both Members and Officers.

15. MEDIATION BY THE MONITORING OFFICER

15.1 This Protocol seeks to encourage best practice and to promote greater clarity and certainty between the various relationships. If any elected Member is unsure about any matter, they should contact the relevant Group Leader and/or the Monitoring Officer for appropriate advice and assistance. If any Officer is unsure about any matter, they should contact the relevant Chief Officer and/or the Monitoring Officer.

15.2 If there is any disagreement in the interpretation of this Protocol, the opinion of the Chief Executive and/or Monitoring Officer will prevail.

Protocol for Decision Making of the Cabinet

The following protocol has been instituted in relation to briefings, agenda meetings and meetings of the Cabinet.

The portfolio holders within the Cabinet have responsibility under the Constitution to discharge the duties bestowed by the portfolio and are entitled to be kept fully briefed by officers on matters pertaining to those portfolios.

With that overarching duty upon officers in mind, the following process will be adopted.

1. Chief Officers (or a senior representative) will host diaried briefing sessions with their individual portfolio holders to discuss:
   - departmental and operational issues
   - forward plan issues
   - specific reports.

2. Cabinet Members will then be able to network with Cabinet colleagues on the matters and take informal soundings.

3. At the diaried meetings the specific reports presented by Chief Officers will be those the Chief Officer intends to take to Cabinet. The Cabinet Member must have regard to Officer advice (including any advice from the Chief Executive, Chief Financial Officer or Monitoring Officer).

4. The report will then go forward to the Chief Executive's briefing meeting. All Members of the Cabinet will be present but the meeting will be used as an agenda marshalling meeting and not for detailed debates on the reports.

5. Selected reports will then go forward to the Cabinet Meeting for decision. Category 1 items will be discussed in full.

6. Minutes of the Cabinet will be published on the web. Individual decisions of portfolio holders will also be published on the web. Scrutiny then have five working days to call in the items for discussion at the Corporate Resources and Governance Scrutiny and Improvement Committee. If the matter is not called in following the expiration of the five working days, officers can implement them.

Protocol on Cabinet Member Reports

1.0 **Introduction**

1.1 Under the Constitution Cabinet Members have responsibility for all matters within their portfolio and are entitled to receive support, advice and information from relevant Chief Officers (and other officers) to enable them to carry out their duties effectively. This is because, under the Constitution Cabinet Members are accountable to the Council for all the Council's activities within their portfolio.

1.2 This protocol provides guidance to enable Cabinet Members to enable them to give account in a democratic, fair and effective way.

2.0 **Process for Giving Account and Cabinet Member Reports**

2.1 Overview and Scrutiny is the principle way in which Cabinet Members are held to account. This can be through call-in but this is only in exceptional circumstances. Most of the time, giving account will be through Cabinet Members attending Scrutiny and Improvement meetings and contributing views and information to enable scrutiny to do its work effectively. Cabinet Members will work positively with Scrutiny and Improvement Committees and policy development (ie devising new policies) and policy review (ie improving existing policy). This is how continuous improvement forms part of elected members responsibilities.

2.2 Cabinet Members will also from time to time give account to the full Council by giving reports on the work they have been doing in their portfolio. Members can ask questions and raise issues on the report and receive a response from the Cabinet Member. No motions can be moved during these sessions but Cabinet Members may be asked if they are prepared to give commitments to take action on any matter covered by the report.

2.3 Each Cabinet Member will give an annual report to the Full Council. These reports will be spread over the Council meetings in February March and April in each year.

3.0 **Time Limits and Order of Questions**

3.1 The Cabinet Members reports will appear in the Council Agenda. A period of a maximum of ten minutes will be set aside for each report and a further ten minutes for any questions upon it. Questions will be taken in order. Questions will be succinct and answers will be addressed to the issues raised.

3.2 The Mayor will have power to extend the period for questions as the Mayor shall see fit.

Monitoring Officer Protocol

1. The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this paper with determination and a manner which will enhance the reputation of the Council. In general terms his or her ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.

2. The following arrangements and understanding between the Monitoring Officer and colleagues and members are designed to help ensure the effective discharge of his/her functions:
   (a) If not a member of the Chief Officer's Management Team the Monitoring Officer will have advance notice of those meetings and agenda and reports and the right to attend and speak.
   (b) Advance notice of pre-arranged meetings whether formal or informal between Chief Officers and members of the Executive or Committee Chairmen will be given to Monitoring Officer where any procedural vires or other constitutional issues are likely to arise.
   (c) Chief Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
   (d) The Monitoring Officer or his/her staff will have copies of all reports to members.
   (e) The Monitoring Officer is expected 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 have a special relationship with the Leader of the Council, the Mayor, Chair of the committee undertaking the Standards Function and the Overview and Scrutiny function and will ensure the Head of Paid Service and Chief Financial Officer have up-to-date information regarding emerging issues.
   (g) The Monitoring Officer will be expected to make enquiries into allegations of misconduct and if appropriate will make a written report to the Governance Committee unless the Monitoring Officer determines a report is not warranted.
   (h) The Head of Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
   (i) In carrying out any investigation (whether under Regulations or otherwise). 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/her functions.
   (j) The Monitoring Officer will have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions.
   (k) The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Governance Committee.

(l) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation in particular with the Head of Paid Service and Chief Financial Officer.

(m) In consultation with the Mayor the Monitoring Officer may defer the making of a formal report under Section 5 LGHA 1989 where another investigative body is involved.

(n) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources they require to discharge his/her functions.

(o) The Monitoring Officer will appoint sufficient deputies to keep him or her briefed on emerging issues.

(p) The Monitoring Officer will make arrangements to ensure good communication between his/her office and Clerks to Parish Councils.

(q) The Monitoring Officer will advise on compensation payments for Maladministration under Section 92 LGA 2000.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989.
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3	Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4	Report on resources.	Section 5 Local Government and Housing Act 1989.
5	Receive copies of whistleblowing allegations of misconduct.	Code of Conduct Expolink.
6	Investigate misconduct in compliance with Regulations	LGA 2000 Section 66(1)+ 66(6) and regulations thereunder and the Localism Act 2011.
7	Establish and maintain registers of members interests and gifts and hospitality.	Section 81 LGA 2000, the Localism Act 2011 and Code of Conduct.
8	Advice to members on interpretation of Code.	Code of Conduct.
9	Liaison with Independent Person.	New ethical framework, practical implications.
10	New ethical framework functions in relation to Parish Councils.	Section 83(12) LGA 2000.
11	Compensation for maladministration.	Section 92 LGA 2000.
12	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members.	DCLG guidance.

PETITIONS SCHEME

Petitions

The council welcomes petitions from those who live, work or study in the Borough 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 include our process for dealing 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:

Legal and Governance
Redcar and Cleveland House
Kirkleatham Street
Redcar
TS10 1RT

Petitions can also be presented to a meeting of the council. These meetings take place on a 6 weekly basis. 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 Democratic Services on 01642 44413 at least 10 days before the meeting and they will talk you through the process. If your petition has received 1500 signatures or more (this is reduced to 500 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area) it will also be scheduled for a council debate 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.

You can also submit and sign petitions online on the Council's website (see Petitions on the A-Z guide). When the petition has closed, it will be processed in accordance with the Petition's protocol at Appendix 1.

What are the guidelines for submitting a petition?

Petitions must be submitted and signed by those who live, work or study within the Borough.

Petitions 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
• the name and home address, or place of work or study 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.

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. The Council's Protocol for dealing with Petitions is attached at Appendix 1.
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 acknowledgment 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 is available here http://www.redcar-cleveland.gov.uk/

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.

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 a council Scrutiny and Improvement committee*
• calling a referendum
• writing to the petition organiser setting out our views about the request in the petition

*Scrutiny and Improvement committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the Scrutiny and Improvement 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.

If your petition is about something over which the council has no direct control (for example 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 here:
http://www.redcar-cleveland.gov.uk/.

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 of people who live, work or study in the Borough (this is reduced to 500 such signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area) 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 or unless it is a petition asking for some other outcome. 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 up to five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a period at the discretion of the Mayor or the Chair of the meeting. 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 the council executive are 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.

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 of people who live, work or study in the Borough (this is reduced to 100 such signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area), the relevant Senior Officer will give evidence at a public meeting of a council Scrutiny and Improvement committee. The authority has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Chief Personnel Officer in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure 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 chair of the committee by contacting Democratic Services on 01642 444413 up to three working days before the meeting.

What can I 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 Scrutiny and Improvement 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 the council executive 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.

PROTOCOL FOR HANDLING PETITIONS BY THE COUNCIL

1 The Policy & Performance Team Leader will receive all petitions from members of the public either directly or via the Ward Member(s), formally acknowledge receipt to the lead petitioner(s) and inform him/her of this process. A copy of the acknowledgement will be sent to all Member(s). Acknowledgement should take place within 10 working days of receipt of the petition.

2. Where the Council's Petition Scheme specifies that a petition must contain a minimum number of signatures, then that number of signatures must be from people who live, work or study in the Borough. All other petitions must be signed by people who live work or study in the Borough.

3. The Policy & Performance Team Leader will take a copy of the petition and pass the original, together with a copy of the acknowledgement letter, to the appropriate Chief Officer.

4. The Policy & Performance Team Leader will advise the Chief Officer, the Cabinet Member(s), the Chair(s) of the appropriate Overview & Scrutiny Committee(s) and other relevant officers if there are any specific concerns relating to a petition (see emboldened paragraph below).

5. If the matter can be resolved quickly and informally by notifying the lead petitioner(s) of some scheduled action on the matter, or if some other basic action(s) on the part of the Department concerned would allow the matter to reach an acceptable conclusion to both parties, the Chief Officer, following discussion with and agreement from the appropriate Cabinet Member(s), should seek to carry out these actions. A confirmation of what has been agreed should be sent in writing to the lead petitioner(s) and copied to the Policy & Performance Team Leader and the Ward Members. This communication should also seek to confirm that the lead petitioner(s) are satisfied that the matter has been concluded and should provide contact details if they wish to take the matter further.

6. If the Cabinet Member, in discussion with the Chief Officer, feels the petition cannot be speedily resolved to the lead petitioner's satisfaction, they will instruct the Chief Officer to call an informal meeting which they will both attend, along with any other relevant officers, the lead petitioner(s) and the Ward Member(s). The meeting will be chaired by the Cabinet Member and will not be the decision-making forum but will enable the chairperson to hear any differing opinions and clarify any matters of fact. Once s/he has had the opportunity to consider the content of the meeting and any other relevant information, the Cabinet Member will give guidance to the Chief Officer about the viability of any solution(s) necessary.

7. The Chief Officer concerned should contact the lead petitioner(s) within 10 working days of the acknowledgement letter, to attempt resolution of the matter or in order to arrange an informal meeting.

8. Following the informal meeting, a record of the deliberations and any proposed solution(s) will be prepared and disseminated by the Chief Officer to the Policy & Performance Team Leader and all attendees of the meeting.

9. However, if in consultation with the Chief Officer, the Cabinet Member feels that the issue is sufficiently complex or important enough to warrant examination by an overview & scrutiny committee, the Cabinet Member will consult with the Chairperson of the relevant Scrutiny and Improvement committee to ascertain whether it is possible for the petition to be heard by the committee and on what date. If there is agreement that the relevant Scrutiny and Improvement committee should consider the matter, the lead petitioner(s) will be contacted accordingly.

10. The Cabinet member will also notify the Policy & Performance Team Leader and the Chief Officer, that the petition will be considered by a Scrutiny and Improvement committee. The Chief Officer will ensure that the Policy & Performance Team Leader is provided with a covering report within the requisite time period and is advised of any Members/groups/individuals who should be notified about the date, time and venue of the overview & scrutiny meeting.

11. The petition will be heard at a specially convened meeting of the appropriate overview & scrutiny committee(s) and not as part of a regular business meeting. If the petition is to be heard by more than one overview & scrutiny committee a special joint meeting will take place. One of the Chairs of the overview & scrutiny committees that have been brought together to hear the petition will be responsible for chairing the joint meeting. The Policy & Performance Team Leader will inform the lead petitioner(s) and Ward Member of the meeting (offering them the opportunity to attend the relevant committee(s) and for the Ward Member to present the petition on behalf of the petitioners).

