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Wokingham Borough Council Constitution

Introduction and Summary

Wokingham Borough Council has agreed a Constitution. This is a document setting out how the Council is structured, how it operates, how decisions are made and the checks and balances in place to ensure that these decisions are efficient, transparent and accountable to the residents of the Borough. Some of these processes are legal requirements while others are a matter of choice for the Council.

The Council has a legal duty to prepare the Constitution, keep it up to date and make it available for inspection by members of the public.

The Constitution helps to deliver the following:

- Clear political and managerial leadership
- Decisions which are fair, transparent and evidence-based
- Active involvement of residents in the decision making process
- Effective mechanisms to hold decision makers to account
- Accountability for other public service providers in the Borough

The Constitution is divided into 13 sections as follows:

Section 1 – Structure and Responsibilities

This section sets out the way in which the Constitution is developed and monitored. It also describes the way decisions are made by Councillors (also known as Members) and implemented by the Council's management and staff in a number of service departments and corporate teams.

The Council is made up of 54 elected Councillors, one of whom is elected as Leader. The Leader and the other 53 Councillors meet together as the Council. The Leader also appoints up to 9 Councillors who make up the Executive which is responsible for the development and implementation of policy on behalf of the Council. Decisions made by the Executive are scrutinised by a number of Overview and Scrutiny Committees.

The Council also appoints Regulatory Committees to perform functions such as planning, licensing and appeals. The Audit Committee and the Standards Committee ensure that the principles of efficiency, transparency and accountability are demonstrated throughout the decision making process and the delivery of services.

The Council also has a duty to set up a Wokingham Borough Wellbeing Board which is responsible for identifying health and social care needs and the development of a Joint Health and Wellbeing Strategy for the Borough.

Section 2 – Councillors

This section describes the different roles and functions of elected Councillors. The Borough's 54 Councillors are elected by thirds and serve a four year term. This means that a third of the Councillors are elected each May with no regular election being held in the fourth year. Councillors carry out a range of duties including:

- Policy development
- Representing the interests of the local electors in their Ward
- Overseeing the governance and management of the Council
- Encouraging community participation and citizen involvement in decision making
- Representing the Council on a range of outside bodies

In carrying out these duties Councillors are expected to maintain the highest standards of conduct as set out in the Member Code of Conduct and the Protocol on Working with Council Officers. The Council's Monitoring Officer is responsible for training and support to Councillors to ensure that the highest standards of behaviour are maintained.

Section 3 – Citizens and the Council

This section describes the rights of citizens in dealing with the Council. These include:

- Voting at local elections if they are on the electoral register
- Attending and recording meetings of the Council, the Executive and Council Committees
- Giving evidence to the Overview and Scrutiny Committees
- Examining reports, background papers and decision records
- Submitting questions and petitions and giving feedback in consultation exercises
- Submitting complaints to the Council and the Local Government and Social Care Ombudsman
- Submitting requests under the Freedom of Information Act
- Inspecting the Council's accounts and submitting comments to the external auditor

Section 4 – The Council Meeting

This section describes the role and functions of the meeting of the full Council. The Council is responsible for a range of functions including:

- Approving the overall Policy Framework including key plans and strategies
- Approving the annual Budget, Medium Term Financial Plan and Capital Strategy
- Appointing and removing the Leader of the Council
- Confirming appointment of the Head of Paid Service and other Statutory Chief Officers
- Updating the terms of reference for the Executive and Council Committees
- Appointing Members to Council Committees and outside bodies
- Receiving questions and petitions
- Approving changes to the Council's Constitution

This section also includes information about Council Committees including the Audit Committee and the Wokingham Borough Wellbeing Board.

Section 5 – The Executive

This section describes the role and functions of the Executive which is responsible for key decisions within the Budget and Policy Framework set by the full Council. If a decision is proposed which is outside that framework it must be referred to the full Council for decision. When key decisions are to be made they are set out in the Executive's Forward Programme which enables non-Executive members and residents to see what business is coming forward.

Meetings of the Executive are open to the public unless consideration is being given to specific issues which are exempt or confidential. These include issues of a personal, financial or contractual nature or details about legal proceedings. The Constitution sets out specific powers and duties which are delegated to the Leader and the Councillors (Lead Members) on the Executive. The 2018/19 Executive comprises the Leader and Lead Members responsible for:

- Adult Social Care, Health and Wellbeing
- Business, Economic Development and Strategic Planning

- Children's Services
- Environment, Leisure and Libraries
- Finance and Corporate Resources
- Highways and Transport
- Housing
- Planning and Enforcement
- Regeneration

Section 6 – Overview and Scrutiny

This section describes the role and functions of the Council's Overview and Scrutiny Committees. There are four Overview and Scrutiny Committees:

- Overview and Scrutiny Management Committee
- Children's Services Overview and Scrutiny Committee
- Community and Corporate Overview and Scrutiny Committee
- Health Overview and Scrutiny Committee

The Scrutiny Committees make recommendations on the development of policy and the improvement of service performance. They also hold the Executive to account and provide "critical friend" challenge to the decision making process. Specific issues can be scrutinised through time-limited Task and Finish Groups.

Scrutiny Committees can ask Executive Members and senior officers to attend meetings to explain why particular decisions have been taken and to give details about performance in their service areas. In exceptional circumstances the Committees may also be asked to consider decisions which are the subject of "Call-In" because it is felt that the decision has not been taken in accordance with the principles set out in the Constitution.

Section 7 – This section is no longer used.

Section 8 – Regulatory and Other Committees

This section describes the work of the Council's Regulatory Committees and other bodies with specific responsibilities. These include the Planning Committee and the Licensing and Appeals Committee. The Planning Committee determines planning applications which can have a significant impact in the community. Consequently the section includes guidelines on good practice to ensure that planning decisions are robust and evidence based.

Section 9 – Ethics and Corporate Governance

This section describes the role of the Standards Committee in maintaining high standards of conduct by Councillors, co-opted members and Council Officers. It describes the procedure to be followed in the event of complaints of misconduct against Borough, Town and Parish Councillors. It also includes details of the Codes of Conduct and Protocols relating to Councillors and Officers, anti-fraud and corruption and whistleblowing.

Section 10 – Partnership Working

This section describes the principles of effective partnership working and the steps to be taken to ensure that partnership working includes strong governance arrangements, the management of risk and clearly defined outcomes. The Council works in partnership with a range of bodies including Town and Parish Councils, other local authorities, the health service, the voluntary sector and Thames Valley Police. Adherence to the Protocol ensures a consistent and effective approach to partnership working.

Section 11 – Officers

This section describes the roles and responsibilities of Council employees who are known as “Officers”. Officers give advice to elected Councillors, implement decisions and manage the day to day delivery of services. The Corporate Leadership Team is made up of the Chief Executive (Head of Paid Service), and The Director for Adult Services, Director for Locality and Customer Services, Director for Children’s Services and the Director for Corporate Services. The Assistant Director for Governance is also the Council’s Monitoring Officer. The section sets out the powers and duties delegated to Officers by the Council and Executive.

Section 12 – Financial Regulations

This section describes the Financial Regulations which provide the framework for managing the Council’s financial affairs. The regulations incorporate the financial responsibilities of the Council, Executive, Overview and Scrutiny Committees and Council Officers.

Section 13 – Procurement and Contract Rules and Procedures

This section describes the compliance framework for managing the Council’s expenditure on goods, services and works. The rules and procedures ensure that expenditure delivers quality, value for money and is compliant with the relevant legislation.

Updating the Constitution

The Constitution is amended on a regular basis to keep it up to date and to reflect changes in the law. As a result the updated Constitution is periodically republished on the Council’s website. The Constitution can also be inspected at the Council offices in Shute End, Wokingham. The Council welcomes participation by citizens in its work. For further information on your rights as a citizen and ways to get involved, please contact:

Anne Hunter
Democratic and Electoral Lead Specialist
Governance and Improvement Services
Civic Offices, Shute End, Wokingham, RG40 1WH

Telephone 0118 974 6051
Email democratic.services@wokingham.gov.uk

**SECTION 1
STRUCTURE AND RESPONSIBILITIES**

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CHAPTER 1.1 – PURPOSE OF THE CONSTITUTION

1.1.1 Powers of the Council

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

1.1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of Wokingham Borough Council.

1.1.3 Purpose of the Constitution

The Constitution sets out the legal and political framework through which the Council will achieve its objectives for maintaining and enhancing the services it provides, as enshrined in the Community Strategy and Corporate Plan.

Legally, the document and its appendices set out the rules and regulations to ensure the Council operates within the law and in an environment of sound corporate governance.

Politically, it explains the structure by which the Council develops policy, makes its decisions and is held accountable for these decisions, recognising that the future direction of policy is shaped by our stakeholders and by the aspirations of the political group in control.

Collectively, the document helps to ensure good corporate governance and outlines the key role Councillors, partners and residents play in shaping and monitoring Wokingham Borough Council's work.

1.1.4 Duty to Monitor and Review the Constitution

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

1.1.5 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 better to achieve the purposes set out in [Rule 1.1.3](#)
In undertaking this task the Monitoring Officer may:

- a) observe meetings of different parts of the Member and Officer structure;
- b) undertake an audit trail of a sample of decisions;
- c) record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
- d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

1.1.6 Changes to the Constitution - Review and Approval

The Council will be responsible for carrying out the on-going review of the Constitution and may establish a politically balanced working group for this purpose. Changes to the Constitution will only be made by approval of the Council after consideration of a proposal by the Monitoring Officer.

The Democratic Services Manager may make changes to:

- (i) Chapter 1.3 as a result of changes being made to the Council's Management Structure;
- (ii) Appendix A of Chapter 11 in relation to maintaining a list of relevant legislation;
- (iii) the Scheme of Delegation on request by the Chief Executive (under 5.4.6a));
and
- (iv) on request of the Leader of the Council, the membership of the Executive (part 5.2.1) and Deputy Executive Members (part 5.3.1) and the Specific Responsibilities of Executive Members (part 5.2.6 to 5.2.16) under part 5.4.6b.

The Monitoring Officer may make changes of an editorial nature as appropriate to make the Constitution internally consistent, up to date and understandable or such consequential to give effect to a decision of Council (in respect to Council functions) or Executive (in respect of Executive functions) provided always that the Monitoring Officer shall consult first in writing with the members of the politically balanced working group (if such has been established) and no Member has raised objections within 5 working days. Where an objection is maintained then the Monitoring Officer will refer the proposal to Full Council for approval for the change. All changes will be documented in the 'Revisions' part of the Constitution.

1.1.7 Change from a Leader and Executive Form of Executive to Alternative Arrangements, or Vice Versa.

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

1.1.8 Suspension of the Constitution

- a) **Limit to suspension.** The procedures within this Constitution may not be suspended with the exception of the Council Rules of Procedure in Chapter 4.2, which may be suspended by the Council to the extent permitted within those Rules and the law.
- b) **Procedure to suspend.** A Motion to suspend any Council Procedure rule 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 [Rule 1.1.3](#).
- c) **Rules capable of suspension.** All the Council Rules of Procedure set out in Chapter 4.2 except Rules 4.2.15.5 and 4.2.16.2 may be suspended.

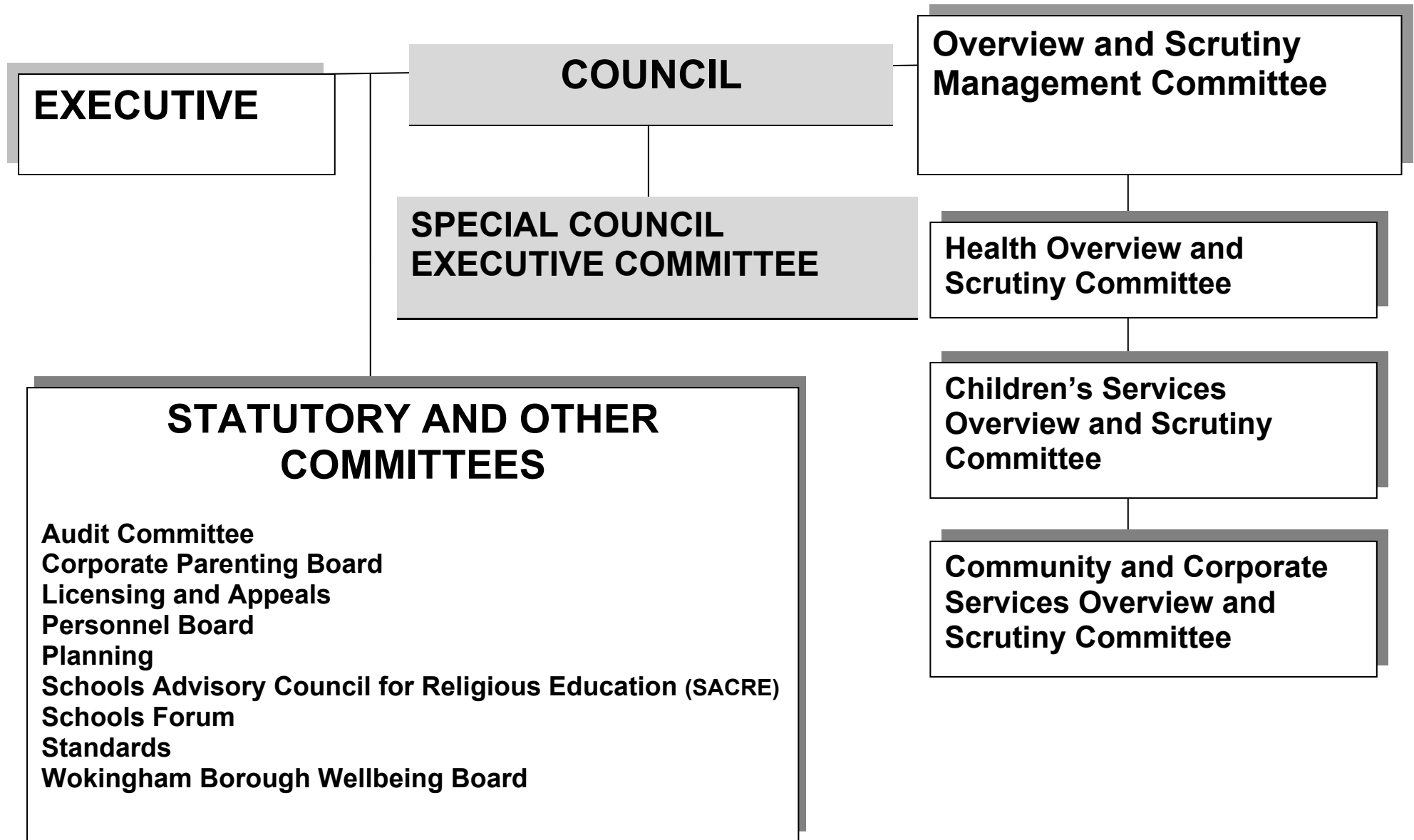
1.1.9 Interpretation

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 Rule 1.1.3.

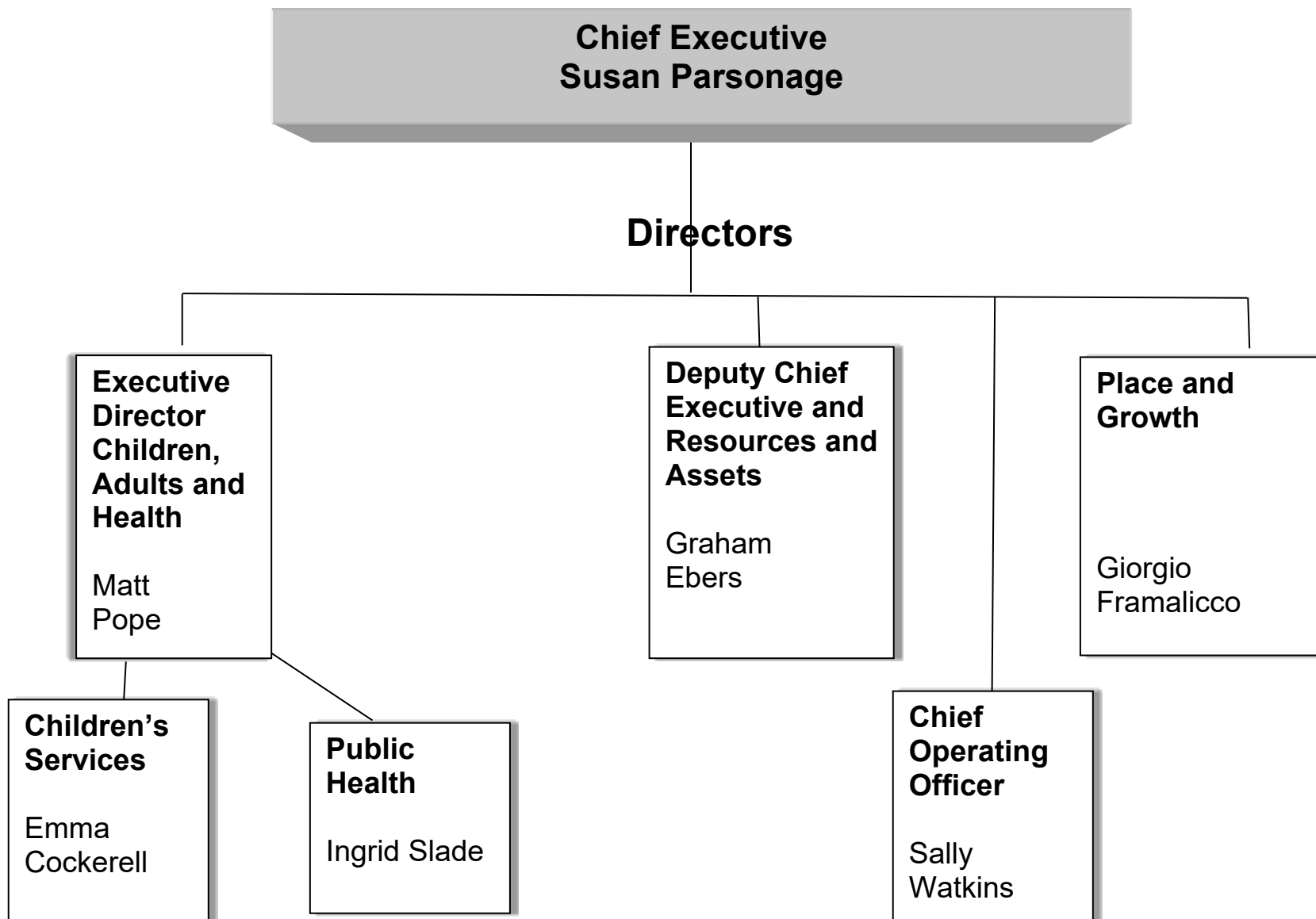
1.1.10 Publication

- a) The Monitoring Officer will provide either a printed or electronic copy of this Constitution to each member of the authority upon receipt of that individual's declaration of acceptance of office on the occasion when the member is first elected to the Council. The exact form of the document will be in accordance with the member's wishes;
- b) The Monitoring Officer will ensure that copies are available for inspection at Council offices, and can be purchased by members of the local press and the public on payment of a reasonable fee. The Constitution shall also be available on the Council's website www.wokingham.gov.uk

The Committee Structure



CHAPTER 1.2 COMMITTEE STRUCTURE



CHAPTER 1.4 - DECISION MAKING

1.4.1 Responsibility for Decision Making

This Constitution describes what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

1.4.2 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) human rights will be respected and considered at an early stage in the decision making process;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes and
- f) when decisions are taken by the Executive, details of the options which were taken into account and the reasons for the decision will be recorded.

1.4.3 Decisions Reserved to the Council

Decisions relating to the functions listed in Chapter 4.1 will be made by the Council or Special Council Executive Committee and not delegated.

1.4.4 Key Decisions by the Executive

Key Decisions shall be taken by the Executive in accordance with the budget and policy framework agreed by Council. They are defined as decisions which:

- a) would result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates;
- b) are significant in terms of its effect on communities living or working in an area comprising two or more wards.
- c) involve requests for Supplementary Capital or Revenue Estimates;
- d) involve requests for virements over £500,000;
- e) involve the application of Section 106 developers' contributions over £100,000;
- f) involve the acquisition or sale of assets (other than the sale of housing stock) and the rationalisation of assets in the interests of the efficient working of the Council, above the limits delegated to individual Executive Members (see Chapter 5.5);
- g) involve the consideration of major schemes within the Capital Programme agreed by Council where there is significant discretion for options;

- h) involve the addition of a scheme to the Capital Programme not originally included or on a reserve list;
- i) involve the making of a Compulsory Purchase Order;
- j) involve the approval of Best Value or Service Improvement Plans.

1.4.4.1

Deciding which matters constitute Key Decisions will be a matter for the lead Officer to determine in consultation with the relevant Executive Member, having regard to the advice of the Monitoring Officer and Chief Finance Officer as appropriate.

1.4.4.2

Key Decisions due to be made by the Executive will normally be set out in the Forward Programme. Where an urgent decision is required, public notice shall be given at least three days in advance of the proposed decision date and the Chairman of the Overview and Scrutiny Management Committee will be advised.

A decision taker may only take a Key Decision in accordance with the requirements of the Executive and Access to Information Procedure Rules set out in Chapters 5.4 and 3.2 of this Constitution.

1.4.5 Decision Making by the Council

Subject to Paragraph 1.4.11 below, the Council meeting will follow the Council Procedures Rules set out in Chapter 4.2 of this Constitution when considering any matter.

1.4.6 Decision Making by the Executive

Subject to [Rule 1.4.11](#), the Executive will follow the Executive Procedures Rules set out in Chapter 5.4 of this Constitution when considering any matter.

1.4.7 Decision Making by Individual Executive Members

Subject to [Rule 1.4.11](#), decision-making by individual Members of the Executive will follow the process set out in Chapter 5.5.

1.4.8 Decision Making by the Overview and Scrutiny Committees

The Overview and Scrutiny Management Committee and its committees will follow the Procedure Rules set out in Chapter 6.2 of this Constitution when considering any matter.

1.4.9 Decision Making by other Committees and Sub-Committees established by the Council

Subject to [Rule 1.4.11](#), other Council Committees and Sub-Committees will follow those parts of the Procedures Rules set out in Section 8 of this Constitution as apply to them.

1.4.10 Decision Making by Officers

Subject to [Rule 1.4.9](#), decision-making by Officers shall follow the principles and procedures set out in the Scheme of Delegation to Officers set out in Chapter 11.3.

1.4.11 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 right to a fair trial contained in Article 6 of the European Convention on Human Rights.

CHAPTER 1.5 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1.5.1 Introduction

Developing and agreeing the budget and policy framework is a key corporate process for the Council. It sets the context within which decision-making by the Executive takes place. The Council will be responsible for agreeing the budget and policy framework and the Executive is responsible for implementing it.

Budgetary Framework

1.5.2 Annual Budget Setting Process

The annual Revenue and Capital budgets will be set by Council prior to the beginning of the financial year following a recommendation from the Executive. At this time the Council may also approve indicative budgets for future years, however these budgets do not provide authority to spend unless otherwise specified. Budgets will be formulated and presented in accordance with a timetable agreed by the Council's Chief Finance Officer in consultation with the Leader of the Council. The timetable and supporting guidance will include the role of Officers, Members and working groups, and will set out details of any public consultation. Details of the timetable and guidance will be available from the Chief Finance Officer.

1.5.3 Procedure for Approval of the Budget by the Council

Once the Executive has considered firm budgetary proposals, they will be referred, at the earliest opportunity, to the Council for decision. In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration or substitute its own proposals in their place, in accordance with the provisions set out below.

1.5.3.1

The following procedure is required in accordance with provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, and must be applied in a situation where the Council objects to the Executive's recommendations in respect of any item or items making up the annual budget.

1.5.3.2

Where the Council raises objections to the Executive's recommendation, it shall resolve to adjourn to allow the Leader of the Council and Lead Executive Member to consider these objections. Following this adjournment the Leader of the Council and Lead Executive Member may put forward amendments to the recommendation in order to address the Council's objections. Having considered these amendments, the Council may approve the recommendation as amended, or it shall resolve that the matter be reconsidered by the Executive within five working days.

1.5.3.3

Once the Executive has reconsidered the matter it shall submit a further report to another meeting of Council convened for the purpose by the Chief Executive, to be held within ten working days of the expiry of the five working day period. The Executive may submit a revised proposal to the Council, setting out reasons for the changes. Alternatively it may submit a proposal without amendment, in which case its report shall set out the reasons why it disagrees with the Council's objection.

When the report is reconsidered Council may approve the Executive's proposals, or take a different decision, having taken into account any amendments the Executive has made to its original proposals, the reasons for amendments, any disagreement the Executive has with the Council's original objections and the reasons for that disagreement.

1.5.3.4

Immediately after any vote is taken at a budget decision meeting regarding the budget, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

1.5.4 In Year Budget Adjustments

Budgets may be increased in year by way of a supplementary estimate that must be approved by the Executive. In addition, Council approval is required when a supplementary estimate exceeds £500,000 and/or the cumulative total of supplementary estimates for the year exceeds 2% of the Council's net budget. Expenditure of an urgent health and safety nature may be committed without budget in accordance with the Council's Financial Regulations.

1.5.4.1

Budget transfers between budget heads (virements) are authorised in accordance with the Council's Financial Regulations set out in Chapter 12.1.

1.5.5 Budget Monitoring

Income and expenditure must be collected and incurred in accordance with the Council's Financial Regulations. Budget monitoring is undertaken in accordance with the budget monitoring protocol agreed by the Council's Chief Finance Officer. This will include the roles of Officers, Members and working groups.

1.5.5.1

The Executive will consider both revenue and capital budget monitoring reports on a quarterly basis. If the overall forecast variance exceeds 2% of the Council's net budget, the monitoring report shall be presented to Council, seeking action to address.

1.5.6 Enforcement

Adherence to the budgetary framework shall be enforced, as appropriate, by: the Council's Chief Finance Officer; the Council's Monitoring Officer; the Audit Committee and the Overview and Scrutiny Management Committee.

POLICY FRAMEWORK

1.5.7 Definition

The Policy Framework means the key plans and strategies which underpin the way the Council will deliver services to its residents. A full list of the plans that comprise this framework is set out in Chapter 4.1. Broadly speaking, they include plans which encompass all of the Council's services to make up the Council's Corporate Planning Framework, for example the Community Strategy and Corporate Plan, as well as more service-specific documents required by Government such as the Local Transport Plan.

1.5.8 Procedure for the Approval of Policies Comprising the Policy Framework by Council

Plans and strategies comprising the Policy Framework being brought forward for Council approval (either new or revisions to existing policies) shall be identified on the Executive Forward Programme (see Executive Rules of Procedure set out in Chapter 5.4.) The Forward Programme shall outline consultation arrangements in respect of the plan or strategy. A detailed timetable for the preparation of the plan or strategy shall be prepared and made available by the appropriate member of the Corporate Leadership Team, to include full details of consultation with partners and residents and the extent of Member involvement through the Lead (Executive) Member, the Overview and Scrutiny Committees and working groups as appropriate.

1.5.8.1

Once the draft plan or strategy has been finalised it shall be presented to the Executive in accordance with the Forward Programme and agreed timetable (see above.) The Executive shall consider and, once it is satisfied, refer the document to Council with a recommendation that it be approved.

1.5.8.2

Where the Council raises objections to a draft plan or strategy, it shall resolve to adjourn to allow the Leader of the Council and Lead Executive Member to consider these objections. Following this adjournment the Leader of the Council and Lead Executive Member may put forward amendments to the draft plan or strategy in order to address the Council's objections. Having considered these amendments, the Council may approve the plan or strategy as amended, or it shall resolve that the plan or strategy be reconsidered by the Executive.

1.5.8.3

The plan or strategy shall be reconsidered by the Executive within five working days of the Council Resolution in these terms. Once the Executive has reconsidered the matter it shall resubmit the plan or strategy to a further meeting of Council convened by the Chief Executive, to be held within ten working days of the expiry of the five working day period. The Executive may submit a revised plan or strategy to the Council, setting out reasons for the revisions. Alternatively it may submit the plan or strategy without amendment, setting out the reasons why it disagrees with the Council's objection. When the plan or strategy is reconsidered Council may approve the Executive's recommendation, or take a different decision, having taken into account any amendments the Executive has made to the plan or strategy, the reasons for the amendments, any disagreement the Executive has with the Council's original objections and the reasons for that disagreement.

1.5.9 Decisions Outside the Budget or Policy Framework

Circumstances in which decisions may be taken by an individual or body other than the Council are set out within the Financial Regulations (see Chapter 12.1). In all other cases any body or person wishing to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, must refer that decision to Council.

1.5.9.1

Any body or individual of the opinion that a decision on a particular matter would be contrary to, or not wholly in accordance with, the budget and policy framework, should seek the advice of the Monitoring Officer and Chief Finance Officer. These Officers shall decide whether the decision would be of this nature, and direct accordingly.

1.5.10 Procedure where a Decision has been Taken Outside the Budget or Policy Framework

Where a body or individual is of the opinion that a decision taken in relation to any of the Council's Executive functions was contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, they should seek advice from the Monitoring Officer and Chief Finance Officer, setting out in writing, within seven working days of the decision, the grounds on which they consider it to have been contrary.

1.5.10.1

The Monitoring Officer and Chief Finance Officer may conclude that the decision did not constitute a departure, in which case they shall advise the body or individual in writing of the reasons for their conclusion. In these circumstances no further action will be necessary.

1.5.10.2

If the Monitoring Officer and Chief Finance Officer conclude that the decision was contrary, or not wholly in accordance with, the budget or policy framework, they shall inform the decision-taker in writing, setting out the reasons upon which their conclusion was based. They shall then require the decision-taking body or individual to prepare a report to Council, which shall meet within ten working days of this instruction. The report shall include the Monitoring Officer and Chief Finance Officer's advice as appropriate.

1.5.10.3

The Council may either:

- a) endorse the decision of the 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
- b) amend the Council's Financial Regulations or policy concerned to encompass the decision 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
- c) accept that the decision or proposal was contrary to the policy framework or contrary to, or not wholly in accordance with the budget. If Council does not resolve to amend the existing framework to accommodate the decision or proposal, it shall require the decision-taking body or individual to reconsider the matter in accordance with the advice of either the Monitoring Officer / Chief Finance Officer.

CHAPTER 1.6 - FINANCE, CONTRACTS AND LEGAL MATTERS

1.6.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Chapter 12.1 of this Constitution.

1.6.2 Contracts

Every contract made by the Council will comply with the Procurement and Contract Regulations set out in Chapter 13 of this Constitution.

1.6.3 Legal Proceedings

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

1.6.4 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 Head of Legal 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.

Any contract with a value exceeding £50,000 entered into on behalf of the local authority in the course of the discharge of an Executive function shall be made in writing. Contracts with a value of less than £1000,000 may either be signed by one authorised officer of the authority or made under the Common Seal of the Council attested by at least one officer.

1.6.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal. 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 Head of Legal should be sealed. The affixing of the Common Seal will be attested by the Head of Legal, or some other person authorised by him/her.

1.6.6 Signing or Sealing on behalf of the Council

Any references in this Constitution of a person signing or affixing a seal on behalf of the Council will include both:

- (i) by physical means; or
- (ii) by electronic means.

Any electronic means shall only be that approved by the Monitoring Officer or Head of Legal and will in all circumstances only be used where permitted by law, be secure and maintains an electronic audit record of the signatories and the signing process.

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SECTION 2 COUNCILLORS

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CHAPTER 2.1 – ROLES AND FUNCTIONS OF COUNCILLORS

2.1.1 Composition and Eligibility

- a) **Composition.** The Council comprises 54 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in the Borough in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- b) **Eligibility.** Only registered voters of the Borough of Wokingham or those living or working in the Borough will be eligible to stand for the office of Councillor. There are other criteria which may preclude a person from standing.

2.1.2 Election and Terms of Office of Councillors

The ordinary election of a third (or as near as may be) of all Councillors will be held generally on the first Thursday in May in each year, except that in 2017 and every fourth year after that there will be no regular election. The term of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.1.3 Roles and Functions of all Councillors

Key Roles

- a) collectively be the ultimate policy-makers and oversee a number of strategic and corporate management functions;
- b) contribute to the good governance of the area and actively encourage community participation and involvement of citizens in decision making;
- c) effectively represent the interests of their ward and of individual constituents;
- d) respond to constituents' enquiries and representations, fairly and impartially;
- e) oversee the governance and management of the Council; and
- f) maintain the highest standards of conduct and ethics and adhere to the Code of Conduct (Chapter 9.2.)

Rights and Duties

- a) 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;
- b) 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;
- c) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Chapter 3.2 of this Constitution.

2.1.4 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer relationships set out in Section 9 of this Constitution.

2.1.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in [Chapter 2.2](#) of this Constitution.

The Scheme will be reviewed on an annual basis.

2.1.6 Members' Interests

The Council maintains a register of the interests of Members and co-opted members of the Council. The Monitoring Officer is responsible for maintaining and updating the register, which is available on the Council's website and for public inspection during office hours (8.30am to 5.00pm, Monday to Friday).

CHAPTER 2.2 – MEMBERS ALLOWANCES SCHEME

2.2.1 Introduction

Members of Wokingham Borough Council are entitled to a number of Financial Allowances. These allowances are provided to compensate Members for costs incurred whilst undertaking their public duties. There are also allowances to compensate Members with additional Special Responsibilities. Members are entitled to these allowances under the Local Government and Housing Act 1989, the Local Government Act 2000 and the Local Authorities (Members' Allowances) Regulations 2003.

The terms 'Councillor' and 'Member' refer to an individual currently elected at local Borough elections to serve on Wokingham Borough Council.

Co-opted Members of the Council are entitled to receive Special Responsibility Allowances in recognition of their work.

Local Authority Allowance Schemes are set up in accordance with guidance from the Department for Communities and Local Government and the Inland Revenue. Copies of this guidance are available from Democratic Services and the [Wokingham Borough Council website](#). Should conflicting advice arise between this scheme and Government Guidance, the Government Guidance shall always take precedence.

2.2.2 Party Political Work

No allowances can be paid to cover any party political work.

2.2.3 Independent Remuneration Panel

The Council commissions an Independent Remuneration Panel to review the Scheme of Members Allowances biennially. Should there have been little or no change during the period between reviews the Independent Remuneration Panel may decide not to undertake a full review or any review of the Scheme of Members Allowances. In such instances, the Panel will report their decision and the reason for it to Full Council. The Panel also considers which Members are entitled to claim which allowances.

The Panel considers:

- a) how much Basic Allowance Councillors should receive;
- b) which Councillors' roles qualify for Special Responsibility Allowances and the level at which those allowances are set;
- c) the rate of subsistence, travel and dependants carers' allowances;
- d) if allowances are pensionable under the Local Government Pension Scheme;
and
- e) the rate of co-optees' allowances.

The Process that will be followed when appointing Independent Remuneration Panel Members is set out in [Appendix A](#) to this Chapter.

After considering the above, the Panel makes recommendations to the Council. These recommendations aren't binding, but the Council must consider them when creating or changing an allowance scheme.

Wokingham's Independent Panel is made up of up to five people. One panel member to be appointed to serve on the panel for four years and the remaining members to serve for three years. Members of the panel are not paid any allowance but they are paid travel expenses.

2.2.4 Effective Date

This scheme is effective from 21 January 2021 which covers the 2020/21 Municipal Year and will remain in effect until it is reviewed by the Independent Remuneration Panel and is superseded by a revised scheme agreed by Council.

2.2.5 Types of Allowance

There are four main types of allowance as follows:

- a) Basic Allowance;
- b) Special Responsibility Allowance;
- c) Dependants Carers' Allowance; and
- d) Travelling and Subsistence Allowance.

2.2.5.1 Basic Allowance

A Basic Allowance is payable to all Councillors monthly. The current Basic Allowance is an annual amount of £7,784 which comprises

- a) £600 for out of pocket expenses
- b) £6,684 for time contributed
- c) £500 for IT, communication and home office

The amount set out in b) above is intended to recognise the time commitment of all Councillors, including such calls on their time as meetings with Officers and constituents and attendance at Conferences.

The amount set out in c) above covers the incidental costs of being a Councillor, such as the use of their homes, IT costs and telephone bills. It is expected that acceptance of c) puts a responsibility on Members to have an effective home office. Therefore the IT Communication and home office component of the Basic Allowance should only be claimed by those members who provide facilities which allows constituents and Officers to communicate with them by email, in addition to having adequate equipment and connections to allow for effective participation in virtual meetings.

Each Member is expected to undertake some area of additional responsibility that does not qualify for Special Responsibility Allowance. This could include being:

- a) a Political Group Spokesperson for a particular Service Area;
- b) a Committee or Sub-Committee Chairman;
- c) a lead Member on a Community Consultation or Liaison;
- d) a representative on a number of Outside Bodies;
- e) a Chairman of a specific task or time limited Sub-Committee; or
- f) a member of Appeals Panels.

2.2.5.2 Special Responsibility Allowances

Special Responsibility Allowances are paid to Councillors with significant responsibilities in addition to those covered by the Basic Allowance.

During its review the Independent Remuneration Panel will determine the level of the Special Responsibility Allowance and agrees a formula to compare the various levels of responsibility attached to each post. The Panel will also agree which specific duties and posts qualify for payments of this allowance.

Special Responsibility Allowances shall be limited to one per Member (not including Non Executive Director payments) that being the one with the highest value.

The Rate of the Special Responsibility Allowance is £5,000. The current schedule of Special Responsibility Allowances is as follows:

Political Post	Rate of Allowance	Total SRA Allowance
Leader of the Council	4 x SRA	£20,000
Leader of the Opposition where there is a majority group	1.5 x SRA	£7,500
Members of the Executive	2 x SRA	£10,000
Deputy Executive Members	0.4 x SRA	£2,000
Chairman of the Audit Committee	0.5 x SRA	£2,500
Chairman of the Licensing and Appeals Committee	0.5 x SRA	£2,500
Chairman of the Overview and Scrutiny Management Committee	1 x SRA	£5,000
Chairman of the Overview and Scrutiny Committees-		
Children's Services	0.5 x SRA	£2,500
Community and Corporate	0.5 x SRA	£2,500
Health Overview & Scrutiny Committee	0.5 x SRA	£2,500
Chairman of the Personnel Board	0.25 x SRA	£1,250
Chairman of the Planning Committee	1 x SRA	£5,000
Members of the Planning Committee	0.25 x SRA	£1,250
Chairman of the Standards Committee	0.25 x SRA	£1,250

Should the Council be in a 'hung' position, the Special Responsibility Allowance scheme will, in the main, remain the same. As there would effectively be two Leaders and two Deputy Leaders, the following changes would be made:-

The normal sum set for the Leader of the Council and the sum set for the Leader of the Opposition will be added together and shared equally by the two Leaders. i.e.

Sum set for the Leader of the Council	4 x SRA	£20,000
Sum set for the Leader of the Opposition	1.5 x SRA	£7,500
		= £27,500
Allocated equally	2.75 x SRA	£13,750

2.2.5.3 Childcare And Dependants Carers Allowance

Members who have children or other dependants can claim an allowance for their care whilst undertaking Approved Council Duties.

The list of approved duties is included in the section on travel and subsistence expenses.

From April 2021 the following will take effect:

- i) A maximum claimable rate of £10 per hour be instated, to rise with the national living wage rate as and when this overtakes the stated figure. This rate is claimable by Members with direct caring responsibilities, and should primarily be used for non-specialist childcare (e.g. babysitting);
- ii) A maximum claimable rate of £20 per hour be instated, to rise by the same monetary increase as granted to part i) of the Dependent and Carers allowance. This rate is claimable by Members with direct caring responsibilities, and should be used for specialist care (e.g. medically trained staff care including mental health, care for a number of young children for which a babysitter would not be appropriate, care which includes lifting or moving an adolescent or adult). An invoice, of any description, is required to claim for this rate.

Both of the above are claimable up to a combined maximum of 35 hours total per month, and the carer must not be a member of the Councillor's family that lives at the same address. In exceptional circumstances, claims above the 35 hour monthly limit can be agreed with the Lead Specialist for Democratic and Electoral Services, subject to provision of suitable evidence.

2.2.5.4 Travel And Subsistence Allowance

Members are entitled to claim reasonable travel and subsistence expenses incurred whilst undertaking 'approved' duties on behalf of the Council. Unless there are exceptional circumstances which have previously been approved by the Democratic Services Manager, all claims for travel allowance should be deemed to start and finish from the Member's usual place of residence or work within the Borough, or from the Borough Boundary, and claims would need to be made on this basis.

Travel expenses usually take the form of mileage claims and parking fees, though there are arrangements for expenses incurred by other forms of travel.

Due to the fact that a car parking permit scheme is in force for the car park at Council Offices at Shute End, Members will not be able to claim car parking expenses for attendance at meetings at these offices.

Subsistence payments are designed to compensate Members for additional costs incurred when undertaking approved duties.

Rates of Travel and Subsistence Allowance are reviewed biennially by the Independent Remuneration Panel.

Approved duties for which Members can claim travel and subsistence expenses are defined in the regulations that govern Members' Allowances.

If you are in any doubt about whether you can claim for a particular duty, please contact Democratic Services on 0118 974 6051, or Email: democratic.services@wokingham.gov.uk for clarification.

The list of approved duties is defined as attendance at any of the following:

- a) a meeting of the Executive;
- b) a meeting of a Committee of the Executive;
- c) a meeting of the Authority;
- d) a meeting of a Committee or Sub-Committee of the Authority;
- e) a meeting of some other body to which the Authority makes appointments or nominations;
- f) a meeting of a Committee or Sub-Committee of a body to which the Authority make appointments or nominations;
- g) a meeting which has 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);
- h) a meeting of a Local Authority Association of which Wokingham Borough Council is a member;
- i) duties undertaken on behalf of Wokingham Borough Council in pursuance of any standing order requiring a Member or Members to be present while tender documents are opened;
- j) 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;

- k) 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 purposes of section 342 of the Education Act 1996;
- l) any other duty approved by the Authority in connection with discharging the duties of the Authority or its Committees or Sub-Committees;
- m) attendance at relevant training events;
- n) attendance at an event or outside meeting etc, if a Member has received a written invitation to attend because of their specific role eg as an Executive Member. (Please note that written evidence must be provided with the claim). If a Member was invited in their capacity as a Borough Councillor, they would not qualify for this payment;
- o) attendance at any informal meeting, seminar or briefing where the Member has received an invitation to attend from the Officer calling the meeting;
- p) attendance at any meeting held at the Council Offices at which Members of any party could attend if they wished e.g. Executive or Planning Committee;
- q) attendance at meetings of a Committee or Panel when the Member concerned was not a member of that Committee or Panel but was attending to represent the views of their Ward on a specific report relating to that Ward;
- r) any function/meeting attended by the Leader of Council, Deputy Leader(s) of Council, Leader of Opposition, Executive Member(s) or Deputy Executive Member(s) relevant to their roles in those offices, except events primarily of a social nature;
- s) any meetings that are not about a Ward matter where an Officer asks the Member to attend, or where the Officer agrees that their presence is needed.