12. The Policy & Performance Team Leader will write to the lead petitioner(s) and Ward Member inviting them to meet the Chair of the overview & scrutiny committee and the Head of Democracy thirty minutes before the start of the meeting in order to agree the “ground rules” for the hearing. A copy of the outline “ground rules” will be enclosed with the correspondence. These ground rules will include:

    - Who will be allowed to address the meeting (this will usually be the lead petitioner(s), the Ward Member and the leader of any counter petition).

    - The duration of any single address to the Committee.

    - The sequence of these addresses to Committee.

- The general code of conduct of the meeting (e.g. only one person to speak at any one time, all comments to be addressed through the Chair, the Chair's decision is final).

13. The Chair will also explain the nature of overview & scrutiny and its powers to the petitioners. This will include:

    - The fact that overview & scrutiny is not a decision-making body

    - That overview & scrutiny will attempt to gather all the relevant information and advise those making the decision (i.e. the Cabinet regarding "in year" policy or budget implementation or the Council regarding new policy or budget issues)

    - That, at the conclusion of the meeting, overview & scrutiny may either make a positive recommendation or suggest further consultation or information gathering.

14. At the meeting, the Scrutiny and Improvement committee will hear the lead petitioner's views on the matter and the professional advice of officers. It will scrutinise the perceived need for action, whilst being mindful of professional advice, budgetary and other implications of any recommended action

15. At the end of the meeting, the Democratic Services Officer attending will record the conclusions reached and any recommendation for further action. This information will be sent in a letter to the lead petitioner(s) with a copy to the Ward Member, the Cabinet Member and the Chief Officer. If the subject matter of the petition is also to be resolved by the Cabinet, the date of that Cabinet meeting and the corresponding meeting of the Scrutiny and Improvement committee will be provided.

16. Petitions for Debate (By the Full Council)

    If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,500 signatories or petitioners (this is reduced to 500 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area). Should you wish to do so you will be allowed up to 5 minutes to make an oral presentation about your petition. The petition will then be discussed by councillors for a period at the discretion of the Mayor.

17. Petitions to Hold an Officer to Account

    If you want your petition to be considered at a meeting of an Scrutiny and Improvement committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 750 signatories or petitioners (this is reduced to 100 signatories or petitioners where the petition relates to a local

issue, affecting no more than 2 electoral wards within the authority's area). Should you wish to do so you will be allowed up to 5 minutes to make an oral presentation about your petition. The petition will then be discussed by councillors for a period at the discretion of the Chair.

The authority has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Chief Personnel Officer in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.

18. Appeals

- If the petition organiser is not satisfied with the outcome of the authority's consideration of his/her petition, he/she may appeal to the Corporate Resources and Governance Scrutiny and Improvement Committee by notifying the Petitions Officer of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.

- Within 10 working days of receipt of intention to appeal, the Petitions Officer will determine which is the relevant Scrutiny and Improvement Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of the Scrutiny and Improvement Board and will invite the petition organiser to attend the meeting and to address the Committee for up to 5 minutes on why he considers that the authority's decision on the petition is inadequate.

- At that meeting, the Scrutiny and Improvement Board will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the Cabinet Member's response was insufficient. The Corporate Resources and Governance Scrutiny and Improvement Committee may not over-ride the Cabinet Member, but the Cabinet Member must consider any recommendations made by the Corporate Resources and Governance Scrutiny and Improvement Committee.

This protocol will need to be actively overseen by the Policy & Performance Team Leader with reference to petitions concerning the behaviour of individuals, families and other groupings and all other situations where the motivation behind one or more of the petitions may reasonably be suspected of being racist, sexist, in any other way in contravention of the Council's commitment to equality and equity, or in possible contravention of the Human Rights Act or the principles of natural justice. In each case, it is the responsibility of the Policy & Performance Team Leader to investigate and make recommendations, either in public or in private, to Members of the relevant Committees and Departments in accordance with the Information Procedure Rules set out in the Constitution.

Complaints and Compliments Procedures

In order to ensure that the Council complies with statutory requirements the Council has five Complaints procedures:

- Corporate Complaints and Compliments Procedure
- Complaints Procedure for Adult Social Care
- Complaints Procedure for Children's Social Care
- Complaints arising in Schools
- Vexatious Complainants Procedure

There are policies and/or procedures relating to each of these and they can be obtained by visiting our website https://www.redcar-cleveland.gov.uk/about-the-council/compliments-and-complaints-procedures or by contacting the Corporate Complaints Officer.

Protocol on the Use of Members' IT Facilities

1. Introduction

1.1 The Council provides Councillors with computer equipment to use at home, and otherwise outside of Council buildings, to facilitate the performance of their duties as Councillors. The Council is committed to the development of E-Government and will be working over the coming years to increase the range of information which is available to Councillors electronically and to enable Councillors to conduct more of their business remotely. The use of this computer equipment can make Councillors much more effective but there are risks associated with such use. This protocol sets out the conditions on which such computer equipment is provided, in order to minimise those risks both to the Council and to individual Councillors.

1.2 The computer equipment consists of:

- Laptop computer with MS Windows, MS Office and Lotus Notes installed
- Printer
- Remote access to the Council's network.

1.3 Each Councillor is required to sign a copy of this protocol as a condition of being provided with the computer equipment and must comply with the terms of this protocol.

2. Security of the Computer Equipment.

2.1 The Councillor accepts responsibility for the safe-keeping of the computer equipment and shall make reasonable arrangements for the safe-keeping of the computer equipment.

2.2 The Councillor shall ensure that no-one other than the Councillor is given access to the computer equipment and shall not allow any other person to use the computer equipment.

2.3 Access to the Council's information systems via the computer equipment is subject to password security. The Councillor shall ensure that no-one other than the Councillor is given access to those Council information systems and shall not reveal any such password to any other person.

3. Use for Council Business

3.1 The computer equipment is provided to the Councillor specifically to facilitate the discharge of the Councillor's functions as a Councillor. The Councillor must therefore not use the computer in any manner which will prevent or interfere with its use for that purpose.

3.2 The Council has obtained the necessary software licenses for the use of the computer equipment by the Councillor for Council business only.

3.3 Accordingly, the Councillor must not:

- misuse the computer equipment in such a manner as to cause it to cease to function;
- install or use any equipment or software which may cause the computer equipment to malfunction;
- subject to de minimus acceptable use as to which the opinion of the Monitoring Officer will be conclusive:
  - use the computer equipment for private business purposes;
  - use the computer equipment for personal or family purposes.

3.4 The Councillor must:

- Ensure that the computer equipment is maintained in a working condition;
- Report any faults promptly to the appropriate officer of the Council;
- Provide regular access to Council officers to service, maintain and repair the computer equipment.

3.5 The Council is prohibited from publishing any material of a party-political nature. The Councillor must not, therefore, use the computer equipment for the preparation of any material of such nature.

4. Bringing the Council into Disrepute

4.1 The Councillor shall not use the computer equipment, or permit its use, in any manner which may bring the Council or the Councillor into disrepute.

4.2 Specifically, where the Council provides web-sites for Councillors, the Council reserves editorial control of such websites and the right to remove or require the removal of any material which is unlawful, defamatory or likely to cause offence or bring the Council into disrepute.

5. Inspection and Audit

5.1 The Council reserves the right to inspect the computer equipment at any time. The Councillor is required to give Council officers access at any reasonable time for such inspection and audit, which may be undertaken remotely and without notice to the Councillor. Councillors are advised that the computer equipment includes a history file which records its use, and particularly any websites which it has accessed.

6. Costs

6.1 The Council will meet the cost of providing the computer equipment, together with a limited supply of paper and printer cartridges. Further supplies can be obtained from Democratic Services on telephone extension 4413. The Council may decline to provide further supplies beyond a certain allowance, where the use of such supplies appears to be excessive for Council use.

6.2 The Council provides a telephone line for the Councillor to dial in to the Council offices to access the central systems for information, E-mail or Internet access.

6.3 Each Councillor is responsible for his/her own electricity bill. When turned on, the computer consumes about the same amount of electricity as a 100 Watt light bulb.

7. Return and Recovery of the Computer

7.1 The computer equipment remains the property of the Council.

7.2 The Council reserves the right to require the Councillor to return the computer equipment at any time and the right to recover the computer equipment from the Councillor.

7.3 The Councillor is required to return the computer equipment to the Council upon ceasing to be a Councillor.

8. Confidentiality

8.1 The Councillor will be able to access confidential Council information using the computer equipment. The Councillor is responsible for ensuring the continued security of any such confidential information which he/she receives, including the security of any storage of such information on the computer equipment. The Councillor is reminded of his/her obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.

8.2 Some of the information accessed may be personal information relating to individuals. The unauthorised processing or disclosure of such information is prohibited under the Data Protection Act and the Councillor is responsible for ensuring that there is no such unauthorised disclosure from the computer equipment.

9. Restriction of Use

9.1 The Council reserves the right to restrict the use of the computer equipment if it has reason to believe that the use of the computer equipment is likely to offend any provision of the Protocol. In particular, the Council reserves the right to:

- remove or disable any software or equipment;
- remove any information stored on the computer equipment.

I confirm that I have received the computer equipment referred to in this Protocol and that I understand the contents of the Protocol.

Name of the Councillor: …….

Signature of the Councillor: ……

Date: …….

Scheme Of Indemnity For Members And Officers

(1) This Scheme of Indemnity ("the Scheme") shall take effect from the date on which it is passed and in substitution for any previous Scheme of Indemnity.

In this Scheme: -

"employees" includes any person employed or formerly employed by Redcar and Cleveland Borough Council ("the Council") and any other person appointed by it to be an officer of the Council.

"members" includes former or present elected and co-opted members of the Council.

(2) The Council hereby indemnifies its employees and members against the costs, claims and expenses set out in paragraph (3) of this Scheme, subject to the exceptions set out in paragraph (4) of this Scheme, and on the terms set out in paragraph (5) of this Scheme.

Notwithstanding any limitation on the powers of the Council, the indemnity is effective to the extent that the employee or member in question:-

(a) believed that the action, or failure to act, in question was within the powers of the Council, or

(b) where that action or failure to act comprises the issuing or authorisation of any document containing any statement as to the powers of the Council, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true, and it was reasonable for that employee or member to hold that belief at the time when he/she acted or failed to act.

The indemnity is also effective in relation to any act or omission which is subsequently found to be beyond the powers of the employee or member in question but only to the extent that he/she reasonably believed that the act or omission in question was within his/her powers at the time at which he/she acted.

(3) The costs, claims and expenses are those which arise from, or in connection with, any action of, or failure to act by, the employee or member in question, which:-

(a) is or has been authorised by the Council; or

(b) forms part of, or arises from, any powers conferred, or duties placed, upon that employee or member, as a consequence of any function being exercised by that employee or member (whether or not when exercising that function he/she does so in his/her capacity as an employee or member of the Council) −

(i) at the request of, or with the approval of the Council, or

(ii) for the purposes of the Council.

(4) The exceptions are that: -

(a) No indemnity is given in relation to any action by, or failure to act by, any employee or member which −

(i) constitutes a criminal offence; or

(ii) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that employee or member.

(b) Notwithstanding paragraph (4)(a)(i), the indemnity is provided in relation to −

(i) (subject to paragraph 5) the defence of any criminal proceedings brought against the employee or member; and

(ii) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.

(c) No indemnity is provided in relation to the making by the employee or member indemnified of any claim in relation to an alleged defamation of that member or employee but the indemnity is provided in relation to the defence by that member or employee of any allegation of defamation made against him/her.

(5) The terms of the indemnity are as follows: -

(a) Where the indemnity has effect in relation to the defence of any criminal proceedings; or any Part 3 proceedings (meaning any investigation, report, reference, adjudication or any other proceeding pursuant to Part 3 of the Local Government Act 2000) then −

(i) in the case of criminal proceedings, if the employee or member in question is convicted of a criminal offence and that conviction is not overturned following any appeal, and

(ii) in the case of Part 3 proceedings −

(1) if a finding is made in those proceedings that the member in question has failed to comply with the Code of Conduct and that finding is not overturned following any appeal, or

(2) if the member admits that he has failed to comply with the Code of Conduct,

the employee or member shall reimburse the Council or the Council's Insurer for any sums expended by it in relation to those proceedings pursuant to the indemnity or insurance, and those sums shall be recoverable by the Council or the Council's Insurer as a civil debt.

(b) The indemnity will only extend to cover actual loss and expense incurred and evidenced by the employee or member to the satisfaction of the Chief Executive or his nominee.