2.2.5.5

Members cannot claim allowances for the following types of meeting:

- a) school Governing Bodies;
- b) events primarily of a social nature;
- c) political Group meetings or policy team meetings.

These are also the lists for which Members can claim Dependents' Carers Allowance (see 2.2.5.3).

2.2.6 Travel Allowance Rates

Members are entitled to claim standard class fare only when using public transport.

Councillors should only use taxicabs in urgent cases or if there is no reasonable public transport available. Members will be reimbursed the amount of the fare and any reasonable gratuity paid.

In the interests of economy and other than in exceptional circumstances, Councillors are expected to use public transport for long journeys rather than travelling by car.

Under the Road Traffic Act 1988 Members must ensure that their motor insurance policy covers business use if they are claiming mileage allowance. No additional payments will be made to cover insurance costs.

2.2.6.1 Mileage Rates

Mileage will be paid at the following rates

	Per Mile
Car User – all engine sizes – first 10,000 miles	45p
Car User – all engine sizes – after 10,000 miles	25p
Motorcycle User – all engine sizes	24
Bicycle User	35

2.2.6.2 Subsistence Allowance Rates

		£
Breakfast allowance	more than a four hours away from normal place of residence before 11am	4.92
Lunch allowance	more than four hours away from normal place of residence, including the lunchtime between 12 noon and 2pm	6.77
Tea allowance	more than four hours away from normal place of residence including the period 3pm to 6pm	2.67
Evening meal allowance	more than four hours away from normal place of residence ending after 7pm	8.38
Overnight	if Members attend a training course or conference which is held at a venue beyond reasonable daily travelling distance, the reasonable cost of overnight accommodation (e.g. 3* star hotel) may be claimed subject to agreement with the Budget Manager prior to booking-	
Please note receipts are required when claiming for any of the above		

2.2.7 Allowances for Mayor and Deputy Mayor

Sections 3(5) and 5(4) of the Local Government Act 1972 provide for the Council to pay the Mayor and Deputy Mayor an allowance which it believes reasonable to enable them to meet the expenses of their office.

The Independent Remuneration Panel is not required to review these allowances.

The rate of these allowances is currently as follows:- Mayor £7,420 p.a.
Deputy Mayor £1,960 p.a.

Changes to the rates of these allowances are agreed by the Council as part of the budget making process.

2.2.8 Councillors' Tax and Benefits

The allowances that Councillors can claim can affect a Councillor's income tax liability and their rights to Social Security Benefits. It could also affect the Benefits Entitlement of a Councillor's Partner if their benefits are means-tested.

The rules surrounding Councillors' Allowances can be complicated, particularly in respect of their effects upon benefits entitlement.

Below is a basic table detailing how each of the allowances affects Benefits Entitlement and Tax Liability. The table is only a guide, and there are some exceptions:

Type of Allowance	Paid Monthly?	Is this counted as Earnings for Benefits Purposes? eg Housing Benefit	Is this counted as Taxable income PAYE Purposes?
Basic Allowance	✓	✓	✓
Childcare and Dependants Carer's Allowance	✗ Paid on receipt of claim	✗	✗
Mayor and Deputy Mayor Allowances	✓	✓	✓
Mileage	✗ Paid on receipt of claim	✗	✗
Special Responsibility Allowance	✓	✓	✓
Subsistence Allowance	✗ Paid on receipt of claim	✗	✗
Travelling Allowance (Public Transport, Taxis fares etc)	✗ Paid on receipt of claim	✗	✗
Bicycle User	✗ Paid on receipt of claim	✗	✓

The whole issue of tax and benefits can appear a bit of a muddle, but there is help at hand. Members can contact the Chief Finance Officer (Graham Ebers – 0118 974 6557 Email: graham.ebers@wokingham.gov.uk). Members can get personal advice and guidance on how their benefits entitlement, tax liability and National Insurance is affected by their Allowances.

2.2.9 Revocation

Some Councillors may choose to forego either some or all of their entitlement to an allowance under this scheme. To do this, a Member must give notice, in writing, to the Chief Executive.

2.2.10 Part-year Entitlements

It is possible that a Member's entitlement could change during the course of the year.

This could be because:

- a) the Scheme changes;
- b) the Councillor's responsibilities change; or
- c) the Councillor becomes, or ceases to be, a Councillor part way through the year

In each case, a Member will be paid a 'pro rata' amount, equivalent to the amount of the year that they undertook the duties qualifying for the allowance.

2.2.11 Conference Allowances

The Independent Remuneration Panel recommended in June 2006 that attendance at Conferences approved by the appropriate Director should be eligible for the payment of travel and subsistence allowance.

2.2.12 Allowances for Co-opted Members

The 2003 Local Authorities (Members' Allowances) Regulations make it possible for Local Authorities to pay Co-opted Members of its Committees an allowance for attendance at meetings and conferences.

Wokingham Borough Council currently only has co-opted members on the Standards Committee. The Council agreed on 30 June 2005 that the Independent Chairman of the Standards Committee should be entitled to a Special Responsibility Allowance of £1,250 per annum.

2.2.13 Pensions

In accordance with the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 Councillors are no longer eligible to join the Local Government Pension Scheme.

2.2.14 Suspension and Withdrawal of Allowances

The Council has agreed that, should Members be suspended from office or expelled from office, their allowances can be either suspended or withdrawn as appropriate.

If a Member is suspended, their allowances will be withheld for the duration of the suspension. In the event of a Member being partially suspended, their allowances applicable to the area of activities from which the Member is suspended will be withheld.

If a Member is expelled from the Council, their allowances will be withdrawn.

2.2.15 Claiming Your Allowances

Both the Basic and Special Responsibility Allowances will be paid in equal monthly instalments. These will be paid via the Bank Automated Clearing System (BACS). It is essential that the Council has received your bank details for these allowances to be paid.

You can check that the Council has these details by contacting Democratic Services on 0118 974 6054.

Members have to complete a claim form for reimbursement of Travel, Subsistence and Childcare costs. Members must claim back these expenses within two months of the meeting for which the costs were incurred.

A sample of the claim form is included at the back of this scheme. Copies of the form are available from Democratic Services, 0118 974 6054.

Claims must be accompanied by receipts or proof of costs. Once completed, the forms can be handed back into Democratic Services by the 1st of each month for processing.

2.2.16 Supporting Documents

This Members Allowance Scheme is based upon the following documents: -

- Statutory Instrument 2003 No. 1021 The Local Authorities (Members' Allowances) (England) Regulations 2003
- Local Government Act 2000
- Local Government and Housing Act 1989
- Report of the Independent Remuneration Panel July 2009
- Report of the Independent Remuneration Panel May 2010
- Report of the Independent Remuneration Panel May 2011
- Report of the Independent Remuneration Panel July 2012
- Report of the Independent Remuneration Panel July 2013
- Report of the Independent Remuneration Panel September 2014
- Report of the Independent Remuneration Panel September 2015
- Report of the Independent Remuneration Panel September 2016
- Report of the Independent Remuneration Panel November 2017
- Report of the Independent Remuneration Panel November 2018
- Report of the Independent Remuneration Panel December 2020

- Resolutions of Wokingham District Council

29 April 2004	30 June 2005	29 June 2006
---------------	--------------	--------------

- Resolutions of Wokingham Borough Council

30 October 2008	14 May 2009	15 July 2009
9 September 2009	18 November 2009	20 May 2010
22 July 2010	23 October 2010	18 November 2010
20 January 2011	22 February 2011	19 May 2011
21 July 2011	22 September 2011	19 July 2012
18 July 2013	18 September 2014	17 September 2015
17 November 2016	23 November 2017	22 November 2018
21 January 2021		

2.2.17 MEMBER ALLOWANCES CLAIM FORM

1	2		3		4	5	6		7
Date	Place & Time of Dep	Ret	Details of Meeting or Approved Duty and / or Name of Officer who requested meeting. If an Invitation was received from another organisation, a copy of the invitation must be submitted in order for the claim to be paid Start Time	No. of Miles	Public Transport Fares <i>Receipt Required</i>	Details and Subsistence Amount (including parking, Childcare & Dependent Carers Allowance) <i>Receipt Required</i> <i>Form attached to be used for Carers Allowance</i>	Receipt/ Ticket Letter/invitation Enclosed? Cols 3, 5 & 6		
TOTALS									

Sample

DECLARATION BY MEMBER

Travelling and Subsistence Allowance

I declare that

- 1 I have necessarily incurred expenditure on travelling and subsistence for the purpose of enabling me to perform approved duties as set out in Column 3 of this claim form
- 2 I have actually paid the fares and made the other payments shown in Columns 5 and 6 of this claim form.
- 3 The amounts claimed are strictly in accordance with the rates determined by the said Council.
- 4 My motor insurance covers business use in connection with my role as an elected Member.

General

I declare that the statements above are correct. Except as shown above I have not made and will not make, any claim under any enactment for financial loss allowance and for travelling or subsistence allowances in connection with the duties indicated overleaf

Date..... Please Print Name..... Signature.....

To avoid delay in payment please check all relevant details are completed and forward to Democratic Services by the **1st day** of each month.

Please note that all claim forms must be submitted within **two months** of the expense being incurred

This claim form has been checked by Democratic Services

Signed	BWO Ref	Mileage
Dated	BWO Ref	Non Mileage
	BWO Ref	Non Mileage

**PLEASE USE THIS FORM WHEN CLAIMING FOR
CHILDCARE / DEPENDENTS ALLOWANCE.**

The allowance is limited to a maximum of thirty-five hours per month and the carer employed must not be a member of the Councillor's family that lives at the same address.

Members Name	
Date of Care	
Details of meeting or approved duty.	
Total amount of hours	
Amount Paid	
Signature of Carer	

**PLEASE USE THIS FORM WHEN CLAIMING FOR
CHILDCARE / DEPENDENTS ALLOWANCE.**

The allowance is limited to a maximum of thirty five hours per month and the carer employed must not be a member of the Councillor's family that lives at the same address.

Members Name	
Date of Care	
Details of meeting or approved duty.	
Total amount of hours	
Amount Paid	
Signature of Carer	

Appendix A

Process for Appointing Independent Remuneration Panel Members

The process below will be followed when appointing new members to the Independent Remuneration Panel:

- 1 Advert placed on the website etc and in the local newspaper if appropriate.
- 2 Advert respondents sent an information pack containing:
 - a An application form for the role (Appendix 1);
 - b Job Description and Personal Specification (Appendix 2);
 - c The Terms of Reference of the Independent Remuneration Panel (Appendix 3);
 - d The current Members' Allowances Scheme;
 - e The last two Independent Remuneration Panel reports;
- 3 Interested applicants, either from the advert or found via other sources, such as recommendations from current Panel members, would then be asked to fill in an application form and submit a CV should they wish;
- 4 Application forms to be considered by the Chairman of the Panel and the Chief Executive or Monitoring Officer;
- 5 Successfully shortlisted candidates to be interviewed as above;
- 6 Chosen candidates asked to provide a paragraph of information about their background/suitability for the role to be included in the report to Council.
- 7 Council be asked to appoint the relevant person to the Independent Remuneration Panel;
- 8 New Panel members to be given an induction, ideally by the relevant Democratic Services Officer, the Chairman of the Panel and other Panel members, but at least the first two, before they take part in a review.

CONFIDENTIAL

**WOKINGHAM BOROUGH COUNCIL'S
INDEPENDENT REMUNERATION PANEL**

APPLICATION FORM

Name:			
Address:			
Post Code:			
Daytime Tel		Mobile:	
Email:			
Date Of Birth:		Sex:	Male/Female
Employment Status *(please delete as appropriate) Employed/Self-employed/Retired			
<p>If employed or self-employed please give the following details. <i>If retired please give the relevant details at the time of retirement.</i></p>			
Name of Employer/Business: Nature of Business:			
Position Held:			
<p>Please describe any links which you have or have had with the Borough or with the community of the Borough e.g. living or working in the Borough, through work or business, through voluntary bodies, public bodies etc., including an contributions to the community you have made.</p>			

Are you currently a Member of any other Local Authority? (This includes Parish Councils, Police and Fire Authorities)

Yes/No

If yes please provide the name of the Authority:

Are you a relative or a close friend of any Member or Officer of the Council?

Yes/No

(Note: a relative is defined as (a) a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, brother, sister, grandparents, grandchild, uncle, aunt, nephew, niece or (b) the spouse or parent of any of (a))

If yes, please give details:

Please provide details of any organisations (including political parties) you are, or have been a Member of during the past 5 years.

Relevant Experience and Qualities

Please explain why you wish to be a Member on the Independent Remuneration Panel and give details of any relevant experience you may have for the role

Please supply the name and address of a person whom we may contact for a reference as to your suitability for the role.

Name:

Address:

Tel:

DECLARATION I confirm that:

I have read the background information and understand and accept the commitment need to be an active member of the Independent Remuneration Panel.

The information that I have provided on this application form is correct.

I would fully respect the confidentiality of the information provided to me as a member of the Panel.

I would observe any rules set by the Panel and act in good faith in the interests of the Panel.

Signed

Date

Please return this form to:

**Democratic Services
Wokingham Borough Council
Civic Offices
Shute End
Wokingham
RG40 1BN**

ROLE OF THE INDEPENDENT REMUNERATION PANEL MEMBER

Overview of the Independent Remuneration Panel

The Independent Remuneration Panel (IRP) has been established under the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended in order to make recommendations to the Council on its Members' Allowances Scheme and the nature and level of allowances to be paid to elected members.

The IRP must consist of at least three members. Wokingham previously agreed that it would have up to five members on the IRP. For continuity purposes two panel members are appointed to serve on the panel for four years and the remaining members to serve for three years.

The Role of Independent Remuneration Panel Member

- To receive reports/proposals from Officers and Members of the Council in connection with the Members' Allowance Scheme;
- To formulate a view as to any appropriate changes to the Members' Allowance Scheme;
- To attend meetings of the IRP, as appropriate, and contribute to the production of recommendations to be put before the Council.

Conditions of Appointment

Term of Membership: Three / Four years

Workload: All IRP members are required to undertake appropriate training upon taking up appointment.

The IRP meets biennially and normally produces one report per review. Generally, each report requires attendance at several meetings of the Panel, plus associated correspondence, email and telephone follow up.

Appointment Restrictions

Persons will be disqualified from serving on the panel if they:

- 1 Are an elected Councillor of any Local Authority
- 2 Are employed or appointed by Wokingham Borough Council
- 3 Are a senior employee (in a politically restricted post) of another local authority
- 4 Are the holder of any position within a political party at local, regional or national level
- 5 Are the subject of a bankruptcy restrictions order or interim order
- 6 Have been convicted in the last 5 years of an offence with a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine
- 7 Are in debt to or in dispute with Wokingham Borough Council
- 8 Are a relative or personal friend of an elected Member of Wokingham Borough Council

Personal Attributes			
		Essential	Desirable
1.	Ability to read and assess information and identify key points/issues	✓	
2.	Ability to listen to information and identify key points and issues	✓	
3.	Ability to ask questions in order to obtain information and open up discussion	✓	
4.	Ability to analyse information and use it to form opinions and conclusions	✓	
5.	Ability to communication effectively with a wide range of people	✓	
6.	Have an awareness of the sensitive and confidential nature of the work.	✓	
7.	To be contactable via e-mail.	✓	
8.	To be available to attend and contribute to meetings.	✓	
9.	Be committed to undertaking the background work in preparation for meetings.	✓	
10.	Have an understanding of the role and work of a local authority, including a knowledge of the decision making process		✓
11.	Have an understanding of the role of a Councillor and the regulations and guidance which apply to Members' Allowances		✓
12.	You should live or work in the Borough of Wokingham	✓	
13.	You should not be politically active to the extent that a reasonable person would conclude that this activity would influence your judgement	✓	
14.	You must have no personal, legal or contractual relationship with Wokingham Borough Council, its Members, co-opted members or employees.	✓	
Removal from the Panel			
The Council will have the right to remove particular members from the panel before their term expires in special circumstances such as:			
1	The appointee becoming disqualified for any of the reasons detailed in the restrictions outlined above.		
2	Persistent non-attendance.		
3	Breach of confidentiality.		
4	Conduct that brings the panel into disrepute and/or prejudices its impartiality or its effective operation.		

TERMS OF REFERENCE

WOKINGHAM BOROUGH COUNCIL'S INDEPENDENT REMUNERATION PANEL

Purpose

The Independent Remuneration Panel is established in accordance with Part 4 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Panel shall produce a report making recommendations:

- 1 as to the responsibilities or duties in respect of which the following should be available:
 - a Special Responsibility Allowance;
 - b subsistence and travel allowances; and
 - c co-optees' allowance;
- 2 as to the amount of such allowances and as to the amount of Basic Allowance;
- 3 as to the amount of Mayor and Deputy Mayor Allowances that should be payable;
- 4 as to whether dependants' carers' allowance should be payable to Members of the Council, and as to the amount of such an allowance;
- 5 as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulation 10(6) of the Local Authorities (Members' Allowances) (England) Regulations 2003;
- 6 as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;
- 7 to consider any request from a Local Authority Trading Company owned by Wokingham Borough Council to review the level of remuneration payable by that company to its Member Non-Executive Directors.

Once the Council receives a copy of a report made to it by the Independent Remuneration Panel, it shall, as soon as reasonably practical:

- 1 ensure that copies of that report are available for inspection by members of the public at the main Council Offices and on the Council's website; and
- 2 publish in one or more newspapers circulating in its area, a notice which:
 - a states that it has received recommendations from the Independent Remuneration Panel in respect of its scheme;
 - b describes the main features of that Panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report;
 - c states that copies of the Panel's report are available at the main Council Offices for inspection by members of the public at such times as specific in the notice; and
 - d specifies the address of the Council Offices at which such copies are made available.

The Council shall supply a copy of a report made by the Independent Remuneration Panel to any person who requests a copy and who pays to the Council such reasonable fee as may be determined.

Before the Council makes or amends its scheme for the payment of allowances to Members, it must have regard to the Independent Remuneration Panel's recommendations to it on the scheme.

Membership

The Panel shall consist of up to five members, none of whom:

- 1 is also a Member of the Council in respect of which recommendations are made by the Panel, or a member of a committee or sub-committee of the Council; or
- 2 is disqualified from being or becoming a Member of the Council.

Quorum:

3 Members

Frequency of meetings:

As required

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CITIZENS AND THE COUNCIL**

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CHAPTER 3.1 - CITIZENS' RIGHTS

3.1.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in [Chapter 3.2](#).

3.1.2 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 political management.

3.1.3 Information

Citizens have the right to:

- a) attend meetings of the Council and its Committees and Sub- Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- b) attend meetings of the Executive, including when Key Decisions are being considered;
- c) find out from the Forward Programme what Key Decisions will be taken by the Executive and when;
- d) see reports and background papers, and any records of decisions made by the Council and the Executive;
- e) inspect the Council's accounts and make their views known to the external auditor;
- f) find out about the Council's services from the information available on the website, and from visiting the Civic Offices.

3.1.4 Participation

Citizens have the right to participate in the Council's question time and contribute (by invitation) to investigations by the Overview and Scrutiny Committees.

The Council's constitutional arrangements will allow for the evolution of arrangements for public consultation and participation. For the time being members of the public may:-

- 3) by writing to the Chief Executive, submit questions to the Council, the Executive, the Licensing and Appeals Committee, the Overview and Scrutiny Committees, the Personnel Board the Standards Committee, the Audit Committee and the Wokingham Borough Wellbeing Board as outlined in the rules of procedure for each meeting;
- b) submit a petition which will be dealt with in accordance with the Council's protocol for the consideration of petitions set out in [Chapter 3.5](#);
- c) request that a small deputation comprising no more than three residents/service users may address the Overview and Scrutiny Committees (whichever is relevant). Arrangements for addressing the Overview and Scrutiny Committees will be at the discretion of the Chairman;

- d) address the Planning Committee in accordance with arrangements set out in Chapter 8.2

3.1.5 Consultation

Local authorities have a statutory obligation to consult on a range of specific issues of local and national interest. Wokingham Borough Council is keen to exceed its statutory obligations and consult effectively with local residents, businesses and other stakeholders on issues which affect them, to ensure they are involved in the planning, implementing and monitoring of the services offered by the Council.

3.1.6 Customer Care

The Council is committed to improving the quality of its services and the ways in which services can be accessed by local residents. "Improving the customer experience when accessing Council services" is one of the Council's priorities. The Council is committed to improving the quality of its services and the ways in which services can be accessed by local residents. The Council set up Customer Services Team in 2009 to act as the first point of contact for all customer enquiries. Customer Services Team aims to answer 80% of calls in 20 seconds and answer written correspondence by email or letter within 3 working days. The Council believes that its focus on the customer is one of its strengths, whilst recognising the need for continuous training and support for staff and elected Members to ensure that the high standards the Council has set are maintained.

3.1.7 Complaints

Citizens have the right to complain to:

- 3) the Council itself under its complaints scheme;
- b) the Ombudsman after using the Council's own complaints scheme;
- c) the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct.

CHAPTER 3.2 – ACCESS TO INFORMATION PROCEDURE RULES

3.2.1 Scope

These rules apply to all meetings of the Council, its Constitutional Committees and Boards and any of the Committees and public meetings of the Executive (together called meetings.)

3.2.2 Additional Rights to Information

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

3.2.3 Rights to Attend Meetings

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

3.2.4 Notices of Meeting

The Council will give at least five clear working days notice (which does not include the day of publication or the day of the meeting) of any meeting by posting details of the meeting at the Civic Offices, Shute End, Wokingham, Berkshire.

3.2.5 Notice of Decision to be taken by the Executive or its Sub Committees

Members of the public have additional rights in relation to being notified about decisions that will be taken at private meetings of the Executive or its sub committees and key decisions that will be taken by the Executive, including decisions taken by individual Executive Members. These rights are set out in Chapter 5.4.9 of the Constitution.

3.2.6 Access to Executive Agendas and Reports Before the Meeting

In relation to Executive meetings, including any sub committees of the Executive, the Council will make copies of the agenda including all reports open to the public for inspection at the designated office at least five clear days before the meeting. Where a meeting is convened at shorter notice a copy of the agenda and associated reports will be available for inspection when the meeting is convened. These rights are set out in Chapter 5.4.9 of the Constitution.

3.2.7 Access to Agenda and Reports Before the Meeting (not applicable to Executive Agenda and Reports)

The Council will make copies of the agenda and such reports that are available open to the public 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 will be open to inspection from the time the item was added to the agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors).

3.2.8 Publication and Supply of Copies

The Council will supply, (at a cost) or the public can view on the Council's Web-site (www.wokingham.gov.uk.) 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.

3.2.9 Access to Minutes etc. After the Meeting

The Council will make available copies of the following for six years after a meeting:-

- a) the agenda for the meeting; and
- b) the minutes of the meeting or, for all meetings of the Executive, the records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- c) 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;
- d) reports relating to items when the meeting was open to the public.

3.2.10 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 rules [3.2.12.3](#) and [3.2.12.4](#)) and in respect of Executive reports, the advice of a political advisor.

3.2.10.1

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.

3.2.11 Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept, and available to the public, at the Civic Offices, Shute End, Wokingham, Berkshire and on the Council's Web-site (www.wokingham.gov.uk).

3.2.12 Exclusion of Access by the Public to Meetings

3.2.12.1 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.

3.2.12.2 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.

3.2.12.3 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.

3.2.12.4 Meaning of Exempt Information

Exempt information means information falling within the following seven categories as specified in Part 1 of Schedule 12A of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 (subject to any conditions):

	Category	Condition
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: the Companies Act 2011; the Friendly Societies Acts 1974 and 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1997; or the Charities Act 2011.
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 or, of office holders under, the authority.	
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6	Information which reveals that the authority proposes: a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment.	
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

Information 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.

Information which falls within any of paragraphs 1-7 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3.2.12.5 Exclusion of Access by the Public to Reports

If the Monitoring Officer 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 3.2.10](#), 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, and the grounds under which the public interest in maintaining the exemption outweighs the public interest in disclosing it.

CHAPTER 3.3 - FREEDOM OF INFORMATION POLICY

3.3.1 Freedom of Information Act 2000

Wokingham Borough Council notes that the Freedom of Information Act 2000 has now come fully into force. The Council considers that used in a responsible manner the rights to gain access to information conferred by the Act will enable constructive discussions to take place between the Council and its stakeholders. The Council welcomes this, although it also takes note of the provisions of the Act designed to safeguard sensitive information and to discourage vexatious or plainly unreasonable requests for information.

3.3.2 Requests

The Council expects its Officers and others working on its behalf to respond to requests for information within the applicable statutory time limit and otherwise to ensure that the Council complies with the Act's requirements. It expects its Officers to advise and assist all persons wishing to make Freedom of Information requests, in both the letter and the spirit of the Act and the Codes of Practice which have been issued in accordance with the provisions of the Act.

3.3.2.1

Officers and others working on the Council's behalf should therefore deal with requests for information on the basis that the requester has a right to the information held by the Council unless it is clear that a statutory exemption applies and, where appropriate, that the public interest in withholding information outweighs that in disclosing the information.

3.3.3 Procedure

The Council has decided that the formal responsibility for dealing with requests on its behalf is delegated to the Director responsible for the service to which the request for information relates. The Council has also introduced a procedure whereby Customer and Localities will co-ordinate the Council's response to any request which involves more than one Council service, as well as co-ordinating the Freedom of Information system within Wokingham Borough Council, generally.

3.3.4 Complaints

The Council has made available its complaints procedure for cases where there is a dispute between the requester and the Council, or where the Council has failed to respond to a request within the applicable statutory time period. The internal review is undertaken by Legal Services. This complies with the obligation in the Act to resolve disputes locally wherever possible, before resort is made to the Information Commissioner.

3.3.5 Software

The Council has invested in software to enable members of the public to obtain information via its website, thus helping to free Officers' time to enable them to concentrate on their other responsibilities. The software also enables the progress of individual Freedom of Information requests to be tracked. The Council expects its Officers to make maximum possible use of this software.

3.3.6 Document Retention and Management

The Council recognises the importance of efficient and effective information management in enabling the Council to properly carry out its responsibilities.

3.3.7 Approved Publication Scheme

As required by the Act, the Council has published an approved publication scheme. The Council intends to ensure that, from time to time, the scheme is revised, to ensure that the maximum amount of information can be made available in the most efficient manner by use of the scheme rather than by way of responses to individual requests for information.

3.3.8 Charges

Whilst the Council recognises the need to comply with its obligations under the Act, it also notes that the cost of replying to complex requests or with a large number of moderately complicated requests, may be considerable. In cases which exceed 18 hours work (approximately £450) the Council may offer the applicant the choice of paying for the work to be carried out or resubmitting the request so that it falls within the appropriate time limit.

3.3.9 Vexatious Requests

In the small number of cases where requests for information are made vexatiously, as contemplated by the Act, the Council will support its Officers and others working on its behalf if they exercise the right to refuse to deal with any request which is vexatious within the meaning of the Act.

3.3.10 Environmental Information Regulations 2004

When the Council receives an Environmental Information Regulations 2004 request it will handle it in the same way as detailed above for Freedom of Information Requests.

The Council recognises that there are different exemptions between the two pieces of legislation and will issue a refusal notice accordingly to the relevant legislation.

CHAPTER 3.4 - DATA PROTECTION POLICY

3.4.1 Data Protection Act

The Council supports the objectives of the Data Protection Act (DPA) and General Data Protection Regulations (GDPR) in ensuring that manual and electronic data held by the Council relating to individuals is properly managed.

3.4.2 Personal Data

The Council intends to ensure continual compliance with its obligations under the Act and GDPR. It expects that personal data will not be processed or disclosed other than in accordance with the data protection principles set out and explained in the Act, and that subject access requests (whereby individuals who are the subject of data held by the Council may request disclosure to them of such data) will be responded to within the statutory response time of a month.

3.4.3 Data Protection Officer

The Council therefore expects that its Officers will co-operate with the Council's Data Protection Officer to ensure that this is done.

3.4.4 Requests

It is the responsibility of Officers to notify the Data Protection Officer's team when a subject access request, is submitted. The Director (or delegated officer) should respond to the request, taking account of advice given by the Data Protection Officer or their team, particularly as to whether or not personal data should be disclosed, or whether, by reason of the nature of the data and the terms of the Act, disclosure must be refused.

Responsibility of the Director (or delegated officer) also includes responsibility for seeking consent of any third party when necessary which may be identified in the data. In the event that such consent is refused, the Director (or delegated officer) would be responsible for determining, with advice from the Data Protection Officer (or their team), whether or not disclosure should nevertheless be made on grounds of reasonableness, as contemplated by the Act.

3.4.4.1

The Council expects that cases where a subject access request is unrestricted, meaning that any data held in any part of the Council's organisation is within the scope of the search, the Director (or delegated officer) whose Service the request relates to will immediately forward it to the Data Protection Officer's team. The Council expects that all Officers will thereafter co-operate with the Data Protection Officer and their team in supplying them with any data held by them, so that a decision may be made as to whether or not the data must be disclosed or must wholly or partly be withheld.

3.4.5 Tender or Contract Documentation

The Council also expects that Officers preparing tender or contract documentation will ensure that, before the contract in question has been entered into, terms will have been incorporated ensuring compliance with, in particular the sixth data protection principle (which requires appropriate technical and organisational measures to be taken against unauthorised or unlawful processing, or accidental loss or destruction of, personal data).

3.4.6 Information Sharing Protocols

The Council notes that from time to time particular Council Services handling information, usually of a sensitive nature, have concluded information sharing protocols. The Council welcomes such protocols that are compliant with the requirements of the Act and that have been concluded following appropriate advice from the Data Protection Officer.

CHAPTER 3.5 – PETITION SCHEME - PROTOCOL FOR DEALING WITH PETITIONS

3.5.1 General

Any person who lives, works or studies within the Borough can sign or organise a petition. All petitions must be relevant to some matter in relation to which the Council has powers or duties over or which affects the Borough.

3.5.1.1

Identities of those signing petitions may need to be verified if there are concerns as to their legitimacy and therefore those signing e-petitions need to provide their e-mail address and postcode and on paper petitions their addresses and postcodes.

If a person signing a petition works or studies in the Borough, but does not live there, they must state in which of these capacities they are signing the petition. If they do not do so their signature will not be counted towards the final total.

3.5.1.2

The following petitions will not be accepted:

- a) if it doesn't have the required minimum number of signatories (see [Rule 3.5.1.3](#));
- b) if it is the same or substantially the same as a petition that has been received in the last six months ([Rule 3.5.1.4](#));
- c) any matter relating to a planning decision, including current or proposed planning applications and any matter under statutory consultation;
- d) any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 or the Gambling Act 2005;
- e) any matter relating to an individual or entity in respect of which that individual has a right of recourse or review or right of appeal conferred by or under any enactment ie where a petition is about a matter where there is an automatic right of appeal eg a planning application where there is a right of appeal to the planning inspectorate;
- f) if it is deemed to be vexatious, abusive or inappropriate;
- g) discloses information which is confidential or exempt.

The Monitoring Officer, or his/her representative, will make the decision as to whether a petition is not to be accepted under any of the above criteria. Any petition not accepted under a)-g) above will be acknowledged and an explanation of why it was not accepted provided.

Due to certain restrictions that are imposed on Councils in the period immediately before an election or referendum it may not be possible to deal with a petition and if this is the case the petition organiser will be contacted and an explanation given.

3.5.1.3

In order for a petition to be accepted it will require a minimum number of signatories. If the matter in question is specific to one ward this number will be 10. If it applies to more than one ward then 50 signatories will be required.

3.5.1.4

If a petition on the same or substantially the same matter as has been submitted in the last six months then the petition organiser will be informed that the issue has been discussed. However this will not apply if that petition did not proceed (e.g. lack of signatories).

3.5.2 How to submit a Petition

The Council welcomes paper petitions or e-petitions in accordance with the rules set out in [Rule 3.5.5](#).

An e-petition can be run at the same time as a paper petition, by combining the two before submitting them to the Council. However once a person has been a signatory in one format they cannot sign it in another. Please note that electronic and paper petitions on the same matter should be submitted at the same time.

Once a petition has been submitted no further signatures can be added to that petition.

3.5.2.1

Paper petitions can be submitted:

- a) to an Officer of the Council;
- b) to a Councillor who can either forward it to the appropriate Officer or present it on behalf of the petition organiser to a meeting of the Council;
- c) to a meeting of the Council (for further information please contact the Democratic Services Team on 0118 974 6051 or email democratic.services@wokingham.gov.uk).

3.5.2.2

Petitions submitted to the Council must include:

- a) a clear and concise statement covering the subject of the petition and should state what outcome the petitioner(s) wishes from the Council;
- b) the name, address and contact details of the petition organiser, in order that contact can be made to explain how the petition will be responded to;
- c) the name and address and signature of any person supporting the petition, including an e-mail address and post code and confirmation that they either work or study in the Borough if they are not a resident, as specified in [Rule 3.5.1.1](#);

If a petition does not include the details set out in a-d above the Council may decide not to do anything further with it. In that case a written explanation will be provided.

3.5.3 Action following Receipt of a Petition

An acknowledgement will be sent to the petition organiser within five working days of receipt of a paper petition or the completion date for e-petitions as specified by the petition organiser.

Local ward Members and relevant Executive Members will be kept informed of petitions which are received.

If relevant the appropriate Town / Parish Council will also be informed that a petition has been received that relates to their area.

3.5.4 Responses to Petitions

Once a petition is accepted there are several routes it can follow, which will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- a) taking the action requested in the petition;
- b) debating the petition at a Council meeting;
- c) holding an inquiry into the matter;
- d) undertaking research into the matter;
- e) holding a public meeting;
- f) holding a consultation;
- g) holding a meeting with petitioners;
- h) referring the petition for consideration by one of the Council's Overview and Scrutiny Committees;
- i) calling a referendum;
- j) writing to the petition organiser setting out the Council's views about the request in the petition.

Matters relating to current or proposed planning applications will be referred directly to the Customer and Localities for consideration as part of the representations received relating to the relevant application. Matters under statutory consultation will be referred to the relevant Council department to be included as part of the consultation responses.

3.5.4.1

Once a petition has been submitted and accepted the recipient service department will write to the petition organiser setting out how the petition will be dealt with.

If the petition is to proceed to a Council or Committee meeting then the petition organiser will be informed of the date of the meeting and invited to attend. It is presumed that petitions will be heard at the next available meeting of the relevant body unless the Chairman of that body or the petition organiser can provide reasons for a delay.

3.5.4.2 Debating a Petition at a Council Meeting

If the number of signatories on a petition is more than 1,500 this will trigger a debate at the next available Council meeting, unless it is a petition asking for a senior Council Officer to give evidence at a public meeting in which case it will be dealt with in accordance with [Rule 3.5.4.3](#).

On some occasions, eg where there are a number of petitions already scheduled for debate, it may not be possible to debate every eligible petition at the next Council meeting and therefore a petition would be debated at the following meeting.

The petition organiser may submit in writing a motion on what action they wish the Council to take, at least ten clear working days prior to the Council meeting at which the petition will be debated. The motion will be included in the agenda of the meeting.

If the petition organiser is not a councillor they must ask a councillor (e.g. a Ward Member or relevant Executive Member) to assist them in producing a valid motion (see Rule 4.2.11) and to propose the motion on their behalf at the Council meeting.

The following process will be followed at the Council Meeting:

- a) the petition organiser(s) will be given five minutes to present the petition (if there is more than one petition organiser then they will share this time);
- b) the petition will then be debated by councillors for a period not exceeding 30 minutes;
- c) the petition organiser(s) will have the right of reply of up to a maximum of three minutes;
- d) the petition motion will then be formally proposed by the councillor and seconded and if no amendments are received a vote will be taken on the proposal;
- e) in accordance with Rule 4.2.13.7 amendments to the motion can be put forward and these will need to be proposed and seconded. Only the proposer, seconder and proposer of the original motion (who has a right of reply) may speak on the amendment. The amendment will then be voted on and if agreed will become the Council's response to the petition.
- f) if the petition motion and any amended motion fall the Mayor will then ask for further motions on how the Council wishes to respond to the Petition which may include;
 - i) taking the action or some of the action the petition requests;
 - ii) not taking the action the petition requests
 - iii) referring the petition to another body for them to consider the matter and take the appropriate action;
- g) once a further motion has been moved and seconded it will be voted on without discussion or amendment;
- h) if the motion falls then the Mayor will ask for a further motion to be put forward;

- i) if the Mayor is of the opinion that a decision on how to respond to the petition cannot be reached then he/she can decide, on behalf of the Council, not to take the action that the petition requests.

The petition organiser will receive written confirmation of this decision.

3.5.4.3 Officer giving Evidence at a Public Council Meeting

If the number of signatories on a petition is more than 750 then the petition organiser can request a senior Council Officer (Head of Paid Service and Second Tier Officers only) to give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees about something for which the Officer is responsible for as part of their role.

The Committee may also consider it appropriate to call the relevant Executive Member in addition to the Council Officer.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by members of the Committee. Following discussion the petition organiser will have a right of reply up to a maximum of three minutes.

Members of the relevant Overview and Scrutiny Committee will ask the questions at the meeting, but the petition organiser will be able to suggest questions to the Chair of the Committee provided they are submitted three working days before the meeting.

3.5.5 Submitting E-Petitions

E-petitions need to comply with the rules set out in [Rule 3.5.1](#) and [Rule 3.5.1.1](#). The petition organiser will need to provide their name, postal address and e-mail address.

Once a petition has been submitted no further signatures can be added to that petition.

When an e-petition is created through the [Council's website](#) it may take up to five working days before it is published online. This is due to having to check that the content of the petition is suitable before it is made available for signature.

If for any reason the petition is rejected the petition organiser will be contacted within five working days with an explanation of the reason for objection. It will then be possible to change and resubmit the petition if so wished. If this is not done within ten working days, a summary of the petition and the reason why it was not accepted will be published under the 'rejected petitions' section of the website.

When an e-petition created through the Council's website has closed for signature it will automatically be submitted to Democratic Services. In the same way as a paper petition an acknowledgement will be sent within five working days.

E-petitions will normally be sent to the relevant Director unless the petition organiser has requested, within ten working days of receipt of the acknowledgement that they wish to present the petition to a meeting of the Council.

A petition acknowledgement and response will be e-mailed to everyone who has signed the e-petition and elected to receive this information.

Those submitting e-petitions created outside of the Council's website should either e-mail a copy of the finalised petition to Democratic Services (democratic.services@wokingham.gov.uk) or print off their completed petition and submit it as a paper copy. The petition must include all the information set out in [Rule 3.5.1.1](#).

3.5.5.1 Signing E-Petitions

Anyone wishing to sign an e-petition will be asked to provide their name, postcode and a valid e-mail address and confirmation that they either work or study in the Borough if they are not a resident. When an e-petition is created through the Council's website the person signing the e-petition will receive an e-mail, containing a link. Once this link has been clicked on to confirm that the e-mail address is valid the name will be added to the petition. People visiting the e-petition will be able to see the names, in list form, of those who have signed it but not their contact details.

3.5.6 If it is felt that a Petition has not been dealt with properly

If the petition organiser feels that their petition has not been dealt with properly they have the right to request the Council's Overview and Scrutiny Management Committee to review the steps that the Council has taken in response to the petition. The petition organiser should provide a short explanation of the reasons why the Council's response was not considered to be adequate.

The relevant Committee will consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. The petition organiser will be advised of the date of the meeting and invited to attend. If the Committee determine that the petition has not been dealt with adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Executive and arranging for the matter to be considered at a meeting of Council.

Once the appeal has been considered the petition organiser, whether or not they attended the meeting, will be informed of the results within five working days. The results of the review will also be published on the Council's website.

CHAPTER 3.6 – FILMING AND RECORDING PROTOCOL

3.6.1 Introduction

Wokingham Borough Council is committed to openness and transparency in how it takes decisions on behalf of local residents.

In accordance with the Openness of Local Government Bodies Regulations 2014 members of the press and public will be permitted to take photographs or audio / visually record any meeting arranged by the Council and open to the public.

The purpose of this protocol is to provide guidance to those taking photographs or audio / visual recording at such meetings.

The press and public will also be permitted to use social media eg tweeting and blogging to report the proceedings of all such meetings that are open to the public. No restrictions will be placed on anyone at the meeting using Twitter, blogs, Facebook provided that the Chairman does not consider their actions are disrupting the proceedings of the meeting.

For the purposes of this Protocol “Chairman” means the chair of the meeting, if one has been appointed, or the responsible Wokingham Borough Council Member / Officer.

3.6.2 Exemptions

Although the Council welcomes the photographing and audio / visual recording of any of its meetings that are open to the public the proceedings of that meeting must not be disrupted by the use of media tools and must not inhibit community involvement in the proceedings.

Photography and audio / visual recording will not be permitted at any meeting where the public have been excluded as permitted by law i.e. when confidential or exempt information is due to be discussed.

3.6.3 Obligations

In order not to disrupt proceedings any member of the press / media or the public wishing to photograph and/or audio / visually record a meeting must adhere to the following:

- a) Any photography or audio / visual recording must take place from a fixed position in the meeting room approved by the Chairman;
- b) The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed with the Chairman;
- c) If the Chairman feels the photography / audio / visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached the operator of the equipment will be required to stop;
- d) Oral reporting or commentary is not permitted during a meeting;
- e) Any request made by the Chairman in respecting a member of the public’s right to privacy should be complied with;

- f) People seated in the public gallery / seating area should not be photographed / filmed / recorded;
- g) Use must not be made of an image if consent is refused;
- h) Photographs / audio / visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

3.6.4 Rights of Attendees at Meetings

If a request has been received to take photographs or audio / visually record a particular meeting, notices to this effect will be displayed in the relevant meeting room. The Chairman will also make an announcement that the meeting will be photographed / recorded or filmed.

The Council will, on occasions, audio record meetings for minuting purposes only. The relevant Chairman will not make an announcement to this effect and these recordings will not be supplied to anyone outside the Council.

The Council wishes to respect the privacy of members of the public who are attending their meetings. Therefore if you are taking photographs or audio / visually recording a meeting you are asked not to film those people seated in the public gallery / seating area. If you ask a question, present a petition or make a representation, then you are likely to be filmed and you will be deemed to have given your consent to this.

If you do not wish to be photographed / filmed or recorded please inform the Democratic Services Officer in attendance at the meeting or the Chairman of the relevant Committee.

3.6.5 Prior to the Meeting

We kindly ask anyone wishing to use large equipment to take photographs or audio / visually record meetings, to contact Democratic Services in advance of the meeting at: democratic.services@wokingham.gov.uk. This is in order that we can assist in finding an appropriate location, which does not impede access to / from the meeting room or block the view of any attendee, and provide any "reasonable facilities".

Taking into account the venue and expected public attendance / participation the Chairman of the relevant committee will rule on whether facilities requested are "reasonable".

3.6.6 At the Meeting

Large equipment must be set up before the meeting starts. The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed with the Chairman. This will be communicated to all relevant parties.

If the Chairman feels the photography / audio / visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached the operator of the equipment will be required to stop.

Disruptive behaviour is any action or activity which disrupts the conduct of meetings or impedes other members of the public from being able to see, hear or film etc the proceedings. Examples of types of disruptive behaviour are:

- Moving to areas outside the area designated for the public without the consent of the Chairman;
- Excessive noise in recording or setting up or re-siting equipment during the debate/discussion;
- Intrusive lighting and use of flash photography; and
- Asking for people to repeat statements for the purposes of recording.

If someone refuses to stop when requested to do so the Chairman will ask the person to leave the meeting. If the person refuses to leave then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed.

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THE COUNCIL MEETING**

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CHAPTER 4.1 - POLICY FRAMEWORK AND FUNCTIONS OF THE COUNCIL

4.1.1 Policy Framework

The Council will approve the policy framework which comprises the following plans, policies and strategies:

- a) the Community Strategy;
- b) the Council Plan;
- c) the Children and Young People's Plan;
- d) the Youth Justice Plan;
- e) the Local Transport Plan 3;
- f) plans which together comprise the Local Development Framework e.g. Core Strategy Development Plan Document;
- g) the Housing Strategy;
- h) the Licensing Authority Policy Statement;
- i) the Gambling Act Statement of Principles;
- j) the Homelessness Strategy;
- k) the Pay Policy Statement;
- l) the Equalities Strategy;
- m) Climate Emergency Action Plan;
- n) Place Making Strategy.

The Council shall also consider adopting any proposed modifications to these plans, policies and strategies.

The Council shall also consider for adoption any other plans or strategies which it considers should form part of the Policy Framework or which the Executive or a Committee or Sub-Committee at its discretion may refer to it for adoption.

4.1.2 Budget

The budget includes the balances, the budget timetable, 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. As part of this process, Council will be required to approve the following plans and strategies:

- a) Medium Term Financial Plan including the Annual Revenue Budget and Housing Revenue Account;
- b) Capital Strategy;
- c) Treasury Management Strategy including receiving reports on treasury management policies; practices and activities, including as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in Treasury Management Practices.

4.1.3 Functions of the Council

Only the Council will exercise the following functions:

- a) adopting and changing the Constitution, subject to amendments being made to Chapter 1.3 by the Democratic Services Manager as a result of changes being made to the Council's Management Structure;
- b) adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Chapter 3.2 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 and removing the Leader;
- e) agreeing and/or amending the terms of reference for the Executive or Committees, deciding on their composition and making appointments to them subject to in-year changes to Committee Membership, a substitution of one member of a political group by another member of the same group as agreed at the previous Annual Council meeting, being notified to the Democratic Services Manager in writing by either the Leader of the appropriate Political Group or the relevant Political Assistant. Any such change will become effective at the next Committee meeting or within 14 days whichever is the later;
- f) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- g) adopting a Members' allowances scheme and any changes to it;
- h) changing the name of the Borough;

- i) confirming the appointment of the Head of Paid Service;
- j) entering into, ceasing or amending, joint arrangements with other local authorities for the discharge of functions;
- k) making standing orders (referred to in this document as Council Rules of Procedure);
- l) making standing orders as to the regulation of the Council's finances and contracts;
- m) appointing Officers for particular purposes ("Proper Officers" – see Chapter 11.3);
- n) designating an Officer as the Head of the authority's Paid Service and providing staff;
- o) adopting the Members' Code of Conduct and any subsequent amendments to it;
- p) agreeing the Council's Annual Timetable of Meetings. The following process will be adopted for any in-year changes to the timetable;

The Chairman of the relevant committee, sub committee, board, panel or working group may make any adjustment to the date or time of a meeting provided he/she has notified the appropriate Democratic Services' Officer who will consult with the Vice Chairman and an Opposition Member of the Committee. The change of date will then be communicated to the other members of the Committee and published on the Council's website;

- q) to appoint members of the Health Overview and Scrutiny Committee to a statutory joint health select committee to consider and respond to proposals from a responsible person (as detailed in the regulations below) for the development or variation in health services that affect more than one local authority area including Wokingham Borough, as required under The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
- r) the sale or purchase of any shares.

4.1.4 Council Meetings

There are four types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings;
- c) extraordinary meetings;
- d) the Budget meeting.

and they will be conducted in accordance with the Council Procedure Rules in [Chapter 4.2](#) of this Constitution.

4.1.5 Responsibility for Functions

The Council will maintain tables in Chapter 11.2 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

CHAPTER 4.2 – COUNCIL RULES OF PROCEDURE

Application of Rules of Procedure to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of the Council and its Committees and Sub-Committees (except for Rules of debate which applies only to Council and Special Council Executive).

None of the Rules apply to meetings of the Executive, which is governed by separate Procedure Rules set out in Chapter 5.4.

The following rules apply to meetings of the Council **ONLY**:

- [4.2.1 - 4.2.2](#) Business at Ordinary and Annual meeting;
- [4.2.10.9](#) Ward Matters
- [4.2.19](#) Petitions
- [4.2.20.1](#) Standing to speak
- [4.2.23](#) Statements by the Leader of the Council and Executive Members.

References to the terms of Mayor and Deputy Mayor within the Council Rules of Procedure apply to meetings of the Council only. The terms Chairman and Vice Chairman apply to meetings of Committees, Sub-Committees and Boards.

General Rules Governing Council, Committees and Sub-Committees (subject to the provisions set out above.)

4.2.1. Annual Meeting of The Council

4.2.1.1 Timing and Order of 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 May. No Motions can be dealt with at the Annual Meeting of the Council except for Motions of No Confidence in the Leader as set out in [rule 4.2.11.2](#)

Except as provided by [Rule 4.2.2.2](#), the order of business at the Annual Meeting will be:

- a) to elect a person to preside if neither the Mayor nor Deputy Mayor are present. In that event, the Chief Executive, or duly authorised officer, will invite nominations for a Member to take the Chair;
- b) to elect the Mayor;
- c) to deal with any business required by statute to be dealt with before any other business
- d) to elect the Deputy Mayor;
- e) to approve the minutes of the last meeting;
- f) to receive any apologies for absence;

- g) to receive any declarations of interest;
- h) to receive the Returning Officer's Return of Councillors elected;
- i) to receive any urgent announcements from the Mayor or Head of the Paid Service;
- j) to elect the Leader of the Council (if applicable) and receive notification from the Leader of his/her Deputy and the remainder of the Members appointed to the Executive, the scope of their respective portfolios and the terms of delegation to them and Officers if applicable. The Leader of Council / Executive Members will be allowed to speak for up to 10 minutes in total. The Leader of the Opposition will be allowed to speak for up to 5 minutes;
- k) to deal with any questions from the public in accordance with [Rule 4.2.9](#);
- l) to receive petitions presented under [Rule 4.2.19](#)
- m) to receive and deal with any urgent recommendations from the Executive;
- n) to consider any items that by statute have to be taken at this meeting;
- o) to agree the scheme of delegation to Committees, Boards and Officers and any other proposed changes to the Constitution;
- p) to deal with any questions submitted by Members in accordance with [Rule 4.2.10](#);
- q) to allocate seats to political groups in accordance with the political balance regulations;
- r) to appoint at least one Scrutiny Committee, a Standards Committee and such other Committees and Boards as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions];
- s) to decide the size and terms of reference of those Committees and Boards;
- t) to appoint Members to those Committees and Boards;
- u) to appoint Members to serve on Panels and working groups;
- v) to appoint Members to outside bodies, except where appointment to those bodies has been delegated by the Council;

4.2.2 Ordinary Meetings

4.2.2.1 Timing and Order of Business

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. In determining that programme, the Council will set aside the February meeting to deal with the Budget. Other than statutory business, recommendations from the Executive, Public Questions, receipt of petitions and motion of No Confidence in the Leader, no other business will be conducted at this meeting. The four budget reports (Housing Revenue Account, Capital Programme and Strategy, Treasury Management Strategy and Medium Term Financial Plan and Revenue Budget Submission) will be taken as one agenda item and a period of 1½ hours will be allowed for debating this item.

Each item considered under j)-m) will have a time limit of 30 minutes for debate. Where the item is only 'to note' it will have a time limit of 10 minutes for debate [please note that this Rule only applies to meetings of Council and the Special Council Executive Committee].

Except as provided by [Rule 4.2.2.1](#), the order of business at Ordinary meetings will be:

- a) to elect a person to preside if neither the Mayor nor the Deputy Mayor are present. In that event, the Chief Executive, or duly authorised officer, will invite nominations for a Member to take the Chair;
- b) to deal with any business required by statute to be dealt with before any other business;
- c) to approve the minutes of the last meeting;
- d) to receive any apologies for absence;
- e) to receive any declarations of interest;
- f) to receive any announcements from the Mayor or the Head of Paid Service;
- g) to deal with any questions from the public in accordance with [Rule 4.2.9](#);
- h) to receive petitions presented under [Rule 4.2.19](#);
- i) debating a petition
- j) to deal with any business remaining from the last Council meeting excluding Motions which will be dealt with under item (s) below;
- k) to receive and deal with reports by Officers;
- l) to receive and deal with recommendations from the Executive;
- m) to consider any recommendations to the Council from Committees and Boards;
- n) to deal with any questions submitted by Members in accordance with [Rule 4.2.10](#);

- o) to receive Minutes of Committees and Sub-Committees and to deal with Ward matters, subject to the provisions of [Rule 4.2.10.9](#);
- p) to consider any statements by the Leader of the Council, Executive Members and Deputy Executive Members;
- q) to receive statements from the Council Owned Companies;
- r) to receive any reports about and deal with questions and answers on the business of joint arrangements and external organisations;
- s) to consider motions.

4.2.2.2 Change to Order of Business

The business listed in Rule of Procedure [Rule 4.2.1.1](#) (a) to (g) and [Rule 4.2.2.1](#) (a) to (e) must be dealt with first but subject to that the order of business may be varied:-

- a) by the Mayor at his/her discretion
- b) by a resolution passed on motion (which need not be in writing), duly moved and seconded, which shall be moved and put without discussion.

4.2.3 Extraordinary Meetings

4.2.3.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call an Extraordinary meeting of the Council:-

- a) the Council by resolution;
- b) the Mayor;
- c) the Monitoring Officer; and
- d) any five Members of the Council if they have signed a request 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 request. This request must state the reason the meeting is being called. Such a meeting shall take place on a date and time no later than 12 working days after the date on which the meeting was requested.

4.2.3.2 Business

The business to be conducted at an extraordinary meeting of the Council shall be a single item only, unless exceptionally agreed by the Mayor and there shall be no consideration of previous minutes of either the Council, its Committees or Boards, nor reports.

Public questions will only be accepted at an extraordinary meeting of the Council if they relate to the item due to be discussed at that meeting.

No Petitions or Motions will be accepted at an extraordinary meeting.

4.2.4 Time and Place of Meetings

The time and place of meetings will be in accordance with a programme decided by the Council and will be notified in the summons for each meeting.

4.2.5 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 working days before a meeting, not including the day of the meeting or the day of dispatch, the Chief Executive will dispatch a summons signed by him/her to every Member of the Council in hard copy or electronically. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by the Minutes of the previous Ordinary, Extraordinary or Annual meeting and reports relating to Agenda items.

4.2.6 Chairman of Meeting

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these Rules apply to Committee and Board meetings, references to the Chairman also include the Chairman of Committees and Boards.

4.2.7 Quorum

Except where more than one third of the whole number of Members of the Council have become disqualified at the same time (where special provisions apply), the quorum of a meeting will be one quarter of the whole number of Members or three, whichever is the greater. During any meeting if the Mayor/Chairman 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 Mayor/Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

If there is no Quorum at the published start time for the meeting, a period of no more than 10 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting will be declared null and void. In this situation the provisions of the above paragraph shall apply regarding business to be considered.

4.2.8 Duration of Meeting

In the case of ordinary Council and Special Council Executive Committee meetings, if it has not concluded after 3 hours from the start of the meeting, and business on the agenda remains outstanding, the meeting will automatically be extended by a further 30 minutes, after which the meeting will adjourn immediately. In respect of the Annual Council Meeting, if it has not concluded after 2 1/2 hours from the start of the meeting and business on the agenda remains outstanding, the meeting will be automatically extended by a further 30 minutes, after which the meeting will immediately adjourn. Remaining business will be considered at a time and date fixed by the Mayor/Chairman. This does not include motions, which will be deemed to have fallen if time does not permit consideration of them, see [Rule 4.2.8.1](#). If the Mayor/Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting, unless there is agreement between the Group Leaders that there are no matters for decision outstanding.

In respect of meetings of Council Committees and Sub Committees, unless the majority of Members present vote for the meeting to continue, any meeting that has not concluded by 10.30pm will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, the remaining business

will be considered at the next ordinary meeting, unless there is agreement between the Group Leaders that there are no matters for decision outstanding.

4.2.8.1 Consideration of motions

A motion cannot be moved if there is only 15 minutes remaining before the meeting is due to conclude. If at the time the meeting is due to conclude within 15 minutes, a Motion is under discussion, the debate on that Motion will cease immediately and the Mayor will put the Motion to the vote without further discussion.

If an amendment is being considered at the time the meeting is due to conclude the debate on the amendment will cease immediately and the Mayor will put the amendment to the vote without further discussion. If the amendment is agreed it will automatically become the substantive motion (as amended) and the resolution of Council, without the need for a further vote. If the amendment is not agreed, then a further vote will be taken on the substantive motion.

If a Motion listed on the Agenda has not been moved it will be deemed to have fallen and will not be further considered unless it is re-submitted at the next meeting.

4.2.9 Questions by the Public

4.2.9.1 General

At ordinary meetings of the Council a resident or person who works in the Wokingham Borough may ask one question of a Member of the Executive, a Deputy Executive Member, the Chairman of a Council Committee or Board or the Council's appointed representative on an outside organisation. Where the Council has appointed more than one Member to a particular organisation, the questioner will nominate the Member he/she wishes to provide the answer, and state this in the question.

No question to Council shall contain more than 200 words. With the exception of the Executive this word limit does not apply to other committees of Council.

Public questions will only be accepted at an extraordinary meeting of the Council if they relate to the item due to be discussed at that meeting.

No questions may be asked at meetings of the Planning Committee.

The total time allotted to questions from the public will be limited to 30 minutes.

4.2.9.2 Order of Questions

Questions will be asked in the order they were received, except that the Mayor/Chairman may group together similar questions at his/her discretion.

4.2.9.3 Notice of Question

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive by no later than 10.00 am on the seventh working day prior to the meeting in question (excluding the day of the meeting). Each question must give the name and contact details of the questioner and, in relation to questions to be put at the Council meeting, must name the Member of the Council to whom it is to be put.

Questions relating to urgent matters may be submitted in writing to the Democratic and Electoral Services Lead Specialist by no later than 10.00am two working days before the

meeting, and must receive the consent of the Mayor or Chairman of the relevant Committee and Member to whom the question is to be put. Questions of this nature may only relate to urgent issues which have arisen after the publication of the Agenda. Questions put at Committee and Board meetings will usually be answered by the Chairman of the Committee or Board, or, in the Chairman's absence, by another Member designated by the Chairman.

A question may be submitted on a matter included in the Public Session of a particular meeting's Agenda, (except in relation to 'business' matters such as approval of the minutes) provided that notice to this effect is received by the Chief Executive by no later than 10.00am two working days prior to the day of the meeting.

4.2.9.4 Number of Questions

At any one meeting no person may submit more than one question.

4.2.9.5 Scope of Questions

The Chief Executive and/or Mayor/Chairman may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility for or which affects the Borough;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has already been put at or submitted to the meeting or at a meeting of the Council or Executive or any other Committee in the past six months*; or
- d) requires the disclosure of confidential or exempt information.

*Should a question be rejected under section c) questioners will be informed that the same question or substantially same question has been received in the past six months and will be provided with a copy of the answer that was previously provided.

Questions will not be accepted if they relate to a planning or licensing application before it has been determined by the Planning or Licensing and Appeals Committee or by Officers under delegated powers, and no questions of any description may be asked at the Planning Committee.

If a question is rejected a response will be given to the questioner setting out the reasons for the rejection.

4.2.9.6 Record of Questions

The Chief Executive will compile a list of questions submitted which will be open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Copies of all questions will be circulated to all Members, will be made available to the public attending the meeting and set out in the Agenda. Details of all questions and answers will also be recorded in the Minutes of the meeting.

4.2.9.7 Asking the Question at the Meeting

At the appropriate time, the Mayor/Chairman 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, he/she may nominate a person who is not already asking a question

to put the question on his/her behalf. Alternatively the Mayor/Chairman may put the question on their behalf, or may indicate that a written reply will be given.

4.2.9.8 Supplementary 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/her original question but must not include any substantial new subject matter. A supplementary question must arise directly out of the original question or the reply. The Mayor/Chairman may reject a supplementary question on any of the grounds in [Rule 4.2.9.5](#) or if he/she feels that new subject matter is being introduced.

No person asking a supplementary question shall speak for longer than one minute. If the Mayor/Chairman considers that the questioner is making a statement he/she may rule that the questioner be not heard further.

4.2.9.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time, because of the non-attendance of the Member to whom it was to be put or because the Member answering the Question requires further information not available at the time, will be deemed to have been put, and shall be the subject of a written reply within seven working days to the person asking the question. The answer shall also be recorded in the Minutes of the meeting. Please note that the written reply does not apply to supplementary questions, which can take longer to respond to, due to the often complex nature of the subject matter and such replies will not be recorded in the Minutes of the meeting.

If the Mayor deems it appropriate, in the absence of the Member to whom a question was to be put, the question can be put to the Leader of the Council.

4.2.9.10 Reference of Question to the Executive or a Council Committee or Board

Unless the Mayor/Chairman 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

Executive or the appropriate Committee or Board. Once seconded, such a motion will be voted on without discussion.

4.2.9.11 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, (including where such an answer would require the disclosure of exempt information) a written answer circulated later to the questioner within seven working days, and included in the Minutes of the relevant meeting.

No person answering a question shall speak for longer than two minutes.

4.2.9.12 Exempt Information

The provisions of this Rule shall not require the disclosure of any exempt information as defined in paragraphs 1 to 7 of Part I of Schedule 12A of the Local Government Act 1972 as amended.

4.2.10 Questions by Members

4.2.10.1 On reports of the Executive, Committees or Boards to Council

A Member of the Council may ask a Member of the Executive, a Deputy Executive Member, the Chairman of a Council Committee or Board or the Council's representative on an outside organisation any question without notice upon an item of the report or recommendation of the Council or a Council Committee or Board when that item is being received or under consideration by the Council. Where the Council has appointed more than one Member to a particular organisation, the questioner will nominate the Member he/she wishes to provide the answer, and state this in the question.

4.2.10.2 Questions on Notice at Council

Subject to [Rule 4.2.10.4](#), a Member of the Council may ask a Member of the Executive, a Deputy Executive Member, the Chairman of any Committee or Board, the Council's representative on an outside organisation one question on any matter in relation to which the Council has powers or duties or which affects the Borough. Where the Council has appointed more than one Member to a particular organisation, the questioner will nominate the Member he/she wishes to provide the answer, and state this in the question.

4.2.10.3 Questions on Notice at Committees and Sub-Committees

Subject to [Rule 4.2.10.4](#), a Member of the Council may ask the Chairman of a Committee or Board one question on any matter in relation to which the Council has powers or duties or which affects the Wokingham Borough and which falls within the terms of reference of that Committee or Board.

No questions may be submitted at meetings of the Planning Committee.

4.2.10.4 Notice of Questions

A Member may only ask a question under [Rule 4.2.10.2](#) or [4.2.10.3](#) if either

- a) they have sent a copy of the question to the Chief Executive by 10.00am on the seventh working day prior to the meeting (excluding the day of the meeting); or
- b) if, in the Mayor/Chairman's opinion, the question relates to an urgent matter, they have the consent of the Mayor/Chairman of the meeting and Member to whom the question is to be put, and the content of the question is given to the Chief Executive by 10.00am two working days prior to the meeting. Questions of this nature may only relate to an urgent issue which has arisen since the publication of the Agenda.

No question to Council should contain more than 200 words. With the exception of the Executive this word limit does not apply to other committees of Council.

In addition, Members of the Council may submit one question on a matter included in a particular meeting's Agenda (except in relation to the approval of the Minutes and other

business matters) provided that notice to this effect is received by the Chief Executive by no later than 10.00am two working days prior to the meeting.

Where a Member is unable through absence to put a question, the question shall be deemed to have been put and an answer given which will be recorded in the Minutes of the meeting.

All questions processed in (a) above shall be listed in full on the agenda for the meeting of the Council in the order in which they are to be put. Questions shall be dealt with in the order they are received.

4.2.10.5 Scope of Questions

The Chief Executive and/or Mayor/Chairman may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility for or which affects the Borough;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at or submitted to the meeting or at a meeting of the Council or Executive or any other Committee in the past six months*; or
- d) requires the disclosure of confidential information.

*Should a question be rejected under section c) questioners will be informed that the same question or substantially same question has been received in the past six months and will be provided with a copy of the answer that was previously provided.

Questions will not be accepted if they relate to a planning application before it has been determined by the Planning Committee or by Officers under delegated powers, and no questions of any description may be asked at the Planning Committee.

Rejected questions will include reasons for rejection.

Member questions relating to Part 2 (containing exempt information) reports will be taken immediately after the meeting has resolved to exclude the press and public. A full written answer will be circulated to the questioner, with a summary in the Minutes. Other than these special provisions, the normal rules relating to the submission of, and answer to, the question, will apply.

4.2.10.6 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, (including where such an answer would require the disclosure of exempt information) a written answer circulated later to the questioner within seven working days of the meeting, and

included in the Minutes of the meeting. Please note this deadline does not apply to supplementary questions, which can take longer to respond to, due to the often complex nature of the subject matter.

No person answering a question shall speak for longer than two minutes.

4.2.10.7 Supplementary Question

A Member asking a question under [Rule 4.2.10.2](#) or [4.2.10.3](#) may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply and must not introduce any new subject matter. The Mayor/Chairman may reject a supplementary question on any of the grounds in [Rule 4.2.10.5](#).

No person asking a supplementary question shall speak for longer than one minute. If the Mayor/Chairman considers that the questioner is making a statement he/she may rule that the questioner be not further heard.

4.2.10.8 Length of Question Time

The time allotted to questions submitted under Notice, including those relating to urgent issues, shall not exceed thirty minutes for Full Council Meetings and twenty minutes for all other Committees. Any questions not answered within the allotted time shall be the subject of a written reply within seven working days to the questioner and the reply shall be recorded in the Minutes of the Meeting.

4.2.10.9 Questions in Relation to the Minutes of Committee and Board meetings and Ward Matters

Immediately following the questions dealt with in accordance with [Rule 4.2.10.2](#), a Member may indicate to the Mayor/Chairman that he/she wishes to ask an Executive Member, a Deputy Executive Member or the Chairman of a Committee or Board a question in relation to minutes of any of the Council's Committee and Board meetings which have taken place since the last Council Meeting or a Ward matter.

Prior to a Council Meeting Members will be provided with a volume of minutes of the Council's Committee and Board Meetings which have been held six weeks prior to the Council Meeting. This will not prohibit Members from asking questions of Minutes of Meetings held since the last Council Meeting.

The time allotted to questions about Minutes and Ward matters shall not exceed twenty minutes.

Questions relating to Ward Matters must relate to a single issue affecting that Ward and should not relate to those that may have been raised within a Member's Ward but relate to a Borough-wide issue. In all cases the Mayor's ruling as to which questions to accept will be final.

Questions shall be taken by the Mayor in the order in which he/she has noted an indication and no supplementary question shall be permitted. However, a Member may indicate to ask more than one question. All first questions will be answered before Members' second and further questions are dealt with.

When an answer cannot be provided at the meeting (including where such an answer would require the disclosure of exempt information) a written response will be sent to the

questioner with seven working days of the meeting and included in the Minutes of the meeting.

4.2.11 Motions on Notice

4.2.11.1 Notice

Except for motions which can be moved without notice under [Rule 4.2.12](#), written notice of every Motion, signed by the Member of the Council giving the notice must be delivered to the Chief Executive no later than 10.00am on the seventh working day before the meeting (excluding the day of the meeting). These will be dated and numbered in the order which they are received and will be open to public inspection.

Only one Motion which should contain no more than 350 words may be submitted per Member per meeting. For the purposes of this Rule, e-signatures will be acceptable.

4.2.11.2 Motion of No Confidence

Motions of no confidence in the Leader must be signed by ten Members and must be delivered to the Chief Executive no later than 10.00am on the seventh working day before the meeting (excluding the day of the meeting).

The wording of the Motion shall be "That this Council has no confidence in the Leader" No amendments will be allowed to the Motion at the meeting where the matter is discussed.

Motions of no confidence can be accepted at any Council meeting, including Annual and Budget Council meetings.

If following a Motion of no confidence the majority of Members of the Council vote to remove the Leader a Motion, under [Rule 4.2.12u](#), to nominate a new Leader may be moved without notice. If a Motion to nominate a new Leader is not moved, then the election of the Leader of Council will take place at the next Council meeting.

4.2.11.3 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 at a later meeting or withdraw it. A statement from the Chief Finance Officer, setting out the financial implications of the proposal(s) contained in the motion, will also be included in the agenda.

Motions shall be dealt with in order they are received.

A maximum period of 30 minutes will be allowed for each Motion to be moved, seconded and debated, including dealing with any amendments. Any adjournment agreed under Rule 4.2.12k) will not be counted in the 30-minute period. At the expiry of the 30-minute period debate will cease immediately, the mover of the Motion or amendment will have the right of reply before the Motion or amendment is put to the vote.

If an amendment is being considered at the expiry of the 30-minute period and the vote for the amendment is agreed it will automatically become the substantive Motion (as amended) and the resolution of the Council, without the need for a further vote. If the amendment is not agreed, then a further vote will be taken on the substantive Motion.

4.2.11.4 Scope

Motions must be about matters for which the Council has a responsibility for or which affect the Wokingham Borough.

Motions will be rejected if:

- a) they are not matters the Council has responsibility for or affect the Borough;
- b) they are defamatory, frivolous or offensive;
- c) they are substantially the same as a Motion considered at the meeting or at a meeting of Council in the last 6 months.

4.2.12 Motions Without Notice

The following Motions may be moved without notice:

- a) to appoint a Mayor/Chairman 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 body arising from an item on the summons for the meeting;
- f) to receive reports or adopt recommendations of Committees or Officers and any resolutions following from them;
- g) to withdraw a Motion;
- h) to amend a Motion in accordance with [Rule 4.2.13.1](#);
- i) to proceed to the next business in accordance with [Rule 4.2.13.12](#);
- j) that the question be now put in accordance with [Rule 4.2.13.12](#);
- k) to adjourn a debate in accordance with [Rule 4.2.13.12](#);
- l) to adjourn a meeting in accordance with [Rule 4.2.13.12](#);
- m) to suspend a particular Rule of Procedure, subject to the provisions of Procedure [Rule 4.2.25](#);
- n) to exclude the public and press in accordance with the Access to Information Rules in Chapter 3.2;

- o) that a Member named under [Rule 4.2.20.3](#) be excluded from the meeting under [Rule 4.2.20.4](#);
- p) to extend the time limit for speeches;
- q) to carry out a statutory duty which in the opinion of the Mayor/Chairman is urgent;
- r) that a Motion, amendment or business of an objectionable nature be not entertained or permitted. The proposer of a Motion on these grounds must state the reasons he/she considers the Motion, amendment or business to be objectionable. The Mayor/Chairman will make a ruling on whether to allow the Motion to be put, having regard to any advice given by the Chief Executive and Monitoring Officer;
- s) to request a ballot in accordance with Procedure [Rule 4.2.15.4](#);
- t) to nominate a new Leader (following a vote by the majority of the Members of the Council to remove the Leader).

4.2.13 Rules Of Debate

4.2.13.1 No Speeches Until Motion Seconded

No speeches, including the proposer's actual speech may be made until the Motion has been proposed and seconded.

No Amendments to Motions can be put until the proposer of the Motion and seconder (if not reserving their right to speak) have made their speech(es).

After a Motion has been proposed, seconded and the proposer has made his/her speech the Mayor will ask if any Member wishes to speak against the Motion. If no one wishes to speak against the Motion then the Mayor will put the matter to the vote.

This rule applies to business items on the agenda i.e those items considered under Rule 4.2.2.1 j-m).

4.2.13.2 Right to Require Motion in Writing

Unless notice of the Motion has already been given, the Mayor/Chairman may require it to be written down and circulated before it is proposed.

4.2.13.3 Seconder's Speech

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

4.2.13.4 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, except with the consent of the Council under [Rule 4.2.12g](#), may exceed 3 minutes except in the case of:

- a) the Leader of the Council or an Executive Member making a statement at Council who shall speak for no more than 5 minutes.

- b) at the Budget Council meeting the Leader of the Council and the Leader of the Opposition shall speak for no more than 12 minutes each on the budget agenda item. The Leader of the Council will also have the opportunity to exercise his / her right of reply as set out in [Rule 4.2.13.5](#)

4.2.13.5 When a Member May Speak

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;
- f) by way of personal explanation;
- g) to move a Motion under [Rule 4.2.13.11](#) (Motions which can be moved during debate.)

4.2.13.6 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/her amendment.

4.2.13.7 Amendments to Motions

Any amendments to Motions should, wherever possible, be provided to Democratic Services in advance of the meeting.

- a) An amendment to a Motion must:
 - i) be relevant to the Motion;
 - ii) not negate the meaning of the Motion;
- b) An amendment to a Motion can:
 - i) omit words;
 - ii) add words; or
 - iii) refer the matter to an appropriate body or individual for consideration or reconsideration.

- c) 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.
- d) If the proposer of the original Motion accepts the proposed amendment it becomes his/her Motion (i.e. the substantive Motion) to which further amendments can be moved. No vote is required.
- e) If an amendment is not carried, other amendments to the original motion may be moved.
- f) 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.
- g) After an amendment has been carried, the Mayor/Chairman will read out the amended Motion before accepting any further amendments, or if there are none or following the expiry of the 30-minute time limit, put it to the vote as the substantive Motion.

4.2.13.8 Alteration of Motion

- a) A Member may alter a Motion of which he/she has given notice with the consent of the meeting. The Mayor/Chairman may require the alteration to be written down and circulated before the consent of the meeting is sought. The consent will be signified by simple majority.
- 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 by simple majority.
- c) Only alterations which could be made as an amendment may be made.

4.2.13.9 Withdrawal of Motion

A Member may withdraw a Motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified by simple majority. No Member may speak on the Motion after the mover has asked permission to withdraw it unless permission is refused by the Mayor/Chairman.

4.2.13.10 Proposal by Another Member

Where a Member is unable through absence to propose a Motion of which he/she has given notice, that Motion may be proposed by another Member, provided that the Member who gave notice of the Motion has confirmed in writing to the Mayor/Chairman the name of the Member to whom the Motion has been delegated.

4.2.13.11 Motions Which May be Moved During Debate

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

- a) to withdraw a Motion;
- b) to amend a Motion in accordance with [Rule 4.2.13.1](#);

- c) Closure Motions in accordance with [Rule 4.2.13.12](#)
- d) that the meeting continue beyond 10.30pm;
- e) to exclude the public and press in accordance with the Access to Information Rules;
- f) to not hear further a Member named under Rule [4.2.20.3](#) or to exclude them from the meeting under Rule [4.2.20.4](#);
- g) to extend the time limit for speeches;
- h) To suspend a particular Rule of Procedure in accordance with Rule [4.2.25.1](#)

4.2.13.12 Closure Motions

- a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - i) to proceed to the next business;
 - ii) that the question be now put;
 - iii) to adjourn a debate; or
 - iv) to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Mayor/Chairman thinks the item has been sufficiently discussed, he/she will put the closure 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.
- c) If a Motion that the question be now put is seconded and the Mayor/Chairman thinks the item has been sufficiently discussed, he/she will put the closure 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 Mayor/Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the closure motion to the vote without giving the mover of the original motion the right of reply. Subject to [Rule 4.2.8.1](#), unless the Mayor/Chairman specifies a date on which the Council will reconvene, any outstanding business will automatically stand referred to the next ordinary meeting of the Council.

4.2.13.13 Point of Order

A Member may raise a point of order at any time. The Mayor/Chairman 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 Mayor/Chairman on the matter will be final.

4.2.13.14 Personal Explanation

A Member may make a personal explanation at any time or may stand to declare an interest. 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 Mayor/Chairman on the admissibility of a personal explanation will be final.

4.2.13.15 Responses by Officers

During the course of a debate, an Officer may be asked, through the Mayor/Chairman, to give a simple factual point of explanation, upon which there shall be no debate.

4.2.14 Previous Decisions and Motions

4.2.14.1 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 a quarter of the Members of the Council.

4.2.14.2 Motion Similar to One Previously Rejected

A Motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of Motion or amendment is signed by at least a quarter of the Members of the Council. Once the Motion or amendment is dealt with, no one can propose a similar Motion or amendment for six months. Motions in these terms may only be proposed in relation to items of business on the published Agenda.

A Motion relating to the removal of the Leader if having been brought and rejected within the previous two months, would require to be signed by twice as many Members as the previous occasion.

4.2.14.3 Ruling of the Mayor/Chairman

The ruling of the Mayor/Chairman as to whether any Motion or amendment comes within the terms of [Rule 4.2.14.1](#) and [Rule 4.2.14.2](#) above shall be final and accepted without discussion.

4.2.14.4 Exemptions

[Rule 4.2.14.1](#) and [Rule 4.2.14.2](#) shall not apply to:

- a) decisions of the Regulatory Committees
- b) a Motion to carry out any statutory duty of the Council which, in the opinion of the Mayor/Chairman, is of an urgent nature.

4.2.15 Voting

4.2.15.1 Majority

Unless the Constitution or any statutory provision 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.

The Mayor/Chairman shall ascertain the numbers voting for or against any question and his/her decision as to the result shall be conclusive.

4.2.15.2 Mayor/Chairman Casting Vote

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

4.2.15.3 Show of Hands

Unless a ballot or recorded vote is demanded under [Rules 4.2.15.4](#) and [4.2.15.5](#), the Mayor/Chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

4.2.15.4 Ballots

The vote will take place by ballot if the majority of Members present at the meeting pass a Resolution under Procedure [Rule 4.2.12t](#). The Mayor/Chairman will announce the numerical result of the ballot immediately the result is known.

4.2.15.5 Recorded Vote

If six Members present at the meeting request it before the vote is taken, the names for and against the Motion or amendment or abstaining from voting will be recorded in the Minutes. A request for a recorded vote will override a request for a ballot.

Members, when asked to give their vote, should limit their response to either 'for', 'against' or 'abstain' and must not make any other comment.

A recorded vote will be required on any business relating to approving the budget, setting the council tax or issuing precepts.

4.2.15.6 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.

4.2.15.7 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.

4.2.16 Minutes

4.2.16.1 Signing the Minutes

The Mayor/Chairman will sign the minutes of the proceedings at the next suitable meeting. The Mayor/Chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the Minutes may be raised and this may only be done by a Motion which shall propose a change in wording which must be provided in writing to the Mayor/Chairman.

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

Where in relation to any meeting, the next meeting is an extraordinary meeting, then the next following ordinary meeting will be treated as a suitable meeting for the purpose of signing of minutes.

4.2.17 Record of Attendance

The Chief Executive or his/her representative will keep a record of Members' attendance at meetings.

Only those Councillors who are members of a Committee, are asking a question or have been invited to participate in the meeting, will be recorded as being in attendance.

This will also apply to meetings of the Executive.

4.2.18 Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Chapter 3.2 of this Constitution or [Rule 4.2.21](#) (Disturbance by Public).

4.2.19 Petitions

4.2.19.1 General

Every petition shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.

4.2.19.2 Petitions Presented to Council

A Member of the Council may formally present a petition at any meeting of the Council, and prior to the start of the meeting must advise the Chief Executive of the subject matter of the petition.

Members will be entitled to speak for no more than three minutes in support of a petition. A member of the public may present a petition at any meeting of the Council and will be entitled to speak for no more than three minutes in support of the petition.

At the appropriate time in the meeting, the Mayor will call upon the Member or member of the public to present the petition to the Council, which shall automatically be referred without discussion or comment by any Member, to the appropriate Executive Member or a Committee or Board of the Council, as the Mayor shall determine, for consideration.

4.2.19.3 Petitions Presented to a Director

A Member of the Council may deliver a petition directly to a Director where it appears to that Member that the matter is more urgent than the ordinary Council meeting cycle could accommodate.

A Member of the public may deliver a petition directly to a Director.

In all cases, petitions will be dealt with in accordance with the Council's protocol relating to petitions as set out in Chapter 3.5.

4.2.20 Members' Conduct

4.2.20.1 Standing to Speak

When a Member speaks at Council they should stand and address the meeting through the Mayor, unless there are special circumstances which dictate otherwise. If more than one Member stands, the Mayor 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.

4.2.20.2 Mayor/Chairman Standing

When the Mayor/Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

4.2.20.3 Member Not to be Heard Further

If in the opinion of the Mayor/Chairman, a Member is behaving improperly or offensively or deliberately obstructs business, he/she may move that the Member be not heard further. If seconded, the Motion will be voted on without discussion.

4.2.20.4 Member to Leave the Meeting

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

4.2.20.5 General Disturbance

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

4.2.21 Disturbance By Public

4.2.21.1 Removal of Member of the Public

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

4.2.21.2 Clearance of Part of Meeting Room

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

4.2.22 Business Of Objectionable Nature

4.2.22.1 Motions Put Forward by the Mayor/Chairman

If at any meeting the Mayor/Chairman is of the opinion that any Motion, amendment or business proposed to be moved or transacted is of an objectionable or undesirable character, with due regard to the interests and duties of the Council, it shall be competent for the Mayor/Chairman, either before or after the same is brought forward, to put to the vote a Motion (upon which no discussion shall be allowed) that the Motion, amendment or business in question be not entertained or further permitted. If such Motion is carried, the matter shall be considered as disposed of for that meeting

4.2.22.2 Motions Put Forward by Members

A Member may propose that a Motion, amendment or business of an objectionable nature be not entertained or permitted. The proposer of a Motion on these grounds must state the reasons he/she considers the Motion, amendment or business to be objectionable. The Mayor/Chairman will make a ruling on whether to allow the Motion to be put, having regard to any advice given by the Chief Executive and Monitoring Officer.

4.2.23 Statements by The Leader of The Council, Executive Members and Deputy Executive Members

At each Ordinary meeting of the Council, provision shall be made for the Leader of the Council, Executive Members and Deputy Executive Members to make statements to the Council.

These statements shall primarily be to advise the Council of items of interest which have been dealt with by the Executive recently or are due to be dealt with in the near future. Speeches of a party political nature will not be allowed.

When making such a statement, no Member, except with the consent of the Council, shall speak for more than 5 minutes.

The time allowed for statements under this rule shall not exceed 20 minutes.

4.2.24 Statements from the Council Owned Companies

At each Ordinary meeting of the Council, provision shall be made for the Directors of the Council Owned Companies to make statements to the Council.

These statements shall primarily be to advise the Council of items of interest which have been dealt with the Companies recently or are due to be dealt with in the near future. Speeches of party political nature will not be allowed.

When making such a statement, no Director, except with the consent of the Council, shall speak for more than 3 minutes.

The time allowed for statements under this rule shall not exceed 10 minutes.

4.2.25 Suspension and Amendment of Council Procedure Rules

4.2.25.1 Suspension

All of these Council Rules of Procedure except [Rule 4.2.15.5](#) (Right to a Recorded Vote) and [4.2.16.2](#) (No requirement to sign Minutes at an Extraordinary Meeting) 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.

4.2.25.2 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.

4.2.26 Committees and Boards– Appointment of Chairman

Each of the Council's Committees and Boards shall, at its first meeting, prior to proceeding to any other business, elect a Chairman and a Vice-Chairman for the Municipal Year. In the absence of the Chairman and Vice-Chairman, a Chairman for any meeting may be appointed from the Members present.

4.2.27 Extraordinary Meetings of Council Committees and Boards

The Chief Executive shall summon an Extraordinary meeting of a Committee or Board of the Council at any time at the request of

- a) the Chairman of the Committee or Board, or
- b) the Mayor, or
- c) one-quarter of the number of members of the Committee or Board, delivered in writing to the Chief Executive, and in no case shall less than three Members requisition a Extraordinary meeting

4.2.28 Attendance of Non-Members of Committees and Boards

A Member of the Council who is not a Member of a particular Committee or Board shall be entitled to attend and speak (but not vote) at any meeting. Members attending under this provision shall tell the Mayor/Chairman of the meeting in advance that they will be attending. Only Local Ward Members may address the Planning Committee in respect of applications within their Ward.

CHAPTER 4.3 – ROLES AND FUNCTION OF THE MAYOR

4.3.1 Role and Function of the Mayor

The Mayor and in his/her absence, the Deputy Mayor, will have a number of roles and functions which are described below.

4.3.2 Ceremonial Role

The Mayor is a symbol of the authority, a symbol of an open society and an expression of social cohesion.

The Mayor will attend such civic and ceremonial functions as the Council or he/she determines appropriate.

4.3.3 Chairing the Council Meeting

The Mayor will be elected by the Council at the Annual Meeting. The Mayor will have the following responsibilities:

- a) to uphold and promote the purposes of the Constitution by acting impartially and to interpret the Constitution when necessary;
- b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive to account;
- d) to promote public involvement in the Council's activities and
- e) to call an extraordinary meeting of the Council to resolve any dispute between the Executive and the Council in connection with setting the budget and policy framework.

4.3.4 First Citizen

The Mayor shall take precedence (ie shall be the first citizen of Wokingham Borough).

4.3.5 Promotion of the Council

The Mayor will promote the Council as a whole and act as a focal point for the community.

4.3.6 The Scrutiny Process

The Mayor and Deputy Mayor are entitled to take part in the scrutiny process.