(c) The indemnity will not cover any loss or expense in respect of which the employee or member can obtain reimbursement from any other source, including any policy of insurance whether taken out by the Council or the employee or member or by any other person.

(6) This indemnity is without prejudice to the right of the Council to take disciplinary action against an employee in respect of any neglect, act, error or omission.

Protocol on Recording, Filming, Photographing and Broadcasting Redcar and Cleveland Borough Council Meetings

1. General.

Redcar and Cleveland Borough Council is committed to good governance and to open and transparent decision making. The Council welcomes the attendance of the press and public at all of its meetings when they are open to the public.

This protocol provides guidance to the press and public on the use of mobile phones, social media (use of web-based technologies to share information and to interact with online communities, e.g. blogs, Twitter, Facebook, YouTube and SMS text messaging), filming, photographing, recording and broadcasting of Council, Cabinet, Committee, Sub-committee, Board and Panel meetings which are open to the public

2. Attendance at Meetings of the Council.

The press or public may attend any meeting of the Council, Cabinet, a Committee, Sub-committee, Board, or Panel whilst that meeting is in open session. They may record, film, photograph and broadcast the proceedings of any of these meetings. The "press" is widely defined and includes citizen journalists, bloggers, social commentators and film crews as well as more traditional print media. There is no requirement for accreditation.

3. Facilities for the Press and Public.

The Council will make "reasonable" facilities available to assist anyone wishing to record, film, photograph or broadcast proceedings of its meetings. This may include providing a table at each meeting for use by the press to assist with taking their reports. The Council may also designate an area in the public area of a meeting room or in the public gallery of the Council chamber for use by anyone wishing to record, film, photograph or broadcast proceedings. Space in these areas will be limited, and the Council cannot guarantee that space will be available.

The Council will not provide any additional kit or equipment (including electric points) to enable the recording, filming, photographing or broadcasting of proceedings, beyond the normal microphone systems employed at the meeting. The Council will not generally facilitate additional internet access. If and to the extent that Wi-Fi is available in the meeting room, the Council will not be liable for any disconnection, suspension, interruption or termination to the Wi-Fi service.

4. What May be Recorded etc?

Any meeting of the Council, Cabinet, all Committees, Sub-committees, Board and Panels and any joint committees with other local authorities may be recorded, filmed, photographed or broadcast whilst these meetings are in public session only. However, any such activity, broadcast, commentary or expression of views is subject to UK law, including the laws of defamation, public order, data protection and human rights legislation.

All recordings must be overt (i.e. clearly visible to anyone attending the meeting).

Those filming or recording the proceedings must not edit them in such a way that could lead to the misinterpretation or misrepresentation of the proceedings or comments made by the attendees.

5. Restrictions on Recording etc.

(a) Meetings during which the presence of the press and public are excluded

The press and the public must be excluded, by resolution, from a meeting, where the transaction of business on the agenda is likely to involve the disclosure of confidential information and information which is prohibited from being disclosed by any enactment or by a court order ('exempt information').

Where the transaction of business on the agenda is likely to involve the disclosure of exempt information as defined by law and it is resolved to exclude the press and public, then all rights to film, record, photograph or broadcast the meeting are suspended, and recording equipment used for the purpose of reporting the meeting must be removed from the meeting while the meeting is in closed session.

(b) Members of the public attending the meeting who do not wish to be recorded, filmed, photographed or broadcasted

If required, a separate public area may be designated for people who do not wish to be filmed, photographed, recorded or appear in any broadcast. In the Council Chamber, this area may typically be towards the rear of the public gallery.

Persons who film, photograph, record, or broadcast meetings are requested to focus only on Councillors, Officers and the public who are directly involved in the conduct of the meeting.

Where a member of the public is permitted to address a meeting the Chair will ask each individual to give their permission to being filmed, recorded, photographed or to appear in a broadcast or in any other means used by the press or public for enabling persons not present to see or hear proceedings at the meeting as it takes place or later. Where permission is refused, the Chair will instruct that any recording, filming, photographing etc. cease whilst the person is addressing the meeting. Failure to comply with this instruction will be deemed to constitute disruptive behaviour which may result in expulsion from the meeting.

(c) **Use of Mobile Devices and oral commentary**

To minimise disruption to others attending the meeting, all attendees must ensure that their phone or other mobile devices are set to silent mode during the meeting. Whilst written reporting or written commentary is permitted during a meeting, no oral commentary or oral reporting is permitted, as this could be disruptive to the proceedings of the meeting.

(d) **Children**

Without the express permission of their parents or guardian, the recording, filming etc. of children who may be in attendance is strictly prohibited.

(e) **Seating**

To assist the meeting to run smoothly without unnecessary interruption, members of the press and public should remain seated whilst undertaking any filming, photography etc.

6. Exclusion from a Meeting on the Grounds of Disruptive or Intrusive Behaviour

As far as possible, every effort will be made by the Council to ensure that the press and public are able to exercise their rights to film, record etc. However, should such activity become overly intrusive or disruptive to the point where it is considered to interfere with the proceedings, or the conduct of business, or the decision making process, then the Mayor (in the case of Council meetings) or the Chair (in the case of Cabinet, Committees etc. meetings) will warn the person to desist. If the instruction is not respected, the person will be asked to leave the meeting.

If the activity is disruptive or distracting to the good order and conduct of the meeting, the Mayor or Chair may rescind permission for the press and public to record, photograph, film, broadcast or use any other means for enabling persons not present, to see or hear proceedings at the meeting as it takes place, or later. The Mayor or Chair's ruling is final.

Examples of disruptive behaviour may include:

- moving to areas outside of the designated area within the public gallery, or such other area as may have been set aside, for the purpose of recording, filming, photographing or broadcasting the meeting, without the permission of the Mayor or Chair;
- generating excessive noise in making a recording or during the setting up or re-siting of equipment during the meeting;
- use of intrusive lighting or use of flash photography;
- attempting to address the meeting without permission or asking for statements to be repeated for the purposes of recording;
- seeking to record, film, photograph or broadcast members of the public against their wishes.

7. Permission and Notice of Attendance

Whilst no prior permission is required to film, record, photograph or broadcast a meeting in open session, it is requested that any person wishing to film or audio record a public meeting notify Democratic Services (01642 444413) in advance so that reasonable facilities to support this can be provided for the public meeting and so that an announcement to this effect may be made at the start of the meeting

8. Claims or liabilities

Any person or organisation choosing to film, photograph, record or broadcast any meetings of the Council, Cabinet etc. is responsible for any claims or other liability resulting from their activities and by choosing to film, photograph, record or broadcast proceedings they accept that they are required to indemnify the Council, its Members and Officers in relation to any such claims or liabilities.

9. Deemed acceptance of this policy's requirements

Any person or organisation choosing to film, photograph, record or broadcast any meetings of the Council, Cabinet etc. is deemed to have accepted the requirements of this policy.

10. Notices

A notice will be displayed in meeting rooms providing information to those wishing to record, film, photograph or broadcast meetings and for members of the public.

Local Guidance For Councillors And Officers Dealing With Planning Matters

1. Introduction

1.1 The public perception of probity in planning decision-making is critical if the system is to remain effective and retain the confidence of its users. For planning applications, decisions are normally made by the Council's Regulatory Committee. Planning policy is established by full Council. It is important to demonstrate impartiality in all planning decisions. To this end, Redcar & Cleveland Borough Council is publishing this local guidance which applies to any member (Councillor) or officer who deals with planning matters. It is published to be read alongside the Council's Code of Conduct for members, the Redcar & Cleveland Code of Conduct for Employees, the Royal Town Planning Institute Code of Professional Conduct for Officers.

1.2 In the interests of probity, in the event that a Councillor considers that he or she has or may have breached this guidance e.g. by indicating in any way support or objection to a proposal in advance of a meeting of the Council at which the proposal is to be considered, the appropriate course of action is for the Councillor to declare the breach or potential breach at the earliest opportunity at the beginning of the meeting and to withdraw from the meeting when the proposal is to be considered.

2. The roles of Officers and Members

2.1 Both officers and Members serve the public. Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Councillors have the legal authority to make decisions. This authority is exercised in the Council's Committees, Cabinet and at meetings of the Full Council. Many types of decisions are delegated to officers.

2.2 Officers advise Members and implement the Council's decisions. Their advice is based upon professional judgement rather than political considerations. At all times they are expected to act with competence, honesty and integrity. Professional officers are bound by the Codes of Conduct of their respective professional institutes and in addition the Council requires them to exercise their professional judgement impartially and to the best of their ability and to discharge their duty with due care and diligence and without discrimination. An officer's own personal or political opinions must not interfere with their work for the authority.

2.3 It is important that the relationship between Officers and Members is based upon mutual trust and understanding. This relationship must never be abused or compromised.

3. Lobbying

3.1 Lobbying, or seeking to influence a decision, is part of the political process. Those potentially affected by a planning decision or their agents will often seek to influence the decision by approaching Council Members. Whilst there is nothing improper in this, such lobbying can call into question the impartiality and integrity of individual Members if they give the impression of support or opposition, or declare their voting intention prior to formal consideration of the matter. To declare a voting intention without having all the relevant information, views and advice before them would be unfair. Thus, Members are advised:

- To take care in expressing any opinion on a planning proposal until they have received a formal report from officers at Regulatory Committee. Prior to that it is best to offer only procedural advice and refer lobbyists to professional officers. Representations made to officers can then be included in any formal report.

- Officers may give an indication of their likely recommendation to Committee based upon policy contained in statutory plans and Government advice etc.

- During any discussion with lobbyists Members should make clear that their comments are not those of the Council and are provisional pending other evidence and officer advice.

- Members may visit sites before Committee but they should have regard to the principles set out above. They should avoid situations where they could be subject to undue pressure by an applicant, agent or objectors.

- Councillors should not debate or negotiate detailed planning issues with lobbyists.

- Councillors should not lobby other Members.

- Councillors should not put any officer under pressure to make a particular recommendation.

- Given that the point at which a planning decision is made cannot occur before the Committee meeting when a formal report is presented, political group meetings prior to the Committee meeting should not influence how Councillors sitting on the Regulatory Committee should vote.

- It is appropriate for Ward Members or any Member having detailed knowledge of a particular matter to address the Committee but those Members should not organise support or opposition or lobby other Members.

- Councillors should not act as advocates or agents for planning applications or other planning matters to be determined by the Council.

- Instances of lobbying should be declared on the appropriate form which will be placed on the relevant case file. (Forms can be obtained from the Development Control Section, from the Council's intranet or copied from Appendix 1 of this report).

4. Pre-application discussions

4.1 Pre-application discussions are encouraged in order to achieve the best planning outcome for all. These discussions may continue after determination of an application if there are reserved or outstanding matters or amendments to be dealt with.

4.2 These discussions should always be undertaken by officers who should make it clear that they are expressing a professional officer opinion and thus the discussions are held without prejudice.

4.3 The following guidelines should be adhered to:

- Pre-application discussions should always be conducted at appropriate officer level. However, it should be made clear that the views expressed may be subject to review at a more senior level or by Members at Committee

- Advice should be consistent with Statutory Plans, Government Planning Policy Guidance and Statements and any other material considerations.

- Officers should make a detailed written note of any pre-application meetings as soon as practicable.

- Confirmation of the advice given should always be supplied in writing when requested by or on behalf of the applicant or when deemed appropriate by the Section Manager.

- Where Members attend any such meetings they should be seen to be advised by professional officers of appropriate seniority. Members' involvement should be authorised by the main Committee.

- The involvement of Members should be recorded in any subsequent Committee report.

- In the case of potentially contentious meetings, 2 or more officers will attend.

5. Parish Council Membership

5.1 Some Borough Councillors are also Parish or Town Councillors. This may present problems where the Parish or Town Council is consulted on an application or policy matter especially if the Councillor comes under pressure to indicate support or objection to a proposal in advance of a decision by the Regulatory Committee, Cabinet or Full Council.

5.2 It is possible that a Councillor in this position could vote in a different way at the Regulatory Committee, Cabinet or Full Council meeting when all relevant

information is available in the officer's report.

5.3 Borough Councillors who serve both Councils are advised;

- That Councillors should clearly explain to Parish and Town Councils that they do not form a view upon planning applications or planning policy until the relevant information is before them at the Borough Council.

- That they can continue to offer advice and assistance when planning matters are considered by the Parish Council but they should avoid giving any indication of support or objection in advance of a decision by the Borough Council. In particular, they should emphasise to Parish/Town Councils that in the organisation of Parish Town Council business the impartiality of Borough Councillors must not be prejudiced by the Parish/Town Council requiring or expecting Borough Councillors to speak or vote on planning matters or in any other way to express a view on a proposal in advance of a decision by the Borough Council.

- That they can pass on the views of the Parish Council and explain the reasons for those views when the Borough Council considers the application.

6. Ward interests

6.1 Councillors have a special duty to their ward constituents but an overriding duty to the wider community. For this reason they should not favour any individuals or groups and they should represent their constituents as a body. Where a ward member has publicly supported a particular outcome, that member should make an open declaration to the Regulatory Committee and withdraw whilst the application is determined.

7. Declaration of interests

7.1 The Local Government Act, 1972 and the National Code of Conduct must be adhered to scrupulously so that not only is impropriety avoided but so too is any appearance or grounds for suspicion of improper conduct.

7.2 Members need to register and declare certain interests and this is covered in the Code of Conduct for Members. The guiding rule for both Councillors and officers is that they must not use their position to further private or personal interests rather than the public interest or give grounds for any suspicion in that connection.

7.3 Where a Member declares a prejudicial and/or pecuniary interest he or she must withdraw from the relevant proceedings and not seek improperly to influence them.

8. Hospitality

8.1 Whilst a reasonable amount of entertainment is a normal part of public life, it is important that the offer or acceptance of hospitality is not perceived as the execution of improper influence on individuals. All such offers must be recorded on the appropriate form.

9. Development proposals submitted by Councillors or Officers of the Council

9.1 Serving Councillors and officers of the Council should not act as agents for people pursuing a planning matter with the local authority.

9.2 Members or officers connected with the Council's Planning Service, or their close friends or relatives will from time to time submit their own proposals to the Council. In doing so, they should declare their interest to the Monitoring Officer and they should take no part in the Council's handling of that matter. Declarations of interest should be logged on the relevant planning files.

10. The decision

10.1 Within Redcar & Cleveland, there are two categories of decision on planning and related applications:

- those delegated by the Regulatory Committee to Officers.
- those made by the Regulatory Committee

10.2 Planning Policy decisions are generally made by Full Council

10.3 In instances where the decision is made at Committee, or Full Council, officers will prepare a full and structured report setting out the relevant points and in the case of applications, the development plan policies, site or related history and other material considerations including any representations made in respect of the application. The officers' report will include a clear recommendation.

10.4 The law requires that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise (S38(6)) of the Planning and Compulsory Purchase Act 2004). Where Members make a decision contrary to officer recommendation, Members will clearly specify the planning reason(s) for that decision and these will be minuted.

11. Committee site meetings

11.1 Site inspections by the Committee can be helpful in reaching a decision on issues where site circumstances are fundamental to the decision. Site inspections should only be called where the impact of the proposed development is difficult to visualise from the plans and other supporting material. The reason for each committee site visit shall be minuted and recorded on the file.

11.2 Visits will be conducted in a formal manner in compliance with the Human Rights Act 1998. The Chair or Vice-Chair will open the meeting and advise those present of the purpose of the meeting and how it will be conducted. Officers will highlight issues relevant to the site inspection.

11.3 Subject to the permission of the landowner being forthcoming, members of the public, Ward Councillors and Parish and Town Councillors and representatives may observe proceedings but not take part in any discussion and they will not be permitted to address the Committee on site.

11.4 At the end of the site visit, the Regulatory Committee will return to Belmont House or other appropriate venue to make a decision on the application.

11.5 Each year a review will be undertaken of decisions made following a Committee site visit and the results and analysis presented to the Regulatory Committee.

12 Public speaking at Committee

12.1 Redcar & Cleveland Borough Council permits public speaking at its Regulatory Committee (applications) meetings, subject to the following

- Where possible those wishing to speak should advise an officer in the Development Control team, in advance of the Regulatory Committee meeting that they wish to speak on an application. (Contact names and numbers appear on any correspondence from the Council in connection with the planning application). Speaking will only be permitted if the application is one which will go before Regulatory Committee and the individual concerned has a legitimate interest in the application. Comments should be limited to material planning considerations and comments of a personal or discriminating nature will not be permitted. Prior notice should be given if it is intended to show plans, photographs or other illustrative material and copies must be deposited with the Council. Where there are several members of the public wishing to make the same points, the Chair may ask them to elect up to three spokespersons.

- Those wishing to speak should arrive at the Regulatory Committee meeting at least 15 minutes before its start and report to the democratic services officer or planning clerk. A note will be taken of their details and the Chair of the Committee advised accordingly.

- Generally, the Chair will ensure that those applications on which people wish to speak are taken early on in the agenda.

- Such applications will be dealt with as follows: The Chair will ask the officer(s) to present their report. Following that, the order of speaking is:

- Objector(s)/Supporter(s) (3 minutes each maximum) the number of objectors/supporters allowed to speak will be at the discretion of the Chair but will generally not exceed 3 for each side). The Chair will not allow repetition of points.

- Ward Members (3 minutes each maximum)

- Parish/Town Council Representatives (3 minutes maximum)

- The applicant or their Agent (3 minutes maximum)

12.2 Following the above, the Chair will ask the Officer(s) if there are any further points they wish to make in response to the points raised. The Committee will then debate the application and a decision will be made. Very occasionally, a decision may be deferred for more information. Members of the Committee may ask specific questions of a speaker for clarification, but speakers will not be allowed to join in the Committee debate, or to speak from the floor before or after their 3 minute slot.

12.3 A short leaflet will be made available to members of the public attending Regulatory Committee meetings, explaining briefly the procedures followed. A copy is forwarded when objectors are notified of the Committee date.

12.4 If a member of the public interrupts the proceedings, the Chair should warn that person. If the person continues the disruption, the Chair shall order an adjournment of the meeting. If deemed necessary the Chair shall order that the disruptive person be removed to enable the meeting to be resumed.

13. Regular reviews of decisions

13.1 A sample of sites of implemented planning permissions should be visited and assessed once per year by the Regulatory Committee, as recommended in the Audit Commission's document "Building in Quality". The sample should include examples from a broad range of categories and the results formally considered in order to inform the need for amendment to policies or practices.

13.2 A system of peer reviews exists between planning officers of the Tees Valley Authorities. Redcar & Cleveland will continue to play its part in this.

14. Complaints about the Planning Process

14.1 The Council has adopted a complaints procedure for all service areas which can be utilised to make any complaint about the process of delivering the Planning Service. Full details are contained in "Complaints, Comments, Compliments" published by the Council's Democratic Services Section.

14.2 Complaints in respect of any Council Member are handled by the Council's Monitoring Officer and the Governance Committee.

14.3 All complaints will be monitored for the purpose of identifying trends.

15. Training

15.1 Officers who are members of professional institutions are required to complete a prescribed amount of Continuing Professional Development (CPD) and the Council's Investors in People designation requires all officers to keep up to date with their training.

15.2 The Nolan Committee recommends that "All Members of an authority's Regulatory Committee should receive training in the planning system, either before serving on the Committee or as soon as possible after their appointment to the Committee." The Government endorses this recommendation and together with the Local Government Association, the Improvement and Development Agency and the Royal Town Planning

Institute has devised a proposed syllabus covering all aspects of planning for Members' training. The Council's Regulatory Committee has indicated its intention to comply with the recommendation and Members should therefore make every effort to attend training events organised on their behalf to meet these recommendations. No Member will be permitted to vote at the Regulatory Committee before completing at least the necessary induction training, provided by the Head of Planning & Development. Regulatory Committee has resolved that this 'qualifying' training shall be renewed at least every 3 years (or as otherwise required by changes in legislation or planning practices and procedures).

Appendix 1

PLANNING APPLICATION : DECLARATION OF LOBBYING

- **Name of Officer/Member making the declaration**

- **Application No (where known)**

- **Application Site**

- **Name(s) of persons undertaking lobbying and a note of their interest in the application (applicant, objector etc)**

- **Date of lobbying**

- **Brief details of the nature of the approach to the Council officer/Members**

Upon completion of this form please submit immediately to the Development Control Manager at Belmont House

Protocol and Guidance for Directors of Council Companies and Joint Ventures

1. Introduction

This guidance is for those who may have a role in connection with the Council's trading companies and joint ventures. It helps them and the Council (as shareholder) to recognise the interests involved and to avoid a conflict between them.

The guidance sets out:

2. Why this guidance matters

3. Recognising the different roles

4. Avoiding the problem – the appointment of directors

5. Recognising the interests involved

6. Behaviours, codes of conduct and responsibilities

7. Handling conflicts of interests

Appendix 1 - further information on the general duties of a company director

2. Why this guidance matters

2.1 Being a director of a local authority company requires those appointed to the roles to operate in a different legal framework to that of the Council. It can lead to real conflicts between the duty owed to the company and the interests of the Council.

2.2 It can also lead to conflicts of interest on a personal level which makes holding some roles in the Council unviable whilst continuing as a director. It is necessary to make different assumptions about how things operate and what issues you need to have demonstrated you took into account, and what had no influence.

2.3 Too often, this is not understood until problems arise, resulting in reputational and financial damage and in some cases, external intervention directly impacting on the Council.

3. Recognising the roles

3.1 **Officer of the council:** the first duty of an officer of the Council is to the Council itself, using their knowledge and professional expertise, and the Council's information and resources, to give advice, make decisions under delegation, and to deploy resources to deliver the Council's objectives. This is a contractual duty and may be waived by the Council in relation to officers who are appointed as Directors when they are acting in their capacity as Directors.

3.2 **Member of the council:** a member of the Council is democratically elected to represent their communities and may be appointed to the formal roles of

bodies within the Council's decision-making structure to make decisions and to share policy on behalf of the Council. Such roles may involve executive decision making or scrutiny. Elected members are under a legal duty to always act in the best interests of the Council. If appointed as a director of a company, they would also be under a legal duty to act in the best interests of the company. This presents a possible conflict of interest which would be impossible to resolve.

3.3. **Director of a company:** a director's first duty is to the interests of the company not to the Council. The Institute of Directors' Corporate Governance Guidance and Principles states "an important principle of company law is that directors have a duty to promote the success of the company as a whole. Appendix 1 provides further information on the general duties of a company director. They are specifically prohibited from directing the activities of the company in favour of themselves or particular shareholders and/or stakeholders"

3.4 By the nature of these various roles, each has an in-built interest, a fiduciary duty to the body concerned. A conflict of interest arises where these roles and duties coincide. Situations can inevitably arise where the same person will be a decision maker or advisor both for the Council and one of its companies. Examples of this includes matters of reporting, contractual discussions, investment requests or resourcing agreements.

3.5 Council appointed directors should make themselves available for Council scrutiny committees and other Council governance forums, which oversees the company. They are not obliged to disclose commercially confidential information about the company.

4. Avoiding conflicts

Right person, right role – guidance for the Council in appointing directors

4.1 The Council can minimise the risk of a conflict by considering carefully at the outset who it appoints as a director. For example, a particular professional role (e.g. Head of Service) with the skills and experience that such a role requires, may suggest that the post would be an ideal choice. However, this could significantly limit what the postholder is then able to do within the Council as regards decision making, access to information and influence.

4.2 In general, the more senior the officer, the more likely it is that their 'day job' for the Council may conflict with a company director role or would need to be inhibited to a counterproductive extent in trying to balance the two.

4.3 In accordance with the latest LLG CIPFA Solace Code of Practice for Good Governance for Local Authority Statutory Officers, the Head of Paid service (Chief Executive), Monitoring Officer and Chief Finance Officer (Section 151 Officer) ***must not hold directorships*** on Council owned companies or joint ventures but retain their role to avoid conflicts of interest and act in the public

interest and in the interests of the Council. Steps are currently being taken to address any issues that might currently exist on this issue.

4.4 Personal factors may also present a conflict. For instance, where an Officer or Member (or a relative or close friend of theirs) has an interest in a competitor to the company concerned.

4.5 Appointments should take account of:

- The benefits of appointing independent directors to the entity
- The need to avoid officers also being appointed to positions within the company, if such eventuality is likely to lead to a conflict of interest
- Achieving as wide a range of skills as possible relevant to the company's purpose and aims.

4.6 Given the nature of their roles and the likelihood of conflicts of interest it may not be appropriate for certain officers to be appointed as directors and careful consideration should be given by the Council before an appointment is made. Such positions include Corporate Directors and Heads of Service whose service areas relate to the aims of the company.