CHAPTER 4.4 - COMMITTEES OF THE COUNCIL – AUDIT COMMITTEE, HEALTH AND WELLBEING BOARD AND SPECIAL COUNCIL EXECUTIVE COMMITTEE

AUDIT COMMITTEE

Statement of purpose

The committee's purpose is to provide an independent, objective and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

The committee has oversight of both internal and external audit, and risk management, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

4.4.1 Composition and Meetings

Membership of the Audit Committee will be allocated in accordance with political balance rules. In addition, two independent members will be appointed to the Committee. The Committee shall meet four times per year in accordance with a schedule agreed by Council. Additional meetings may be arranged with the agreement of the Chair. The Audit Committee may appoint specialist advisors to support it in its work if required. Funding will be secured in advance of any appointment and financial commitment on a case by case basis.

4.4.2 Restrictions on Membership

Members of the Executive and Overview and Scrutiny Committees shall not be Members of the Audit Committee.

4.4.3 Functions

4.4.3.1 Governance, risk and control

- a) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- b) To monitor the effective development and operation of risk management in the council.
- c) To monitor progress in addressing risk-related issues reported to the committee.
- d) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- e) To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- f) To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- g) To review the assessment of fraud risks and potential harm to the council from fraud and corruption

- h) To monitor the counter fraud strategy, actions and resources.
- i) To review the governance and assurance arrangements for significant partnerships or collaborations.

4.4.3.2 Financial and governance reporting

Governance reporting

- a) To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- b) To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

Financial reporting

- a) To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met, and that reporting is objective and fair
- b) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- c) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

4.4.3.3 Arrangements for audit and assurance

To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

External audit

- a) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) or the authority's auditor panel as appropriate.
- b) To consider the external auditor's annual letter, relevant reports including value for money, and the report to those charged with governance.
- c) To consider specific reports as agreed with the external auditor.
- d) To review the external audit plan and comment on the scope and depth of external audit work and to ensure it gives value for money.
- e) To consider additional commissions of work from external audit.
- f) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies

- g) To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

Internal audit

- a) To support and oversee internal audit arrangements.
- b) To approve the internal audit charter.
- c) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- d) To review and scrutinise the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- e) To monitor progress against the internal audit plan and approve significant interim changes to the risk-based internal audit plan and resource requirements.
- f) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- g) To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- h) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - i) updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work
 - ii) regular reports on the results of the Quality Assurance & Improvement Programme (QAIP)
 - iii) reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS.
- i) To consider the head of internal audit's annual report, including:
 - i) the statement of the level of conformance with the PSIAS and Local Government Application Note (LGAN) and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
 - ii) the opinion on the overall adequacy and effectiveness of the council's framework of
 - iii) governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS)

- j) To consider summaries of specific internal audit reports as requested.
- k) To monitor the implementation of internal audit recommendations by management and to receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- l) To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- m) To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations
- n) To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

4.4.3.4 Accountability arrangements

- a) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.
- b) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- c) To publish an annual report to full Council on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

4.4.3.5 Training

To identify training opportunities for Audit Committee Members and all Members of the Council in corporate governance issues and to make recommendations as appropriate.

4.4.4 Reporting Lines

The Audit Committee shall make formal recommendations to Council as appropriate, in accordance with its functions described in [Rule 4.4.3](#). The Minutes of the Committee shall be formally recorded and received by Council. The Chairman of the Committee shall draw to the attention of Council any issues that require action.

4.4.4.1

The Audit Committee shall have clear reporting lines and rights of access to other committees and functions, and make recommendations to these bodies as appropriate.

4.4.5 Review of Terms of Reference

These Terms of Reference shall be reviewed on an annual basis. Any changes proposed by the Assistant Director Governance, in consultation with the Chair, shall be submitted to the Council for approval.

4.4.6 Public and Member Questions

Public and Member questions can be asked in accordance with the requirements set out in [Chapter 4.2](#) of this Constitution.

4.4.7 Petitions

Petitions can be submitted to the Audit Committee subject to the requirements of the Council's Petition Protocol described in Chapter 3.5 of this Constitution.

4.4.8 Quorum

The quorum of a meeting of the Audit Committee shall be three.

4.4.9 Speaking Rights

A Member of the Council who is not a Member of the Committee shall be entitled to attend and speak (but not vote) at any full meeting of the Audit Committee. Members attending under the provision shall notify the Chair of the Committee in advance that they will be attending.

Members of the public or other organisations shall only be entitled to speak at a full meeting of the Committee by invitation from the Chair.

4.4.10 Disturbance by Public

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

4.4.11 Duration of Meeting

As set out in [Chapter 4.2](#), unless the majority of Members present vote for the meeting to continue, any meeting of the Audit Committee that has not concluded by 10.30pm will adjourn immediately. If, once a motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

SPECIAL COUNCIL EXECUTIVE COMMITTEE

4.4.12 Composition and Functions

Where, as a matter of urgency any decision or direction of Council is required and cannot be reasonably delayed until an ordinary meeting of the Council, such decision shall be made by the Special Council Executive Committee. The Special Council Executive Committee shall have the delegated authority to exercise all of the powers and duties of the Council. The Minutes will be reported to the next ordinary Council meeting for information.

4.4.12.1

The Special Council Executive Committee shall consist of the Mayor and Deputy Mayor, together with such Members of the Council concerned as to satisfy the political balance requirements or, in their absence or unavailability, their authorised Substitutes ([Rule](#)

[4.4.14](#)). The allocation of seats on the Special Council Executive Committee will be agreed at Annual Council.

4.4.12.2

The Special Council Executive Committee is a Committee of the Council for the purposes of Section 101(a) of the Local Government Act 1972 with power to take urgency decisions within the delegated powers of the Council.

4.4.13 Appointment of Substitutes

The Council shall appoint Members to serve as Substitutes, so as to ensure that each Political Group represented on the Committee has one substitute each. A substitute shall deputise for a member of the Committee unable to attend, and shall inherit the voting rights of that member of the Committee for whom they are deputising.

4.4.13.1

Substitutes shall ordinarily be appointed at the same time as the Special Council Executive Committee and thereafter as necessary but in no case for a period beyond the next Annual Meeting of the Council.

4.4.14 Public and Member Questions

Public and Member questions will only be accepted at meetings of the Special Council Executive Committee if they relate to the item(s) due to be discussed at that meeting.

Public questions must be submitted in accordance with [Rule 4.2.9](#) and Member questions must be submitted in accordance with [Rule 4.2.10](#). The process set out in [Rules 4.2.9](#) and [4.2.10](#) will also apply to public and Member questions.

4.4.15 Petitions

Petitions may not be submitted at meetings of the Special Council Executive Committee.

4.4.16 Quorum

The quorum of a meeting of the Special Council Executive Committee shall be three.

4.4.17 Disturbance by Public

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

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

4.4.18 Rules of Debate

Debates at the Special Council Executive Committee shall take place in accordance with the rules laid down in [Chapter 4.2](#).

If the Executive Member responsible for the item under discussion is not a member of the Committee, then they will be invited to attend the meeting in order to introduce the report and answer any questions that the Committee may have.

4.4.19 Duration of Meeting

As set out in [Chapter 4.2](#) unless the majority of Members present vote for the meeting to continue, any meeting of the Special Council Executive Committee that has not concluded

by 10.30pm will adjourn immediately. If, once a motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

4.4.20 Other Committees, Sub-Committees and Working Groups

The Council may establish any other Committees, Sub-Committees and Working Groups as it considers appropriate from time to time.

WOKINGHAM BOROUGH HEALTH AND WELLBEING BOARD

4.4.21 Introduction

Under the Health and Social Care Act 2012 the Council¹ is required to establish a Health and Wellbeing Board. The Board is responsible for identifying the current and future social care and health needs of the local area through a Joint Strategic Needs Assessment.

The Health and Wellbeing Board is also responsible for developing a Health and Wellbeing Strategy that sets out the local social care and health priorities, provides a framework for the commissioning of local health and social care services and has oversight of health and wellbeing outcomes.

4.4.22 Roles and Responsibilities

The Wokingham Borough Health and Wellbeing Board will have the following responsibilities:

- a) work in partnership to improve the health and wellbeing of the population;
- b) work in partnership to reduce inequalities in health across the Borough, including the difference in healthy life expectancy between the most and least deprived communities in the Borough;
- c) to create, approve, own and monitor the delivery of a Health and Wellbeing Strategy;
- d) to establish and monitor Partnership Boards as required to help deliver required service change and improved health and wellbeing outcomes for residents of Wokingham in line with the Health and Wellbeing Strategy;
- e) oversee the delivery of any strategies that have an impact on health and wellbeing across all member organisations;
- f) be responsible for bringing together public and voluntary service organisations in order to improve health and wellbeing of the population of Wokingham Borough;
- g) the Wokingham Borough Health and Wellbeing Board will exercise strategic leadership of public, private and community services in the promotion of health and wellbeing;
- h) promote integration of health and wellbeing services and work in partnership with all member organisations to improve the health and wellbeing of residents;
- i) ensure that the building blocks to health and wellbeing such as housing, environment, education and employment are included in local strategies and plans to improve health and wellbeing;
- j) produce a Joint Strategic Needs Assessment (JSNA) to identify the current and future health and social care needs across Wokingham. The JSNA will inform priorities and objectives for health and social care services in Wokingham and be used to monitor progress and health and wellbeing outcomes;
- k) prepare, consult, monitor and publish a local pharmaceutical needs assessment in accordance with national guidelines to support understanding of local need for pharmacy provision.
- l) Oversee the joint commissioning arrangements for health and social care across Wokingham. Maintain oversight of the commissioning intentions across all member organisations that impact on health and wellbeing;

¹ The Board is a committee of the Council by virtue of the Health & Social Care Act 2012 and Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013

- m) listen to and learn from residents and communities about their needs and experience of health and care services, involving them in the planning and monitoring of the health and wellbeing services.

The Board will be accountable to the public for the delivery of work within the Health and Wellbeing Strategy and the associated Wokingham Strategy into Action, and to Government for the reduction of health inequalities within Wokingham Borough. The Board will monitor the implementation of the Health and Wellbeing Strategy and the associated Strategy into Action against clearly defined outcome measures.

When producing the Health and Wellbeing Strategy and the associated Strategy into Action, the Wokingham Borough Health and Wellbeing Board must:

- a) consider how the needs identified in the Joint Strategic Needs Assessment may be addressed through partnership arrangements between the Council, NHS bodies, voluntary and community Sector organisations and allied public service organisations;
- b) have regard to the mandate the NHS England has received from the Secretary of State;
- c) involve the Local Healthwatch and those who live or work in the local authority area;
- d) have regard to any guidance issued by the Secretary of State;
- e) encourage joint working between the Council, NHS bodies and the voluntary and community are sector regarding improvements in health and wellbeing and promote the integration of NHS and Council services where this will lead to better care for residents
- f) review the BOB Integrated Care System (ICS) Plan each year against the priorities in the local Strategy, assess whether the Plan has adequately taken the Strategy into account and question whether its programmes have led to improvements in those needs and priorities identified within the Borough;
- g) take account of and comment on the appropriateness of the NHS England plan for services within the Borough.
- h) review the contribution of local authority services and programmes to addressing the identified health and wellbeing needs and priorities;
- i) hold to account its constituent member organisations in meeting their responsibilities to promote the health and wellbeing of the community, to address health inequalities, to address the issues identified in the Joint Strategic Needs Assessment and for implementation of the Health and Wellbeing Strategy.

4.4.23 Membership

The membership of the Wokingham Borough Wellbeing Board will be as follows:

- a) Leader of the Council
- b) Executive Member with responsibility for Children's Services
- c) Executive Member with responsibility for Health and Wellbeing
- d) Chief Executive
- e) Deputy Chief Executive

- f) Director with statutory responsibility for Children's Services
- g) Director with statutory responsibility for Adult Social Services
- h) Director with responsibility for Planning and Localities
- i) Director of Public Health
- j) Two representatives from the Berkshire West Place Team/Buckinghamshire, Oxfordshire, Berkshire West Integrated Care System
- k) Representative from Royal Berkshire Foundation Trust
- l) Representative from Berkshire Healthcare NHS Foundation Trust
- m) Representative from local Healthwatch
- n) Representative of National Health Service England (for the purpose of participating in the Board's preparation of the Wokingham Needs Assessment and/or Joint Health and Wellbeing Strategy or if the Board is considering a matter which relates to the exercise or proposed exercise of the commissioning functions of the NHS England in relation to the local authority area covered by the Board).
- o) An elected Member from the Opposition
- p) Two representatives from the Strategic Partnerships, representing the Community Safety Partnership and the Business, Skills and Enterprise Partnership
- q) Two representatives from the Voluntary Sector
- r) Representative from Royal Berkshire Fire and Rescue Service

The Wokingham Borough Health and Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate. The appointment of any additional members to the Wokingham Borough Health and Wellbeing Board will take place at Board meetings.

4.4.24 Co-optees

With the agreement of the Board, individuals may be co-opted to the Board for an agreed period.

Representatives from other key partners may be invited to attend the Board where there is a specific agenda item which includes their engagement. Representatives attending in this capacity will be non-voting attendees.

4.4.25 Appointment of Wokingham Borough Wellbeing Board

Elected Members of the Council will be appointed to the Wokingham Borough Health and Wellbeing Board at the Council's Annual Council Meeting.

Nominations for the elected Member representative(s) and their substitutes on the Wokingham Borough Health and Wellbeing Board will be made by the Leader of the Council.

No member of the Wokingham Borough Health and Wellbeing Board may be a member of the Health Overview and Scrutiny Committee.

The Director of Public Health, Director with statutory responsibility for Adult Social Services and the Director with statutory responsibility for Children's Services will be members of the Board by virtue of their office.

Buckinghamshire, Oxfordshire, and Berkshire West Integrated Care Board (also referred to as BOB ICB) will appoint two people to represent it on the Wokingham Borough Health and Wellbeing Board.

The Local Healthwatch organisation for the local authority will appoint a person to represent it on the Wokingham Borough Health and Wellbeing Board.

Each constituent organisation will notify Democratic Services of its nominated representative(s) and any changes made.

Should Board members cease to be an elected Member of the Council, or no longer hold the relevant Executive Member position or represent any of the bodies set out in Rule 4.4.23 above or cease to hold the relevant Director post, they will cease to be a member of the Wokingham Borough Health and Wellbeing Board.

4.4.26 Voting

The Wokingham Borough Health and Wellbeing Board will generally reach decisions by consensus, but in the event of a vote being required there will be one vote per Board Member.

4.4.27 Substitutes

If representatives are unable to attend a Board meeting they may nominate a substitute to act in their place (including vote on their behalf) at the meeting. The appointment shall only take effect if the representative unable to attend notifies Democratic Services, no later than midday of the day of the meeting that they will be unable to attend the meeting and the name of the substitute member.

The substitute for the Executive Member representatives will be the Deputy Executive Member for that post and the substitute for the Leader of the Council will be the Deputy Leader of the Council. The substitute for the Opposition Member will be another member of the Opposition and will be nominated by the Leader.

4.4.28 Chairing of the meeting

The Chair will be an elected Member of Wokingham Borough Council. The Chairman of the Wokingham Borough Health and Wellbeing Board will be appointed at the first meeting of the Wokingham Borough Health and Wellbeing Board of the municipal year.

The Vice Chair of the Board will be appointed at the first meeting of the Wokingham Borough Health and Wellbeing Board of the municipal year and can be any other member of the Board.

4.4.29 Accountability

The Wokingham Borough Health and Wellbeing Board will be accountable to each of the Board's constituent member organisations for the quality and relevance of the process of identification of local health and social care needs and priorities and for the effectiveness of programmes to address these issues.

It will be accountable for its performance to the Local Authority through reporting to Council at least once a year.

4.4.30 Supply of Information to the Wokingham Borough Health and Wellbeing Board

The Wokingham Borough Health and Wellbeing Board may, for the purpose of enabling or assisting it to perform its functions, request specific information from the following:

- a) the local authority;
- b) any person who represents the Local Healthwatch on the Wokingham Borough Health and Wellbeing Board;
- c) any person who represents the BOB ICS on the Wokingham Borough Health and Wellbeing Board;
- d) any person appointed to the Wokingham Borough Health and Wellbeing Board as an additional member.

Information must relate to:

- a) a function of the person (organisation) to whom the request is made; or
- b) a person in respect of whom a function is exercisable by that person (organisation).

4.4.31 Scrutiny

The priorities and programmes of the Wokingham Borough Health and Wellbeing Board will be subject to scrutiny primarily by the Health Overview and Scrutiny Committee. The Wokingham Borough Health and Wellbeing Board will provide an update to the Health Overview and Scrutiny Committee on an annual basis to enable it to fulfil its responsibilities of scrutiny.

4.4.32 Quorum

The quorum of a meeting of the Wokingham Borough Wellbeing Board shall be four. Representatives from Wokingham Borough Council and the BOB ICB must be in attendance at each meeting. If neither the Chair nor Vice Chair is present a Chair will be elected for that meeting. Substitute voting members for the Chair and Vice Chair, for that meeting will be identified prior to the meeting.

If there is no quorum at the published start time for the meeting, a period of no more than 10 minutes will be allowed, and if there remains no quorum at the expiry of this period, the meeting will be declared null and void.

4.4.33 Frequency of Meetings

The Wokingham Borough Health and Wellbeing Board shall schedule a minimum of 6 meetings a year. Additional (extraordinary) meetings may take place with the agreement of the Chair. Dates, times, and locations of meetings will be agreed by the Board and published.

The business to be conducted at an extraordinary meeting of the Wokingham Borough Health and Wellbeing Board shall usually be a single item only and there shall be no consideration of previous minutes.

4.4.34 Attendance of Public and Press

The Wokingham Borough Health and Wellbeing Board will meet in public, unless confidential or exempt information is to be discussed, and the Access to Information Rules contained in Chapter 3.2 of this Constitution set out the requirements covering public meetings. The principles of decision making set out in Chapter 1.4 will apply to meetings of the Board.

4.4.35 Public and Member Questions

Public and Member questions can be asked in accordance with the requirements set out in [Chapter 4.2](#) of this Constitution.

In addition questions may also be asked about matters for which the other member organisations have a responsibility.

The total time allotted questions from the public will be limited to 30 minutes and Member questions will be limited to 20 minutes. The total time allotted to public and Member Questions may be extended at the discretion of the Chairman.

4.4.36 Petitions

Petitions will not be accepted at meetings of the Wokingham Borough Wellbeing Board. Petitions relating to the Wokingham Borough Wellbeing Board's responsibilities may, however, be submitted at meetings of full Council. Details of the Council's Petition Protocol can be found at Chapter 3.5

Petitions which relate to the responsibilities of the Wokingham Borough Wellbeing Board member organisations other than the Council will be forwarded to the appropriate organisation.

4.4.37 Speaking Rights

A Member of the Council who is not a member of the Board shall be entitled to attend and speak (but not vote) at any full public at the discretion of the Chair. Members attending under this provision shall advise the Chair of the Board in advance that they will be attending. Members of the public or other organisations shall only be entitled to speak regarding presentation items by invitation from the Chair.

4.4.38 Disturbance by 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.

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.

4.4.39 Signing the Minutes

The Chair shall sign off the minutes as a true and accurate record of the meeting at the next suitable meeting. Where in relation to any meeting, the next meeting is an extraordinary meeting, then the next following ordinary meeting will be treated as a suitable meeting for the purpose of signing of minutes.

Minutes of meetings will be available on the Council's website.

4.4.40 Wokingham Borough Wellbeing Board Partnership Groups

The Wokingham Borough Health and Wellbeing Board will be mindful of its powers to appoint one or more sub-groups or sub-committees to discharge of any of its functions, with certain conditions. The Board may also appoint advisory groups, working groups or informal 'task and finish groups' to make recommendations to it on any of its functions. The work programme of the Wokingham Borough Health and Wellbeing Board will be monitored by the Wokingham Health & Wellbeing Strategy into Action Steering Group.

The work programme of the Wokingham Borough Health and Wellbeing Board will be implemented through the following Partnership Groups:

- a) Children and Young People Strategic Partnership
- b) Community Safety Partnership
- c) Wokingham Integrated Partnership
- d) Physically Active Communities
- e) Dementia Alliance
- f) Social Isolation and Loneliness Action Group
- g) Carers Strategy Action Group
- h) Learning Disabilities Partnership
- i) Combatting Drugs Partnership

The Partnership Groups will have responsibility for the implementation of designated programmes within the Health and Wellbeing Strategy. The Partnership Groups will report periodically to the Wokingham Borough Health and Wellbeing Board Strategy into Action Steering Group on the aspects of their work programme which are within the Health and Wellbeing Strategy, no less than twice a year.

4.4.41 Code of Conduct

All voting members of the Wokingham Borough Health and Wellbeing Board will be subject to the Local Code of Conduct for Members set out in Chapter 9.2 of this Constitution.

4.4.42 Review of Terms of Reference

The terms of reference will be reviewed a year from the date of adoption and thereafter at least biennially. Any changes proposed shall be submitted to Council for approval.



PROTOCOL FOR HOLDING VIRTUAL MEETINGS

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Version 2
June 2020
Updates made – November 2020

1. Introduction

1.1 Until April 2020, Wokingham Borough Council held a wide range of public decision-making meetings, mainly at the Council Offices in Wokingham. The national “lockdown” and social distancing measures arising out of the Covid-19 pandemic meant that alternative arrangements had to be made for the introduction of “virtual” meetings.

1.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the Regulations”) have enacted provisions which provide flexibility to the Council in the manner in which they may hold such meetings.

1.3 The Regulations, which took effect as of 4 April 2020 and apply until 7 May 2021 (or earlier if agreed by Government), enable Councils to hold meetings which Members may attend remotely.

1.4 The following protocol has been set up in order to provide assistance to the public, Members and Officers in the organisation in the conduct of virtual committee meetings at Wokingham Borough Council all of which will be held via Microsoft Teams (MS Teams). The principal aim of this document is to facilitate as many of the constitutional rules and procedures as possible, whilst recognising the limitations and challenges that virtual meetings present.

2. Technical Overview

2.1 Meetings will be held via Microsoft Teams (MS Teams) and it is the intention that all public meetings (with the exception of when exempt/confidential items are discussed) will be live streamed on the Council’s YouTube Channel.

2.2 Members should ensure that they have MS Teams installed on their laptop/device and familiarise themselves with the system. In advance of their first meeting Members should read the MS Teams Quick Guide (which has been provided to all Members and is available on request from Democratic Services) and if required set up a test call with Democratic Services/IT to run through the software’s functionality.

3. Prior to Meeting

3.1 Publication of Agendas

Meeting agendas will be published 5 clear working days prior to each meeting and all agenda papers (except for exempt/confidential items) will be available electronically on the Council’s website.

A note will be added to the agenda front sheet for each meeting advising the public that the meeting will be held virtually and providing a link to the YouTube site where the meeting can be viewed.

Members of a particular committee will be emailed the direct link to the online agenda and will be sent a copy of the agenda pack with their meeting invitation. No physical paper

copies of the agenda will be printed. The only exception to this will be Planning Committee agendas which will only be sent to members of that committee.

3.2 Submission of Public and Member Questions

For those meetings where Public and Member questions form part of the agenda these may be submitted in accordance with the deadlines set out on the Council's website and in the Council's Constitution.

3.3 Invitations to Meetings

A calendar invite, containing a link to join the MS Teams meeting as well as, in case of difficulties joining the meeting, instructions on how to access the audio link by dialling-in to the meeting will be sent to Members of the relevant committee, those Members who have submitted a question or been invited to speak at the committee, and Officers supporting that committee.

Members of the public who have submitted a question to a committee will also receive a calendar invite containing a link to join that meeting as well as, in case of difficulties joining the meeting, instructions on how to access the audio link by dialling-in to the meeting.

Ensure that you can access the calendar invite on whatever device (including any back-ups) you are intending to use to join the meeting. It is advisable to copy and paste the MS Teams link and dial-in details set out in the calendar invite into a word document or e-mail them to yourself so that the meeting can still be accessed if any technical issues occur on the day.

4. Members Attending Virtual Meetings

4.1 Virtual meetings are joined by accessing the Calendar on your device, opening the meeting invite and clicking the "join meeting" link – this will automatically re-direct you to the MS Teams application.

4.2. Members must endeavour to join virtual meetings promptly at least 10 minutes before the scheduled start. Any external participants will be placed in a virtual lobby and will be admitted to the meeting by the Clerk when the meeting is ready to start. Please note that if a Member uses their personal account to access the meeting they will also be placed in the virtual lobby and their e-mail address will be visible by other participants. In addition to ensure that the "hands up" facility is available for voting purposes Members should always use their wokingham.gov.uk e-mail address to access any virtual meeting.

4.3. Members must ensure their microphones are muted when not speaking in order to reduce feedback and background noise. If Members ignore this request they may be muted by the clerk. Participants should ensure that any background noise is turned off and that any pets are moved into another room.

4.4 Unless they are speaking Members, other than the Chairman, should keep their cameras switched off.

4.5 Members are advised to sit in a quiet room, preferably with a plain background. If this is not possible, they should set a virtual background by clicking on "more options" (the

three dots in the middle of the screen) and selecting “show background effects” from the list. If using a MS Teams background do try not to move around a lot as you will no longer be visible onscreen should you move outside of the background’s parameters.

4.6 Members should ensure that the room has adequate lighting. If it is too dark viewers will not be able to see you clearly. Minimise distracting glare by pulling shades down on windows and doors.

4.7 If it is not possible to attend a meeting using the videoconferencing facilities, Members must attend by audio link (dial-in details will be included in the calendar invite). If using this option, Members must inform the Clerk in advance of the meeting of the number they will be calling from so they can be identified at the meeting.

4.8 Members must ensure they have the relevant meeting papers open and ready to use before the start of the meeting. The relevant agenda pack will be attached to the meeting invite or alternatively the agenda can be accessed via the Modern.gov app or the Council website. Where possible/practical, the use of a second or split screen is also recommended.

4.9 Members must conduct themselves in a professional manner throughout the meeting, as they would do at a face to face meeting. Since meetings will be live streamed and viewed by the public Members should also dress appropriately as they would if they were attending a meeting in the Council Offices.

4.10 Members are reminded that the chat function is public and also if they are in a public place (including at home with open windows) they may be overheard.

5. Members of the Public Attending Virtual Meetings

5.1. Members of the public and the press will be able to watch any public meeting (except for those where exempt or confidential information is to be discussed) by accessing the live stream on the Council’s YouTube channel: https://www.youtube.com/user/WokinghamBC/featured?disable_polymer=1 . Details on how to access a specific live stream will be included within the public notice of the meeting and a link to the relevant area on YouTube can be found on the meeting agenda page on the Council’s website.

5.2 Members of the public and Councillors can submit questions to most committees including Council, Executive, Audit, Overview and Scrutiny and Wokingham Wellbeing Board provided they are submitted in accordance with the rules set out in the Council’s Constitution and on the website. Any member of the public who has submitted a question to a committee will be sent an MS Teams invite to participate in the remote meeting for the duration of the item in question. They can also join the meeting via an audio link details of which can be found in the meeting invite.

5.3 On the day of the meeting, the member of the public must click on the link /enter the dial-in details at least 5 minutes before the meeting where they will be placed in a “lobby” until the meeting is due to start. Their camera should be turned off and their microphone muted until it is their turn to speak.

5.4 Public questions will be taken in the order they are received which will be set out in the agenda and all relevant time limits as set out in the Council's Constitution i.e. question time and responses will be adhered to. Questions will be responded to at the meeting. One supplementary question may also be asked. Once your questions have been asked and responses provided you should switch off your camera, your microphone will be muted and you will not be able to participate any further in the meeting. If for any reason you are unable to attend the meeting you will receive a written response to your question.

6. Specific Rules Relating to Member and Public Participation at Planning Committee Meetings

6.1 Public speaking rights specific to Planning Committee meetings are as set out in Section 8.2.5 (Public Speaking Rights) of the Constitution.

6.2 If Ward Members, Town and Parish Councillors and members of the public are unable to attend the meetings they will, in addition to any comments previously submitted, be able to provide a further statement to the Committee. This can be done by following the instructions below.

- The statement must be submitted to Democratic Services by 5pm on the working day prior to the committee meeting;
- Comments will be split into the following categories: Town and Parish Councils, Objectors, Supporters (including applicants and agents) and Ward Members. If you submit a statement within your category then it should be no more than 390 words (please note that 130 words equates to approximately one minute of speaking time). However, if more than one statement is received in any of the above categories, or another person has registered to speak at the meeting in the same category, you will be contacted by Democratic Services and asked to reduce your word limit accordingly. Statements must be received by 10am on the 2nd working day prior to the committee meeting;
- The statement will be read out at the meeting by a member of the Committee during consideration of the relevant planning application.

7. Conduct of a Virtual Meeting

7.1 Quorum

The number of Members required to be present for a quorum for a meeting is set out in the Council's Constitution. The quorum must remain during the entirety of a meeting.

If at any point in the meeting it becomes inquorate the meeting will either, in the case of a Member dropping out of the meeting, be adjourned until such time as the Member re-joins the meeting or if it is not possible to re-join the meeting will be abandoned until such time as it can be reconvened

7.2 Opening the Meeting

At the scheduled time, the Mayor/Chairman will open the meeting, welcome everyone present and make introductory comments.

The Mayor/Chairman will advise the meeting if the meeting is being live streamed before any discussion takes place.

In the case of technical issues with the live stream the committee may decide to utilise the “record a meeting” option. If agreed to do so, the Clerk will select the appropriate option and start the recording. This option will be used only with the explicit agreement of all participants before any discussion takes place. The recording will be made publicly available after the meeting.

7.3 Introductions and Apologies for Absence

The Mayor/Chairman will either introduce those Members and Officers in attendance or ask the Members and Officers to introduce themselves.

7.4 Declarations of Interest

The Mayor/Chairman must follow the usual procedures and ask if any Members wish to declare any interests.

Any Member declaring a personal interest will be able to remain in the virtual meeting and will be able to take part in the discussion and vote on the particular matter.

Any Member who declares a prejudicial interest, which would normally require them to leave the room, must leave the virtual meeting for the duration of the discussion of that item and will not be able to participate in the meeting. The Mayor/Chairman will state when the Member has left the meeting. Depending on the order in which items are heard, the Member will be re-admitted to the meeting by the Clerk.

7.5 Minutes of the Meeting

The Mayor/Chairman will follow one of the following methods:

- ask each Member to state whether or not they agree with the accuracy of the minutes;
- state that it is assumed that the minutes are agreed unless anyone advises that they disagree.

The Mayor/Chairman will decide which of the above methods is to be used. The Mayor/Chairman will advise that the minutes will be physically signed at a later date.

7.6 Discussion of Agenda Items/Reports

The Mayor/Chairman will invite Members/Officers to present reports in the usual way.

If referring to a specific section of an agenda/report Members and Officers must clearly state the page and/or paragraph number and pause for a few seconds to allow everyone

to find the relevant section. On some occasions it may be appropriate to show the relevant section on the screen.

Supplementary documents will not be tabled at virtual meetings. Therefore any supplementary documents must be submitted to the Clerk as early as possible on the day of the meeting in order that they can be circulated to all participants and added to the relevant agenda page on the website.

Visual content such as presentations, maps or images (particularly relevant for Planning and Licensing meetings) must be shared with other participants using the “Share Screen” function on the bar in the middle of the screen (the function is only available when using a laptop/PC and depending on the internet connection may slow the user’s device). Alternatively, a copy can be shared with the Clerk who will be asked to display the slides when directed.

Once the report has been introduced, the Mayor/Chairman will open the discussion by using one of the following methods:

- asking if anyone wishes to speak/raise any questions;
- asking each Member of the committee if they have any comments/questions;
- going through the list of speakers which has been provided by the relevant Groups in advance of the meeting.

The Mayor/Chairman will decide which of the above methods is to be used. Members may indicate their wish to speak by using the MS Teams “hands up” function, sending a message using the meeting “chat” function and waiting until invited by the Mayor/Chairman to speak, or by speaking up. Please note that the meeting “chat” must only be used for committee-related questions/comments as any messages posted will be visible to all participants present and will appear on the live stream.

Members should aim to keep their questions clear and concise, avoiding unnecessary repetition. The Mayor/Chairman will ask Members of the committee if they have any further points to raise before completing the discussion on the item and moving to the next item.

7.7 Voting

Unless a recorded vote is called for voting will be carried out using one of the following methods:

- the Mayor/Chairman will call out the name of each committee Member present asking them to state whether they are “for”, “against” or wish to “abstain”;
- if the Mayor/Chairman feels from the discussions that there is a consensus in how Members wish to vote he/she will state that they believe the committee wishes to vote in a particular way unless a Member advises them otherwise;
- use the “hands up” feature on MS Teams. This method will only be used if the majority of Members attending the meeting have access to and the ability to use this feature. Prior to any vote taking place the Mayor/Chairman will state that this method of voting will be used and ask those Members in attendance, who are entitled to vote, to advise him/her if they are unable to use the “hands up” feature. The vote will be carried out as follows:
 - The Mayor/Chairman will ask Members to use the “hands up” feature to show whether they are “for”, “against” or wish to “abstain”;

- Between each of these votes Members must ensure that they put their “hands down” and that they don’t vote twice; If a Member realises that they have voted twice, they should speak up and indicate which way they had intended to vote. If others present in the meeting become aware that a Member has voted twice but not spoken up, the Mayor will be informed and will ask the Member how they intended to vote;
- Those Members who do not have the “hands up” feature will then be asked individually whether they are “for”, “against” or wish to “abstain”;
- use other electronic voting systems if available.

In addition for Council meetings the following method may also be used:

- the Mayor will ask each Group Leader in turn to state how many of their Members wish to vote in a particular way i.e. “for” or “against” the recommendation(s). If the vote is not unanimous then the Group Leader will state how many of their Members wish to vote in a particular way (this will usually be the view of the majority of those Members) and then name those Members who are of a different view and how they wish to vote e.g. “for”, “against” or “abstain”. The Mayor will then ask the Members of that Group if anyone disagrees with the information their Group Leader has provided;

The Mayor/Chairman will decide which of the above methods are to be used for a particular agenda item.

7.8 Exclusion of the Press and Public

If the agenda of a meeting includes any private or exempt items, then a separate private virtual meeting must be set up by the Clerk and invitations sent only to the required participants.

Before any discussion takes place, each participant at the private session must ensure that there are no persons at their location who would be able to hear or see the proceedings during such meetings or part of meetings.

Any Member attending a virtual meeting who fails to disclose that there are persons present in their location who would be able to hear or see the proceedings, who are not so entitled will be in breach of the Council’s Members’ Code of Conduct.

7.9 Closing the Meeting

The Mayor/Chairman will close the meeting in the usual way.

The Clerk will record the end time of the meeting and stop the live stream.

8. Dealing with Technical Difficulties

If the Mayor/Chairman loses connection then the Deputy Mayor/Vice Chairman will take over the chairing of the meeting. If they both lose connection then provided the meeting is still quorate another member of the Committee will be elected Chair for the remainder of the meeting and take over chairing the meeting.

If a Member experiences a technical problem and disconnects from the virtual meeting, but the meeting remains quorate, then the meeting will continue and any necessary vote taken. If the Member cannot re-establish their connection then they should use the audio link details of which can be found in their meeting invitation.

In the event that the Mayor/Chairman or Democratic Services Officer identifies a failure of the remote participation facility the Mayor/Chairman will declare an adjournment while the fault is addressed.

If it is not possible to address the fault and the meeting is inquorate the meeting will be abandoned until such time as it can be reconvened. If the meeting is quorate and provided, it is accessible to members of the public, the meeting will continue. Those attending remotely will accept that the meeting will continue and a vote may be taken in their absence.

If there is a fault which means the meeting is no longer being live webcast then the Clerk will, with the permission of the Mayor/Chairman and all attendees, record the meeting and publish the recording on the website at a later date.

9. Disruptions

The Mayor/Chairman/Clerk can mute participants, including voting Members, should they consider their behaviour to be inappropriate or disruptive.

Should either a Member or a participant become disruptive, the Mayor/Chairman will warn them and should that warning not result in a change of behaviour they will be authorised to terminate that person's participation in the meeting.

In the case of disruptive behaviour, the Mayor/Chairman will be entitled to ask the Clerk or another support officer to mute or remove a participant from the meeting.

10. Comment and Feedback

The Council recognises that the move to virtual meetings, although necessary, has been challenging for Members, Officers and the public. We will be reviewing the Protocol on a regular basis to ensure that lessons learnt from holding virtual meetings are taken into account and the document updated accordingly. We would therefore welcome any feedback on the Protocol and the process to date and any suggestions for future improvements.

If you would like to submit any comments please contact Democratic Services using the following e-mail address: Democratic.services@wokingham.gov.uk

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CHAPTER 5.1 – EXECUTIVE TERMS OF REFERENCE

5.1.1 The Role of the Executive

The Executive (meaning the Leader and such Members as the Leader may appoint) 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.

5.1.2 The Membership of the Executive

The Executive will consist of the Leader of the Council together with at least two, but not more than nine, Councillors appointed annually to the Executive by the Leader.

5.1.3 Leader

The Leader will be a Councillor elected to the position of Leader by the Council at the relevant Annual Council Meeting. The Leader will hold office for a period of four years from the date of his/her appointment until the Annual Council meeting following this term (even if the Leader is not re-elected as a Councillor at the most recent elections) or until:-

- a) he/she resigns from the office; or
- b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- c) he/she is no longer a Councillor (subject to caveat in [Rule 5.1.3](#)); or
- d) on the expiry date of the Leader's fixed term of office (4 years); or
- e) on the day that he/she is removed from office by resolution of Council.

5.1.4 Deputy Leader and Executive Members

Executive Members including the Deputy Leader shall hold office until

- a) they are removed by the Leader; or
- b) they resign from office; or
- c) 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
- d) they are no longer Councillors

If for any reason the Leader is unable to act or the office of Leader is vacant the Deputy Leader must act in his/her place until the appointment of a new Leader by the Council.

5.1.5 Other Executive Members

Other Executive members 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 by the Leader who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer; or
- e) they are removed from office, either individually or collectively, by resolution of the Council; or
- f) at the end of the fixed term of office (12 months.)

5.1.6 Deputy Executive Members

The Leader may appoint Members as he determines to act as Deputy Executive Members. The Leader may also remove any Members from their role as Deputy Executive Member.

Deputy Executive Members will be able to attend meetings of the Executive and, at the invitation of the Leader of the Council, speak on matters which are of relevance to their role.

Deputy Executive Members can be quoted in press releases (on the understanding that each enjoys a special role as an advisor to the Executive and that they are expressing personal opinions and not speaking authoritatively on behalf of the Council.)

Members of the public and Members of the Council will be entitled to put questions to the Deputy Executive Members at meetings of the Council.

The detailed role of the Deputy Executive Members is set out in [Chapter 5.3](#).

5.1.7 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in [Chapter 5.4](#) of this Constitution.

5.1.8 Responsibility for Functions

The Proper Officer will maintain a list, contained in Sections 5 and 11 of the Constitution outlining which individual members of the Executive, Committees of the Executive, Officers or joint arrangements are responsible for the exercise of particular Executive functions.

The Leader is responsible for deciding upon the number of Executive Members (up to a maximum of 10 including the Leader) and the responsibility for functions will be agreed and amended by the Leader during the year and will be reported to Council for information during the Leader's statement agenda item.

5.1.9. General Principles of Decision Making

The Executive must make decisions which fall within its delegated powers as approved by the Council. It shall report and/or make recommendations in respect of the matters identified below which are outside its delegated powers.

5.1.9.1 Key Decisions

Under the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 Key Decisions are defined as decisions which:

- a) would result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- b) are significant in terms of its effect on communities living or working in an area comprising two or more Wards.

The Council has decided that significant expenditure or savings are those amounting to above £500,000.

5.1.9.2

The Executive is also responsible for implementing the budget and policy framework agreed by the Council. In doing so it will take decisions in accordance with this framework which are defined as local key decisions which:

- a) involve requests for Supplementary Capital or Revenue Estimates;
- b) involve requests for virements over £500,000;
- c) involve the application of Section 106 developers' contributions over £100,000;
- d) involve the acquisition or sale of assets (other than the sale of housing stock) and the rationalisation of assets in the interests of the efficient working of the Council, above the limits delegated to individual Executive Members (see [Chapter 5.5](#));
- e) involve the consideration of schemes included within the Capital Programme agreed by Council where there is significant discretion for options;
- f) involve the addition of a scheme to the Capital Programme not originally included or on a reserve list;
- g) involve the making of a Compulsory Purchase Order;
- h) involve the approval of Service Improvement Plans.

5.1.9.3 Authority to Identify Key Decisions

Deciding which matters constitute Key Decisions will be a matter for the relevant lead Officer to determine in consultation with the relevant Executive Member, having regard to the advice of the Monitoring Officer and Chief Finance Officer as appropriate.

5.1.9.4 Limit on Executive Authority to Incur Expenditure

The Executive may incur expenditure on individual contracts up to a maximum of £5m per annum (subject to a cumulative value of £25m over the life of the contract) and on individual capital schemes up to a maximum of £15m, subject to such expenditure being within Council approved budgets. Expenditure above these limits must be approved by Council.

5.1.9.5 Decisions Outside the Executive's Authority

The Executive may make any decision which falls within its delegated powers as approved by the Council. However, the Executive shall report and/or make recommendations on:-

- a) any proposals for a change in policy;
- b) any proposals for a significant change in Council strategy which has a bearing on the economic, social or environmental wellbeing of the community;

Such decisions will not be made unless reports have been made available to the public at least five days in advance.

5.1.9.6 Procedure Rules for Taking Key Decisions

A decision-taker may only take a Key Decision in accordance with the requirements of the Executive and Access to Information Rules set out in [Chapters 5.4](#) and 3.2 of this Constitution.

5.1.10 Development of the Budget and Policy Framework

The Executive shall be responsible for:

- a) the development of Council policies or review of existing policies, making recommendations to the Council in respect of policies comprising the Policy Framework (see Chapter 4.1);
- b) developing proposals for a significant change in Council Strategy which has a bearing on the economic, social or environmental wellbeing of the community;
- c) the preparation of documents which together make up the annual Budget for recommendation to Council;
- d) the preparation, monitoring and review of the Capital Programme, Capital Strategy and Asset Management Plan, for recommendation to Council;
- e) making recommendations to Council in respect of items which are contrary to, or not wholly in accordance with, the Budget and Policy Framework, or outside the financial limits set out in [Rules 5.1.9.1](#) and [5.1.9.2](#).
- f) the implementation and monitoring of Treasury Management Policies and practices

5.1.11 Consideration of Other Matters Referred to the Executive

The Executive shall be responsible for:

- a) taking decisions on matters relating to Executive functions referred to it by Officers or at a Member of the Executive's discretion;

- b) approving the level of discretionary fees and charges to be levied in any financial year;
- c) promoting the image and identity of the Council and effective working relations with a wide range of public and private partners;
- d) approving for publication a Forward Programme of Executive business, comprising at least four months work and to be published at least one month in advance of the start of the period the programme covers;
- e) taking the lead role in reviewing and implementing action in respect of the performance of all Council services;
- f) considering reports from the Overview and Scrutiny Committees;
- g) receiving quarterly reports monitoring the Council's budgets.