4.7 Prior to the appointment of any officers as directors, consideration should be given as to whether any ethical walls are necessary. For example, restricting an officer's involvement in the 'Council side' of any projects or initiatives that overlap with the aims and activities of the company/joint venture; or their access to confidential information relating to such projects, initiatives and activities. These should be discussed and agreed with the Monitoring Officer.

4.8 A Director will also need to be mindful of the sensitivity of the information gained within the company and take care not to disclose this inappropriately within the Council.

5. Recognising potential conflicts

5.1 Examples of where conflicts can arise include:

- **No scrutiny of own decisions/performance:** holding a council role which involves potential oversight and scrutiny of the entity, while also holding a position within the entity.
- **Council decision affecting the company:** an Officer as director making/advising the Council on a decision under delegated powers for the Council, that affects the company. The director could provide information to the Council on behalf of the company if invited to do so.
- **Personal/private interests:** holding a position as a Director while having a private financial or non-financial interest which may conflict or maybe perceived to conflict with the role. For example, Director (or their relative/close friend) has an interest in a supplier or competitor to the company.
- **Gifts & hospitality:** Directors receiving benefits from third parties (e.g. potential suppliers to the company) such as gifts and hospitality.

- **Access & use of information, opportunity:** the exploitation by a director of any asset, information or opportunity related to the company. It could be a breach of a director's duty to the company either to disclose confidential company information to the Council, or to disclose confidential council information to the company. Section 175 of the Companies Act 2000 terms this the avoidance of the "exploitation of any property, information or opportunity" whether the company gains advantage from property, information or opportunity.

5.2 Officers may be clear about their roles within the Council and the company. However, they must also be aware of what those roles mean for their use of market sensitive information or other confidential intelligence that might be of interest to the other entity but to which they would not be otherwise entitled. The officer needs to be very clear about which role they are performing and not to disclose or otherwise act on the awareness of any such information in the secondary setting.

5.3 Directors should actively consider the potential for conflicts of interest, identify and act to resolve them. This means considering and registering their standing interests at the point of appointment. They must consider the "declaration of interests" item on each council or company board meeting agenda and think through what the business on that agenda means for any interests they may have.

5.4 It is also important to consider the sources of information (particularly confidential information) that the Director can access or may receive as part of their roles and the extent to which this is appropriate or requires mindfulness of their fiduciary duties. The same applies to managers who may oversee staff who may be working on projects which may impact their company role. The Monitoring Officer can advise on the potential for conflicts of interest.

5.5 Where a potential conflict of interest may arise, then in addition to declaring it at the relevant meeting, the appointee should not vote on the matter.

6. Behaviours, Codes and Responsibilities

6.1 Officers are subject to the Seven Principles of Public Life ("the Nolan Principles and to the Code of Conduct for Employees Values Behaviours Framework) This applies not only when acting within the Council but when serving on a Council company. This is in addition to the responsibilities under local government and company law. Regard must also be had to the Articles of Association for each company and the conflicts of interest requirements within them.

6.2 In accordance with the Nolan Principles, Officers, even when serving as directors must always demonstrate:

- Selflessness
- Integrity
- Objectivity

- Accountability
- Openness
- Honesty
- Leadership

The Code of Conduct for Employees requires Officers to declare any professional or personal relationships with contractors, any financial or non-financial interests which could conflict or be seen to conflict with the council's interests. Officers must also seek approval before undertaking any outside work, which includes any paid or unpaid work, including voluntary work undertaken in addition to council employment. This includes appointments as Director to a Council company/joint venture.

6.4 The Code is also clear that information obtained in the course of employment should not be used to further private interests or improper or commercial gain or for fraudulent or malicious activities.

Articles of Association

6.5 Each of the Council's companies/joint ventures will have its own Articles of Association and these may include their particular requirements for handling conflicts of interest.

7. Handling Conflicts of interest

7.1 In matters of reporting, contractual discussion, investment requests or resourcing agreements, there is the potential for the same person to be a decision maker or advisor both for the Council and the company. It will become an actual conflict whenever that scenario occurs in practice.

7.2 Company directors have a legal duty to avoid a situation where they have, or may have, an interest that conflicts with the interest of the company. Company law and articles of association do allow provisions for directors and shareholders to authorise a conflict in some circumstances. However, an Officer cannot waive their duty to act in the public interest when exercising their duties to the Council.

7.3 This will on occasion create an inescapable conflict of interest between someone's role as an Officer of the Council and as a director of a company. In practice, once a person is appointed as a director of the company/joint venture, their prime duty is to the company and their involvement in decision-making/voting on the company board must reflect that.

Process in relation to declaration of conflicts:

7.4 The following process should be followed in relation to the declaration of conflicts

i) **Outset declaration:** Directors to the company should complete a declaration of interests form before their appointment is made;

ii) **Training:** training on identifying conflicts should be given to Directors as arranged or commissioned by the Monitoring Officer;

iii) **Potential conflicts:** where an Officer considers a potential conflict exists between their Council and their company role, they should confidentially discuss with the Monitoring Officer (or their nominated Deputies) to determine whether a conflict exists on the Council side and with the Company Secretary on the company side.

iv) **Declaring the interest:** the Director should follow the Council's and company's normal procedures for declaring and registering an interest. It is important that Officers take full note of the content of agendas and whether the business to be transacted raises any potential conflicts. There will be a point on each agenda where interests should be declared.

v) **stand down from discussion**: having declared a conflict of interest, there should be no taking part in a decision about the issue.

vi) **Ethical wall:** in the case of an officer who may have a conflict between their roles, the Monitoring Officer may consider implementing an "ethical wall" between the person and their access to information or their influence towards fellow officers; this would be recorded and proportionate to the circumstance.

vii) **Annual update of registers of interest:** there should be an annual reminder to each Officer to update their registers of interest to encourage continued thinking about potential or emerging interests.

Appendix 1 General duties of a company director

The purpose of this appendix is to act as a desk aide for anyone performing the role of a company director to a wholly owned or joint venture.

Being a company director - GOV.UK

As a director, you must perform a set of 7 duties under the Companies Act 2006. These still apply if:

- you're not active in your role as director
- someone else tells you what to do
- you act as a director but have not been formally appointed
- you control a board of directors without being on it

Company's constitution

You must follow the company's constitution and its articles of association. These are written rules about running the company, agreed by the members, directors and the company secretary.

The constitution sets out what powers you have as a director, and the purpose of those powers.

Promote the success of the company

You must act in the company's best interests to promote its success. You must consider the:

- consequences of decisions, including the long term
- interests of its employees
- need to support business relationships with suppliers, customers and others
- impact of its operations on the community and environment
- company's reputation for high standards of business conduct
- need to act fairly to all members of the company

If the company becomes insolvent, your responsibilities as director will apply towards the creditors, instead of the company. A creditor is anyone owed money by the company.

Independent judgement

You must not allow other people to control your powers as a director. You can accept advice, but you must use your own independent judgement to make final decisions.

Exercise reasonable care, skill and diligence

You must perform to the best of your ability. The more qualified or experienced you are, the greater the standard expected of you.

You must use any relevant knowledge, skill or experience you have (for example, if you're a qualified accountant).

Avoid conflicts of interest

You must avoid situations where your loyalties might be divided. You should consider the positions and interests of your family, to avoid possible conflicts.

You should tell other directors and members about any possible conflict of interest, and follow any process set out in the company's articles of association.

This duty continues to apply if you're no longer a director. You must not take advantage of any property, information or opportunity you became aware of as a director.

Third party benefits

You must not accept benefits from a third party that are offered to you because you're a director. This could cause a conflict of interest.

The company may allow you to accept benefits like reasonable corporate hospitality, if it's clear there's no conflict of interest.

Interests in a transaction

You must tell the other directors and members if you might personally benefit from a transaction the company makes. For example, if the company plans to enter a contract with a business owned by a member of your family.

Other duties

Other duties you must perform as a company director include:

- not misusing the company's property
- applying confidentiality about the company's affairs

Liability

- Directors owe numerous duties, or are otherwise exposed to the prospect of **personal liability**, under both the Companies Act 2006 and a wide variety of other laws and regulations, such as insolvency, environmental and health and safety legislation.

- Directors may be liable, to their company or to third parties, under assorted legal theories including contract law and tort law.

When Do Directors Become Personally Liable?

Instances when a director may face personal liability for losses include:

- A breach of directors' duties
- On insolvency, in particular, if there is wrongful trading
- Negligent misrepresentation
- Unfair Prejudice
- Criminal wrongdoing, such as misappropriation of funds or fraud
- When the director has personally guaranteed to borrow

Further details can be found on Directors' duties: general duties under the Companies Act

CRIMINAL RECORD CHECKS FOR ELECTED AND CO-OPTED MEMBERS POLICY

1.0 Purpose and scope

1.1 This Policy sets out the Council's requirements for Disclosure and Barring Service (DBS) checks for elected and co opted councillors, including the level of check, who must be checked, how results will be handled, and what happens if there is a positive trace.

1.2 The Policy aligns with:

a) Best practice recommendations that councillors appointed to committees discharging education or social services functions should undergo enhanced DBS checks.

b) The national framework for member conduct under the Localism Act 2011, which allows councils discretion over the content of their Codes of Conduct and arrangements for dealing with breaches.

2.0 Policy statement

2.1 The Council has resolved that all councillors must undergo a DBS check at their own cost, at the level specified in Section 4 of this Policy.

2.2 No councillor may be appointed to, or continue to serve on, any committee, sub committee, panel or role identified in Section 4.2, unless they hold a valid DBS check at the level required for that role. (NB requirement this preserves political proportionality by requiring groups to nominate eligible members for their seats.)

2.3 Failure to comply with this Policy may constitute a breach of the Council's Code of Conduct (see Section 10).

3.0 Legal context and principles

3.1 Levels of DBS checks (Basic, Standard, Enhanced with/without Barred Lists) and eligibility are set nationally; Enhanced and Barred List checks can only be requested where the role is eligible in law.

3.2 In line with national guidance, councillors considered for appointment to committees and roles that discharge education or social services functions are eligible for an Enhanced DBS check; authorities have been urged to adopt this as best practice pending legislation.

3.3 This policy complies with requirements under the Rehabilitation of Offenders Act 1974 and the DBS Code of Practice for handling disclosure information (see Section 7). The Council will also apply this Policy in accordance with the Equality Act 2010.

4.0 Which level of check?

4.1 All councillors – Basic DBS Checks:

All Councillors will be required to undertake a Basic DBS check (self funded) within 28 days of this policy taking effect. Thereafter, the requirement will apply within 28 days of signing the Declaration of Acceptance of Office and checks will be renewed after each set of local elections (currently every 4 years), or via the DBS Update Service.

4.2 Committee Membership & Roles Requiring Enhanced DBS Checks):

A councillor must hold an Enhanced DBS check (with or without the relevant Barred List(s) depending on specific panel duties) to be eligible for appointment to any of the following :

- Corporate Parenting Board
- Adoption and Fostering Panels
- Education appeals or decision making panels involving children's services functions
- Adults' Social Care panels
- Cabinet Member for Children
- Cabinet Member for Adults
- Such other roles, committees, panels or bodies as may be added to this list from time to time by the Monitoring Officer taking into account their functions and the need for DBS checks to be applied

Note: Enhanced DBS checks may only be lawfully requested where a role is eligible and the eligibility criteria in DBS guidance are met; the Monitoring Officer will confirm eligibility before such a check is initiated.

5.0 Costs

5.1 Self funding requirement: The Council motion resulted in a resolution that Councillors must pay the DBS application fee and (if chosen) the DBS Update Service subscription. Where the Council makes any payment, this will be deducted from allowances paid by the Council to each Councillor. A consent form will be to provide authority for this deduction to be made.

6.0 Process and timing

6.1 Initiation: Democratic Services will provide members with instructions to apply for the required DBS level and to consent to verification. In basic terms, however, enhanced checks will be undertaken via NEREO who provide this service on behalf of the Council. Basic checks must be undertaken by Councillors themselves via https://www.gov.uk/request-copy-criminal-record.

To carry out this check they will need:

- Their addresses for the last 5 years and the dates they lived there.
- Their National Insurance number.
- Their passport.
- Their driving license
- At the end of the process, they will need to pay a fee (£21.50 at the time of this document being created)

6.2 Evidence: Once received, Councillors must provide the DBS Certificate or decision confirmation to the Monitoring Officer or their nominated officer. The Council will not retain a copy of the full certificate; only minimal data will be recorded.

6.3 Validity & renewal:

6.4 DBS checks will be undertaken based on the following timetable:

- Basic: 4 year cycle (as above) or Update Service.
- Enhanced: on appointment and then 4 yearly (or Update Service annual subscription).
- Earlier re checks may be required if an Elected Member's role changes or there is cause to review (see Section 8).

7.0 Handling, confidentiality and data protection

7.1 The Council will handle DBS information in accordance with the DBS Code of Practice and data protection law.

7.2 The Monitoring Officer (or a designated senior officer) may view the DBS Certificate or decision confirmation details sufficient to make an eligibility/risk decision.

7.3 Group Leaders (where applicable) will be informed only of the outcome (Eligible/Ineligible and any restrictions), not underlying conviction data.

7.3 The Council will record the certificate number, issue date, level, expiry/renewal date, and the outcome of any risk assessment; it does not keep a copy of the full the DBS Certificate or decision confirmation unless strictly necessary (e.g. for legal proceedings).

7.4 Records will be retained for the shortest period necessary to administer eligibility and audit decisions (normally 18 months after the councillor ceases to hold the relevant role).

8.0 Positive traces and risk assessment

8.1 A “positive trace” means a DBS certificate reveals information (convictions, cautions or relevant police information) that may affect suitability for the role. The Monitoring Officer will conduct a structured risk assessment (Appendix A).

8.2 Where there is a positive trace, the following outcomes may apply:

- Eligible for role – no restrictions (information not relevant to the role).
- Eligible – with conditions (e.g., additional supervision; exclusion from certain visits or case specific activity).
- Ineligible for specific committee(s)/roles - where the risk cannot be mitigated.
- Referral (e.g., to safeguarding partners / LADO where appropriate).

8.3 The Monitoring Officer will consult, where appropriate, with the Executive Director of Adults and Communities or Children and Families as appropriate and will advise the relevant Group Leader (where relevant) or the Leader of the Council (in the case of Cabinet roles) on eligibility only.

9.0 Non compliance and eligibility for appointment

9.1 Subject to 9.3 below, a councillor who fails to obtain or renew the required DBS check cannot be appointed to (or must step down from in the event of a trace resulting in their ineligibility) any committee or role identified in Section 4.2 until compliance is achieved.

9.2 This does not alter political proportionality: for committees the seat remains with the political group, which must nominate an eligible member. For Cabinet roles, the Leader of the Council must appoint an eligible member.

9.3 For reasons of practicality and to ensure that committees/Cabinet may be properly constituted and/or quorate, the Monitoring Officer may exercise discretion to waive these requirements on a temporary basis only, pending the results of an appropriate DBS check being received. (For example, if there are significant delays in DBS check results being received after local elections). This discretion may be exercised on a blanket or individual basis, taking into account the relevant circumstances at the time.

10.0 Relationship to the Code of Conduct

10.1 Compliance with this Policy forms part of members’ standards obligations. Failure to follow the Policy may constitute a breach of the Code of Conduct and be dealt with under the Council’s arrangements made pursuant to Section 28 of the Localism Act 2011.

11.0 Appeals and review

11.1 A councillor may request that an Assessment Sub-Committee (drawn from the Governance Committee under the Council's Arrangements for Dealing with Code of Conduct Complaints) should review an eligibility decision. The Committee will consider representations from the councillor, along with advice from the Monitoring Officer and (where relevant) the Independent Person. The Assessment Sub-Committee will not re adjudicate criminal matters; it will review the reasonableness of the eligibility decision.

12.0 Communications and training

12.1 Induction will include safeguarding and DBS briefing. Members appointed (or who may seek to be appointed) to education/social care functions must complete safeguarding training, to enhance public confidence.

Part 6 - Members’ Allowance Scheme

Redcar and Cleveland Borough Council
Members Allowances Scheme 2026-28

INTRODUCTION

The Redcar and Cleveland Borough Council in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following Scheme.

This Scheme may be cited as The Redcar and Cleveland Borough Council Members' Allowances Scheme and shall have effect for the year commencing on 1st April 2026 and subsequent years, unless amended by the Council.

1. MEMBERS ALLOWANCES BASIC PRINCIPLES

The Council previously fixed the value of the various classes of allowance by reference to the number of full-time equivalent days per annum multiplied by a daily rate calculated on the average national weekly wage as determined by the Local Government Association. Independent consultants were used to originally assess the number of full-time equivalent days attaching to each class. All these figures have been and are now subject to review by the Independent Remuneration Panel.

Members Allowances are paid at monthly intervals.

All allowances are subject to tax and National Insurance deductions and these will be deducted prior to payment. Where members elect to receive reimbursement by way of a single advance payment, they should be aware that should their National Insurance status change within the year (eg reach retirement age) they will not be able to reclaim any refund of NI contributions for their period of office after the change of status.

All payments made under the Members Allowances Scheme are to be made through the payroll system (except on the grounds of urgency or the correction of error as approved by the Chief Financial Officer).

Where a Member leaves office, mid-term and having received any advance payment in relation to any un-discharged period of office then such payments are re-payable to the Council.

A Member who is claiming or receiving any benefit should notify the DWP or other Benefits Office, as their right to receive the benefit may be affected.

Any nationally agreed inflationary pay award for staff be applied similarly to Members in respect of the Basic and Special Responsibility elements of the Members' Allowances Scheme. This will be based on the main pay award used for Council staff, excluding any separate pay award increases that are given to specific groups, for example lower paid staff or Chief Officers. For example, if there is pay award which applies only to those earning below a certain level of salary or salary point, then that will not apply to the Members' Allowance Scheme. If there is a pay award which applies differential rates across the pay spine, the percentage increase to be

applied to the Members Allowance Scheme will be the lowest rate that applies to staff. In the event there is a pay award involving a flat rate payment, this will be converted to a percentage of salary and the lowest percentage applicable across all staff will be applied to the Members Allowances Scheme.

Save for annual inflationary increases as above, annual amounts due to Members are reviewed every two years and are shown at Schedule 1 to the Scheme.

2. BASIC ALLOWANCE

The Council has decided that the Basic Allowance for Members should be calculated by reference to 116 (one hundred and sixteen) full time equivalent daily sessions per annum. Further, the Council has decided that this should be discounted by one third to reflect the voluntary nature of some Councillor's duties. This gives a discounted figure of 77 (seventy-seven) days per annum.

3. SPECIAL RESPONSIBILITY ALLOWANCE

In addition to the payment of a basic allowance to each Member, the following appointments are specified as those to which the Special Responsibility Allowances (SRA) applies and are calculated by reference to the number of full time daily sessions. The discount for the voluntary aspect of council work is not applied to these figures.

OFFICE	DAYS
Leader of the Council	170
Deputy Leader of the Council	91
Cabinet Members	78
Chair of Regulatory Committee	39
Vice Chair of Regulatory Committee	16
Chair of Employment, Health & Safety Committee	23
Vice Chair Employment, Health & Safety Committee	8
Chair of Governance Committee	17
Vice Chair of Governance Committee	5
Chair of Scrutiny & Improvement Committees (x5)	23
Vice Chair of Scrutiny &Improvement Committees (x5)	8
Co-optee to Governance Committee	5
Group Leader	39
Independent Person	flat rate

Not more than one Special Responsibility Allowance (SRA) can be claimed by any one Member (with the exception of the Deputy Mayor's Allowance). If, however, a Member qualifying for an SRA, by virtue of their duties with the Council, is appointed to a position with a joint body, which qualifies for an SRA, the Member is entitled to an additional SRA from the joint body concerned.

The overall number of SRAs and the numbers within sub-class may only be altered by way of a variation of the scheme.

SRAs for Group Leaders are payable only where membership of the Group amounts to ten or more.

The Council Leader's SRA will be payable to the Leader of the ruling group (the group of which the Council Leader is a member) and there will be no further Group Leader Allowance available to a Member of that group.

The number of Group Leader Allowances (in addition to the Leader's Allowance) will be limited three and in the case of equality of membership in the smallest qualifying groups, the allowance should be shared by the relevant Group Leaders.

Not more than half (30 in total) of all Councillors are to be in receipt of an SRA at any given time except in the event there is a need for Group Leader Allowances to be shared in which case the maximum number of SRAs allowed under the scheme will be deemed to have been increased accordingly in order to cater for this situation.

4. JOINT AUTHORITIES

Although attendance allowance is no longer payable by the Council under the Redcar and Cleveland Scheme, Members who have duly attended meetings of Joint Authorities may be eligible to claim attendance allowance either from the Joint Authority or the Council, who will reclaim it from the Joint Authority concerned.

5. CIVIC ALLOWANCES

Personal Allowances are payable as follows: -

ROLE	FTE DAYS	NOTES
Mayor	104 days (of which 9 fte days is the allowance for the Mayor's escort)	To include any SRA payable to the Mayor
Deputy Mayor	26 days	To be additional to any other SRA payable to the Deputy Mayor

This allowance is subject to tax and national insurance deductions and these will be deducted prior to forwarding payments to the Mayor and Deputy. As shown above, the Mayor's allowance includes the allowance for an Escort. The Mayor is responsible for any tax and other disbursements the Mayor makes to the Mayor's Escort.

6. DEPENDENT CARERS ALLOWANCE

The Council has determined to pay an allowance to Members who necessarily incur expenses for the care of dependent relatives whilst discharging their approved duties.

1. That a childcare allowance and a dependent carers' allowance be paid at the same rate as the commissioned care hourly rate subject to maximum payment of 50 hours per month.

2. That the childcare allowance be limited to children 14 years or under and the dependent carers' allowances be payable only where there is medical or social work evidence that care is required.

3. That the allowances be paid in reimbursement of incurred expenditure against receipts, and be restricted to one claim per month in respect of the household of each Member and not payable to a member of the claimant's own household.

4. Care allowance will be payable for care costs incurred as a result of members carrying out approved duties as defined in the scheme.

7. SUBSISTANCE ALLOWANCE AND TRAVELLING EXPENSES

Travel and subsistence allowances can only be paid for duties, which have been approved by the Council before the duty is performed. Approved Duties are defined in legislation as set out in schedule 3.

A subsistence allowance and travelling expenses claim can only be payable to Members in relation to the following approved duties:

- A meeting of the Cabinet
- A meeting of a committee of the Cabinet
- A meeting of the Authority
- A meeting of a committee or sub-committee of the authority
- A meeting of some other body to which the authority make appointments or nominations, or
- A meeting of a committee or sub-committee of a body to which the authority make appointments or nominations;
- A meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups)
- A meeting of a local authority association of which the authority is a member
- Duties undertaken on behalf on the authority in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened
- Duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises
- Duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved, for the purpose of section 342 of the Education Act 1996

- Carrying out any other duty approved by the body, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body, or of any of its committees or sub-committees including Representational Duties, subject to the following provisos:
    - That the activity is non-political representational work, in the community, relating to the functions of the authority where there is a demonstrable link between the issue dealt with by the Member and his or her role as a Councillor as evidenced by one or more of the following:
        (i) a report (verbally or in writing) by the Member to an appropriate Scrutiny meeting;
        (ii) a reference to a Chief Officer, Ombudsman or other relevant person;
        (iii) a reference to an appropriate external organisation.
    - That sufficient details of the work are submitted with any claim, so as to enable an appropriate audit of the activity to be undertaken. Officers would be expected to carry out a management check of the claim and activity before processing that claim for payment and any "audit" by the Internal Audit Service would be to ensure that there was appropriate evidence of management checks being undertaken.
- Any other duty approved by the Council connected with the discharge of the Council's functions or its Cabinet, Quasi Judicial Committees, Scrutiny, Neighbourhood Action Partnerships or other committees from time to time appointed by the Council.

Members are reminded of the need to sign a record of attendance at approved duties.

Subsistence Allowance

Travel and subsistence allowances for Members are payable on the same basis as applicable to Officers and subject to the same or similar requirements on the cost-effective use of public transport where reasonable.

Subsistence allowance can only be claimed for the time necessary to attend approved duties, including necessary travelling time (ie not all the time spend away from the Member's residence, if some of that time includes non eligible activities).

Subsistence allowances are claimable to enable a Member to perform any approved duty except that:

- Law prescribes some maximum figures and the Council has adopted these.
- Members should note that expenditure must be incurred before subsistence allowance may be claimed.
- Reimbursements supported by receipts and vouchers will be paid in full.
- Claims not supported by receipts and vouchers will not be paid.