CHAPTER 5.2 – THE EXECUTIVE - COMPOSITION AND AREAS OF RESPONSIBILITY

5.2.1 Current Membership

The Executive will consist of the Leader of the Council together with those Councillors as stated below:

Currently, neither the Leader nor members of the Executive have any onward limits on delegations.

The Executive for the 2023/24 Municipal Year consists of the following Members:

Councillor	Portfolio
Stephen Conway	Leader of the Council and Housing
Prue Bray	Deputy Leader and Executive Member for Children's Services
David Cornish	Executive Member for Business and Economic Development
Lindsay Ferris	Executive Member for Planning and Local Plan
Paul Fishwick	Executive Member for Active Travel, Transport and Highways
David Hare	Executive Member for Health & Wellbeing and Adult Services
Sarah Kerr	Executive Member for Climate Emergency and Resident Services
Ian Shenton	Executive Member for Environment, Sport and Leisure
Imogen Shepherd-Dubey	Executive Member for Finance
Rachel Bishop-Firth	Executive Member for Equalities, Inclusion and Fighting Poverty

Further details of each Executive Member's area of responsibility can be found within this chapter. Details of each Executive Member's address and ward information can be found on the Council's [website](#)

5.2.2 Executive Delegation Arrangement

The Scheme of Delegation as set out below is designed to enable efficient and effective decision making.

5.2.2.1

Determination of whether or not any matter lies within the delegated powers of the Executive shall rest solely with the Chief Executive or in his/her absence the appropriate Director:

- a) delegated powers shall be exercisable only in accordance with approved policies of the Council, except that when a Committee (i.e. Licensing and Appeals or Planning) is acting in a quasi-judicial capacity, regard shall be taken of the approved policies of the Council but each matter must be determined on its merits;

- b) in exercising delegated powers, except as provided in Financial Regulations, the Executive shall not incur expenditure other than for which provision has been made in the approved budget for the relevant financial year;
- c) delegated powers include the power to institute legal action and/or proceedings as necessary to effect the discharge or regulation of the function.

5.2.3 Matters Reserved Solely To The Council

The following matters are reserved solely to the Council and any decisions by the Executive or the Overview and Scrutiny Committees regarding any of the matters set out below shall be submitted as recommendations or stand referred to the Council for decision:

- a) adopting the Constitution and subsequent changes to it;
- b) adopting the local authority's Code of Conduct;
- c) agreeing the local authority's Policy Framework and Budget;
- d) taking decisions in respect of functions which are not the responsibility of the Executive;
- e) taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees, Sub-committees or Officers;
- f) making appointments to Committees, negotiating forums with staff and trades unions and the Standards Committee;
- g) making appointments to the Executive where executive arrangements in the Constitution so provide;
- h) confirming the appointment of the Head of Paid Service.

5.2.4 Scheme of Delegation to The Executive

Subject to the general reservation of powers to the Council, the Terms of Reference of the Executive shall be as follows and it shall have delegated authority to exercise and perform the Powers and Duties of the Council in relation to the following functions.

5.2.4.1 Financial Responsibilities:

- a) to recommend to the Council the overall Budget and the level of Council Tax;
- b) to identify issues, which represent a major change in financial policy for reference to the Council;
- c) to recommend to the Council the allocation of resources to service areas;
- d) to approve the level of discretionary fees and charges to be levied in any financial year;

- e) to recommend approval of the Capital Programme and Capital Strategy to the Council.

5.2.4.2 Policy Formulation and Development

- a) to exercise overall responsibility for the corporate working of the Council and its performance including areas allocated to specific Executive Member portfolios;
- b) to consider any amendments to the Council's Vision, Values and corporate or service objectives;
- c) to consider matters relating to the Council's image, profile and reputation;
- d) to commission and consider reports on consultation with residents and partner agencies;
- e) to be responsible for the community planning process and the action resulting from it;
- e) to be responsible for business planning throughout the Council ensuring that service and financial planning are integrated;
- f) to approve service plans;
- g) to consider and make recommendations to the Council on all statutory plans and others which must, according to the Constitution, be approved by the Council;
- h) to approve Service Improvement Plans and implement and monitor actions;
- i) to be responsible for performance management, monitoring and evaluation;
- j) to determine and agree proposals for the market testing and/or outsourcing of services.

5.2.4.3 Procedural Matters

To recommend to the Constitution Review Working Group on the making, revocation or modification of Rules of Procedure, Terms of Reference, Financial Regulations and Procurement and Contract Regulations and Delegated Powers.

5.2.5 General Responsibilities of Executive Members

5.2.5.1

As directed by the Executive, to be the Lead Member for the development and implementation of key projects and plans within their remit.

5.2.5.2

To ensure that appropriate reports are brought to the Executive to:

- a) monitor and evaluate progress on key projects;
- b) monitor and evaluate performance of services within their remit;

- c) consider service improvement plans.

5.2.5.3

To attend meetings of the Overview and Scrutiny Management Committee and its Committees as reasonably required.

5.2.5.4

To foster good working relations with the Chief Executive and Directors where issues cover more than one service area to foster collaborative working.

5.2.5.5

To hold the Chief Executive and Directors to account for the performance of the Council's departments and the execution of the Council's policies.

5.2.5.6

To ensure oversight and sign-off of draft reports and papers within Executive Members' portfolios.

5.2.5.7

To engender good working relations with external partners, involving those partners in decision making wherever appropriate.

5.2.5.8

To seek to implement the corporate policies of the Council, integrating the Council's overall objectives into the work falling within their remit.

5.2.5.9

To oversee the production of service plans, ensuring that service and financial planning are integrated.

5.2.5.10

To oversee and agree consultation arrangements with residents, service users and other stakeholders on major projects falling within their remit.

5.2.5.11

To seek to ensure that the highest standards of probity are achieved in the work covered by their remit.

5.2.5.12

To seek to ensure that policies and strategies meet the needs of all residents/service users and that minority groups are not excluded from participating in Council activities or accessing Council services.

5.2.5.13

To be the point of contact for all press enquiries relating to areas covered by their portfolio.

5.2.5.14

To be responsible for mentoring, supporting and developing their Deputy Executive Members if any are appointed.

5.2.5.15

To establish, monitor and report monthly on high level performance indicators.

5.2.5.16

To seek to implement the Council's climate change policies, integrating consideration of climate change into the work falling within their remit.

Specific Responsibilities of Executive Members

5.2.6 Leader of The Council and Executive Member for Housing

5.2.6.1

To take responsibility and provide leadership for all the Council's activities.

5.2.6.2

To appoint up to nine members of the Executive and Deputy Executive members as required (appointments to be on an annual basis).

5.2.6.3

To make all other appointments as required.

5.2.6.4

To make changes to the composition of the Executive within the municipal year as necessary.

5.2.6.5

To make changes and reallocations in the responsibilities of Executive and Deputy Executive Members within the municipal year as necessary.

5.2.6.6

To give specific responsibilities, targets, strategies and objectives to Executive Members, monitor their performance and make changes as necessary.

5.2.6.7

To present to the Executive the Forward Programme of Executive business covering no less than four months.

5.2.6.8

To ensure that the Forward Programme is updated monthly in accordance with statutory requirements.

5.2.6.9

To oversee and be responsible for policy co-ordination and strategy and for the preparation of the Council's Corporate Strategy and Plan and its enumeration in the medium term financial plan, for both the development of future Corporate Strategy and the operationalising and delivery of the current strategy as set out in the Corporate Delivery Plan, across the Council. To be responsible for the development, analysis and interpretation of both internal and external Insights that will enable the Council to make informed decisions for the delivery and continued relevance of the strategy to the residents and businesses across Wokingham Borough.

5.2.6.10

To work with the Chief Executive, Directors, Assistant Directors, staff, Executive (and Deputy Executive Members if appointed) to achieve the Council's Service Plans and meet the Council's financial targets.

5.2.6.11

To be responsible for overseeing the production of the service plans of the Communications Service.

5.2.6.12

To promote and oversee the Council's Communications and Marketing Strategy.

5.2.6.13

To seek to raise the profile of the Council in both a county, regional and national framework.

5.2.6.14

To lead on Member training and mentoring.

5.2.6.15

With the Chief Executive, to develop the Council's organisation and to take responsibility for approving it.

5.2.6.16

To ensure that there is an appropriate level of consultation, communication and participation by residents, community groups, businesses and public sector.

5.2.6.17

To chair the board of Wokingham Borough Council (Holdings) Limited and to oversee the operation of all Council owned companies and their subsidiaries by working with the Holding Company, and to be responsible for the Borough's housing companies in order to deliver the Council's ambition for the delivery of social housing and housing for residents on a median income and below to aspire to rent or buy.

5.2.6.18

To hold the Chief Executive to account for performance and implementation across the Council, including the actions of officers, whilst ensuring that, together with the Chief Executive, there is a healthy and productive relationship between Members and officers.

5.2.6.19

To hold regular meetings with the Chief Executive, Directors, and Assistant Directors to monitor their performance and the Council's overall performance.

5.2.6.20

To attend whatever meetings are being held in the Council as the Leader deems necessary in order to gain understanding of all that is taking place.

5.2.6.21

To oversee and work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.6.22

To oversee the work of the Council's Housing Services and ensure they are carried out efficiently and effectively.

5.2.6.23

To lead on the Commissioning Strategy for Housing.

5.2.6.24

To take responsibility for the development of new or revised Housing policies with due regard to corporate objectives, including equal opportunities and social inclusion.

5.2.6.25

To develop the Council's strategy for the delivery of housing to meet different demographic needs, including affordable housing schemes.

5.2.6.26

To develop a strategy to ensure the availability of sites for a pipeline to supply the Council's housing companies, including seeking external funding for development opportunities.

5.2.6.27

To take responsibility for overseeing the Affordable Housing Strategy and implementing the Council's statutory housing functions; including responsibility for the overall management of the housing stock.

5.2.6.28

To work with and advise the affordable housing Working Group as to requirements.

5.2.6.29

To take responsibility for the preparation for and implementation of agreed action plans from inspections including Housing Inspectorate reviews.

5.2.6.30

To be responsible for Tenant Services including monitoring liaison with tenants through discussion with the Council's representatives on the Tenant and Landlord Improvement Panel.

5.2.6.31

To ensure an effective communication and stakeholder engagement framework is built into each housing development scheme.

5.2.6.32

To take responsibility for overseeing the development of the contract procurement strategy within the Housing portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

5.2.6.33

To act as the primary press spokesperson on all matters relating to the whole of the Housing portfolio.

5.2.6.34

To lead on the relationship with Town and Parish Councils and other external partners.

5.2.6.35

To be responsible with the Executive Member for Finance for overseeing the Council's Asset Strategy regarding all Council owned property, to take a lead role in acquisition and/or disposal of assets in line with Council policies, and to advise other Members of Council policy and targets in respect of asset management.

5.2.6.36

To be responsible with the Executive Member for Finance for overseeing the Council's overall corporate contract procurement strategy, including ensuring corporate and consistent standards for procuring, monitoring and evaluating such contracts that take into account timeliness and value for money.

5.2.6.37

To deputise for Executive Members as and when required.

5.2.7 Executive Member for Business and Economic Development

5.2.7.1

To oversee and develop the Economic Development Strategy and build good working relationships with local businesses.

5.2.7.2

To lead on the Local Enterprise Partnership.

5.2.7.3

To lead on economic recovery within the Borough.

5.2.7.4

To act as the primary press spokesperson on all matters relating to the whole of the Business and Economic Development portfolio and matters relating to Regeneration.

5.2.7.5

To ensure that decisions and policies within the Business and Economic Development portfolio are in accordance with the Council's Equal Opportunities Policy.

5.2.7.6

To take responsibility for overseeing the development of the contract procurement strategy within the Business and Economic Development portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

5.2.7.7

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

5.2.7.8

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.8 Deputy Leader and Executive Member for Children's Services

5.2.8.1

To deputise for the Leader of the Council in all his or her responsibilities, undertake all the Leader's statutory functions in his/her absence, and deal with specific tasks allocated by the Leader.

5.2.8.2

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

5.2.8.3

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.8.4

To liaise with school governors, headteachers and other relevant stakeholders including teachers, parents and diocesan representatives, as well as with Government, and regional and national bodies.

5.2.8.5

To oversee the work of the Education Service and ensuring that it meets the needs of schools, colleges, academies, and other stakeholders and is provided efficiently and effectively.

5.2.8.6

To review the Council's Children's Services policies and strategies and advising the Executive, and where appropriate making recommendations to Council.

5.2.8.7

To take responsibility for overseeing transitional arrangements when children become adults, in conjunction with the Executive Member for Health, Wellbeing and Adult Services.

5.2.8.8

To ensure that schools are fully consulted on changes in policy and practice.

5.2.8.9

To ensure the continued work and development of the Council as a provider and commissioner of Early Years and Childcare services and children's centres.

5.2.8.10

To oversee the Council's youth service and activities and, as required, to represent the interests of the youth service on Children's Partnership Boards.

5.2.8.11

To be responsible for the planning and provision of school places and recommend changes in school organisation to the Council.

5.2.8.12

To establish or recommend the establishment of new and Re-sited Schools as appropriate.

5.2.8.13

To oversee the School Admission Process.

5.2.8.14

To oversee school improvement plans.

5.2.8.15

To oversee school development and refurbishment plans and their capital investments.

5.2.8.16

To be responsible for working with academies and free schools in the Borough.

5.2.8.17

To oversee the production of all statutory and service plans within the remit of the service.

5.2.8.18

To take responsibility for overseeing and preparing for inspections and reviews.

5.2.8.19

To report on evaluation and review of services as necessary.

5.2.8.20

To work closely with all relevant service areas to ensure the most cost effective home to school transport is provided.

5.2.8.21

To lead on the implementation of school development and delivery of the 0-16 school places sufficiency duty, as well as strategies including sufficiency of child-care places and post-16 places.

5.2.8.22

To ensure a fully costed model of traded and support services to schools, colleges, academies and free schools is delivered.

5.2.8.23

To act as the primary press spokesperson on all matters relating to the whole of the Children's Services portfolio.

5.2.8.24

To set the policy direction for all aspects of Children's Services based on best evidence.

5.2.8.25

To undertake the statutory responsibility for Children's Services and Safeguarding, including early help and protection, children in care, care leavers, adoption and fostering, youth offending services, and services for children and young adults with disability.

5.2.8.26

To work collaboratively with the Executive Member for Health, Wellbeing and Adult Services to ensure the needs of young people, and children and young adults with disabilities and/or with their families are met.

5.2.8.27

To hold the Director of Children's Services, Assistant Directors, and managers to account for the performance and improvement of the services and sufficiency duties.

5.2.8.28

To champion children-in-care leavers' needs and ensure that the importance of their wellbeing and educational attainment is recognised and owned across the whole Council and by all elected Members and Officers.

5.2.8.29

To oversee the Council's role in lifelong learning and playing a full part in the work of the Lifelong Learning Partnership.

5.2.8.30

To set strategic direction for the adult education offer.

5.2.8.31

To attend meetings of the Local Safeguarding Board.

5.2.8.32

To work with the relevant Directors, the Leader and the Executive Member for Finance to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.

5.2.8.33

To ensure there is regular performance monitoring with directors against the agreed annual budget.

5.2.8.34

To ensure timely reporting of both over and under spend against agreed budget.

5.2.8.35

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

5.2.8.36

To take overall responsibility for all financial matters within the portfolio.

5.2.8.37

To take responsibility for overseeing the development of the contract procurement strategy within the Children's Services portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

5.2.8.38

To take on or transfer any other function, responsibility, or role which the Leader may deem from time to time appropriate.

5.2.8.39

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.9 Executive Member for Climate Emergency and Resident Services

5.2.9.1

To oversee and develop the Council's approach to climate issues, including energy efficiency and the management of a Carbon Reduction Plan.

5.2.9.2

To develop, in conjunction with other Executive Members and Directors, the Council's approach to setting the strategy for playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030.

5.2.9.3

To take the lead in ensuring the carbon neutrality strategy is continuously developed and the elements within it are achieved.

5.2.9.4

To take the lead in developing solar farms and other forms of renewable energy in the Borough.

5.2.9.5

To work with the Executive member for the Environment, Sport, and Leisure to develop a coherent long-term strategy for waste collection and recycling in order to achieve 70% recycling, increasing recyclables whilst at the same time maintaining the budget envelope.

5.2.9.6

To work with the Executive member for Highways and Transport to ensure that electric vehicle charging points are available and increasing.

5.2.9.7

To develop a daily information base for the Leader and Chief Executive on residents' concerns and queries.

5.2.9.8

To be responsible for developing the Council's E-government strategy and for meeting government targets for electronic delivery of services.

5.2.9.9

To be responsible for advising the Executive on the development and performance of Customer Services.

5.2.9.10

To work with the relevant Directors and the Executive Member for Housing to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.

5.2.9.11

To ensure there is regular performance monitoring with directors against the agreed annual budget.

5.2.9.12

To ensure timely reporting of both over and under spend against agreed budget.

5.2.9.13

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

5.2.9.14

To take overall responsibility for all financial matters within the portfolio.

5.2.9.15

To take responsibility for overseeing the development of the contract procurement strategy within Climate Emergency and Resident Services portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

5.2.9.16

To develop the arts and culture strategy of the Council and to oversee its implementation.

5.2.9.17

To be responsible for overseeing the Council's IT function and re-design of the website

5.2.9.18

To provide management direction for the following services areas; Libraries and Registrars.

5.2.9.19

To develop and manage the Council's approach to domestic violence.

5.2.9.20

To act as the primary press spokesperson on all matters relating to the whole of the Climate and Resident Services portfolio.

5.2.9.21

To take on or transfer any other function, responsibility, or role which the Leader may deem from time to time appropriate.

5.2.9.22

To work with Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.10 Executive Member for Environment, Sport, and Leisure

5.2.10.1

To be the primary lead on the work of the Environment Service and all the Council's environmental functions within that service.

5.2.10.2

To provide management direction for the following services areas; Community Environmental, Community Safety Partnerships (CSP) and Public Protection.

5.2.10.3

To oversee waste collection and recycling services, in conjunctions with the Executive member for Climate Emergency and Resident Services to develop a coherent long-term

strategy for waste collection and recycling in order to achieve 70% recycling, increasing recyclables whilst at the same time maintaining the budget envelope.

5.2.10.4

To ensure that all enforcement functions across the council and partners are joined up to deliver the most effective outcomes for the residents of Wokingham Borough.

5.2.10.5

To develop and manage the Council's approach to antisocial behaviour.

5.2.10.6

To represent the Council on the Re3 Joint Waste Disposal Board with a view to getting the best value for money for the Borough's residents and increasing the recyclables.

5.2.10.7

To ensure that the staff organisation is correct so as to fully exploit the opportunities for recycling and waste collection, whilst achieving the highest levels of resident satisfaction.

5.2.10.8

To oversee appropriate open space, country parks, SANG and playground provision and maintenance.

5.2.10.9

To oversee the development of new country parks in accordance with the Core Strategy.

5.2.10.10

To oversee the Leisure and Sports Development strategies and to maintain the Borough's position as the Healthiest local Authority.

5.2.10.11

To oversee the Public Rights of Way function, including Greenways. To ensure the Council is represented on the Local Access Forum and undertakes liaison with local interest groups.

5.2.10.12

To oversee and lead in the development and maintenance of play areas.

5.2.10.13

To oversee and lead in tree maintenance on Council land, Countryside services, grounds maintenance and street cleansing.

5.2.10.14

To take responsibility for monitoring gully and pavement maintenance plans.

5.2.10.15

To discharge the Council's functions in respect of community resilience and be responsible for advising the Executive in relation to such issues.

5.2.10.16

To assist the Executive Member for Climate Emergency and Resident Services in the Council's approach to climate issues, including energy efficiency and the management of a Carbon Reduction Plan.

5.2.10.17

To act as the primary press spokesperson on all matters relating to the Environment, Sport and Leisure portfolio.

5.2.10.18

To work with the relevant Directors and the Executive Member for Finance to produce a 3-year rolling budget with the emphasis on the first 12 months which adequately cover the costs within the Executive Member's areas of responsibility.

5.2.10.19

To ensure there is regular performance monitoring with directors against the agreed annual budget.

5.2.10.20

To ensure timely reporting of both over and under spend against agreed budget.

5.2.10.21

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

5.2.10.22

To take overall responsibility for all financial matters within the portfolio.

5.2.10.23

To take responsibility for overseeing the development of the contract procurement strategy within the Environment, Sport and Leisure portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

5.2.10.24

To develop and manage the Council's approach to:

- Anti Social Behaviour
- Community Safety
- Crime Reduction
- Prevent

5.2.10.25

To take the lead in reducing single use plastics within Wokingham Borough.

5.2.10.26

To oversee the Council's Tree Policy with the Executive Member for Planning and Local Plan and to work with the Executive Member for Planning and Local Plan to ensure that 300,000 trees are planted in the Borough with a coherent maintenance plan for their development.

5.2.10.27

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

5.2.10.28

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.10.29

To identify the areas in the Borough where air quality is poor, measure it, create a strategy for improving it and monitor performance.

5.2.11 Executive Member for Health, Wellbeing and Adult Services

5.2.11.1

To oversee the work of the Council's Adult Social Care and ensure they are carried out efficiently and effectively.

5.2.11.2

To be the Executive Member responsible for:

- a) overseeing the production of all statutory and service plans within the remit of the service;
- b) joint working with health organisations and the voluntary sector;
- c) taking forward the Council's Better Government for Older People's Strategy;
- d) preparation for and implementation of agreed action plans from inspections including joint reviews and CQC reviews;
- e) developing a range of partnerships and initiatives in liaison with community groups, e.g., the Carers' Strategy.

5.2.11.3

To be responsible for the development of new or revised Adult Social Services policies with due regard to corporate objectives, including equal opportunities and social inclusion.

5.2.11.4

To advise the Council on forthcoming developments in the Health Legislation including Public Health responsibilities.

5.2.11.5

To oversee the production and development of the Council's future strategy for Social Care.

5.2.11.6

To be responsible for overseeing Optalis, the Council's Social Care Company from a service commissioning perspective.

5.2.11.7

To represent the Council as determined by the Executive on outside bodies and in discussions/negotiations with regional, national and government bodies.

5.2.11.8

To lead on the Commissioning Strategy for Adult Social Care and Health.

5.2.11.9

Responsible for overseeing transitional arrangements when children become adults, in conjunction with the Executive Member for Children's Services.

5.2.11.10

To work collaboratively with the Executive Members for Children's Services and Finance and Housing to ensure the needs of young people, and children and young adults with disabilities and/or with their families are met.

5.2.11.11

To ensure that decisions and policies within the Adult Social Care, Health and Wellbeing portfolio are in accordance with the Council's Equal Opportunities Policy.

5.2.11.12

To hold the Director of Adult Services to account for the performance and improvement of the services and sufficiency duties.

5.2.11.13

To lead on engagement with the community and voluntary sector.

5.2.11.14

To act as the primary press spokesperson on all matters relating to the whole of the Adult Social Care, Health and Wellbeing.

5.2.11.15

To work with the relevant Directors and the Executive Member for Finance and Housing to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.

5.2.11.16

To ensure there is regular performance monitoring with directors against the agreed annual budget.

5.2.11.17

To ensure timely reporting of both over and under spend against agreed budget.

5.2.11.18

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

5.2.11.19

To take overall responsibility for all financial matters within the portfolio.

5.2.11.20

To take responsibility for overseeing the development of the contract procurement strategy within the Health, Wellbeing and Adult Services portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

5.2.11.21

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

5.2.11.22

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.12 Executive Member for Active Travel, Transport and Highways

5.2.12.1

To take responsibility for monitoring highway maintenance plans, including street scene and signage, and winter road maintenance plan.

5.2.12.2

To minimise congestion through street works through the full implementation of the Street Works permit scheme and ensuring that road works are done at night.

5.2.12.3

To develop and implement the Council's congestion and intelligent traffic scheme strategies.

5.2.12.4

To re-establish a Highways Department and ensure the appointment of a director or assistant director of highways.

5.2.12.5

To oversee the production of a Community, School and Subsidised Transport Strategy in conjunction with other members of the Executive, including park and ride services, bus service provision, concessionary fares, and ticketing policy. To procure the best possible services for residents and service users.

5.2.12.6

To represent the Council, as determined by the Executive, on outside bodies and in discussions/negotiations with regional, national and government bodies.

5.2.12.7

To take responsibility for parking policy, implementation, and management, including, but not limited to, keeping under review Civil Parking Enforcement, Traffic Regulation Orders and residents' parking permits.

5.2.12.8

To liaise with the Executive Member for Business and Economic Development to jointly resolve Highways issues that indirectly affect the regeneration of Wokingham Town Centre.

5.2.12.9

To liaise with the train operating companies, Network Rail, and aviation bodies on strategic planning.

5.2.12.10

To draft responses to rail and aviation consultations.

5.2.12.11

To lead on developing access to railway stations.

5.2.12.12

To lead on surface access to airports.

5.2.12.13

To act as the Wokingham Borough Council representative on relevant rail and air transport bodies.

5.2.12.14

To oversee the production of the Council's Local Transport Plan.

5.2.12.15

To work closely with all relevant service areas to ensure the most cost effective home to school transport is provided.

5.2.12.16

To act as the primary press spokesperson on all matters relating to the whole of the Highways and Transport portfolio.

5.2.12.17

To oversee the production of all statutory and service plans within the remit of Highways and Transportation Services, and to recommend to the Executive new or amended policies in respect to these services. To advise the Executive in relation to operational highways and transport policies and programmes.

5.2.12.18

To take responsibility for Strategic Highways Planning issues, overseeing the production and implementation of the Council's Highways Infrastructure Strategy.

5.2.12.19

To work with the relevant Directors and the Executive Member for Finance to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.

5.2.12.20

To ensure there is regular performance monitoring with directors against the agreed annual budget.

5.2.12.21

To ensure timely reporting of both over and under spend against agreed budget.

5.2.12.22

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

5.2.12.23

To take overall responsibility for all financial matters within the portfolio.

5.2.12.24

To take responsibility for overseeing the development of the contract procurement strategy within the Active Travel, Transport and Highways portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

5.2.12.25

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

5.2.12.26

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.13 Executive Member for Planning and Local Plan

5.2.13.1

To take responsibility for Strategic Planning for the development areas of the Borough.

5.2.13.2

To oversee the production of all documents included within the development plan and supporting plans and guidance.

5.2.13.3

To oversee the production of all statutory and service plans within the remit of Planning, Planning Enforcement and Land Use. To recommend to the Executive new or amended policies in respect of these services.

5.2.13.4

To identify and address flooding and drainage problems within the Borough, and to oversee the production of a flooding and drainage strategy and the link this has to the Core Strategy.

5.2.13.5

To oversee the Council's Tree Policy with the Executive Member for Environment, Sport and Leisure and to work with the Executive Member for Environment, Sport and Leisure to ensure that 300,000 trees are planted in the Borough with a coherent maintenance plan for their development.

5.2.13.6

To be responsible for overseeing the Building Control functions.

5.2.13.7

To develop and oversee the implementation of a Minerals and Waste Plan.

5.2.13.8

To oversee the Council's strategic planning approach to gypsies and travellers.

5.2.13.9

To develop rural housing and build a structure for applications to be undertaken and fulfilled.

5.2.13.10

To oversee Planning and Development consultations.

5.2.13.11

To oversee S106, CIL and any other developer contributions.

5.2.13.12

To ensure high-quality and effective delivery of planning permissions that have been granted, ensuring compliance with planning conditions and utilising enforcement where necessary.

5.2.13.13

To provide oversight of developments to ensure a minimum of disruption and inconvenience to residents, businesses, and those using private and public transport.

5.2.13.14

To ensure delivery of the adopted development plan, including monitoring the housing land supply.

5.2.13.15

To represent the Council as determined by the Executive on outside bodies and in discussions/negotiations with regional, national and government bodies.

5.2.13.16

To hold the Director of Place and Growth to account for the performance and improvement of the services and sufficiency duties.

5.2.13.17

To act as the primary press spokesperson on all matters relating to the whole of the Planning and Enforcement portfolio.

5.2.13.18

To work with the relevant Directors and the Executive Member for Finance to produce a 3-year rolling budget with the emphasis on the first 12 months which adequately cover the costs within the Executive Member's areas of responsibility.

5.2.13.19

To ensure there is regular performance monitoring with directors against the agreed annual budget.

5.2.13.20

To ensure timely reporting of both over and under spend against agreed budget.

5.2.13.21

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

5.2.13.22

To take overall responsibility for all financial matters within the portfolio.

5.2.13.23

To take responsibility for overseeing the development of the contract procurement strategy within the Planning and Local Plan portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

5.2.13.24

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

5.2.13.25

To oversee all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.14 Executive Member for Finance

5.2.14.1

To be responsible for overseeing the preparation of the Council's three year rolling budget and its presentation to Council.

5.2.14.2

To act as the Member coordinator for:

- a) monitoring of the Council's budget in line with policy decisions;
- b) ensuring appropriate financial information is brought to the Executive for decision.

5.2.14.3

To oversee the production of the Council's budget timetable.

5.2.14.4

To oversee the workings of the Council's finance functions, advising the Internal Audit and Investigations Service as appropriate and making appropriate recommendations to the Executive on improvements.

5.2.14.5

To oversee the production of the Council's annual review of fees and charges and the development of policy in this respect.

5.2.14.6

To oversee the preparations for setting the Council Tax.

5.2.14.7

To be responsible for the production and presentation to the Executive of the Council's Capital Strategy and three/five year Capital Programme, and for monitoring and evaluating performance against targets set by the Executive.

5.2.14.8

To monitor the financial impact of the organisational development of the Council including any structural changes or initiatives.

5.2.14.9

To be responsible for the financial monitoring of WBC-owned companies.

5.2.14.10

To be responsible for overseeing and monitoring the Treasury Management Strategy and alerting the Executive to issues of concern.

5.2.14.11

To be responsible for monitoring and ensuring the effective implementation of the Council's Revenues and Benefits function, including any new processes or initiatives.

5.2.14.12

To be responsible for monitoring the Council's Procurement function.

5.2.14.13

To take responsibility for overseeing the delivery of planned savings.

5.2.14.14

To oversee the Governance department including Legal Services, Internal Audit and Democratic and Electoral Services), and to ensure that services to Members from those areas are kept under review and that Members are provided with all the services they reasonably need.

5.2.14.15

To hold the Director of Resources and Assets to account for the performance and improvement of the services and sufficiency duties.

5.2.14.16

To act as the primary press spokesperson on all matters relating to the whole of the Finance.

5.2.14.17

To oversee the projects relating to the regeneration of the Borough's Town Centres and other related projects across the Borough, including the Wokingham Town Centre Regeneration.

5.2.14.18

To work with the relevant Directors to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.

5.2.14.19

To ensure there is regular performance monitoring with directors against the agreed annual budget.

5.2.14.20

To ensure timely reporting of both over and under spend against agreed budget.

5.2.14.21

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

5.2.14.22

To take overall responsibility for all financial matters within the portfolio.

5.2.14.23

To take responsibility for overseeing the development of the contract procurement strategy within the Finance portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

5.2.14.24

To oversee the implementation of the Council's Investment Strategy, including oversight of the Council's Investment Portfolio, in conjunction with the Leader.

5.2.14.25

To be responsible with the Leader for overseeing the Council's Asset Strategy regarding all Council owned property, to take a lead role in acquisition and/or disposal of assets in line with Council policies, and to advise other Members of Council policy and targets in respect of asset management.

5.2.14.26

To oversee the development and implementation of the Council's Lettings Strategy, including the Town Centre Regeneration Lettings Strategy, in consultation with the Leader of the Council, and the Executive Member for Business and Economic Development

5.2.14.27

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

5.2.14.28

To work with all Executive Members to develop the Council's external funding strategy to maximise income from Government and other sources.

5.2.14.29

To be responsible with the Leader for overseeing the Council's overall corporate contract procurement strategy, including ensuring corporate and consistent standards for procuring, monitoring and evaluating such contracts that take into account timeliness and value for money.

5.2.15 Executive Member for Equalities, Inclusion and Fighting Poverty

5.2.15.1

To oversee and take responsibility for the development of the Council's policy and strategic response to both Poverty and Equalities within the Borough. This will include their drafting, stakeholder engagement and buy-in, and gaining approval of the Council's Executive.

5.2.15.2

To develop and implement the Council's human resources strategy, to ensure that all employees have performance objectives and targets, career development plans and appraisals.

5.2.15.3

To oversee all aspects of the Council's human resources function, including oversight of proposed reports for the Personnel Board at draft stage, making recommendations for the improvement of the service.

5.2.15.4

To provide management direction for Community Engagement with all communities.

5.2.15.5

To increase the profile of the service teams in the community, working in conjunction with the Voluntary Sector, Town and Parish Councils and wider stakeholders.

5.2.15.6

To create a sense of shared purpose and vision with our Town and Parish councils, delivering a strong partnership approach to community and funding problems.

5.2.15.7

To optimise all income streams across the service identifying further monetisation opportunities to support the Councils support of the community and customer requirements.

5.2.15.8

To aid in managing, motivating, developing, coaching and appraising team members to maximise their individual and collective performance, fulfil their potential, embedding personal development to deliver a high-performance culture within the service(s).

5.2.15.9

To act as the primary press spokesperson on all matters relating to the whole of the Equalities, Inclusion and Fighting Poverty portfolio.

5.2.15.10

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

5.2.15.11

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

5.2.15.12

To take responsibility for overseeing the development of the contract procurement strategy within the Equalities, Inclusion and Fighting Poverty portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

CHAPTER 5.3 – DEPUTY EXECUTIVE MEMBERS

No Deputy Executive Members have been appointed for the 2022/23 Municipal Year.

CHAPTER 5.4 - EXECUTIVE PROCEDURE RULES

5.4.1 Function and Composition of the Executive

- a) The Executive (meaning the Leader and such Members as the Leader may appoint) is the part of the Council which is responsible for making all decisions within the approved Budget and Policy Framework as approved by Council. The Terms of Reference of the Executive and the responsibilities of Executive Members can be found in [Chapters 5.1](#) and [5.2](#);
- b) The Leader will be chosen from the membership of the Council and will be appointed at the relevant Annual Meeting of the Council.
- c) The Leader will appoint an Executive of at least two but no more than nine Members and will decide on the delegations to be made to them and the scope of their respective portfolios, deputising arrangements and the Scheme of Delegation to Officers (Chapter 11.3). The Leader has the right to remove any Executive Member from his or her position.
- d) The Leader must appoint one of his or her appointed Executive to act as Deputy Leader of the Council and make any other Executive appointments required by law.
- e) The Leader will chair Executive meetings and the Deputy Leader will act as the Vice Chairman in his or her absence.
- f) The Executive cannot include the Mayor or Deputy Mayor and Members of the Executive cannot be members of the Council's Overview and Scrutiny Committees or the Audit Committee but may be members of any Working Groups or other Committees and Sub-Committees of the Council.

5.4.1.1 Who May Make Executive Decisions?

Executive functions may be discharged by:-

- a) the Executive as a whole;
- b) a Committee of the Executive;
- c) an individual member of the Executive;
- d) an Officer (as set out in Chapter 11.3);
- e) joint arrangements; or
- f) another local authority.

5.4.2 Delegation by the Leader

At the Annual meeting of the Council, the Leader will inform the Council in writing of delegations made by him or her for inclusion in the Council's scheme of delegation at [Chapter 5.2](#) to this Constitution.

The document presented by the Leader will be for Council to note and will contain the following information about Executive functions in relation to the coming year:-

- a) the names, addresses and Wards of the people appointed to the Executive by the Leader;
- b) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;
- c) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Executive Members appointed to them;
- d) the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year; and
- e) the nature and extent of any delegation to Officers, over and above those already included in the Scheme of Delegation (Chapter 11.3), with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

Changes to the portfolios and other delegations during the year may be made by the Leader during his or her statement to Council agenda item. Any changes to portfolios and delegations will take effect on the day after the relevant Council meeting.

5.4.3 Sub-delegation of Executive Functions

- a) Where the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may, unless the Leader directs otherwise, delegate further to an Area Committee, joint arrangements or an Officer.
- b) Unless the Leader directs otherwise, a Committee of the Executive or individual Member of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.
- c) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated or by the Leader him/herself who retains the authority to make any Executive decision.

5.4.4 Decisions by Individual Members of the Executive

- a) Where an individual Member of the Executive 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 the publicity requirements set out in [Rule 5.4.10](#) have been complied with.
- b) Copies of any such reports will be sent to the Members of the relevant Overview and Scrutiny Committees if appropriate and the Leader of the Opposition. Any Member can request copies of any reports. Members of the public will be entitled to view copies of reports in accordance with the Access to Information Procedure Rules (Chapter 3.2).

- c) After each decision has been taken, the Executive Member, Director, or nominated Officer, will finalise and sign a Decision Sheet. The Decision Sheet shall contain a record of the decision, including the date it was made, a statement of the reasons for it and any alternative options considered and rejected. The Decision Sheet will then be circulated to all Members of the Council and made available for public inspection as soon as reasonably practicable. The provisions of Rules 3.2.7 and 3.2.8 of the Access to Information Procedure Rules (Chapter 3.2) relating to access to minutes and background papers will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information.
- d) Further information relating to the protocol for Decision Making by Individual Members of the Executive can be found at [Chapter 5.5](#).

5.4.5 Executive Decisions Taken by Officers

Where an Officer has made a decision which is an Executive decision the Officer must, as soon as reasonably practicable, produce a written statement which must include:

- a) a record of the decision including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the Officer when making the decision;
- d) a record of any conflict of interest declared by any Executive Member who was consulted by the Officer which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

5.4.6 The Council's Scheme of Delegation and Executive Functions

- a) Subject to b) below the Council's scheme of delegation will be subject to adoption by the Council as part of its Constitution and may only be amended by the Council, except that the Chief Executive, in consultation with the Leader of the Council, is authorised to make in-year changes to the Scheme of Delegation to Officers to enable all Directors to authorise Council Officers to carry out duties in pursuance of new legislation, such power not to be exercised to carry out functions not in accordance with Council policy.

The Scheme of Delegation to Officers sets out the extent to which the functions and duties of the Council are delegated to the Council's Officers to carry out, the conditions and principles by which such authority will be exercised and limitations to it. (See Chapter 11.3.)

- b) If the Leader has authority to decide whether to delegate Executive functions, he/she may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Proper Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and

whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader in order that, if agreed, they can be incorporated into the Scheme of Delegation.

- c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.

5.4.7 Conflicts of Interest

- a) Where a Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter 9.2 of this Constitution.
- b) If Members of the Executive have a conflict of interest, which is likely to result in the meeting not being quorate, dispensation can be granted by the Head of Paid Service.
- c) If the exercise of an Executive function has been delegated to a Committee of the Executive, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Chapter 9.2 of this Constitution.

5.4.8 The Forward Programme

A Forward Programme of Executive business, covering a period of at least four months, will be published at least 28 clear days before a Key Decision is made. The Forward Programme will be agreed by the Leader, or in his absence by the Deputy Leader, each month and a copy will be provided to all Members and published on the Council's website. The Forward Programme will meet the requirements of the 28 day "notice" as set out in the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

5.4.9 Contents of Forward Programme

The Forward Programme will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Executive, a Committee of the Executive, individual Members of the Executive, Officers or under joint arrangements in the course of the discharge of an Executive function during the period covered by the programme. 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) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;

- e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- f) that other documents relevant to those matters may be submitted to the decision maker; and
- g) the procedure for requesting details of those documents (if any) as they become available.

5.4.10 Application of Access to Information Procedure Rules to the Executive

If the Executive or its Committees meet to take a Key Decision then it must also comply with the Access to Information Procedure Rules (Chapter 3.2) unless [Rule 5.4.12](#) (general exception) or [Rule 5.4.13](#) (special urgency) apply. A Key Decision is as defined in [Rule 5.1.9](#) of this Constitution.

If the Executive or its Committees meet to discuss a Key Decision to be taken collectively, with an Officer other than a political assistant present, within 28 days of the date according to the Forward Programme by which it is to be decided, then it must also comply with the Access to Information Procedure Rules (Chapter 3.2) unless [Rule 5.4.12](#) (general exception) or [Rule 5.4.13](#) (special urgency) apply. This requirement does not include meetings, whose sole purpose is for Officers to brief Members.

5.4.11 Procedure Before Taking Key Decisions

Subject to [Rule 5.4.12](#) (general exception) and [Rule 5.4.13](#) (special urgency) below, a Key Decision may not be taken unless it is included in the Forward Programme, in accordance with [Rule 5.4.8](#), and has been published at least 28 clear days before the decision is made at the main Council Offices and on the Council's website.

5.4.12 General Exception

If a matter which is likely to be a Key Decision has not complied with [Rule 5.4.11](#), then subject to [Rule 5.4.13](#) (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 complied with [Rule 5.4.11](#);
- b) the Proper Officer has informed the Chairman of the Overview and Scrutiny Management Committee, or if there is no such person, each member of that Committee by notice in writing of the matter about which the decision is to be made;
- c) the Proper Officer has made copies of that notice available to the public at the main Council Offices and on the Council's website; and
- d) at least 5 clear days have elapsed following the day on which the Proper Officer complied with (b) and (c).

As soon as reasonably practicable following compliance with a)-d) above the Proper Officer must publish a notice setting out the reasons why compliance with [Rule 5.4.11](#) was impractical.

5.4.13 Cases of Special Urgency

If by virtue of the date by which a decision must be taken and [Rule 5.4.12](#) (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the relevant Overview and Scrutiny Committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no Chairman of the relevant Overview and Scrutiny Committee, or if the Chairman is unable to act, then the agreement of the Mayor or in his/her absence the Deputy Mayor will suffice.

As soon as reasonably practicable after the decision maker has obtained the relevant agreement a notice must be published stating the reasons why the matter is urgent and cannot reasonably be deferred.

5.4.14 Report to Council where the Key Decision Procedure has not been followed

If the Overview and Scrutiny Management Committee thinks that a Key Decision has been taken which was not:

- a) publicised in accordance with [Rule 5.4.11](#); or
- b) the subject of the general exception procedure under [Rule 5.4.12](#); or
- c) the subject of an agreement with the Chairman of the Overview and Scrutiny Management Committee or the Mayor/Deputy Mayor under [Rule 5.4.13](#);

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members of the Council. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Management Committee.