The maximum rates are reviewed annually and are set out in Council's published Scheme.

Where a meal is provided free of charge (except where the Member is in any case required to pay full board) then a deduction shall be made at the rates set out in Schedule 2.

Where a Member travels overnight by train and uses sleeping accommodation, then the subsistence allowances payable for that night will be reduced by one third.

Where a substantial journey has to be undertaken, Members are permitted to leave the previous day if they would otherwise have to leave home before 8.30am. They may return the following day if they would otherwise arrive home after 10.00pm.

Hotel and other accommodation must be booked in advance by through Democratic Services to enable the Council to secure such discounts which may be available to it.

If, for reasons of urgency, a Member makes a booking direct and pays for the accommodation, reimbursement will be limited to the lower of actual cost or the maximum permitted rate and subject to the conditions set out in the above paragraph.

For conferences and any visits abroad, an estimate of the cost of subsistence must be calculated and approval sought from the Leader of the Council or his/her deputy prior to departure. Then subsistence will be paid as follows:

- Reasonable expenditure on production of receipted invoices.
- Normal subsistence rate for any period not covered by receipted invoices.

It is appreciated that, where conference organisers allocate accommodation in advance, the Member has no choice; in other cases, Members are asked to be reasonable in their choice of accommodation.

Travelling Expenses

The Council had determined that, within the limits laid down by regulations, the following scales of travelling expenses will apply:

Rail Travel

- Members should travel by standard class rail unless the Leader of the Council expressly states otherwise.
- Members must make travel arrangements through the Democratic Services Section or the Managing Director (except on grounds of urgency).

Air Travel

- Is permitted where it can be demonstrated to be more cost effective than alternative modes of transport in terms of saving in time, saving in overnight accommodation and subsistence costs. All bookings must be made through the Democratic Services except on the grounds of urgency after consultation with the Chief Financial Officer.

Use of Private Motor Vehicle

- Members who use their private motor vehicle in the course of their approved duties may claim reimbursement of costs in accordance with the rates set out for Officers for the relevant Municipal Year.

Hackney Carriage

- Hackney Carriage (taxi) fares or Private Hire Fares will be reimbursed on the production of a receipt as follows:
- Within the boundaries of the Tees Valley Authorities where no public transport is available (for example to reach a railway station or Redcar and Cleveland House when public transport is not available).
- Outside the boundaries of the Tees Valley Authorities. This is in recognition that generally public transport will not supply the door to door service needed on such occasions.

Hired Vehicles

- Where it is cost effective to do so hired vehicles may be used. Such hire should be arranged through Democratic Services (except in an emergency and in consultation with the Chief Financial Officer).

Other Incidental Travel Costs

- Actual expenditure will be reimbursed for costs incurred on tolls, ferries, and parking fees outside the Borough. Receipts must be obtained.

- Members who wish to purchase a long stay parking permits can do this via the salary sacrifice scheme. For those who wish to use the salary sacrifice scheme, deductions will be made over a period of 12 months.

8. PROVISION OF TELEPHONE AND MOBILE PHONES

The Council has agreed that Members of the Council are entitled to the use of a mobile phone / digital device. The device will be procured by the Council and the rental/call charges paid direct by the Council.

The device must be used solely for Council business and Members must sign a declaration to that effect for tax purposes.

9. TAX AND NATIONAL INSURANCE CONTRIBUTIONS

Members whose only employment is with the Authority will have tax deducted in accordance with the code supplied by the Inland Revenue.

Members who also have other employment may have their tax code applied to the other employment, and tax deducted at basic rate from payments made by this Authority, or they may have their coding split by the Inland Revenue.

Members who are self-employed will normally have tax deducted at basic rate.

More detailed information on allowable expenses for tax should be obtained from the Member's own Tax Office.

National Insurance Contributions are due if a Member received an amount over the lower earnings limit.

10. UNEMPLOYMENT AND OTHER DWP BENEFITS

A Member who is claiming any DWP benefits should notify their Benefit Office, as their right to receive the benefit may be affected by their income received as a Member.

A Member should declare any income received as a Member to the Housing and Council Tax Benefit Section, if they are in receipt of Housing Benefit and/or Council Tax Benefit.

11. COMBINED FIRE AUTHORITY

The constituent Authority is empowered to make payments of Attendance Allowance, and Travel and Subsistence Allowance where elected Members are performing duties authorised by the Council or the Combined Fire Authority. Therefore, Members are unable to claim expenses relating to e.g. Visits to Fire Stations or to visit the Chief Fire Officer, unless the duty is approved by the Combined Fire Authority.

12. TERMS OF OFFICE

Members of the "Old" Council retire on the 4th day after the election.

Retiring Councillors are entitled to the Basic Allowance and appropriate Special Responsibility Allowance up to and including the 4th day after the election.

Members of the "New" Council are entitled to the Basic Allowance from and including the 4th day after the election. Entitlement to appropriate SRA commences from the Annual Meeting at which Councillors are appointed to office carrying such SRA.

A Member elected at a by-election will take office on the day following the by-election.

13. FOREGOING ENTITLEMENT

A Member, upon giving notice in writing to the Chief Financial Officer, may elect to forego any part of his or her entitlement to an allowance under the Scheme.

Allowances foregone, must still be reported by a Member to the DWP when claiming DWP Benefits, as it may affect their entitlement. They should also report this to the Housing and Council Tax Benefit Section if they are in receipt of Housing Benefit and/or Council Tax Benefit.

14. MEMBERSHIP OF OUTSIDE BODIES

The current list may be amended from time to time by, for example, the inclusion of additional Outside Bodies or the deletion of existing ones. Members should, therefore, check with the Democratic Services Section who will retain the most up-to-date list.

Where the Council is required to make appointments to any new outside bodies, those appointments will be a function of the Borough Council, save for those where:

a. the Outside Body in question requires the appointment of a Cabinet Member; or

b. the Monitoring Officer, in consultation with all political group leaders, determines that the appointment should be an executive function, referring any disagreement on the issue for consideration via the formal route for constitutional changes.

The approved list is attached as Schedule 3.

15. CLAIMS AND PAYMENTS

Payments shall be made in respect of basic and special responsibility allowances and co-optees allowances in instalments of 1/12 of the amount specified in this scheme on the 25th of each month.

Reimbursements of travel and subsistence will be made on the 25th of each month on the submission of claims and appropriate receipts.

To enable the Authority to recover the VAT element on mileage paid a VAT receipt must be attached to mileage claims. Only one VAT receipt is required, however, that VAT receipt must be dated on or before the first journey on the claim form. If no VAT receipt is attached, then payroll will refuse to pay the claim.

All Members must provide the required driver documentation to comply with the Permitted Driver Policy. No mileage claim will be paid if the appropriate driver documentation has not been provided.

Reimbursement of expenses incurred to enable a Member to attend a meeting or other approved duty will be made following consideration by the Monitoring Officer and provided that it can be demonstrated that they have been necessarily incurred, and upon production of receipts.

Claims for travelling and Subsistence allowances should be submitted on a monthly basis. However, any claim for such allowances MUST be received within three months from the date on which the entitlement to that allowance arises.

Where a claim for such an allowance is received outside the three month period, the Authority shall exercise discretion as to whether payment shall be made.

Schedule 1 Members' Allowance Scheme

Schedule of Allowances Payable Municipal Year 2026-28

	Days	2026/28 £
Basic Allowance	77	11135.67
Leader	170	24565.67
Deputy Leader	91	13146.51
Cabinet Member	78	11274.0
Chair of Scrutiny & Improvement Committee: x 5	23	3322.90
Vice Chair of Scrutiny & Improvement Committee: x 5	8	1147.18
Chair of Regulatory Committee	39	5630.37
Vice Chair of Regulatory Committee	16	2307.57
Chair of Employment, Health & Safety Committee	23	3325.14
Vice Chair of Employment, Health & Safety Committee	8	1147.25
Chair of Governance Committee	17	2456.84
Vice Chair of Governance Committee	5	711.98
Independent Co-Optee to Governance Committee	5	722.65
Group Leader	39	5630.47
Mayor (includes Consort Allowance)	104	15018.97
Deputy Mayor	26	3758.05
Independent Person	Flat rat	583.02

Schedule 2 Members' Allowance Scheme

Travel and Subsistence Rates

Travel and subsistence allowances for Members are payable on the same basis as applicable to Officers and subject to the same or similar requirements on the cost-effective use of public transport where reasonable.

Details can be found in the Council's published scheme.

Schedule 3 Members' Allowance Scheme

List of Outside Bodies & Community Organisations, Which Are An Approved Duty For The Payment Of Travel And Subsistence

NOTES:

1. The payment of travel and subsistence is intended only in respect of ordinary meetings of an Outside Body. Any Conferences organised by an Outside Body will not qualify for travel and subsistence, unless approval to attend has been given by the Cabinet. In addition, Outside Bodies may arrange some form of training in their work for the Council's representatives. Again, this will only qualify for travel and subsistence if approved by the Council.

2. The current list may be amended from time to time by, for example, the inclusion of additional Outside Bodies or the deletion of existing ones. Members should, therefore, check with the Democratic Services Section who will retain the most up-to-date list.

   Association of North East Councils
   - Collaborative Procurement Sub-Committee
   - Culture Partnership
   - Leaders and Mayors

   Land of Iron (formerly Cleveland Ironstone Mining Museum)
   Teesside International Airport Board
   Hartlepool Power Station - Local Community Liaison Council
   Historic England
   Industrial Communities Alliance
   Industry Nature Conservation Association (INCA)
   Local Government Association - General Assembly
   Merchant Navy Welfare Board
   North East Regional Employers Organisation (NEREO)
   North East Migration Partnership Members Forum
   North Eastern Inshore Fisheries and Conservation Authority
   North York Moors Local Access Forum
   North Yorkshire & Cleveland Coastal Forum Executive
   Northern Housing Consortium
   Northumbria Regional Flood and Coastal Committee
   PATROL (Parking and Traffic Regulations Outside London)
   R&C Citizens Advice Bureau - Management Committee
   R&C Domestic Abuse Partnership
   R&C Schools Forum
   R&C Town Twinning Management Committee
   Sir William Turner's Hospital
   South Tees Youth Justice Board - Executive
   Standing Advisory Council for Religious Education (SACRE)
   Tees Heritage Trust Ltd
   TEWV Council of Governors
   Teesside Heritage Trust Ltd
   Teesside Pension Fund Panel

Examples of activities which do not quality for travel and subsistence allowance include, but are not limited to:

- Members Attendance at Royal Garden Parties (With the exception of Mayor and Escort).

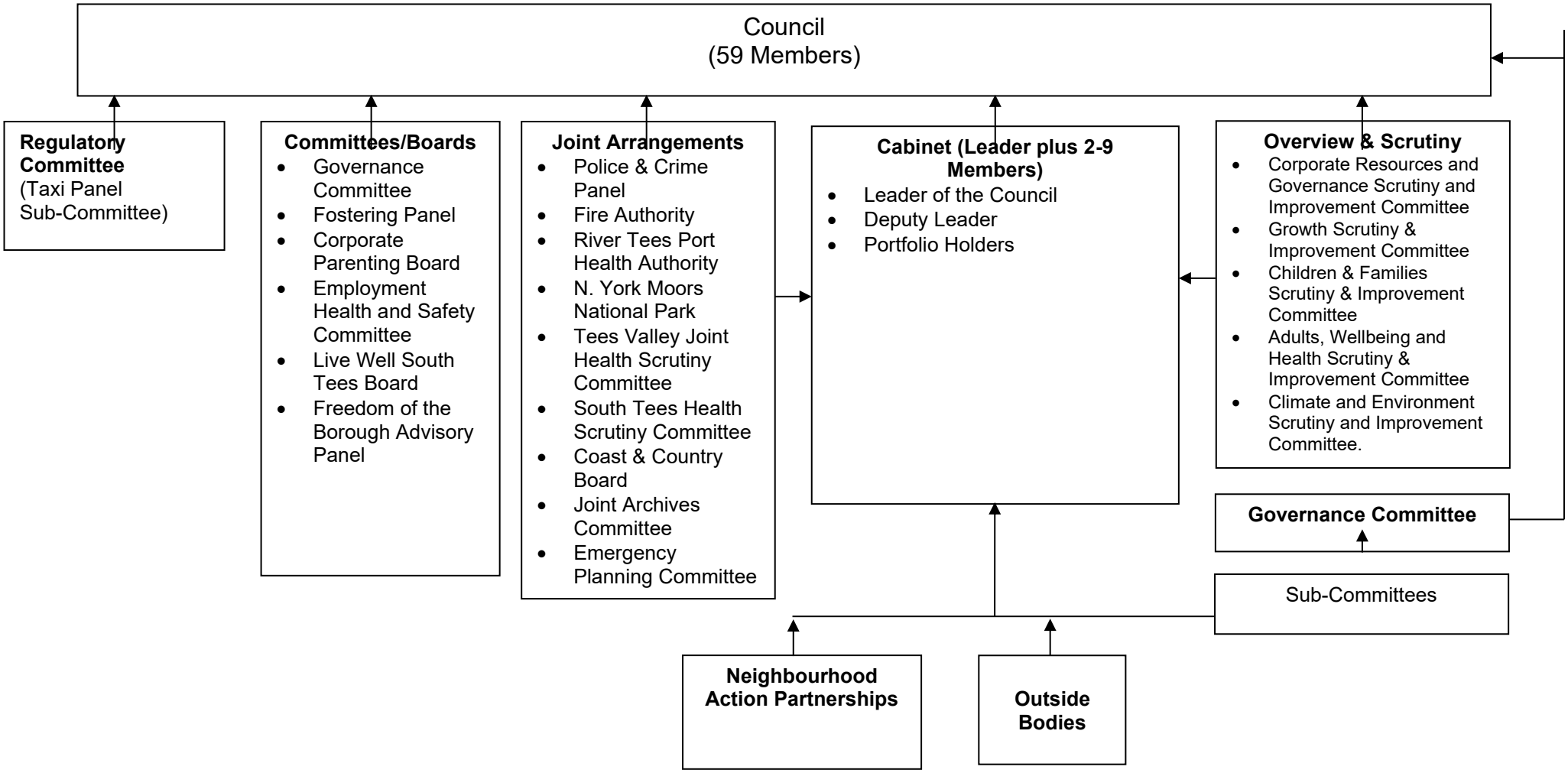
- Attendance at meetings of School Governors. Details of a separate scheme for School Governors can be obtained from the Director of Children and Families Governing Bodies Support Officer.

NOTE: The above are examples of activities which do not qualify for travel and subsistence allowance. This list is not exhaustive.

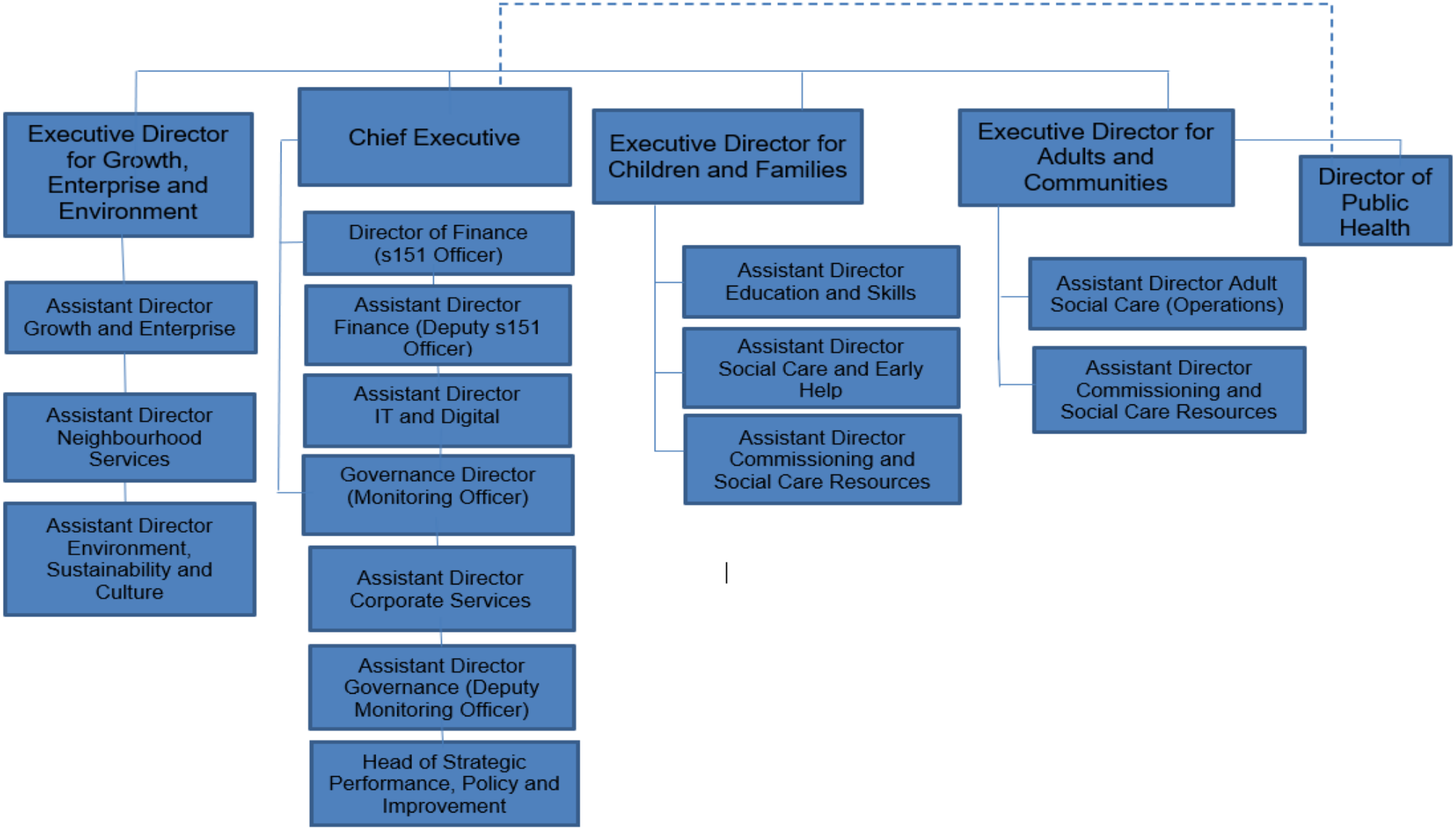
Part 7 – Council Management Structure

Section A – Political Management Structure

Redcar & Cleveland Borough Council – Constitution - Political Structure



Section B – Officer Management Structure



Management Structure – Further Detail

Without limiting the foregoing, the functional scope of the Directorates includes:

Chief Executive (Resources Directorate)

As well as being the Head of Paid Service, the Director also has responsibility for the Corporate Resources Directorate. The Director will have corporate responsibility for strategic planning (not to be confused with land-use planning) and policy framework, working to generate income to deliver our vision, while ensuring value for money and efficiency are embedded culturally across the Council.

The directorate covers the core business support functions; finance, legal, governance, communications and IT, procurement, audit, human resources, assets and organisational change. This allows a clear focus on the delivery of our corporate vision and future financial sustainability

Executive Director for Children and Families

The directorate has responsibility for championing the interests of children and young people across all Council services and with all partners. This includes areas such as health and employment. The director is also the corporate champion in relation to safeguarding and will use their expertise to challenge policy and processes to safeguard people of all ages.

The directorate has responsibility for skills, ensuring that we have sufficient capacity to reflect our priority in supporting Foundation for Jobs and providing an effective and joined-up service across all ages, to ensure that our residents can gain the right skills and qualifications to secure employment within the Borough

Executive Director for Adults and Communities

The directorate focus is on building stronger, resilient, self-sufficient communities in our borough, increasing capacity to enable local communities to make lasting change, improve quality of life, prosperity and the environment.

The Executive Director for Adults and Communities leads on developing a culture of co-operation and co-production, respecting and nurturing the skills and talents of local people and enabling them to fulfil their potential.

The director has responsibility for :

- Adult services, where reablement continues to be embedded as the preferred delivery model.

- Neighbourhoods, where we continue to work in partnership with willing volunteers to maintain and enhance the local environment and encourage responsible behaviour to prevent harm and reduce costs.
- Health, where we target our work to improve public health, and collaborate with health partners to provide seamless, efficient services.
- Community services, where effective community development and strong partnership working underpin all services.

The Director has corporate responsibility for embedding a culture of co-production across the Council, maximising social value and strengthening partnership working. They champion and lead the relationship with the voluntary and community sector and take responsibility for promoting and nurturing volunteering in the Borough.

The Director is the corporate lead on emergency planning to ensure the safety of our community.

Executive Director for Growth, Enterprise and Environment

The Executive Director for Growth, Enterprise and Environment is part of the executive management team with responsibility for growth, climate and environment and, in particular, the council's growth strategy, which underpins the future prosperity of the Redcar and Cleveland community as well as long term sustainability of the Council and its ability to deliver services.

In addition to the Executive Directors there is a further senior post, which has a direct reporting line to the Chief Executive as follows.

Director of Public Health

Building on the maturing collaboration we have been developing with health and social care partners across South Tees, we have a shared Director of Public Health with Middlesbrough Council.

The Director of Public Health has a direct reporting line to the Chief Executive and is able to influence policy across the Council but, for operational purposes sits within the Adults and Communities Directorate because of the synergies between the two agendas.

Part 8 - Statutory Derivation Table

Part/Article	Matter	Statutory Derivation
Part 2:		
Article 1	The Constitution	Section 37 Local Government Act 2000 (as amended) and the Local Government and Public Involvement in Health Act 2007; The Health & Social Care Act 2012
Article 2	Members of the Council	Parts I, VA and Section 79 Local Government Act 1972
Article 4	The Full Council	Part I, Local Government Act 1972 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
Article 5	Chairing the Council	Sections 3, 5, 245; Schedules 2, 12 Local Government Act 1972 Schedule 3 Local Government Act 2000
Article 6	Overview and Scrutiny	Section 21 and paragraphs 7, 8, 10 and 11 of Schedule 1 to the Local Government Act 2000
Article 7	The Cabinet	Section 11, and paragraphs 1, 2, 3 of Schedule 1 to the Local Government Act 2000 (as amended) and the Local Government and Public Involvement in Health Act 2007
Article 9	The Governance Committee	Sections 53 – 55, 81(5) Local Government Act 2000
Article 11	Joint Arrangements	Sections 2, 19, 20 Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000

Part/Article	Matter	Statutory Derivation
Article 12	Officers	Sections 112 and 151 Local Government Act 1972, Sections 4, 5 Local Government and Housing Act 1989; 60, 64-66 Local Government Act 2000
Article 13	Decision Making	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
Article 14	Finance, Contracts and Legal Matters	Sections 135, 151, 223 and 234 Local Government Act 1972 and Part VIII Local Government Finance Act 1988
Article 15	Review and Revision of the Constitution	Sections 30 and 37 Local Government Act 2000
Article 16	Suspension, Interpretation and Publication of the Constitution	Sections 30 and 37 Local Government Act 2000
Part 3:	Responsibility for Functions	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended); Section 13 Local Government Act 2000 (as amended) and the Local Government and Public Involvement in Health Act 2007

Part/Article	Matter	Statutory Derivation
Part 4:	Council Procedure Rules	Schedule 12 Local Government Act 1972; Section 37 Local Government Act 2000 (as amended) and the Local Government and Public Involvement in Health Act 2007; Local Authorities (Standing Orders) Regulations 1993; Section 9(5) Local Government and Housing Act 1989
	Access to Information Procedure Rules	Sections 100A – H and Schedule 12A Local Government Act 1972 1972 (as amended); the Local Government (Access to Information) (Variation) Order 2006; the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002 (as amended by the 2006 Amending Regulations) and the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002; the Local Government and Public Involvement in Health Act 2007 and related regulations.
	Budget and Policy Procedure Rules	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
	Executive Procedure Rules	Schedule 1 Local Government Act 2000
	Overview and Scrutiny Procedure Rules	Section 21(3) Local Government Act 2000
Part 5:	Members Code of Conduct	Sections 50(1), (4), 81(2),(3) and (4) of the Local Government Act 2000 and the Local Authorities (Model Code

		of Conduct) Order 2007; Localism Act 2011
	Employees' Code of Conduct	Section 82 Local Government Act 2000
Part 6:	Members' Allowances Scheme	Section 18 Local Government and Housing Act 1989; the Local Authorities' (Members' Allowances) Regulations 2003; Sections 99 and 100 Local Government Act 2000