5.4.15 Executive Reports to Council

The Executive 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, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council must set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion.

5.4.16 Executive Reports on Special Urgency Decisions

In any event the Leader must submit quarterly reports to the Council containing details of any Executive decisions taken where the making of the decision was agreed as urgent in accordance with [Rule 5.4.13](#) in the preceding three months. The report must include details of each decision made, and a summary of the matters in respect of which those decisions were taken.

5.4.17 Record of Decisions

As soon as reasonably practicable after any meeting of the Executive, 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 which will be circulated to all Members of the Council and made

available for public inspection. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

5.4.18 Meetings of the Executive

The Leader of Council will preside at any meeting of the Executive or its Committees at which he/she is present, or may appoint another person to do so.

The Executive will meet in public, unless confidential or exempt information is to be discussed, and the Access to Information Rules contained in Chapter 3.2 of this Constitution set out the requirements covering public meetings, including who may attend Executive meetings. In addition any Member of the Council may attend but not speak. The principles of decision making set out in Chapter 1.4 will apply to meetings of the Executive.

5.4.19 Ordinary Meetings

Timing and Order of Business

With the exception of the months of April, August and December, the Executive will meet at times to be agreed by the Leader. Meetings will only be held in the months of April, August and December to deal with urgent items. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

At each ordinary meeting of the Executive the following business will be conducted:

- a) to nominate a person to preside if neither the Leader of the Council or the Deputy Leader are present;
- b) to approve the Minutes of the last meeting;
- c) to receive any apologies for absence;
- d) to receive any declarations of interest;
- e) to deal with any questions submitted by the public in accordance with [Rule 5.4.25](#);
- f) to deal with any questions submitted by Members in accordance with [Rule 5.4.36](#);
- g) to deal with any matters referred to the Executive (whether by the Overview and Scrutiny Committees or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Chapters 6.2 (Scrutiny) and 1.5 (Budget and Policy Framework) of this Constitution;
- h) consideration of reports from the Overview and Scrutiny Committees and;
- i) consideration of matters set out in the agenda for the meeting, which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure rules set out in Chapter 3.2 of this Constitution.

5.4.20 Extraordinary Meetings

Timing and Order of Business

Extraordinary meetings of the Executive may be called at any time by the Executive Leader, or in his/her absence, the Deputy Leader, or by the Chief Executive if he/she considers it necessary or appropriate. The business to be conducted at an extraordinary meeting of the Executive shall usually be a single item only and there shall be no consideration of previous minutes. Public and Member questions will only be accepted at an extraordinary meeting of the Executive if they relate to the item(s) due to be discussed at that meeting.

At each extraordinary meeting of the Executive the following business will be conducted:

- a) to elect a person to preside if neither the Executive Leader or the Deputy Leader are present;
- b) to receive any apologies for absence;
- c) to receive any declarations of interest;
- d) to deal with any questions submitted by the public in accordance with [Rule 5.4.25](#);
- e) to deal with any questions submitted by Members in accordance with [Rule 5.4.36](#);
- f) consideration of matters set out in the agenda.

Informal meetings of the Executive will be held for the purpose of briefing Members and these will be held in private.

The Executive will also decide whether meetings relating to matters which are not Key Decisions will be held in public or private.

5.4.21 Notice of Private Meeting of the Executive

A private meeting is one where the public are to be excluded for some or all of the items under discussion because these items are either confidential or exempt. Notice of the intention to hold a private meeting of the Executive will be included within the Forward Programme in accordance with [Rules 5.4.8](#) and [5.4.9](#). The Forward Programme will include the reasons why the meeting is being held in private.

At least five clear working days before the meeting a further notice of the intention to hold a private meeting must be published which must include:

- a) a statement of the reasons for the meeting to be held in private;
- b) details of any representations received by the decision-making body about why the meeting should be open to the public; and
- c) a statement of its response to any such representations.

5.4.22 Urgency Provisions

Where the date by which a private meeting has to be held makes compliance with [Rule 5.4.20](#) impracticable, agreement of the Chairman of the relevant Overview and Scrutiny Committee that the meeting is urgent and cannot be reasonably deferred must be obtained. If there is no Chairman of the relevant Overview and Scrutiny Committee, or if the Chairman is unable to act, then the agreement of the Mayor or in his/her absence the Deputy Mayor will suffice.

As soon as reasonably practicable after the decision maker has obtained the relevant agreement a notice must be published stating the reasons why the matter is urgent and cannot reasonably be deferred.

5.4.23 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be three Members of the Executive including the Leader.

If there is no quorum at the published start time for the meeting, a period of no more than 10 minutes will be allowed, and if there remains no quorum at the expiry of this period, the meeting will be declared null and void.

5.4.24 Decisions Taken by the Executive

- a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Chapter 3.2 of the Constitution.
- b) Where Executive decisions are delegated to a Committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.
- c) Where Executive decisions are delegated to an Individual Executive Member the rules as set out in [Rule 5.4.4](#) (Decisions by Individual Members of the Executive) and the Protocol for Decision Making by Individual Executive Members ([Chapter 5.5](#)) apply.

5.4.25 Questions by the Public

General

At ordinary meetings of the Executive or Committee of the Executive a resident or person who works in the Wokingham Borough may ask one question. At Extraordinary meetings of the Executive, questions will only be accepted if they relate to the item(s) due to be discussed at that meeting.

No question to the Executive should contain more than 200 words.

The time allotted to Public Questions will be limited to 30 minutes.

5.4.26 Order of Questions

Questions by the Public will be asked in the order they were received, except that the Leader may at his/her discretion group together similar questions.

5.4.27 Notice of Question

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive by no later than 10.00 am on the seventh working day before the meeting in question (excluding the day of the meeting). Each question must give the name and contact details of the questioner and, must name the Executive Member to whom it is to be put.

A question may be submitted on a matter included in the Public Session of a particular meeting's Agenda, (except in relation to 'business' matters such as approval of the minutes) provided that notice to this effect is received by the Chief Executive by no later than 10.00 am two working days prior to the meeting.

Questions relating to urgent matters may be submitted in writing to the Democratic Services Manager by no later than 10.00 am two working days before the meeting and must receive the consent of the Leader of the Council and Member to whom the question is to be put. Questions of this nature may only relate to urgent issues which have arisen since the publication of the Agenda.

5.4.28 Number of Questions

At any one meeting no person may submit more than one question. Although there are no restrictions on the number of questions that can be submitted at a meeting, only up to the first ten questions submitted on any subject or report will receive an oral response and the opportunity for a supplementary question to be asked. Any questions submitted which do not receive an oral response at the meeting will receive a written answer in accordance with [Rule 5.4.33](#).

5.4.29 Scope of Questions

The Chief Executive and/or the Leader may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility for or which affects the Borough;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has already been put at or submitted to the meeting or at a previous meeting of the Council or Executive or any other Committee in the past six months*;
- d) requires the disclosure of confidential or exempt information; or
- e) relates to a planning or licensing application before it has been determined by the Planning Committee or Licensing and Appeals Committee or by Officers under delegated powers.

*Should a question be rejected under section c) questioners will be informed that the same question or substantially same question has been received in the past six months and will be provided with a copy of the answer that was previously provided.

If a question is rejected a response will be given to the questioner setting out the reasons for the rejection.

5.4.30 Record of Questions

The Chief Executive will compile a list of questions submitted which will be open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Copies of all questions will be circulated to all Members and will be set out in the agenda. Details of all questions and answers will also be recorded in the Minutes of the meeting.

5.4.31 Asking the Question at the Meeting

At the appropriate time, the Chairman 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, he/she may nominate a person who is not already asking a question to put the question on his/her behalf. Alternatively the Chairman may put the question on their behalf, or may indicate that a written reply will be given.

5.4.32 Supplementary 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/her original question but must not include any new subject matter. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in [Rule 5.4.29](#) or if he/she feels that new subject matter is being introduced.

No person asking a question shall speak for longer than one minute.

If the Chairman considers that the questioner is making a statement he/she may rule that the questioner be not further heard.

5.4.33 Written Answers

Any question which cannot be dealt with during public question time, either because

- a) of lack of time;
- b) non-attendance of the Member to whom it was to be put;
- c) Member answering the question requires further information; or
- d) there had already been 10 questions asked at the meeting on the same subject or report

will be deemed to have been put, and shall be the subject of a written reply within seven working days to the person asking the question. The answer shall also be recorded in the Minutes of the meeting.

If the Chairman deems it appropriate, in the absence of the Member to whom a question was to be put, the question can be put to any other Executive Member.

5.4.34 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, (including where such an answer would require the disclosure of exempt information) a written answer will be circulated to the questioner within seven working days and included within the Minutes of the meeting. Please note this deadline does not apply to supplementary questions, which can take longer to respond to, due to the often complex nature of the subject matter.

No person answering a question shall speak for longer than two minutes

5.4.35 Exempt Information

The provisions of this Rule shall not require the disclosure of any exempt information as defined in paragraphs 1 to 7 of Part I of Schedule 12A of the Local Government Act 1972 (as amended) and set out in the Access to Information Rules of Procedure.

5.4.36 Rules of Procedure for Questions by Members

Questions on Notice by Members

A Member of the Council may ask the appropriate Executive Member one question on any matter in relation to which the Council has powers or duties or which affects the Wokingham Borough and which falls within the terms of reference of the Executive. At Extraordinary meetings of the Executive questions will only be accepted if they relate to the item(s) due to be discussed at that meeting.

No question to the Executive should contain more than 200 words.

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive by no later than 10.00 am on the seventh working day before the meeting in question (excluding the day of the meeting). Each question must give the name of the questioner, and must name the Executive Member to whom it is to be put.

A question may be submitted on a matter included in the Public Session of a particular meeting's Agenda, (except in relation to 'business' matters such as approval of the minutes) provided that notice to this effect is received by the Chief Executive by no later than 10.00 am two working days prior to the meeting.

Questions relating to urgent matters may be submitted in writing to the Democratic Services Manager by no later than 10.00 am two working days before the meeting, and must receive the consent of the Leader of the Council and Executive Member to whom the question is to be put. Questions of this nature may only relate to urgent issues which have arisen since the publication of the Agenda.

Where a Member is unable through absence to put a question, the question shall be deemed to have been put and an answer given which will be recorded in the Minutes of the meeting.

5.4.37 Scope of Questions

The Chief Executive and/or Leader may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility for or which affects the Borough;

- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at or submitted to a meeting of the Council or Executive or any other Committee in the past six months; or.
- d) relates to a planning or licensing application before it has been determined by the Planning Committee or Licensing and Appeals Committee or by Officers under delegated powers.

If a question is rejected a response will be given to the questioner setting out the reasons for the rejection

5.4.38 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, (including where such an answer would require the disclosure of exempt information) a written answer will be circulated to the questioner within seven working days and included within the minutes of the meeting. Please note this deadline does not apply to supplementary questions, which can take longer to respond to, due to the often complex nature of the subject matter.

No person answering a question shall speak for longer than two minutes.

5.4.39 Supplementary Questions

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/her original question. A supplementary question must arise directly out of the original question or the reply and must not introduce any new subject matter. The Leader may reject a supplementary question on any of the grounds in [Rule 5.4.37](#) above. No person asking a supplementary question shall speak for longer than one minute. If the Chairman considers that the questioner is making a statement he/she may rule that the questioner be not further heard.

5.4.40 Length of Question Time

The time allotted to questions submitted under notice, including those relating to urgent issues, shall not exceed 20 minutes. Any question not answered within the allotted time shall be the subject of a written reply within seven working days to the person asking the question and the reply shall be recorded in the Minutes of the Meeting.

5.4.41 Procedure for Questions Relating to Part 2 Reports

Member questions relating to Part 2 (containing exempt information) reports will be taken immediately after the meeting has resolved to exclude the press and public. A full written answer will be circulated to the questioner, with a summary in the Minutes. Other than these special provisions, the normal rules relating to the submission of, and answer to, the question, will apply.

5.4.42 Consultation

All reports to the Executive from any Member of the Executive 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 the relevant Overview and Scrutiny Committee, 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.

5.4.43 The Executive Agenda

The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a Committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

There will be a standing item on the agenda of each meeting of the Executive for matters referred by the Overview and Scrutiny Committees.

5.4.44 Disturbance by Public

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

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

CHAPTER 5.5 - PROTOCOL FOR DECISION MAKING BY INDIVIDUAL EXECUTIVE MEMBERS

5.5.1 List of Items Delegated to Individual Executive Members

The process for Individual Executive Member decisions shall be as follows:

The following is a list of items that are delegated to Individual Executive Members:

- a) Council's responses to Government and other consultation documents;
- b) In year appointments to outside bodies joint committees and various bodies (with the exception of regulatory bodies i.e. Police and Fire Authority which need to be decided by Council);
- c) Decisions relating to specific plans, strategies and policies that the Council is required to produce and that do not need Council approval which also includes Planning Advices Notes;
- d) Writing off of irrecoverable amounts above £25,000;
- e) Awarding of grants within approved resources to public and voluntary bodies within the approved budget limit;
- f) Approval of those leases which are not delegated to the Assistant Director Business Services;
- g) Approving Procurement Business Cases that have a total ascertainable value of £500,000 or more up to the limits specified in [Rule 5.1.9.4](#). The default option is Executive approval. In exceptional circumstances, where this is not practical and delay will have negative financial consequences, approval by two Executive Members is allowed. This should be the Executive Member for the relevant Service area together with the Executive Member with responsibility for Finance, unless the relevant Executive Member is responsible for Finance, in which case the approval must be carried out in conjunction with the Deputy Leader of the Council, or if the Deputy Leader is the Executive Member with responsibility for Finance, or if they are unavailable, in which case the approval must be carried out in conjunction with the Leader of the Council. An explanation of the exceptional circumstances must be included within the Individual Executive Member Decision Report;
- h) Designation of Local Nature Reserves to Town or Parish Councils in consultation with the appropriate Director;
- i) Declaring property as surplus to requirements and, where the value is between £150,000 to £500,000, disposing of such property;
- j) All decisions relating to Highway matters which are within the approved budget and policy framework, provided they are supported by the local Ward Member(s) and appropriate Town or Parish Council and within the remit of the Executive;

- k) Requests for voluntary redundancies that can be met within existing budgets.
- l) In-year increases above inflation to fees and charges subject to no adverse on-going budgetary implications and in consultation with the Chief Finance Officer and the Executive Member for Finance. The Deputy Chief Executive, in consultation with the Lead Member for Finance and the Lead Member for Leisure, may approve reductions, discounts and/or promotions for fees and charges within Sports and Leisure, up to £100 per fee or charge.
- m) In exceptional circumstances fees and charges may be increased, reduced or waived for a specified period to promote a service or facility subject to there being no on-going budgetary implications and in consultation with the Chief Finance Officer and the Executive Member for Finance. This may include introducing a casual charge for the purpose of defraying costs of a special event. The Deputy Chief Executive, in consultation with the Lead Member for Finance and the Lead Member for Leisure, may approve reductions, discounts and/or promotions for fees and charges within Sports and Leisure, up to £100 per fee or charge.
- n) Designation of a neighbourhood area following consultation with the local Ward Member(s) and appropriate Town or Parish Council.
- o) future spend approval of available S106 developer contributions in relation to the Council's My Journey travel programme.

5.5.2 Publicity

Where an individual Member of the Executive 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 the publicity requirements set out in [Rule 5.4.10](#) have been complied with.

If an individual Member of the Executive is due to make a decision which is not deemed to be a Key Decision then the item will be included on the meeting schedule which will be sent out on a weekly basis and provide at least five clear days' notice of the date and time the decision will be made. These details will also be published on the Council's website.

5.5.3 Initial Consultation

The relevant Director, or nominated Officer, will contact the appropriate Executive Member to gain their agreement to an item being taken as an Individual Decision and also the date, time and place of the meeting when the decision will be made. Democratic Services will also be notified of this information.

5.5.4 Contents of the Report

The relevant Director, or nominated Officer, will produce a written report which will be sent to the Executive Member at least two weeks in advance of the decision being made. The report will include the following information:

- a) The name of the Executive Member within whose portfolio the issue falls;
- b) The issue to be decided with reasons for the decision;
- c) Other options considered (where appropriate)

- d) Recommendation;
- a) Financial Implications. This section of the report should also indicate whether or not the recommended decision is in accordance with the relevant budget and policy framework of the Council;
- f) Any comments received during the consultation process;
- g) If the report contains Confidential or Exempt information the reason why the report was deemed to contain such information;
- h) A list of background papers;
- i) Supporting information – a summary of the facts relating to the matter under consideration.

5.5.5 Consultation on the Report

Prior to the Executive Member receiving the report the relevant Director, or nominated Officer, will consult with:

- a) The Section 151 Officer (Director Finance and Resources or delegated representative);
- b) The Monitoring Officer (Director of Governance and Improvement Services or delegated representative);
- c) Leader of Council;

and include a summary of any comments received in the report.

5.5.6 Publication of the Report

The report will need to be e-mailed to Democratic Services who will be responsible for ensuring that the report is available for public inspection five clear days prior to the decision being taken. A copy of the report will also be sent to the members of the relevant Overview and Scrutiny Management Committees and the Leader of the Opposition and where appropriate, the relevant ward member and Town or Parish Council. All other Members can request copies of any reports. Reports will be printed on cream paper in order to make them easily identifiable.

5.5.7 Arrangements for the Meeting

The Executive Member shall make his/her decision in public unless exempt information is due to be discussed, with the appropriate Director, or nominated Officer. If the meeting is to be held in private then [Rule 5.4.21](#) must be complied with.

An Officer from Democratic Services will also be in attendance in order to provide a record of any decision taken. The date, time and place of the meeting will be agreed in advance between the Executive Member and the appropriate Director, or nominated Officer, and will be communicated to Democratic Services.

If the relevant Executive Member is not present at the meeting 30 minutes after the published start time of the meeting, the meeting will be declared null and void and rearranged for a later date.

5.5.8 Speaking Rights at the Meeting

Members and members of the public attending the meeting will not have any automatic speaking rights. However, comments and/or questions can be taken at the discretion of the Executive Member present.

5.5.9 Nomination of a Deputy

If for any reason an Executive Member is unavailable to make a decision, he/she can nominate either the Leader or Deputy Leader(s) of the Council to make the decision on their behalf at the agreed meeting.

5.5.10 Publication of the Decision

As soon as reasonably practicable after an individual Member has made an Executive decision, the Executive Member, Director, or nominated Officer, will finalise and sign the Decision Sheet. The Decision Sheet shall contain the following information:

- a) a record of the decision including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the Member at the time of the decision;
- d) a record of any conflict of interest declared by any Executive Member who is consulted by a Member which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

As soon as reasonably practicable the Decision Sheet will then be circulated to all Members of the Council, the relevant Town or Parish Council and made available for public inspection.

5.5.11 Provision for a Call-in

All Individual Executive Member decisions are subject to call-in. Democratic Services will inform the relevant Director if an item has been called-in in accordance with the Council's Constitution. If the item has not been called-in after five clear days have elapsed the decision can then be implemented.

CHAPTER 5.6 - KEY DECISIONS BY THE EXECUTIVE

This Chapter to be deleted as now incorporated in [Rule 5.1.9](#).

CHAPTER 5.7 - COMMITTEES AND SUB-COMMITTEES OF THE EXECUTIVE

SHAREHOLDER COMMITTEE

5.7.1 Overview

5.7.1.1

The Shareholder Committee forms part of the overall governance arrangements for Wokingham Borough Council ("**the Council**") in relation to housing companies and other legal entities which are wholly or partly owned or controlled by the Council (including where such control comes about indirectly, such as via a loan agreement) (each a "Subsidiary" and together the "Subsidiaries").

5.7.2 Membership

5.7.2.1

The voting members of the Shareholder Committee will be set to 4 Executive Councillors consisting of:

- the Leader (as Chair).
- Deputy Leader.
- Executive Member for Business & Economic Development; and
- Executive Member for Finance

5.7.2.2

Each Shareholder Committee member may nominate an alternate Executive Member to attend a meeting in their place.

5.7.2.3

An opposition member will be invited to join the Committee as a non-voting member. The main opposition group leader will be invited to nominate their opposition member of the Committee. If the nominated opposition member is unable to attend a meeting of the Committee, they may appoint a substitute member to act in their place at the meeting. The appointment shall only take effect if the Member making the appointment, or in the Member's absence their Group Leader or Political Assistant, notifies the Head of Democratic & Electoral, or their representative, no later than midday of the day of the meeting that they will be unable to attend the meeting and the name of the appointed substitute Member.

5.7.2.4

The Shareholder Committee will be supported by Council officers as required.

5.7.2.5

The Shareholder Committee will appoint the Leader as Chair of the Shareholder Committee. If the Chair is not present at the start of a meeting of the Shareholder Committee, those members present will appoint one of the members present to chair that meeting.

5.7.2.6

Additional advisors, who do not need to be officers or members of the Council, may be invited to attend the Shareholder Committee as required.

5.7.3 Role of the Shareholder Committee

5.7.3.1

The Shareholder Committee will have a role in ensuring proper governance of the Council's housing companies, such role to include:

- a) monitoring information from each Subsidiary, in particular on financial and other risks and escalating such risks within the Council as appropriate.
- b) exercising decisions relating to the Council's role as shareholder, member, owner, lender, or other position of significant control over the Subsidiary, where those decisions have been delegated to the Shareholder Committee; and
- c) making reports and recommendations to the Executive on areas outside of the Shareholder Committee's delegated authority.

5.7.3.2

It is expected that each housing company will enter into a form of agreement with the Council (whether as owner, controller or lender) setting out the basis of the relationship between them (each a "Memorandum of Agreement").

5.7.3.3

A detailed description of the Shareholder Committee's role in relation to each housing company will be set out in the relevant Memorandum of Agreement.

5.7.3.4

Authority to make decisions on behalf of the Council is delegated to the Shareholder Committee for each housing company as follows:

- a) Altering in any respect the articles of association of a Subsidiary
- b) Altering the rights attaching to any of the shares in a Subsidiary
- c) Permitting the registration of any person as a shareholder or member of a Subsidiary
- d) Nominating directors to be appointed on the board of a Subsidiary and notifying a Subsidiary to remove directors from its board
- e) Increasing the amount of a Subsidiary's issued share capital
- f) Altering the name of any Subsidiary
- g) Adopting, reviewing or amending a Subsidiary's Business Plan Where a Subsidiary fails to produce a Business Plan as required by its Memorandum of Agreement, producing that Subsidiary's Business Plan

- h) Directing the board of a Subsidiary to take or to refrain from taking a particular action

5.7.3.5

Any Memorandum of Agreement entered into with a housing company may identify additional decisions which are delegated by Executive to the Shareholder Committee in relation to that Subsidiary only.

5.7.3.6

Decisions which are not delegated to the Shareholder Committee in accordance with 3.4 above will be taken through the usual decision-making processes in accordance with the Council's governance and constitutional framework. This will include decisions relating to the issue of loan capital in relation to any Subsidiary and to any approvals relating to any intra-group loans.

5.7.4. Operation of the Shareholder Committee

5.7.4.1

The Shareholder Committee will meet three times per year, or more frequently if required.

5.7.4.2

The quorum for a meeting of the Shareholder Committee is a minimum of 3 members.

5.7.4.3

Meetings will be held in public or otherwise in line with the Council's democratic meeting protocol. There may be particular matters or agenda items which are required to be considered in private due to commercial confidentiality, and these will be handled in accordance with the Council's usual democratic protocol.

5.7.4.4

Minutes and agendas will be managed and published in accordance with the Council's usual democratic protocol.

5.7.4.5

The Shareholder Committee shall make its decisions as follows:

- a) At meetings of its members by consensus of those present, unless any member of the Shareholder Committee requires a vote, in which event a majority decision will be taken with each member of the Shareholder Committee present having a single vote. Advisors and officers present to support the Shareholder Committee will not have a vote. The Chair of the meeting has a casting vote in the event that there is no clear majority; or
- b) In cases of urgency, by a decision made by the Leader or by an alternate Executive Member nominated by the Leader.

5.4.4.6

After each meeting, the Chair shall approve the minutes and authorise the implementation of the Shareholder Committee's decisions, including where relevant the signature of any documents by appropriate Council signatories.

5.4.4.7

The Shareholder Committee will review the Terms of Reference annually and make any necessary recommendations to Executive.

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**SECTION 6
THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
AND ITS COMMITTEES**

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CHAPTER 6.1 – OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE TERMS OF REFERENCE

6.1.1 Appointment of an Overview and Scrutiny Management Committee

It is a statutory requirement that the Council appoint an Overview and Scrutiny Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations under Section 32 of the Local Government Act 2000. The objectives in undertaking the functions of Overview and Scrutiny are:

- a) Holding the Executive to account;
- b) Policy Development and Review;
- c) Performance Monitoring; and
- d) External Scrutiny.

6.1.2 Membership of the Overview and Scrutiny Management Committee

The Overview and Scrutiny Management Committee shall be comprised of non-Executive Members of the Council. The size of the Committee will be determined at, and the appointment of Committee members will take place at the Annual Council Meeting, subject to the rules of Political Balance. The Vice Chairmen of each of the Scrutiny Committees must either be a member of the Management Committee or one of its substitutes.

The Management Committee must include the Chairman and Vice Chairman of any Scrutiny Committee who will report back on the working of the relevant Committee. If the Chairman of a Scrutiny Committee is unable to attend a Management Committee meeting, then he/she may arrange for another member from the Committee to attend the Management Committee to provide feedback on the work of the Committee. This Member will be entitled to take part in discussions at the Management Committee but will not be entitled to any voting rights.

When considering Education related issues, representatives of the Church of England Diocese and Roman Catholic Diocese, together with Parent Governor Representatives will automatically be entitled to sit on the Management Committee, Overview and Scrutiny Committees, and/or Task and Finish groups as voting Members.

6.1.2.1 Substitutes

Substitute Members from each political group shall be appointed at Annual Council for the forthcoming Municipal Year. Each political group will be entitled to the same number of substitutes as it has Members on the Committee.

6.1.2.2 Appointment of Substitute

If any member of the Committee is unable to attend a meeting of that body they may appoint one of the nominated substitute members for the Committee to act in their place at the meeting. The appointment shall only take effect if the Member making the appointment, or in the Member's absence their Group Leader or Political Assistant, notifies the Democratic Services Manager, or their representative, no later than midday of the day of the meeting that they will be unable to attend the meeting and the name of the appointed substitute Member.

Once a substitute Member has been appointed to attend a specific meeting then the original Member cannot attend the meeting in a voting capacity.

If a substitute Member attends a meeting which is subsequently adjourned to a later date they should also attend the reconvened meeting.

When undertaking a scrutiny review membership of the body carrying out the review, i.e. the Overview and Scrutiny Management Committee or one of its Committees, should remain the same. Therefore substitutes will only be allowed at the beginning of a review provided they are able to carry out the substitute role throughout the review.

6.1.2.3 Changing Substitutes

A substitute may be changed during a Municipal Year provided that the Democratic Services Manager, or their representative, receives a written request from either the Leader of the appropriate Political Group or the relevant Political Assistant. Any such change will become effective at the next Committee meeting or within 14 days whichever is the later.

6.1.2.4 Training

Members who are appointed to the Overview and Scrutiny Management Committee or Committees, including substitutes will be expected to undertake appropriate training.

6.1.3 Policy Development and Review

The Overview and Scrutiny Management Committee itself or through the Overview and Scrutiny Committees shall:

- a) assist the Council and the Executive in development of its Budget and Policy Framework, in line with the Council's Vision and Priorities;
- b) examine whether existing policies and plans are being achieved and continue to meet the requirements of the Council's Vision and Priorities;
- c) conduct research and consultation within allocated resources in order to assist in the analysis of particular issues and possible options;
- d) consider and implement processes to encourage and enhance community participation in the development of policy options;
- e) question members of the Executive, Committees and appropriate Officers about their views on issues and proposals affecting the area;
- f) liaise with other external organisations and partner authorities operating in the area, (as defined in Part 5, Chapter 1, Section 104 of the Local Government and Public Involvement in Health Act) 2007, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

6.1.4 Terms of Reference

The Overview and Scrutiny Management Committee will:

- a) propose future amendments to the composition and terms of reference of Overview and Scrutiny Committees to the Council on the basis of political proportionality;

- b) manage and update the work programmes of the Overview and Scrutiny Committees as necessary, including considering any request from an Overview and Scrutiny Committee, or any Member thereof, to add an item to the work programme;
- c) itself or through an Overview and Scrutiny Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- d) develop a work programme of overview and scrutiny reviews, in consultation with the Executive and the Corporate Leadership Team;
- e) itself or through an Overview and Scrutiny Committee, investigate matters of concern referred to it by the Executive, Council or Council Committees;
- f) itself or through an Overview and Scrutiny Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations including the consideration of requests made as a “Councillor Call for Action” as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007;
- g) itself, or through an Overview and Scrutiny Committee:
 - i) review and/or scrutinise decisions made, or actions taken, in connection with the discharge of any of the Council’s functions;
 - ii) consider any matter affecting the Borough or its inhabitants;
- h) consider appeals that the Council’s response to a petition was not adequate or substantive;
- i) respond to petitions to call Officers to account;
- j) itself or through an Overview and Scrutiny Committee, review Executive decisions which have been ‘called-in’;
- k) itself or through an Overview and Scrutiny Committee enquire into forthcoming items on the Executive Forward Programme;
- l) advise the Executive or the Council, as appropriate, of the recommendations of those reviews carried out by the Overview and Scrutiny Management Committee referred to in (e), (f), (g), (i) and (j) above;
- m) itself or through an Overview and Scrutiny Committee receive and consider regular performance management;
- n) work with Officers to develop a specific training programme for all Members involved in Overview and Scrutiny;
- o) review the operation of the Council’s scrutiny function and recommend changes as necessary to the Council;

- p) itself or through an Overview and Scrutiny Committee exercise the Council's crime and disorder responsibilities as set out in Part 3 Section 19 of the Police and Justice Act 2006;
- q) itself or through an Overview and Scrutiny Committee exercise the Council's flood risk management responsibilities under Schedule 2, Part 1 of the Localism Act 2011.

6.1.5 Performing the Overview and Scrutiny Role

In performing its role, the Overview and Scrutiny Management Committee, or Overview and Scrutiny Committees may:-

- a) question Members of the Executive and/or Committees and Officers of the Council about their decisions and/or performance in relation to particular decisions, initiatives or projects;
- b) make requests for information from external organisations and partner authorities, as defined in Part 5, Chapter 1, Section 104 of the Local Government and Public Involvement in Health Act 2007, as appropriate to the exercising of their functions;
- c) seek independent expert advice as appropriate to the exercising of their functions and / or appoint specialist advisors to support it in its work if required. Funding will be secured in advance of any appointment and financial commitment on a case by case basis;
- d) appoint non-voting co-opted members to the Management Committee, Overview and Scrutiny Committees and Task and Finish groups as necessary;
- e) assign Members of the Management Committee lead roles in relation to particular review topics or areas of expertise relevant to its terms of reference;
- f) gather information informally by working individually or in small Task and Finish groups, outside of the formal Committee process; and
- g) visit external organisations individually, or in small Task and Finish groups, as part of their information gathering role.

6.1.5.1 In addition the Health Overview and Scrutiny Committee may:

- a) question NHS Chief Executives (or nominees) and representatives of responsible persons as defined in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, about their views, proposals and decisions on health-related issues and services in the Borough;
- b) conduct research and consultation on the analysis of health issues and proposals;
- c) undertake joint scrutiny with other local authorities where NHS services cover more than one local authority area;

- d) assign members of the Committee to lead roles in relation to particular health issues or health service providers;
- e) question the Local Healthwatch regarding their activities in the Borough.

6.1.6 Annual Report

The Overview and Scrutiny Management Committee must report to Council, normally at the Council meeting in March, on its work and that of the Overview and Scrutiny Committees. This report will then be published and copied to relevant organisations and placed on the Council's website.

6.1.7 Proceedings of the Overview and Scrutiny Management Committee and its Overview and Scrutiny Committees

The Overview and Scrutiny Management Committee or Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in [Chapter 6.3](#) of this Constitution and supporting Overview and Scrutiny Protocols.

6.1.8 Finance

The Overview and Scrutiny Management Committee may exercise overall responsibility for the finances made available to it or delegate responsibility to the relevant Overview and Scrutiny Committee.

CHAPTER 6.2 – OVERVIEW AND SCRUTINY COMMITTEES TERMS OF REFERENCE

6.2.1 Appointment of Overview and Scrutiny Committees

The Council shall establish the following Overview and Scrutiny Committees:

- a) Children’s Services Overview and Scrutiny Committee - size of which to be determined at Annual Council
- b) Community and Corporate Services Overview and Scrutiny Committee - size of which to be determined at Annual Council
- c) Health Overview and Scrutiny Committee - size of which to be determined at Annual Council
- d) Climate Emergency Overview and Scrutiny Committee – size of which to be determined at Annual Council

The Chairmen of the Overview and Scrutiny Committees must be members of the Overview and Scrutiny Management Committee in order that they can feed back the work of the Committees. If the Chairman of a Scrutiny Committee is unable to attend a Management Committee meeting, then he/she will arrange for another member from the Committee to attend the Management Committee to provide feedback on the work of the Committee. This Member will be entitled to take part in discussions at the Management Committee but will not be entitled to any voting rights.

Representatives of the Church of England Diocese and Roman Catholic Diocese, together with Parent Governor Representatives will automatically be entitled to be members of the Children’s Services Overview and Scrutiny Committee. When considering Education related issues these representatives will automatically be entitled to sit on the Overview and Scrutiny Management Committee and/or any of the other Committees or Task and Finish Groups and vote on such matters.

In accordance with [Rule 6.3.9](#) the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees and Task and Finish Groups established by the Committee or Committees may appoint non-voting co-opted members as necessary.

In addition to the standing membership of the Committees, the Chairman and Vice-Chairman of the Overview and Scrutiny Management Committee shall have the right to attend and take part in Overview and Scrutiny Committees but will not have voting rights.

Members will be appointed to the Overview and Scrutiny Committees at Annual Council on the basis of political proportionality.

6.2.1.1 Substitutes

Substitute members from each political group shall be appointed at Annual Council for the forthcoming Municipal Year. Each political group will be entitled to the same number of substitutes as it has Members on the Committee.

6.2.1.2 Appointment of Substitute

If any member of the Committee is unable to attend a meeting of that body they may appoint one of the nominated substitute members for the Committee to act in their place at

the meeting. The appointment shall only take effect if the Member making the appointment, or in the Member's absence their Group Leader or Political Assistant, notifies the Democratic Services Manager, or their representative, no later than midday of the day of the meeting that they will be unable to attend the meeting and the name of the appointed substitute member.

Once a substitute Member has been appointed to attend a specific meeting then the original Member cannot attend the meeting in a voting capacity.

If a substitute Member attends a meeting which is subsequently adjourned to a later date they must also attend the reconvened meeting.

When undertaking a scrutiny review membership of the body carrying out the review, i.e. the Overview and Scrutiny Management Committee or one of its Committees, should remain the same. Therefore, substitutes will only be allowed at the beginning of a review provided they are able to carry out the substitute role throughout the review.

6.2.1.3 Changing Substitutes

A substitute may be changed during a Municipal Year provided that the Service Manager Democratic Services, or their representative, receives a written request from either the Leader of the appropriate Political Group or the relevant Political Assistant. Any such change will become effective at the next Committee meeting or within 14 days whichever is the later.

6.2.1.4 Training

Members who are appointed as substitutes will be expected to have undertaken the same training as those Members of the relevant Committee.

6.2.2 Children's Services Overview and Scrutiny Committee Terms of Reference

6.2.2.1 Role of the Committee

The role of the Children's Services Overview and Scrutiny Committee will be to scrutinise, review and assist with the policy development of:

- a) those matters relating to the Children's Act 2004, "Every Child Matters" and any subsequent legislation relating to the delivery of Children's Services by the Council;
- b) those matters set out in Section 499 of the Education Act 1996 (as amended by Section 9 of the School Standards and Framework Act 1998) and all other legislation such as the Children Act 1989;
- c) services that support the Council's Vision and corporate priorities for children and young people including, amongst others, the following areas:
 - i) Schools;
 - ii) Early Years Settings and Children's Centres;
 - iii) Safeguarding and Child Protection;
 - iv) Looked After Children and Young People;
 - v) Family Support Services for Children and Young People;
 - vi) Services for Children with Special Educational Needs and Disabilities;
 - vii) Inclusion and Attendance;

- viii) School Transport; and
- ix) Youth Services.
- d) those matters that relate to the implementation of designated programmes within the Health and Wellbeing Strategy that relate to children and young people.

6.2.2.2 Terms of Reference

In carrying out its role the Children's Services Overview and Scrutiny Committee shall:

- a) review and/or scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's Executive functions relating to services for children and young people;
- b) monitor and review performance indicators relating to services for children and young people and question the relevant Executive Member/s and senior Officer/s thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- c) review those areas, within the remit of the Committee, included in the Children and Young People's Plan, Corporate Plan, Health and Wellbeing Strategy and other major Council Plans and Policies where targets are not being met or progress is slow;
- d) review those areas, within the remit of the Committee, which have been identified for improvement through Ofsted and other formal external assessments or inspections that identify areas where targets are not being met or progress is slow;
- e) at the request of the Overview and Scrutiny Management Committee conduct scrutiny reviews or undertake projects from the corporately agreed work programme;
- f) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- g) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Overview and Scrutiny Management Committee, the Executive, Council or Council Committees;
- h) at the request of the Overview and Scrutiny Management Committee investigate matters of concern within the Committee's remit referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations, including the consideration of requests made as a "Councillor Call for Action" as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007;
- i) at the request of the Overview and Scrutiny Management Committee to review Executive decisions within the Committee's remit which have been 'called-in'

- j) at the request of the Overview and Scrutiny Management Committee exercise the Council's crime and disorder responsibilities in relation to children and young people as set out in Part 3, Section 19 of the Police and Justice Act 2006;
- k) constitute and appoint to Task and Finish Groups as necessary;
- l) prepare reports and recommendations concerning its activities for consideration by the Executive or partner authorities as set out within Part 5, Chapter 2, Section 122 of the Local Government and Public Involvement in Health Act 2007;
- m) scrutinise and review the relevant work of the Wokingham Borough Wellbeing Board's Partnership Groups.

6.2.3 Community and Corporate Services Overview and Scrutiny Committee Terms of Reference

6.2.3.1 Role of the Committee

The role of the Community and Corporate Services Overview and Scrutiny Committee will be to scrutinise, review and assist with the policy development of:

- a) the Council's budget and policy framework;
- b) services that support the Council's vision and corporate priorities, excluding matters relating to Children and services which are covered by other scrutiny bodies;
- c) scrutinise and review the relevant work of the Wokingham Borough Wellbeing Board's Partnership Groups;
- d) exercise the Council's crime and disorder responsibilities as set out in Section 19 of the Police Justice Act 2006;
- e) exercise the Council's flood risk management responsibilities under Schedule 2, Part 1 of the Localism Act 2011.

6.2.3.2 Terms of Reference

In carrying out its role the Community and Corporate Overview and Scrutiny Committee shall:

- a) review and/or scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's Executive functions under its remit;
- b) monitor and review performance indicators related to Council services within the remit of the Committee, including the Council's revenue and capital budget, and to question the relevant Executive Member/s and senior Officer/s thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- c) review those areas, within the remit of the Committee, included in the Corporate Plan and other major Council Plans and Policies where targets are not being met or progress is slow;

- d) review and / or scrutinise the work of and decisions made by the Wokingham Borough Wellbeing Board's Partnership Groups;
- e) monitor and review any performance indicators that may be developed relating to the Wokingham Borough Wellbeing Board's Partnership Groups and to question the relevant Executive Member/s, Chairman of the Health and Wellbeing Board, senior Council Officer/s and representatives of partner authorities thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- f) review those areas, within the remit of the Committee, which have been identified for improvement through any formal external assessments or inspections that identify areas where targets are not being met or progress is slow;
- g) conduct scrutiny reviews or projects of a service specific nature or within the remit of the Committee, including those which are cross cutting or corporate wide, as may be allocated by the Overview and Scrutiny Management Committee from the corporately agreed work programme, including the preparation of reports and recommendations for consideration by the Executive;
- h) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- i) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Executive, Council or Council Committees;
- j) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations, including the consideration of requests made as a "Councillor Call for Action" as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011;
- k) at the request of the Overview and Scrutiny Management Committee review and/or scrutinise decisions made, or actions taken, in connection with the discharge of the Council's functions;
- l) at the request of the Overview and Scrutiny Management Committee to review Executive decisions within the Committee's remit which have been 'called-in';
- m) exercise the Council's crime and disorder responsibilities as set out in Part 3, Section 19 of the Police and Justice Act 2006;
- n) exercise the Council's flood risk management responsibilities under schedule 2, Part 1 of the Localism Act 2011;
- o) constitute and appoint to Task and Finish Groups as necessary;
- p) prepare reports and recommendations concerning its activities for consideration by the Executive or partner authorities as set out within Part 5, Chapter 2, Section 122 of the Local Government and Public Involvement in Health Act 2007;

6.2.4 Health Overview and Scrutiny Committee Terms of Reference

6.2.4.1 Terms of Reference

In carrying out its role the Health Overview and Scrutiny Committee shall:

- a) review or scrutinise within the following framework and in accordance with the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013:
 - i) arrangements made by local National Health Service (NHS) bodies to secure hospital and community health services for the inhabitants of Wokingham Borough;
 - ii) the provision of such services to those inhabitants;
 - iii) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services to ensure that they are high quality, prompt, reliable and cost effective;
 - iv) the public health arrangements in the area;
 - v) the planning of health services including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population;
 - vi) the arrangements made by relevant NHS bodies for consulting and involving patients and the public under the duty placed on them by Section 242 of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012);
 - vii) proposals by NHS bodies for “significant variation and significant development” in services; and
 - viii) social care services and other health related services jointly commissioned by the Council and local health bodies;
 - ix) review the Quality Accounts of local relevant health service providers and make comment.
- b) review or scrutinise any other issues related to health or social care as they affect the population of Wokingham Borough;
- c) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Executive, Council or Council Committees;
- d) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, external organisations or a responsible person, including the consideration of requests made as a “Councillor Call for Action” as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011;
- e) comment on the NHS Health Check programme;
- f) review or scrutinise the work of the Local Healthwatch;

- g) make reports and recommendations to a responsible person, the Overview and Scrutiny Management Committee, the Council's Executive and other relevant bodies on any matter reviewed or scrutinised by the Committee in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, and a responsible person includes:
 - i) NHS England;
 - ii) a Clinical Commissioning Group which arranges the provision of services to persons residing in the area of the authority;
 - iii) an NHS trust or NHS foundation trust which provides services to persons residing in the area of the authority.
 - iv) a body or person, other than an NHS trust or NHS foundation trust, which provides any relevant services to persons residing in the area of the local authority.

This includes providers of services commissioned by NHS England, Clinical Commissioning Groups and local authorities.

- h) request information from the Care Quality Commission and to make reports to the Care Quality Commission on local health and social care providers/services as appropriate.
- i) conduct scrutiny reviews or undertake projects under the remit of the Committee as may be allocated by the Overview and Scrutiny Management Committee from the corporately agreed work programme;
- j) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- k) at the request of the Overview and Scrutiny Management Committee to review Executive decisions which have been 'called-in';
- l) constitute and appoint to Task and Finish Groups as necessary;
- m) monitor and review any performance indicators that may be developed relating to the Wokingham Borough Wellbeing Board's Partnership Groups and to question the relevant Executive Member/s, Chairman of the Wokingham Borough Wellbeing Board, senior Council Officer/s and representatives of partner authorities thereon, reporting to the Overview and Scrutiny Management Committee where necessary.

6.2.4.2 Proposals by a Relevant Person for Substantial Variation and Substantial Development in local health services

When a responsible person proposes a substantial development of the health service in the local authority's area, or a substantial variation in the provision of such service it must consult the local authority.

The form of consultation and the process that the local authority has to follow is set out in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

6.2.5 Climate Emergency Overview and Scrutiny Committee Terms of Reference

6.2.5.1 Role of the Committee

The role of the Climate Emergency Overview and Scrutiny Committee will be to scrutinise, review and assist with policy development relating to:

- a) the Council's commitment to play as full a role as possible to reduce the Borough's carbon footprint to be Net Zero by 2030;
- b) implementation of the Council's Climate Emergency Action Plan, including the annual progress report to Council;
- c) progress against recommendations, agreed by the Executive, from the Climate Emergency Task and Finish Group and the Overview and Scrutiny Committee itself;
- d) examples of Climate Emergency "best practice" from other local authorities and public/private sector organisations.

6.2.5.2 Terms of Reference

In carrying out its role the Climate Emergency Overview and Scrutiny Committee will:

- a) review and/or scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's functions under its remit;
- b) monitor and review performance indicators related to Council services within the remit of the Committee and question the relevant Executive Member/s and senior Officers thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- c) review those areas, within the remit of the Committee, included in the Climate Emergency Action Plan, Council Plan and other Plans and Policies where targets are not being met or progress is slow;
- d) conduct scrutiny reviews or projects of a service specific nature or within the remit of the Committee, including those which are cross-cutting or corporate-wide, as may be allocated by the Overview and Scrutiny Management Committee from the corporately agreed work programme, including the preparation of reports and recommendations for consideration by the Executive;
- e) at the request of the Overview and Scrutiny Management Committee, undertake Policy Development and Review functions as set out in Rule 6.1.3;
- f) at the request of the Overview and Scrutiny Management Committee, investigate matters of concern referred to it by the Executive, Council or Council Committees;
- g) at the request of the Overview and Scrutiny Management Committee, investigate matters of concern referred to it by Non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations, including the consideration of requests made as a "Councillor Call for Action" as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011;

- h) at the request of the Overview and Scrutiny Management Committee, review Executive decisions within the remit of the Committee which have been “called-in”;
- i) constitute and appoint to Task and Finish Groups as necessary

6.2.6 Changes to the Overview and Scrutiny Committee Structure

The Overview and Scrutiny Management Committee may request that the Council discontinue any Overview and Scrutiny Committee and/or constitute alternative or additional Committees.

The Overview and Scrutiny Management Committee may propose future amendments to the terms of reference of the Overview and Scrutiny Committees to the Council.

CHAPTER 6.3 – OVERVIEW AND SCRUTINY PROCEDURE RULES

6.3.1 Meetings of the Overview and Scrutiny Management Committee and Overview and Scrutiny Committees

The Overview and Scrutiny Management Committee shall determine the number of scrutiny committee meetings that will be held within a Municipal Year and these will be scheduled in the Timetable of Meetings, agreed by Council.

Meetings will be held at the Council's main offices or at another location agreed by the Chairman of the Committee. Meetings will be held in public and the Access to Information Rules in Chapter 3.2 of this Constitution set out the requirements covering public meetings.

Extraordinary meetings of the Overview and Scrutiny Management Committee or an Overview and Scrutiny Committee may be called at any time by the Chairman or, in his/her absence, the Vice Chairman of the Committee, by any three Members of the Committee or by the Chief Executive if he/she considers it necessary or appropriate. The business to be conducted at an extraordinary meeting of the Overview and Scrutiny Management Committee shall usually be a single item only and there shall be no consideration of previous minutes.

Consideration of key decisions made by the Executive, an individual Executive Member or Officers which have been 'called in' will normally be considered at one or more Extraordinary meetings.

Task and Finish Groups created by the Overview and Scrutiny Management Committee or its Committees shall determine the frequency and time of their own meetings.

6.3.2 Joint Overview and Scrutiny Committee Meetings

If the Overview and Scrutiny Management Committee decides that because of its nature a review or a particular item of business, should be undertaken by more than one Overview and Scrutiny Committee then a joint Committee meeting can be convened.

A joint meeting shall have the combined powers and functions of its constituent Committees.

The Chairman of any joint meeting will be agreed at the meeting from the membership of the relevant Scrutiny Committee.

Minutes of joint meetings will be approved at the next scheduled meeting of the Committees involved and any changes put forward by one Committee will be agreed in advance of the meeting with the Chairman of the other Committee.

6.3.3 Public and Member Questions

Public and Member questions can be asked at ordinary meetings of the Overview and Scrutiny Management Committee or the Overview and Scrutiny Committees in accordance with the requirements set out in Chapter 4.2 of this Constitution.

At extraordinary meetings of the Overview and Scrutiny Management Committee and Overview and Scrutiny Committees, Public or Member questions will only be accepted if they relate to the item(s) due to be discussed at that meeting.

At the meetings of the Health Overview and Scrutiny Committee after each main presentation, members of the public present will be allowed to ask questions (through the Chair). Any questions from the floor must be relevant to the item or presentation just received, and not relate to personal cases. Question time will be limited to 5 minutes per item at the discretion of the Chairman.

Meetings of Task and Finish Groups will normally be held in private, but may meet in public at the discretion of the Task and Finish Group Chairman.

6.3.4 Petitions

Petitions can be submitted to the Overview and Scrutiny Management Committee subject to the requirements of the Council's Petition Protocol described in Chapter 3.5 of this Constitution.

Petitions may not be submitted at other Overview and Scrutiny Committee or Task and Finish Group meetings or extraordinary meetings of the Overview and Scrutiny Management Committee.

6.3.5 Quorum

The quorum of a meeting of the Overview and Scrutiny Management Committee or an Overview and Scrutiny Committee will be one quarter of the whole number of Members or three, whichever is the greater.

6.3.6 Procedure at Overview and Scrutiny Management Committee Meetings

- a) The following items must be included in the Agenda of all scheduled Overview and Scrutiny Management Committee meetings:
 - i) Minutes of the last meeting;
 - ii) Apologies for absence;
 - iii) Declarations of interest or party whip;
 - iv) Questions from members of the public and Members;

- b) The following items should also be included if there are items of business to consider:
 - i) Consideration of matters of concern referred to it and Councillor Calls for Action;
 - ii) Consideration of any appeals that the Council's response to a petition was not adequate or substantial;
 - iii) Consideration of a petition to Call an Officer to account;
 - iv) Consideration of any decisions that have been called in;
 - v) Responses of the Executive, Council Committees, Officers or external organisations to reports of the Committee;
 - vi) Consideration of Performance Management Information;
 - vii) Update Reports from the Chairman or nominated Member of the Overview and Scrutiny Committees;
 - viii) Consideration of the Executive's Forward Plan;
 - ix) Consideration of the Management Committee Work Programme and Work Programme of the Overview and Scrutiny Committees;

Meetings of the Overview and Scrutiny Management Committee will normally be held in public, but the Committee may decide to exclude the public if the consideration of an item would involve the disclosure of exempt information.

6.3.7 Procedure at Overview and Scrutiny Committees

Overview and Scrutiny Committees will support the objectives of the Overview and Scrutiny Management Committee in seeking to develop less formal approaches to meetings.

- a) The following items must be included in the Agenda of all scheduled Overview and Scrutiny Committee meetings:
 - i) Minutes of the last meeting;
 - ii) Apologies for absence;
 - iii) Declarations of interest or party whip;
 - iv) Questions from members of the public and Members;

- b) The following items should also be included if there are items of business to consider:
 - i) Consideration of Executive decisions that have been 'called in' and which have been delegated by the Overview and Scrutiny Management Committee to an Overview and Scrutiny Committee;
 - ii) Performance Management Information relating to matters that have been delegated to the Committee;
 - iii) Matters of concern or requests from the Overview and Scrutiny Management Committee that the relevant Scrutiny Committee undertake a review;
 - iv) Consideration of review reports prior to their submission to the Executive relevant committee or partner authorities;
 - v) Requests to the Overview and Scrutiny Management Committee that the work programme of the Committee be amended.

- c) In addition the Health Overview and Scrutiny Committee will consider:
 - i) national and local policy developments;
 - ii) reports of Lead Members assigned to particular health issues or health service providers.

6.3.8 Who May Sit on the Overview and Scrutiny Management Committee, Scrutiny Committees and Task and Finish Groups?

All Councillors except Members of the Executive and the Audit Committee may be Members of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees and/or one or more time limited Task and Finish Groups created by the Management Committee or Scrutiny Committees.

All appointments will reflect the principles of political balance.

Appointments to Task and Finish Groups made by the Overview and Scrutiny Management Committee or one of its Committees will normally reflect the principles of political balance.

6.3.9 Co-optees

The Overview and Scrutiny Management Committee, Overview and Scrutiny Committees and Task and Finish Groups established by the Committee or Committees may appoint non-voting co-opted members as necessary. Such members will be subject to the Local Code of Conduct for members set out in Chapter 9.2 of this Constitution.

The Overview and Scrutiny Management Committee and its Committees may also co-opt members from external organisations to Task and Finish Groups.

6.3.10 Education Representatives

The Children's Services Overview and Scrutiny Committee shall include in their membership the following representatives (if appointed by the relevant group)

- a) One Church of England diocese representative;
- b) One Roman Catholic diocese representative; and
- c) Two Parent Governor representatives.

The above mentioned representatives shall have voting rights only in connection with matters relating to education functions.

If the Overview and Scrutiny Management Committee, its Committees or Task and Finish Groups are discussing education matters then the above mentioned representatives shall be able to attend, take part in the debate and have voting rights in connection with those matters.

If the Overview and Scrutiny Management Committee, its Committees or Task and Finish Groups are dealing with other matters, those representatives shall not vote on those other matters, though they may attend and be invited to take part in debate at the Chairman's discretion.

When considering Education issues, consideration should be given to the involvement and possible co-option of other faith and denominational groups. Such co-optees would have non-voting rights unless granted by the Secretary of State.

6.3.11 Who Chairs Meetings

Chairmen of the Overview and Scrutiny Committees will be appointed at the first meeting of each Committee but must be a Councillor who is also a Member of the Overview and Scrutiny Management Committee. Vice-Chairmen of the Scrutiny Committees will also be appointed at the first meeting of each Committee.

If neither the Chairman nor Vice Chairman is present a Chairman will be elected for that meeting.

6.3.12 The Party Whip

The Council views the use of the Party Whip as incompatible with the aims of Overview and Scrutiny. When considering any matter in respect of which a Member of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committee or Task and Finish Group is subject to a party whip the Member must declare it, before commencement of the Committee's deliberations on the matter and detail of the whipping arrangements shall be recorded in the minutes of the meeting.

6.3.13 Speaking by Members other than Committee Members

Members of Council who are not Members or Co-opted Members of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committees may at the discretion of the Chairman also address the Committee.

A Member addressing the Overview and Scrutiny Management Committee by virtue of presenting a Councillor Call for Action will have an automatic right to address the Committee.

6.3.14 Appeals Against the Response Received to a Petition

Appeals that the Council's response to a petition was not adequate or substantive will be considered subject to the enactment of necessary legislation and in accordance with such guidance as may be issued by the Department for Communities and Local Government

6.3.15 Rules of Debate

Debates at the Overview and Scrutiny Management Committee or Overview and Scrutiny Committees shall take place in accordance with the procedure rules laid down in Chapter 4.2, but Members should be mindful of the need to adopt a less formal approach where possible.

6.3.16 Disturbance by the Public

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

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

6.3.17 Duration of the Meeting

As set out in Chapter 4.2, unless the majority of Members present vote to continue, any meeting of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees or Task and Finish Groups that have not concluded by 10.30pm will adjourn immediately. If, once a motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting of the Committee, Committee or Task and Finish Group.

6.3.18 Work Programme

The Overview and Scrutiny Management Committee will normally consider and set its work programme and that of the Overview and Scrutiny Committees annually taking into account matters referred to it by:

- a) the Executive;
- b) Council and Council Committees;
- c) Corporate Leadership Team;

- d) A Member of the Overview and Scrutiny Management Committee or other Non-Executive Member of the Council,
- e) members of the public; and
- f) external organisations or relevant partner authorities.

In addition the Health Overview and Scrutiny Committee will take into account matters referred to it by:

- g) the Local Healthwatch organisation or Local Healthwatch contractor in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Social Care Act 2012);
- h) local NHS Foundation Trusts;
- i) responsible persons;
- j) the Wokingham Borough Wellbeing Board's Partnership Groups.
- k) Care Quality Commission;
- l) NHS England.

In setting its work programme and that of the Committees, the Overview and Scrutiny Management Committee will apply a Review Topic Selection Test to potential items. The purpose of the review selection criteria, which is set out in Appendix A, is to help the Overview and Scrutiny Committees and Committees to select appropriate and manageable scrutiny topics. The setting of the work programme will be considered annually.

The Overview and Scrutiny Management Committee will at each meeting review its work programme and that of the Overview and Scrutiny Committees

Task and Finish Groups appointed by the Overview and Scrutiny Management Committee or Overview and Scrutiny Committees will be set up with specified terms of reference to scrutinise and review in depth particular issues arising from the work programme and at that time the reporting mechanism will be agreed.

6.3.19 Agenda Items

Members of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committees shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the Committee's or Committee's functions to be included on the agenda for the next available meeting. The notice must clearly state how the item is related to the functions of the Committee or Committee and why the item should be considered by the Committee or Committee. Whilst, there will be a presumption in favour of the inclusion of Agenda items, the final decision on inclusion will be at the discretion of the Chairman.

If the item would involve an addition or amendment to the work programme of the Overview and Scrutiny Management Committee it will be considered by the Committee at the next available meeting on the basis of the Review Topic Selection Test.

If the item would involve an addition or amendment to the work programme of an Overview and Scrutiny Committee it will be considered by the Committee at the next available meeting of the Committee, prior to final consideration by the Overview and Scrutiny Management Committee. The request shall be considered on the basis of the Review Topic Selection Test.

This rule however does not negate Members' rights under the Councillor Call for Action.

6.3.19.1 Referral of Matters from the Local Healthwatch

The Local Healthwatch shall be entitled to give notice to the Proper Officer that they wish an item relevant to their and the Health Overview and Scrutiny Committee's functions relating to the planning, provision and operation of the health service in its area to be included on the agenda for the next available meeting of the Committee.

The Committee will

- a) acknowledge receipt of the referral within 20 working days beginning with the date on which the referral was made;
- b) keep the Local Healthwatch organisation informed of the Committee's actions in relation to the matter;
- c) decide whether or not any of its powers are exercisable in relation to the matter;
- d) decide whether to exercise any of its powers in relation to the matter;
- e) in exercising any of its powers in relation to the matter, take into account any relevant information provided by the Local Healthwatch organisation.

The Health Overview and Scrutiny Committee will receive the annual report of the Local Healthwatch organisation on its activities.

6.3.20 Policy Review and Development

The Executive has overall responsibility for the development and implementation of policy. However, the Overview and Scrutiny function does have a role in developing policy and scrutinising policy outcomes. Overview and Scrutiny is a key mechanism by which the views of residents and other organisations can be represented to the Executive and Council and hence those views should be taken into account.

The individual role and functions of the Health Overview and Scrutiny Committee in scrutinising the NHS and social care will also mean that the Committee may, by recommendation, give its opinion of possible policy developments within the NHS.

6.3.21 Involvement of the Relevant Executive Member

Once a review topic has been agreed by the Overview and Scrutiny Management Committee the relevant Executive Member and Director will be informed of the terms of reference of the review.

In addition to any involvement in a review as a witness, the relevant Executive Member and Director will be invited to attend the Overview and Scrutiny Management Committee or Committee meeting when the final review report is to be considered.

There is an entitlement to speak at the meeting but the amount of time allocated is at the discretion of the Chairman.

When a review report is approved by the Management Committee or a Committee for submission to the Executive or Council the relevant Executive Member and Director shall be invited to submit to the Executive or Council their comments on the report, including which recommendations that they accept and which they do not accept. For each recommendation that is accepted they shall state when and how it will be implemented. For those that are not accepted, the relevant reasons must be set out.

Once those comments have been added, the report shall be submitted for formal consideration by the Executive or the Council.

If any recommendations would require a departure from or a change to the agreed Budget and Policy Framework these must be considered by Council.

The Council or Executive shall consider the report within two months of the date of receipt of the report.

Details of the decision of Executive or Council in relation to the report should be circulated to all Members of the Council.

6.3.22 Reports to be Considered by the Executive, Council, Wokingham Borough Wellbeing Board or Partner Authority

Once the Overview and Scrutiny Management Committee or relevant Committee has agreed the report and recommendations arising from a particular review, it will be submitted directly for consideration by the Executive, the Council, the Wokingham Borough Wellbeing Board or if applicable, a relevant Partner Authority.

By exception, a Committee may decide to submit a report for consideration by the Overview and Scrutiny Management Committee prior to submission to the Executive, the Council, the Wokingham Borough Wellbeing Board or relevant Partner Authority if it is felt appropriate or the appropriate responsible person in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. If a report is submitted to the Executive, the Council, the Health and Wellbeing Board or a relevant Partner Authority by a Committee direct, a copy of the report shall at the same time be supplied to the Chairman of the Overview and Scrutiny Management Committee and a Member of the opposing Political Group.

If the Overview and Scrutiny Management Committee or an Overview and Scrutiny Committee cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration by the Executive, Health and Wellbeing Board or the Council with the majority report.

In considering reports and recommendations the Executive must respond to the Overview and Scrutiny Management Committee or relevant Committee indicating what, (if any) action the authority or the Executive propose to take.

In accordance with the Local Democracy, Economic Development and Construction Act 2009 a relevant Partner Authority must have regard to an Overview and Scrutiny report in the exercise of its functions.

6.3.23 Presentation of Reports at the Executive or the Wokingham Borough Wellbeing Board

The Chairman of the Overview and Scrutiny Management Committee, relevant Committee or Member nominated by him or her may attend an Executive Meeting or Wokingham Borough Wellbeing Board meeting in order to briefly present the recommendations of a report.

The author of a minority report, or a Member nominated by the author, may attend an Executive Meeting or Wokingham Borough Wellbeing Board Meeting in order to briefly present the recommendations of their report.

The Member presenting the report should report back to Overview and Scrutiny Management Committee at its next meeting as to which recommendations which were accepted and which were not.

6.2.23.1 Consideration of Health Overview and Scrutiny Committee Reports by a Responsible Person

The Committee may make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised, relating to the planning, provision and operation of the health service in its area.

Under the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 where the Health Overview and Scrutiny Committee requests a response from a responsible person to whom it has made a report or recommendation, that person must respond in writing within 28 days of the request.

Reports will include:

- a) an explanation of the matter reviewed or scrutinised;
- b) a summary of the evidence considered;
- c) a list of the participants involved in the review or scrutiny; and
- d) an explanation of any recommendations on the matter reviewed or scrutinised.

If the recommendations of a Health Overview and Scrutiny Committee report refer to a responsible person, a copy of the report will be supplied to the appropriate responsible person as soon as the report is agreed by the Health Overview and Scrutiny Committee.

6.3.24 Rights of Overview and Scrutiny Members to Documents

In addition to their rights as Councillors, as set out in Chapter 3.2 of the Constitution, Members of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees and Task and Finish Groups have additional rights to documents and to notice of meetings.

Subject to [Rule 6.3.25](#) below, the Members of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees or Task and Finish Groups will be entitled to copies of any document which is in the possession or under the control of the Executive or its Committees and which contains material relating to:

- a) any business that has been transacted at a public or private meeting of the Executive or its Committees;
- b) any decision taken by an individual Member of the Executive or by an Officer in accordance with Executive arrangements;

Documents must be provided as soon as reasonably practicable and in any case no later than 10 clear days after the Executive receives the request.

6.3.25 Limit On Rights

Whilst there should be a general presumption in favour of openness, the Overview and Scrutiny Committee, Overview and Scrutiny Committees or Task and Finish Groups will not be entitled to have access 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:
 - i) an action or decision it is reviewing or scrutinising; or
 - ii) a review which is contained in any programme of work; or
- c) that part of any document which contains advice provided by a political adviser.

Where the Executive determines not to provide a copy of a document, or any part of a document, for a reason set out in [Rules 6.3.24](#) and [6.3.25](#) it must provide the Overview and Scrutiny Management Committee with a written statement setting out the reasons for that decision.

Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Management Committee or the Overview and Scrutiny Committees or Task and Finish Groups as appropriate depending on the particular matter under consideration.

6.3.25.1 Rights of Health Overview and Scrutiny Committee Members to Information from a Responsible Person

In addition to their rights to Council documents, Members of the Health Overview and Scrutiny Committee have additional rights to information from a responsible person.

Subject to Rule 6.3.25.2 below, the Members of the Health Overview and Scrutiny Committee will be entitled to information about the planning, provision and operation of health services in the area.

6.3.25.2 Exempt Information Relating to Health Services

The Health Overview and Scrutiny Committee will not be entitled to information that is exempt under the provisions of Section 246 of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

6.3.26 Report to the Council

Under Rule 5.4.14 of the Constitution the Overview and Scrutiny Management Committee may require a report to be presented to it if it believes a Key Decision has been taken contrary to the Executive Procedure Rules.

6.3.27 Members and Officers to Give Account

As well as reviewing documentation, in fulfilling the Scrutiny role, the Overview and Scrutiny Management Committee, an Overview and Scrutiny Committee or a Task and Finish Group may require any Member of the Executive, the Chairman of the Wokingham Borough Wellbeing Board, the Head of Paid Service and/or any first or second tier officer to attend to explain in relation to matters within their remit:

- a) any particular decision or series of decisions;
- b) the extent to which actions taken implement Council policy;
- c) their performance; or
- d) a review topic being considered.

It is the duty of those persons to attend if so required.

The Overview and Scrutiny Management Committee, Overview and Scrutiny Committee or Task and Finish Group may also invite any other Officer of the Council to attend for similar purposes. In relation to those Officers, they shall be entitled to attend with their Manager present.

Where any Member or Officer is required to attend an Overview and Scrutiny meeting under this provision, the Chairman of that Committee or Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing of the date and time of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee or Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given five working days notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Proper Officer shall, in consultation with the Chairman of the Committee or Committee and the Member or Officer, arrange an alternative date for attendance (to take place within a maximum of 14 days from the date of the original request).

6.3.28 Attendance by Others

The Overview and Scrutiny Management Committee or Overview and Scrutiny Committees may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, partners, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

Overview and Scrutiny Committee members are entitled to attend Overview and Scrutiny Management Committee meetings and speak at the discretion of the Chairman, unless they are attending on behalf of a Scrutiny Committee Chairman in which case they have a right to speak but not vote.

6.3.28.1 Member or Employee of a Responsible Person Giving Account

As well as reviewing documentation, in fulfilling the health scrutiny role the Health Overview and Scrutiny Committee or a Task and Finish Group may require a member or employee from a local responsible person to attend before the Health Overview and Scrutiny Committee subject to the exemptions set out under the provisions of Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Members or employees of a responsible person will be entitled to sufficient notice of a request to attend and given an indication of the issues to be considered and potential lines of enquiry.

6.3.28.2 Consultations

If the Health Overview and Scrutiny Committee is consulted on a matter which requires a response before the next scheduled meeting of the Committee, an extraordinary meeting may be called. If an extraordinary meeting is not possible or appropriate, the Chairman, or a Member nominated by him/her, can respond to the consultation on behalf of the Committee.

6.3.29 Call-In

Call-in should only be used in exceptional circumstances. These are where non-Executive Members have evidence that suggests that the Executive did not take the decision in accordance with the principles set out in Chapter 1.4 (Decision Making).

These are:

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) human rights will be respected and considered at an early stage in the decision making process;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) when decisions are taken by the Executive, details of the options which were taken into account and the reasons for the decision will be recorded.

6.3.30 Publication of Executive Decisions and Procedure for Call-In

- a) When a decision is made by the Executive, an individual Member of the Executive or a Committee of the Executive, or a Key Decision is made by an Officer with delegated authority from the Executive or under joint arrangements, as soon as reasonably practicable the decision shall be published and shall be available at the Council Offices and on the website. The Chairman of the Overview and Scrutiny Management Committee will be sent copies of the records of all such decisions, within the same timescale, by the person responsible for publishing the decision.
- b) That notice will bear the date on which it is published and will specify the date that the decision will come into force, and may then be implemented. The decision will come into force on the expiry of five working days after the publication of the decision, unless the decision is 'called in'.
- c) During that period, the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Management Committee if so requested in writing by any five non-Executive Members of the Council, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Overview and Scrutiny Management Committee after consultation with the Chairman of the Committee (or Vice Chairman should the Chairman be unavailable). In any case the meeting shall be held within 20 working days of the decision to call-in an item unless the agreement of the Chairman of the Management Committee has been received that there are exceptional circumstances which mean that this cannot be achieved.
- d) If after consultation with the Proper Officer and Lead Opposition Group Member, the Chairman of the Overview and Scrutiny Management Committee determines that it would be more appropriate for a 'call-in' to be considered directly by an Overview and Scrutiny Committee he/she may direct that the relevant Committee consider the issue.
- e) If, having considered a decision, the Overview and Scrutiny Management Committee or a Scrutiny Committee still holds concerns 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, and only if the matter is contrary to the Policy Framework or contrary or not wholly in accordance with the Budget, it may refer the matter to the Council. If referred to the decision maker, they shall then reconsider within a further 20 working days, amending the decision or not, before adopting a final decision.
- f) The Overview and Scrutiny Management Committee or Overview and Scrutiny Committees cannot overturn the decision which it is reviewing but may either concur with the decision in which case it will take immediate effect or refer it back to the Executive for further consideration, including any recommendations that the Management Committee or Committee had agreed.

- g) If following an objection to the decision, the Overview and Scrutiny Management Committee or Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect either on the date of the relevant Scrutiny meeting, or the expiry of that further 20 working day period, whichever is the earlier
- h) If the matter was contrary to the Budget and Policy Framework and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object then the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of it, a special meeting will be convened to reconsider within 20 working days of the Council request.

Where the decision was made by an individual, the individual will reconsider within 20 working days of the Council request.

- i) If the Council does not meet, 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 Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

6.3.31 Process for Requests for Information from Members of the Overview and Scrutiny Management Committee to Officers After a Decision Has Been Called-In

In the period between the call-in of an Executive decision and a meeting of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committee taking place, all members of the Management Committee or Overview and Scrutiny Committee shall only submit questions to the author of the report being called in through Democratic Services. Prior to the meeting to consider the call-in, copies of all information requested will be circulated to the Members of the Management Committee or Overview and Scrutiny Committees by Democratic Services to ensure all Members have the same information before them when considering the call-in.

The same process shall apply in the event of an adjournment.

Requests for information from non Committee members will be actioned at the discretion of the Chairman of the Overview and Scrutiny Management Committee or relevant Overview and Scrutiny Committee.

6.3.32 Contact with Witnesses After a Decision Has Been Called In

In the period between the call-in of an Executive Decision and a meeting of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committee there should not be any communication between Members of the Committee or Committees with those individuals called as witnesses. Any contact shall only be through Democratic Services.

The same process shall apply in the event of an adjournment.

6.3.33 Communicating Views After a Decision Has been Called In

In the period between the call-in of an Executive Decision and the conclusion of the Scrutiny call-in process members of the Overview and Scrutiny Management Committee or relevant Overview and Scrutiny Committee should not communicate their views, either to the press or members of the public, about the matter so as not to prejudice the outcome of the review by appearing to have already made up their mind. The scrutiny call-in process shall be deemed to have concluded once a resolution from the Management Committee or relevant Overview and Scrutiny Committees has been forwarded to the maker of the Executive Decision for consideration.

6.3.34 Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are placed on its use. These are:

- a) five non-Executive Members of the Council are needed for a decision to be called in;
- b) once a Member has signed a request for call-in under [Rule 6.3.30](#) (Call-in) above, he/she may not do so again until a period of two calendar months has expired;
- c) no matter which involves information or a decision relating to an individual may be called in; d) no decision taken by the Council or due to be referred to Council for final approval e.g. Budget may be called in;
- e) no decision taken by the Planning Committee, the Licensing and Appeals Committee, the Audit Committee or the Standards Committee may be called in;
- f) in relation to decisions taken by Officers under delegated powers, only Key Decisions are subject to the call-in process; and
- g) no item that has been previously considered by the Overview and Scrutiny Committees or Committees, or has been the subject of a review undertaken by a Task and Finish Group, within the preceding six months may be called in.

6.3.35 Call-in and Urgency

The call-in procedure set out in [Rule 6.3.30](#) above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would:

- a) have serious financial implications for the Council as assessed by the Chief Finance Officer; or
- b) seriously prejudice the Council's or the public's interests.

The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.

Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

6.3.36 Dispute

The Council's Monitoring Officer or Section 151 Officer will be the final arbiter of whether an item does not qualify for 'Call-in' because of an exception or on the grounds of urgency.

6.3.37 Statutory Scrutiny Officer

Under the Localism Act 2011 the Council is required to designate an Officer to undertake the following statutory functions:

- a) Promote the role of the Council's Overview and Scrutiny Committees;
- b) Provide support to the Council's Overview and Scrutiny Committees and the members of those bodies;
- c) Provide support and guidance to Members and Officers of the Council and the Executive on the functions of its Overview and Scrutiny Committees.

The Statutory Scrutiny Officer is:

Neil Carr
Democratic and Electoral Services Specialist
Wokingham Borough Council.

Tel 0118 974 6058
Email neil.carr@wokingham.gov.uk

WOKINGHAM BOROUGH COUNCIL

REVIEW TOPIC SELECTION CRITERIA

(as agreed by the Scrutiny Committee on 5 December 2006)

	Criteria	Tick	Comments
1	Of local, and preferably current, concern.		
2	Linked to the Council's corporate objectives.		
3	Not being reviewed elsewhere.		
4	Capable of being influenced by the committee.		
5	Of manageable scope – not too wide-ranging and yet of sufficient size to warrant a scrutiny review.		
6	Resources available to support the scrutiny review.		

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SECTION 7

**The Health Overview And Scrutiny Committee has been incorporated into
Section 6 - The Overview and Scrutiny Management Committee**

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**SECTION 8
REGULATORY AND OTHER COMMITTEES**

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CHAPTER 8.1 - PLANNING COMMITTEE'S TERMS OF REFERENCE

8.1.1

The Planning Committee will carry out functions relating to town and country planning, highways and public rights of way as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) save for those contained in Part III of the Wildlife and Countryside Act 1981 and those which have not been delegated to the Assistant Director Planning. The Planning Committee will determine planning applications where the recommendation is to be as follows: -

- a) Approval of full and outline applications for new dwellings falling into the 'major' category defined by Government with the exception of 1) minerals or waste proposals (see 'e' below). For clarification, "full and outline applications" excludes variation (S73 and 73A) and reserved matters applications and, excludes applications where the number of dwellings is 9 or less but the site area is greater than 1 hectare.)
- b) Approval of any matter the Committee has resolved it wishes to consider.
- c) Approval of the total or substantial demolition of Listed Buildings.
- d) Raising no objection to consultations from other Authorities where such proposals would significantly affect the Borough.
- e) Approval of applications for the creation of new Minerals and Waste sites.
- f) Approval of major departures from the Development Plan.
- g) Approval of applications where there is a legal agreement with a financial contribution which is contested by the applicant.
- h) Approval of applications submitted by or on behalf of a Borough Councillor.
- i) Approval of applications from, by or on behalf of (either solely or jointly with any other party) the Borough Council for schools which give rise to the employment of any more staff or pupils; or involves a net increase in development of more than 100 sq m. of floorspace at a school.
- j) Determination of any application not in the above categories at the discretion of the Assistant Director Planning.
- k) Approval of applications by or on behalf of a member of staff that has a role or involvement in the planning process, eg anyone working in the Planning or Property sections or a member of the Corporate Leadership Team.
- l) Applications where the Ward Member(s), or consultations where the affected Ward Member(s), wish(es) the item to be 'listed'. This is conditional in that the listing must: -
 - i) Be in writing and within 21 days of the notification letter;

- ii) state whether it applies if the recommendation is to approve or refuse (not both); and
 - iii) be accompanied by a material planning reason for the request.
- m) Applications by any person in respect of a decision to designate / de-designate a building as a Building of Traditional Local Character. This is conditional in that the application must be made within eight weeks beginning with the day on which written confirmation of the decision was issued to the relevant parties (unless a longer period is agreed by either the Chairman of the Planning Committee or the Director Place and Growth).
- n) Where an application is refused by the Planning Committee which is subject to reasons for refusal based on Affordable Housing and/or Infrastructure policies, but those reasons were omitted at the time of the decision, the addition of those reasons are delegated to the Director Place and Growth in consultation with the Chairman of the Planning Committee on condition that the delegation is exercised before the issue of the planning decision.

Note: In disputed cases the Chairman of the Planning Committee's decision will be final

CHAPTER 8.2 - PLANNING COMMITTEE PROCEDURE RULES

8.2.1 Meetings of the Planning Committee

The Planning Committee shall meet as scheduled in the Timetable of Meetings agreed by Council. Meetings of the Committee will be held at the Council's main offices or another location to be agreed by the Chairman. Meetings will be held in public and the Access to Information Rules in Chapter 3.2 of this Constitution set out the requirements covering public meetings.

Extraordinary meetings of the Planning Committee may be called at any time by the Chairman or, in his/her absence, the Vice Chairman of the Committee or by the Chief Executive if he/she considers it necessary or appropriate. The business to be conducted at an extraordinary meeting of the Planning Committee shall usually be a single item only and there shall be no consideration of previous minutes.

8.2.2 Public and Member Questions

No public or Member questions may be asked at Planning Committee meetings.

8.2.3 Petitions

Petitions will not be accepted at meetings of the Planning Committee. In the normal course of events, petitions relating to a particular planning application would be presented to the case Officer as part of the normal consultation process and outlined in the Officer's report to the Committee, if the application has not been delegated to Officers for determination. Petitions may, however, be submitted at meetings of full Council provided they are of a general nature. Details of the Council's Petition Protocol can be found at Chapter 3.5.

8.2.4 Quorum

The quorum of a meeting of the Planning Committee will be one quarter of the whole number of Members or three, whichever is the greater.

Procedure at Meetings

8.2.5 Public Speaking Rights

The following persons are permitted to attend or send a representative to address the Committee in relation to any planning application brought forward for determination by the Planning Committee:

- a) Parish and Town Councils (3 minutes in total);
- b) Objectors (3 minutes in total);
- c) The applicant, their agent and supporters (3 minutes in total).

All parties wishing to address the Committee must register their intention to speak with Democratic Services by 5.00pm on the day prior to the meeting. Objectors and supporters, other than the applicant or their agent, must live within the ward(s) of the relevant application under consideration or be directly affected by the proposed development (or have been asked to speak by someone who meets either of these criteria). When registering to speak you must provide evidence of which of these criteria you are speaking under.

The total time allowed for speeches in respect of each of the groups of speakers shown above shall not exceed three minutes. Another period may be allowed at the discretion of the Chairman. In relation to a single person or representative they shall not be entitled to speak for more than three minutes or to speak in more than one capacity.

Where more than one person attends in respect of any of the groups set out in a), b) or c) above they may either nominate a spokesperson or share the time.

Further detailed information on public speaking rights is set out in the leaflet "Speaking on Planning Applications" which is sent out to all parties making written representations on a particular application.

8.2.6 Disturbance by Public

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

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

8.2.7 Speaking by Members other than Planning Committee Members

Members of the Council who are not Members of the Planning Committee may at the discretion of the Chairman also address the Committee. However this right will normally be restricted to Members from the Ward in which an application is situated. Local Ward Members will be allowed to speak once, for a maximum of three minutes total, shared between all registered relevant Ward Members. If the Member who wishes to speak is not the relevant Ward Member they will need to provide evidence that their residents are directly affected by the proposed development. Ward Members directly affected by the proposed development should register to speak as either a supporter or objector as appropriate. In cases of applications situated in a single members ward and the Ward Member is directly affected by the proposed development, a Ward Member from an adjoining ward may be requested to speak on others' behalf.

Members must register their intention to speak either in support or objection to an application as appropriate with Democratic Services by 5.00pm on the day prior to the meeting.

8.2.8 Rules of Debate

Debates at the Planning Committee shall take place as follows:

- a) The Officer will put forward his/her recommendation prior to the application being debated. Following the debate, a member of the Committee will either propose the Officer recommendation or an alternative proposal, both of which will need to be seconded. The Officer recommendation or alternative proposal will then be voted upon;
- b) If a Member wishes to make a proposal to negate the Officer's recommendation, they may formally propose a Motion if nothing has yet been moved. If proposing the refusal or approval of an application against the Officer recommendation, clear planning reasons for the proposal must be given in order for it to be acceptable. This applies equally to proposals to defer the application for a site

visit. If such a Motion is passed it becomes the Committee decision. If defeated, then another Member may propose the Officer's recommendation;

- c) A Member may propose an amendment to vary the decision, for example, to remove a refusal reason or remove/vary conditions. The usual rules relating to voting on an amendment apply
- d) It is important to note that, if a Motion to refuse an Application is proposed, seconded and defeated, no further Motion to refuse may be moved. This also applies if a Motion to approve is defeated;
- e) In the rare event that Motions to approve and refuse an application are both declared lost, the application will be deemed to have been determined in accordance with the Officer recommendation.

8.2.9 Duration of Meeting

As set out in Chapter 4.2, unless the majority of Members present vote for the meeting to continue, any meeting of the Planning Committee that has not concluded by 10.30pm will adjourn immediately. If, once a Motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

CHAPTER 8.3 - PLANNING MEMBER GUIDELINES ON GOOD PRACTICE

8.3.1 Background

These Guidelines on Good Practice were prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and in consultation with the District Audit Service, Local Government Ombudsman and the Standards Board for England. The Guidelines were updated in light of the adoption by the Council of a revised Model Code of Conduct in July 2007.

8.3.2 Introduction

The aim of these guidelines is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

8.3.2.1

The key purpose of Planning is to control development in the public interest.

8.3.2.2

Your role as a Member of the Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

8.3.2.3

These guidelines apply to Members at all times when involving themselves in the planning process. This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies equally to planning enforcement matters or site specific policy issues and to planning applications.

8.3.2.4

If you have any doubts about the application of these guidelines to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

8.3.3 Relationship to The Members' Code Of Conduct

Do apply the rules in the Members' Code of Conduct first, which must always be complied with.

8.3.3.1

Do then apply the guidelines in this document, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by these guidelines, you may put:

- a) the Council at risk of proceedings on the legality or maladministration of the related decision; and
- b) yourself at risk of being the subject of a complaint made to the Standards Committee.

8.3.4 Development Proposals and Interests under the Members' Code

Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

8.3.4.1

Do then act accordingly. Where your interest is personal and prejudicial:

- a) Don't try to represent Ward views, get another local Member to do so instead.
- b) Don't get involved in the processing of the application.
- c) Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Members when other members of the public would not have the same opportunity to do so.
- d) Do attend a meeting in order to represent a proposal. The revised Code of Conduct aims to provide Members with as many of the rights of ordinary members of the public as possible. You may make representations at the meeting in the same way as a member of the public is allowed to even if you have a prejudicial interest. You must not take part in any discussion or voting. You must leave the room immediately after you have made your representation or answered questions, before any debate starts. If the meeting decides that you should finish speaking you **must** comply with that decision. Although members of the public may be allowed to observe the voting and discussion on the matter you are not to do so. Failure not to leave the room at this point may be viewed as an attempt to improperly influence the meeting.
- e) Do notify the Monitoring Officer (Head of Governance and Improvement Services) in writing of your own planning application and note that:
 - i) notification to the Monitoring Officer should be made no later than submission of the application;
 - ii) the proposal will always be reported to the Committee as a main item and not dealt with by Officers under delegated powers; and
 - iii) it is advisable that you employ an agent to act on your behalf on the proposal in dealing with Officers.

8.3.5 Fettering Discretion in the Planning Process.

Fettering your discretion in the planning process can be defined as making up your mind, or appearing to have done so, before the matter has been formally considered.

8.3.5.1

Don't jeopardise your ability to participate in planning decision making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter before it is formally considered by the Planning Committee, when you will have the opportunity to hear the Officer's presentation and evidence and arguments on both sides

8.3.5.2

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

8.3.5.3

Do be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

8.3.5.4

Under the Code of Conduct, membership of any of the organisations listed below will not necessarily mean you have a prejudicial interest in their matters. Do be aware, however, that you should ALWAYS declare a personal and prejudicial interest where:

- a) you have been significantly involved in the preparation, submission or advocacy of a planning application on behalf of:
 - i) another local or public authority of which you are a member; or
 - ii) a body to which you have been appointed or nominated by the Council as its representative; or
 - iii) you are a trustee or company director of the body submitting the proposal and were appointed by the Council.

8.3.5.5

Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example), provided:

- a) the proposal does not substantially affect the well being or financial standing of the consultee body;
- b) you make it clear to the consultee body that:
 - i) your views are expressed on the limited information before you only;
 - ii) you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, Ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - iii) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - iv) you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.

8.3.6 Contact with Applicants, Developers and Objectors

Do refer those who approach you for planning, procedural or technical advice to Officers.

8.3.6.1

Don't agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Head of Development Management and Enforcement to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action and a note that a meeting took place, made on the application file.

8.3.6.2

In addition in respect of presentations by applicants/developers after an application has been submitted:

- a) **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- b) **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- c) **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- d) **Do** be aware that a presentation is a form of lobbying and you must not express any view or state how you or other Members might vote.

8.3.7 Lobbying of Councillors

Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.

8.3.7.1

Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

8.3.7.2.

Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 in accordance with the Members' Code of Conduct.

8.3.7.3

Do copy or pass on any lobbying correspondence you receive to the Head of Development Management and Regulatory Services at the earliest opportunity.

8.3.7.4

Do promptly refer to the Head of Development Management and Regulatory Services any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

8.3.7.5

Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.

8.3.7.6

Do note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or failed to follow these guidelines through:

- a) listening or receiving viewpoints from residents or other interested parties;
- b) making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- c) seeking information through appropriate channels; or
- d) being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or Ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

8.3.8 Lobbying by Councillors

Don't become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.

8.3.8.1

Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

8.3.8.2

Don't lobby fellow Councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken

8.3.8.3

Don't decide or discuss how to vote on any application at any sort of Political Group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

8.3.9 Site Visits

Do try to attend site visits organised by the Council.

8.3.9.1

Don't request a site visit unless you feel it is strictly necessary because:

- a) particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- b) there are significant policy or precedent implications and specific site factors need to be carefully addressed.

8.3.9.2

Do ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.

8.3.9.3

Do ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

8.3.9.4

Do ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

8.3.9.5

Don't hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the Officer present.

8.3.9.6

Don't express opinions or views to anyone.

8.3.9.7

If viewing a site other than as part of the formally-arranged Committee site visit, do not discuss the application with the applicant, agent or objectors.

8.3.10 Public Speaking at Meetings

Don't allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

8.3.10.1

Do ensure that you comply with the Council's procedures in respect of public speaking.

8.3.11 Officers

Don't put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Case Officer, which may be incorporated into any Committee report).

8.3.11.1

If you wish to discuss a particular application, please approach the Case officer in the first instance. It would be helpful if you make an appointment.

8.3.11.2

Do recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

8.3.12 Decision Making

Do ensure that, if you request a proposal to go before the Committee rather than be determined through Officer delegation, your clear planning reasons are recorded and repeated in the report to the Committee. If you are a Member of the Committee, ensure also that, whilst raising planning concerns, you do not present a clear view for or against an application. In doing so you would be fettering your discretion.

8.3.12.1

Do comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

8.3.12.2

When making any decision you must only consider the planning merits of the application against the Local Plan, adopted local and national planning policies and any other material planning considerations relevant to the proposal being considered. Ordinarily, this information is within the planning officers report, the submitted planning documentation, information presented at the meeting or at the site visit (if applicable) and planning considerations presented by the public speakers and members of the committee. All other matters are not relevant and should not be considered in the decision-making process. In essence, every member of the committee must exercise their planning judgement solely based upon planning merits. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, seek to have the application deferred.

8.3.12.3

Don't vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the Officers' introduction to the matter.

8.3.12.4

Do have recorded the reasons for the Committee's decision to defer any proposal.

8.3.12.5

Do make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

8.3.13 Training

Don't participate in decision making at meetings dealing with planning matters if you have not attended planning training sessions that may be prescribed by the Council.

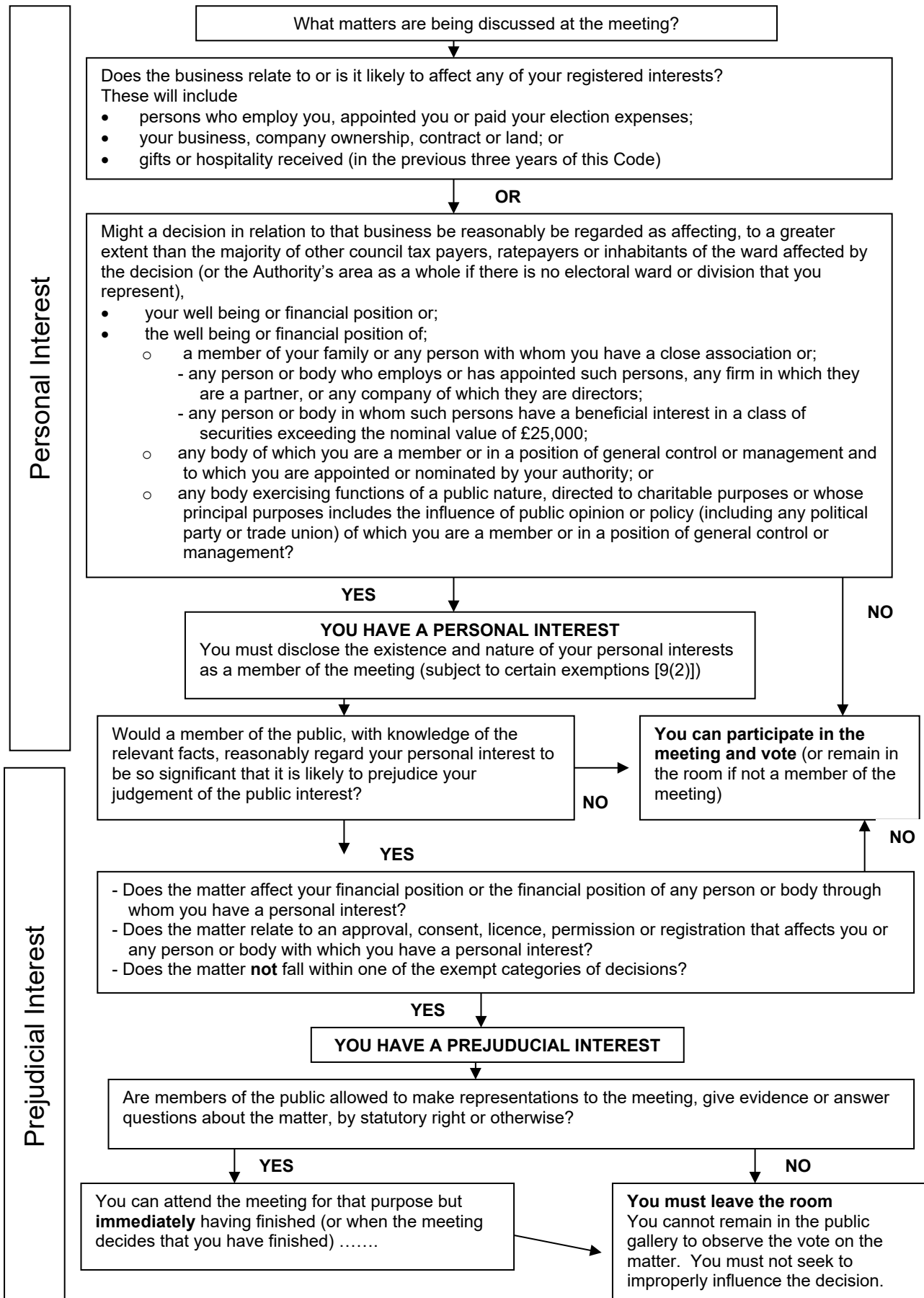
8.3.13.1

Do endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

8.3.13.2

Do participate in any review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF (Non Overview and Scrutiny Meetings)



Appendix A

**Procedure for Appeals relating to Building of
Traditional Local Character ([Rule 8.1.1m](#))**

- 1 Requests for an appeal against the original decision of the Council in respect of a request to designate an asset as a Building of Traditional Local Character can be made by any person or body.
- 2 The request for the review must be made to the Council in writing by any person. This must be received within eight weeks beginning with the day on which written confirmation of the decision was issued to the relevant parties listed above. The Council is able to allow longer periods for submitting a review.
- 3 In considering the request for a review an original decision about whether to include an asset on 'The List', the Council will take into account the following factors:-
 - a The eligibility of the building against the Criteria and Procedure for Considering a Nomination for Listing as a Building of Traditional Local Character (as set out in The Procedure for Adding or Updating a Building on 'The List')
 - b Any new factors that have come to light since the original decision was made. For example, removal of a building from 'The List' may be appropriate in circumstances where it no longer meets the criteria for selection, has been demolished, or has undergone development changes that have negatively impacted on its significance.
 - c Any matter put forward that the Council cannot consider in assessing whether the asset should be designated (i.e. Matters not included in the Criteria and Procedure for Considering a Nomination for Listing as a Building of Traditional Local Character)
- 4 The Council will not take any financial or commercial issues into account in the decision to include a building on 'The List'.
- 5 All valid review requests that meet the requirement set out in this procedure will be assessed by the Planning Committee which will have the final decision on whether the asset will be included on "The List".

CHAPTER 8.4 - LICENSING AND APPEALS COMMITTEE PROCEDURE RULES

8.4.1 Function and Composition of the Licensing and Appeals Committee

The Licensing and Appeals Committee is responsible for:-

- a) carrying out functions relating to licensing and registration as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (the Functions Regulations);
- b) carrying out functions relating to licensing and registration as set out in the Licensing Act 2003 and Gambling Act 2005;
- c) carrying out functions relating to the setting of fees, as set out in the Gambling Act 2005, as delegated by Council;
- d) the exercise of functions relating to health and safety under 'any relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act 1974 to the extent those functions are discharged otherwise than in the Council's capacity as employer;
- e) considering any specific matters referred by Council;
- f) consideration of applications where objections have been received, through individual panels, in relation to the functions of licensing and registration as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) except applications made in connection with Hackney Carriage and Private Hire Driver, Operator and Vehicle Licensing; and
- g) consideration of appeals, through individual panels, in relation to the granting of and conditions imposed upon licences relating to taxi, food, street trading, school accredited driver, and other miscellaneous issues.

The Licensing and Appeals Committee is composed of 14 Members of the Authority appointed annually by the Council. Appointments shall be subject to the rules of political balance.

8.4.2 Meetings of the Licensing and Appeals Committee

The Licensing and Appeals Committee shall schedule a minimum of four meetings per Municipal Year, as scheduled in the Timetable of Meetings, agreed by Council. Meetings of the Committee will be held at the Council's main offices or another location to be agreed by the Chairman. Meetings will be held in public and the Access to Information Rules in Chapter 3.2 of this Constitution set out the requirements covering public meetings.

Extraordinary meetings of the Licensing and Appeals Committee may be called at any time by the Chairman or, in his/her absence, the Vice Chairman of the Committee or by the Chief Executive if he/she considers it necessary or appropriate. The business to be conducted at an extraordinary meeting of the Licensing and Appeals Committee shall usually be a single item only and there shall be no consideration of previous minutes.

8.4.3 Public and Member Questions

Public and Member questions can be asked in accordance with the requirements set out in Chapter 4.2 of this Constitution.

8.4.4 Petitions

Petitions can be submitted to the Licensing and Appeals Committee subject to the requirements of the Council's Petition Protocol described in Chapter 3.5 of this Constitution.

8.4.5 Quorum

The quorum of a meeting of the Licensing and Appeals Committee will be one quarter of the whole number of Members or three, whichever is the greater.

Procedure at Meetings

8.4.6 Speaking Rights

A Member of the Council who is not a Member of the Committee shall be entitled to attend and speak (but not vote) at any full meeting of the Licensing and Appeals Committee. Members attending under this provision shall tell the Chairman of the Committee in advance that they will be attending.

At the meetings of the Licensing and Appeals Committee after each main presentation, members of the public and other organisations present may be allowed to speak (through the Chair). Any statements from speakers must be relevant to the item or presentation just received. Speaking time will be limited to 5 minutes per item at the discretion of the Chairman.

Speaking rights relating to Hearings and Appeals constituted by the Licensing and Appeals Committee are described in the procedures in [Rule 8.4.10](#).

8.4.7 Disturbance by Public

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

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

Debate at Hearings and Appeals shall take place in accordance with the procedures described in [Rule 8.4.10](#).

8.4.8 Duration of Meeting

As set out in Chapter 4.2 unless the majority of Members present vote for the meeting to continue, any meeting of the Licensing and Appeals Committee that has not concluded by 10.30pm will adjourn immediately. If, once a Motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

8.4.9 Licensing and Appeals Sub-Committee Procedure Rules

Hearings held under the Licensing Act 2003 shall be considered by a Sub-Committee comprising three Members of the Licensing and Appeals Committee.

In accordance with the Licensing Act 2003 (Hearings) Regulations (as amended), all Hearings to determine applications under the Act shall be considered in accordance with procedures agreed by the Licensing and Appeals Committee. Details of the procedure to be followed for each type of hearing will be circulated beforehand to all parties to the hearing. Procedures shall be based on the principles of natural justice and Article 6 of the Human Rights Act, the right to a fair hearing.

There is no requirement for Sub-Committees to be politically balanced. However, every effort will be made to ensure that wherever possible Sub-Committees are politically balanced.

8.4.10 Hearings and Appeals to Determine All Other Matters Listed in [Rule 8.4.1\(f\)](#) and [Rule 8.4.1\(g\)](#)

Hearings held to determine all other matters listed in [Rule 8.4.1\(f\)](#) and [Rule 8.4.1\(g\)](#) shall be considered by a Sub Committee comprising three Members of the Licensing and Appeals Committee. Details of the procedure to be followed for each type of hearing will be circulated beforehand to all parties to the hearing.

8.4.10.1

The quorum of a Hearing or Appeals Panel shall be three Members.

8.4.10.2

The procedure to be followed at Hearings and Appeals relating to the other matters listed in [Rule 8.4.1\(f\)](#) and [Rule 8.4.1\(g\)](#) shall be determined by other legislative or constitutional arrangements maintained by the Democratic Services Section.

In all cases, all parties involved with a Hearing or Appeal shall be informed of the procedure to be followed in advance of the Hearing or Appeal. Those procedures shall be founded upon the principles of natural justice and Article 6 of the Human Rights Act, the right to a fair hearing.

8.4.11 Members ability to make Representations or Call for Reviews

Under the Licensing Act 2003 Members are able to make representations and call for reviews in relation to premises licences and club premises certificate applications in any ward in the Authority's area provided these are made on the grounds of one or more of the licensing objectives, which are:

- a) the prevention of crime and disorder;
- b) the prevention of public nuisance;
- c) public safety; and
- d) the protection of children from harm.

8.4.11.1

Representations or applications for review on grounds other than those set out in [Rule 8.4.12](#) cannot be considered. Representations that are considered to be frivolous or vexatious will also be disregarded.

8.4.11.2

All representations or applications for review must:

- a) be in writing, showing the name and address of the author (the representation/review application must be published as part of the process);
- b) clearly set out the likely effects the granting of the licence would have on the promotion of at least one of the licensing objectives;
- c) present evidence in support of the representation or review.

8.4.11.3

Although Parish/Town Councillors are not interested parties in their own right, they can be involved as representatives of interested parties, including the Parish/Town Council itself.

CHAPTER 8.5 - HIGHWAYS CONSULTATIVE BOARD PROCEDURE RULES

This board was disbanded in July 2007 and its functions relating to highways and public rights of way as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) are now included within the Planning Committee's Term of Reference as set out in [Chapter 8.1](#)

All other functions requiring Executive approval will be dealt with accordingly.

CHAPTER 8.6 - PERSONNEL BOARD PROCEDURE RULES

8.6.1 Function and Composition of the Personnel Board

The Personnel Board shall comprise seven Members of the Authority, appointed by the Council in accordance with the rules of political balance. At least one Member of the Board shall be a Member of the Executive. In addition, Council shall appoint substitute Members who shall be entitled to deputise for, and inherit the voting rights of, a Member of the Board when the appointment of permanent Assistant Directors or the appointment or dismissal of or disciplinary action in respect of the Head of Paid Service or Directors is being considered.

The Personnel Board's functions shall be as follows:

- a) To deal with the appointment and Terms and Conditions of service of the Head of Paid Service. Directors and Assistant Directors. In relation to the Head of Paid Service, the Personnel Board shall make a recommendation to the Council;
- b) To discharge the Council's functions relating to the appointment of Assistant Directors and the appointment, dismissal or disciplinary action in respect of the Head of Paid Service, or Directors;
- c) To determine the Terms and Conditions of service of all non teaching staff (including procedures for dismissal);
- d) To receive staffing updates and make recommendations to the Council, when considered necessary, in relation to major reorganisations within the Council which would put at risk of redundancy more than 20 staff;
- e) To determine requests for early retirement and redundancy in respect of all staff directly employed by the Council where:
 - i there is a request for the Council to exercise its discretions to enhance pension benefits and / or enhance redundancy compensation payments;
 - ii there are financial implications for which budgetary provision has not been made, and in which case make recommendations to the Executive for a Supplementary Estimate as appropriate.

Offers of employment shall be subject to no well-founded objections being received from any Members of the Executive.

8.6.2 Meetings of the Personnel Board

The Personnel Board shall meet on an ad hoc basis on dates to be agreed by the Chief Executive in consultation with the Chairman of the Board.

8.6.3 Public and Member Questions

Public and Member questions may be asked at Personnel Board meetings in accordance with the procedures set out in Chapter 4.2.

8.6.4 Petitions

Petitions will not be accepted at meetings of the Personnel Board.

8.6.5 Quorum

The quorum of a meeting of the Personnel Board will be three

8.6.6 Procedure at Ordinary Meetings

Ordinary meetings of the Personnel Board shall be conducted in accordance with Council Rules of Procedure set out in Chapter 4.2.

8.6.7 Procedure for the Appointment of Head of Paid Service, Directors or Assistant Directors

Meetings of the Personnel Board to shortlist, interview or appoint the Head of Paid Service, Directors or Assistant Directors shall be convened by the Chief Executive in consultation with the Chairman of the Board. For Director appointments the Head of Paid Service will attend all relevant recruitment meetings and provide advice to the Board. For Assistant Director appointments the relevant Director will attend all relevant recruitment meetings and provide advice to the Board. Detailed arrangements for the meetings shall be set out in the Agenda for the meeting which shall be dispatched in accordance with the normal Access to Information Procedure Rule set out in Chapter 3.2.

8.6.8 Disturbance by Public

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

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

8.6.9 Duration of Meeting

As set out in Chapter 4.2 unless the majority of Members present vote for the meeting to continue, any meeting of the Personnel Board that has not concluded by 10.30pm will adjourn immediately. If, once a Motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

SECTION 8.7 – SCHOOL TRANSPORT APPEALS PANEL

8.7.1 Function and Composition of School Transport Appeals Panel

The School Transport Appeals Panel shall comprise of a pool of Members which will be the same Members as are appointed to the Licensing and Appeals Committee. The Executive Member with responsibility for School Transport shall not be a member of this Panel, even if they are a member of the Licensing and Appeals Committee. Three Members from this pool will be selected to hear each appeal.

A Chairman will be appointed at the Panel Meeting.

8.7.2 Meetings of the School Transport Appeals Panel

The School Transport Appeals Panel shall meet as and when required. Meetings will be convened by Democratic Services.

8.7.3 Public and Member Questions

No public or Member questions may be asked at School Transport Appeals Panel meetings.

8.7.4 Quorum

The quorum of a meeting of the School Transport Appeals Panel will be three.

8.7.5 Procedure at Meetings

The procedure to be followed will be that previously agreed and set out in agendas.

CHAPTER 8.8 - COMMONS REGISTRATION COMMITTEE

8.8.1 Functions of the Commons Registration Committee

The Commons Registration Committee is responsible for:

- a) Carrying out functions relating to Commons Registration as set out in the Commons Registration Act 1965 and the Commons Act 2006;
- b) Determination of opposed applications for registration pursuant to section 15(1) of the Commons Act 2006.

8.8.2 Composition of the Committee

The Commons Registration Committee shall comprise the same membership as that of the Planning Committee.

8.8.3 Meetings of the Commons Registration Committee

The Commons Registration Committee shall meet when considered necessary by the Chairman (or in their absence the Vice Chairman) or the Chief Executive for the discharge of the functions listed above.

The business conducted at such meetings shall usually be a single item only. Meetings of the Committee shall be held at the Council's main offices or at another location agreed by the Chairman.

Meetings will be held in public and shall be held in accordance with the requirements for public meetings set out in the Access to Information Rules contained in Chapter 3.2 of this Constitution.

8.8.4 Public and Member Questions

No public or Member questions may be asked at Commons Registration Committee meetings.

8.8.5 Petitions

Petitions will not be accepted at meetings of the Commons Registration Committee.

8.8.6 Quorum

The quorum of a meeting of the Commons Registration Committee will be one quarter of the whole number of Members or three, whichever is the greater.

8.8.7 Disturbance by the Public

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

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

8.8.8 Procedure at Meetings to Determine Opposed Applications for Registration of New Town or Village Green following Non-Statutory Public Inquiry or a Hearing

The procedure for meetings of the Commons Registration Committee shall be in accordance with principles of natural justice and Article 6 of the Human Rights Act 1998.

The procedure to be followed at such meetings will be in accordance with that agreed by Council.

In cases where it is clear to the Registration Authority that the application or objection has no substance, the Registration Authority will usually determine the application without holding a public inquiry and this is referred to as a Hearing. However, in any case where there is serious dispute, the Registration Authority will almost invariably need to appoint an independent expert to hold a non-statutory public inquiry in order to fully investigate the relevant facts and so obtain proper advice before determining the application. This process is referred to as an Inquiry and the procedure will be determined by the Inspector appointed by the authority. The Inspector will usually be a barrister having appropriate expertise in the relevant area of law.

- a) all persons who wish to address the Commons Registration Committee must inform Democratic Services at least 3 working days before the scheduled meeting. The spokesperson for the Applicant and for any of the Objectors will be agreed;
- b) Democratic Services will provide the Chairman with a list of all persons who have notified Democratic Services that they want to address the Committee in relation to the village green application;
- c) at the start of the meeting, the Chairman will introduce all the Members of the Sub-Committee and the Officers present;
- d) the Chairman will inform the meeting that they are required to determine an application received by the Council as the relevant Commons Registration Authority for the registration of land as a new town or village green and will outline the procedure to be applied to the conduct of the meeting;
- e) the Commons Registration Officer, or his/her representative, will be invited by the Chairman to present the report setting out the facts and the law relating to the application. The Inspector (if present) will provide a summary of his report;
- f) the Chairman will invite questions from the Committee to the Officers and the Inspector;
- g) the Chairman will then refer to the list of persons requesting to speak. The Chairman will remind them that the Committee will only hear their comments on the report and shall remind all those wishing to speak that the Inquiry or the Hearing was the forum for considering the evidence;
- h) the Chairman will inform any persons wishing to speak that under the Council's Constitution, each speaker, other than the Applicant and the Objector, will be allowed to speak for three minutes. The Applicant and the Objector will be given five minutes each to address the Committee. The Chairman shall have the discretion to stop a speaker at any time if he is of the view that the content is not relevant or is repetitive;
- i) each speaker will then introduce himself/herself and address the Committee. The Chairman will determine the order of the speakers;

- j) the Chairman will then ask questions of the speaker on behalf of the Committee. (N.B. Members of the public will not be able to ask the speaker any questions);
- k) if required, the Chairman may ask the Officer or Inspector to clarify any issues raised by the speakers. The Officer or Inspector can address the Committee on any matters they consider require clarification;
- l) when all the speakers have finished, the Committee will make a decision as to whether all or part of the land identified in the application should be registered as a new town or village green. The discussions of the Committee will be in the public domain and the decision making will be taken thereafter in private. The Committee shall state in full the reasons for their decision.

**COMMONS ACT 2006
APPLICATION TO REGISTER LAND AS A NEW TOWN OR VILLAGE GREEN**

**WOKINGHAM BOROUGH COUNCIL
('the Registration Authority')**

PROCEDURE FOR A DISPUTED NEW TOWN OR VILLAGE GREEN APPLICATION

1. The Registration Authority as Commons Registration Authority for the Borough acting through the Commons Registration Officer shall in compliance with the regulations issued from time to time pursuant to the Commons Act 2006 consider all representations received by the Council in objection to an application for the registration of land as a new town or village green.
2. After consideration of such representations and objections and after consultation (including with Counsel if necessary) a decision will be made by the Commons Registration Officer on the processing of the application:
 - 2.1 if a simple objection has been received, the application will be determined by way of a Hearing before the Commons Registration Committee ("the Committee") of the Registration Authority; or
 - 2.2 if a substantive objection has been received, the application will be determined by way of an Inquiry before an independent inspector or barrister having the appropriate expertise appointed by the Registration Authority.

The Applicant and any Objector(s) will be advised of the decision as to whether the application will be processed by way of a Hearing or an Inquiry.

3. The Applicant shall by no later than 28 days (or if an independent Inspector or Barrister is appointed to act in the matter, such other time limit as they shall specify) before the date set for the Hearing or Inquiry serve on the Registration Authority and on the Objector(s) the following: -
 - 3.1. A list of all the witnesses the Applicant intends to call to give evidence.
 - 3.2. If not already provided, signed written statements containing the evidence of each witness on which the Applicant intends to rely together with any documentary evidence on which the Applicant intends to rely.
 - 3.3 Where the matter is to be considered by way of an Inquiry with such other information as the inspector or barrister instructed to act shall require.
4. The Objector(s) shall by no later than 28 days (or if an independent Inspector or Barrister is appointed to act in the matter such other time limit as they shall so specify) before the date set for the Hearing or Inquiry serve on the Registration Authority and on the Applicant the following: -
 - 4.1. A list of all the witnesses the Objector intends to call to give evidence.

- 4.2. If not already provided, signed written statements containing the evidence of each witness on which the Objector intends to rely together with any documentary evidence on which the Objector intends to rely.
- 4.3 Where the matter is to be considered by way of an Inquiry with such other information as the Inspector or Barrister instructed to act shall require.
5. The Applicant and the Objector(s) shall by no later than 14 days (or if an independent Inspector or Barrister is appointed to act in the matter such other time limit as they shall so specify) before the date set for the Hearing or Inquiry serve on the Registration Authority and each other a case summary of any legal arguments that they intend to rely upon at the Hearing together with the full references of any legal authorities to be relied upon and any other additional information which may be required.
6. The date, time and venue of the Hearing or Inquiry as the case may be will be publicised by the Registration Authority in accordance with regulations made pursuant to the Commons Act 2006 in relation to Inquiries and in relation to a Hearing by: -
 - 6.1. Posting a notice on the Application Land for 14 days prior to the date of the Hearing;
 - 6.2. Publishing a notice in the local press in 2 separate weeks prior to the date of the Hearing and on the Council's web-site; and
 - 6.3. Displaying a notice at the Hearing or Inquiry venue during the days that the Panel or Inquiry as the case may be is sitting.
7. If the application is to be determined by way of a Hearing the Hearing shall be conducted in accordance with the terms of reference of the Commons Registration Committee and as follows, subject to any procedural changes made at the Chairman's discretion upon application by either party: -
 - 7.1. The Chairman will introduce himself/herself, the other Members of the Committee, the Clerk to the Committee, the Committee's advisors and identify the principal parties.
 - 7.2. The Chairman will receive any declarations of interest from Members of the Committee relating to the application.
 - 7.3. The Applicant shall be invited to make a short opening statement of no more than 5 minutes if he/she so wishes.
 - 7.4. The Objector(s) shall be invited to make a short opening statement of no more than 5 minutes if he/she so wishes.
 - 7.5. It shall be a matter for the Chairman's discretion whether he/she is prepared to hear any additional statement from any other interested party.
 - 7.6. The Chairman and Members of the Committee may ask questions of the Applicant, the Objector and any other interested party at any point during the Hearing.

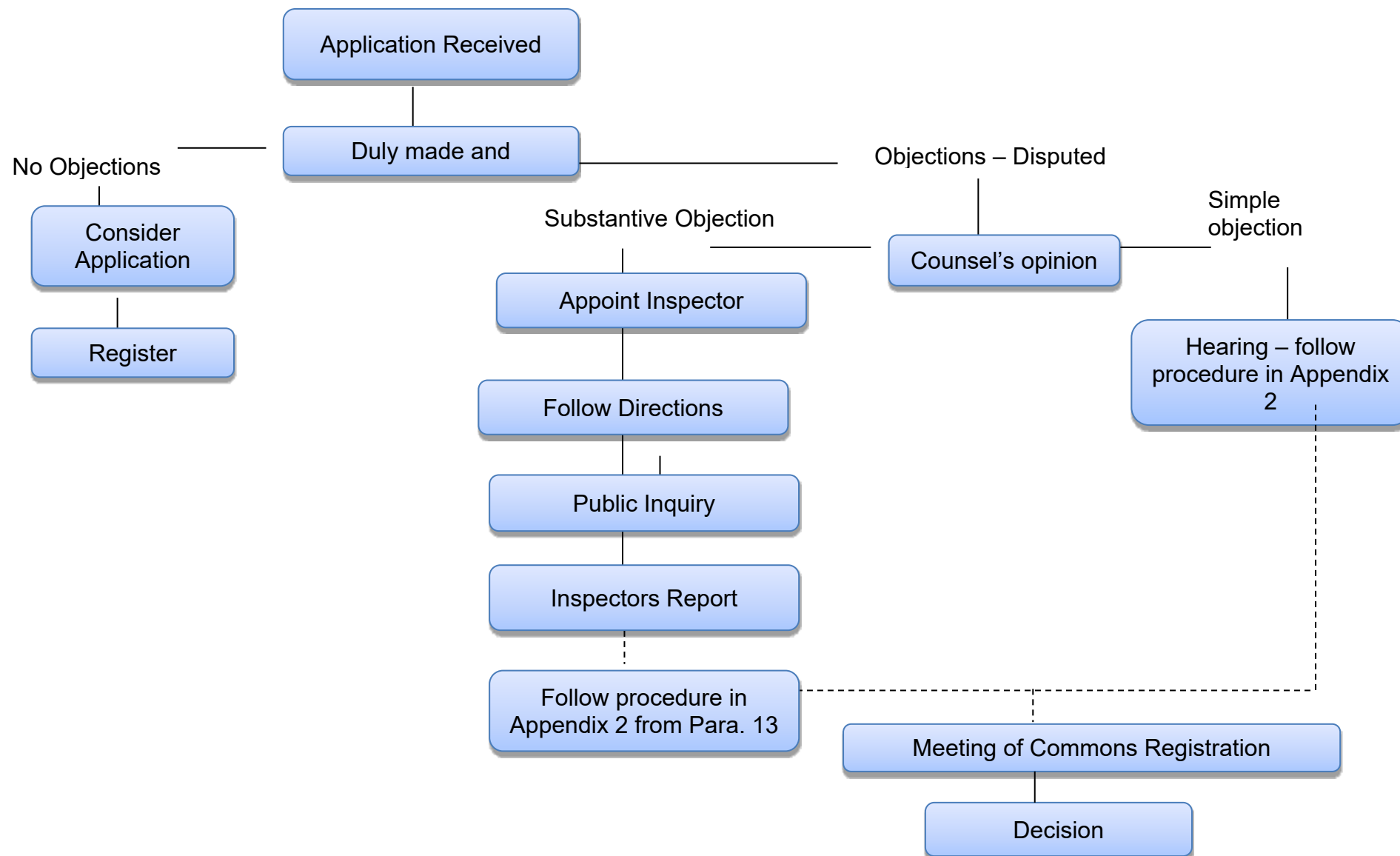
- 7.7. The Applicant shall call each of his/her witnesses in turn, who will be subject to cross-examination by the Objectors, re-examination as appropriate and be asked any questions the Committee may have.
- 7.8. The Objector(s) shall call each of his/her witnesses in turn, who will be subject to cross-examination by the Applicant, re-examination as appropriate and be asked any questions the Committee may have.
- 7.9. The Objector(s) shall be invited to make any closing statement he/she wishes to make of not more than 5 minutes duration.
- 7.10. The Applicant shall be invited to make any closing statement he/she wishes to make of not more than 5 minutes duration.
8. If deemed appropriate, the Chairman may decide to make an accompanied site visit at a time to be arranged at the Hearing. The Chairman and Committee Members may make an unaccompanied visit to the Site prior to the date of the Hearing. (Note: these are site visits, not meetings).
9. The Chairman will formally close the Hearing and the Committee shall retire to deliberate upon the application. Such deliberations may include seeking specialist legal opinion on any issue arising. In determining the application the Committee shall take into account the following:
 - the contents of the application and any material accompanying it
 - any further information or evidence provided by the applicant
 - any written representations and objections
 - any further written representations provided by any party pursuant to an invitation of the Registration Authority
 - any oral representations made by any person
 - the findings made at the site visit
 - the evidence presented at the Hearing
 - any specialist legal opinion obtained
10. On closure of the Hearing and in line with Department for the Environment Food and Rural Affairs and Planning Inspectorate guidance and practice for public inquiries and hearings, the Committee shall make their decision as soon as practicable. The Committee will make every effort to reach a decision within 12 weeks after the closure of the Hearing or as soon as reasonably possible thereafter in the event that it is necessary to seek external advice or additional information. The decision shall include reasons for the decision and provide details of any changes required to be made to the Commons Register to give effect to the decision.
11. The decision of the Committee following closure of the Hearing shall be conveyed in writing to the applicant and every person who made written representations concerning the application by the Commons Registration Officer and the decision shall be published on the [Council's web-site](#).
12. If the application is being dealt with by way of an Inquiry, the inquiry shall be conducted in accordance with the directions of the Inspector or Barrister appointed by the Commons Registration Officer.

13. On conclusion of the Inquiry the Inspector or the Barrister shall prepare a report and a recommendation to the Council. The Commons Registration Officer shall send a copy of the Inspector or Barrister's report and the accompanying recommendation to the Applicant and the Objectors within 28 working days of receipt. The Applicant or the Objectors shall have 28 days from receipt to make comments to the Registration Authority on either the Inspector's Report or the recommendation as may be appropriate. The Commons Registration Officer shall prepare a report for consideration by the Committee which shall include a recommendation for the disposal of the application. The report shall include any comments received by the Applicant or any objector.
14. The Committee shall determine the application and the Commons Registration Officer shall give effect to the decision by amendment to the Commons Register as appropriate and by serving written notice of determination on the Applicant the Objector(s) and all other persons who made written representations in connection with the application and shall place notice of the decision on the [Council's web-site](#).

Right of Appeal

The Commons (Registration of Town or Village Greens) (Interim Arrangements) Regulations 2007 No. 457) made under the Commons Act 2006 do not provide the means for challenging a decision made by the Commons Registration Authority on an application to register land as a new town or village green, so a decision by the Registration Authority is to be regarded as final and binding.

Commons Registration Procedure



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ETHICS AND CORPORATE GOVERNANCE**

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CHAPTER 9.1 - THE STANDARDS COMMITTEE

9.1.1 Composition and Membership

At the Annual Council meeting the Council will establish a Standards Committee which will be composed of:-

- a) six elected Members of Wokingham Borough Council. The composition of which will be subject to the rules of Political Balance. One of these Members will be elected as Chairman at Annual Council.
- b) three co-opted non voting Parish Members. Of the three Members, at least one Member should be a Member of a parish council and at least one should be a Member of a town council. The process for appointing town and parish council representatives shall be overseen by the Monitoring Officer and the Independent Person and any recommended appointment agreed by the Council.

9.1.2 Role of the Independent Person(s)

The Independent Person(s) is entitled to attend any meeting of the Standards Committee but cannot vote on any item.

9.1.3 Parish/Town Council Members

A Parish/Town Council Member should be present when matters relating to Parish/Town Councils or their Members are being considered.

9.1.4 Role and Function

The Standards Committee will have the following roles and functions:

- a) promoting and maintaining high standards of conduct by Councillors, co-opted members, including church and parent governor representatives;
- b) assisting the Councillors, co-opted members, including church and parent governor representatives, to observe the Members' Code of Conduct;
- c) advising the Council on the adoption or revision of its Members' Code of Conduct;
- d) monitoring the operation of the Members' Code of Conduct, the Officers' Code of Conduct and the Council's Whistleblowing policy and any other appropriate codes of conduct and procedures;
- e) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- f) the exercise of (a) to (e) above in relation to the Parish/Town Councils wholly or mainly in its area and the Members of those Parish/Town Councils;
- g) the presentation of an annual report by the Chairman of the Standards Committee to Council.

9.1.5 Ordinary Meetings of the Standards Committee

The Standards Committee shall meet four times per year on dates to be agreed by the Council. Additional meetings may be arranged by the Chairman in consultation with the Monitoring Officer.

9.1.6 Public and Member Questions

Public and Member questions may be asked at ordinary Standards Committee meetings in accordance with the procedures set out in Chapter 4.2.

9.1.7 Parish / Town Council Questions

Parish/Town Councillors may ask questions at ordinary Standards Committee meetings in accordance with the procedures set out in Chapter 4.2.

9.1.8 Quorum

The quorum of a meeting of the Standards Committee shall be three Borough Members.

9.1.9 Disturbance by Public

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

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

9.1.10 Duration of Meeting

As set out in Chapter 4.2 unless the majority of members of the Committee present vote for the meeting to continue, any meeting of the Standards Committee that has not concluded by 10.30pm will adjourn immediately. If, once a Motion to continue has been proposed and seconded, the majority of members of the Committee present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

9.1.11 Process for Dealing with Misconduct Complaints

9.1.11.1

The Localism Act 2011 requires the Council to adopt arrangements for dealing with complaints of breaches of the Code of Conduct by either Borough Council Members, Town/Parish Council Members or co-opted members of any of these bodies and such complaints can only be dealt with in accordance with such arrangements.

9.1.11.2

The following is the process that will be followed for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with the relevant Code of Conduct.

9.1.12 Process for Considering Code of Conduct Complaints

9.1.12.1 Receipt and Acknowledgment of the Complaint

Following receipt of a Councillor Code of Conduct complaint, the Monitoring Officer¹ will write, within 3 working days, to the complainant to acknowledge receipt of the complaint and provide them with a copy of this complaints process.

The complainant will be told that full details of their complaint, including the parts of the Code of Conduct which have allegedly been breached and their name, will be given to the Councillor they have complained about, (“the Subject Member”), subject to [Rule 9.1.13.5](#) (Anonymous complaints).

If the complaint relates to a Parish or Town Councillor, the Clerk to that Council will be informed and may be asked for relevant factual information. In the case of Subject Members who sit on more than one Council, the Monitoring Officer will seek clarification from the complainant if it is unclear which Council the Subject Member was acting for at the time of the alleged breach.

9.1.12.2 Response of the Subject Member

The Subject Member will be informed of the complaint as soon as possible, and be asked for their initial comments on the complaint. The Subject Member will have 15 working days to provide their comments and if no comments are received within this timescale then the Monitoring Officer will proceed with his/her assessment on the basis of the original complaint.

9.1.12.3 Response of the Town or Parish Clerk

If the complaint is about a Town or Parish Councillor, the Monitoring Officer shall seek a response to the complaint from the Town/Parish Clerk. This response, which should relate to clarification of factual matters only, eg was the Councillor actually present at the meeting in question, will be recorded in the Monitoring Officer’s summary and taken into account when a decision is made, under [Rule 9.1.13.4](#). The Clerk’s opinion on the complaint is not being sought.

9.1.12.4 Initial Decision of the Monitoring Officer

The purpose of the initial assessment by the Monitoring Officer, in consultation with an Independent Person, is to determine whether the complaint should be accepted for further consideration or rejected. In determining whether a complaint should proceed the Monitoring Officer may apply the following criteria:

Sufficiency of information – Is there sufficient information or evidence provided with the allegation? If it appears that substantiating evidence may be available, but has not been provided, the Monitoring Officer may ask for additional evidence, but the onus is on the complainant to ensure that all relevant information is provided.

Seriousness of the complaint – is the complaint trivial, vexatious, malicious, politically motivated, or ‘tit for tat’? Would the resources/cost involved in investigating and determining the complaint be disproportionate to the allegation if proven?

Duplication – Is the complaint substantially similar to a previous allegation or subject of an investigation by another relevant authority?

¹¹ Reference to the Monitoring Officer in this document includes the Deputy Monitoring Officer

Length of time – Did the events or behaviour to which the complaint relates take place more than six months prior to receipt of the complaint. Does the time lapse mean that those involved are unlikely to remember matters clearly, or does the lapse of time mean that there would be little benefit in taking action.

Public Interest – Is the public interest served in referring the complaint further. Has the Subject Member offered an apology or other remedial action?

The Monitoring Officer shall write a summary of the complaint and then, subject to consultation with an Independent Person, have delegated authority to decide to:

- a) take no action if there is clear evidence that there has been no breach of the Code of Conduct.
- b) Resolve the matter informally by asking the Subject Member to
 - i) take part in mediation with the complainant in order to settle the complaint, provided both the Subject Member and the complainant are willing to do so, and/or
 - ii) make a written apology to the complainant which is acceptable to the Monitoring Officer and the Independent Person, and/or
 - iii) attend training and/or
 - iv) correct an entry in the Members' Register of Interests or correct a declaration made; OR
- c) Require a formal investigation and a written investigation report by an Investigating Officer. The investigation report shall conclude whether there has been a breach of the Code of Conduct. Copies of the investigation report will be provided in confidence to the Independent Person, and the Subject Member. OR
- d) Refer the complaint to the Standards Committee for a decision on whether options a), b) and c) above should be followed.

The decision by the Monitoring Officer will normally be taken within 20 working days of receipt of the complaint. Once a decision has been made by the Monitoring Officer the complainant, the Subject Member and the Town/Parish Clerk (if applicable) will be informed of the outcome as soon as possible.

If the Monitoring Officer decides to resolve the matter informally, as set out in b) above, but this is deemed to have failed the Monitoring Officer can further decide, in consultation with the Independent Person, to refer the complaint for a formal investigation, as set out in c) above.

9.1.12.5 Anonymous Complaints

Anonymous complaints will not usually be considered. However it is recognised that in some exceptional circumstances some individuals may feel unable to reveal their identity. In these situations, complainants wishing to remain anonymous should be aware that their concerns may carry less weight because the evidence may not be sufficient enough to allow a successful investigation and fair result. The Monitoring Officer is authorised, subject to consultation with the Independent Person, to accept or decline an anonymous complaint.

9.1.13 Finding on Investigation

9.1.13.1 No Breach of Code of Conduct

Where a formal investigation concludes that the Subject Member has not failed to comply with the Code of Conduct, the Monitoring Officer shall have delegated authority to decide not to take any further action, in consultation with the Independent Person.

If the Monitoring Officer makes a decision not to take any further action, he or she will advise the complainant, the Subject Member and the Town/Parish Clerk if applicable.

A summary of all investigations will be provided to the Standards Committee for information. However, where there is a determination that there has been no breach of the Code of Conduct, no names will be disclosed.

9.1.13.2 Breach of Code of Conduct

Where a formal investigation finds evidence that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with an Independent Person, shall make a decision to:

- a) resolve the matter informally by asking the Subject Member to
 - i) take part in mediation with the complainant in order to settle the complaint, provided both the Subject Member and the complainant are willing to do so, and/or
 - ii) make a written apology to the complainant which is acceptable to the Monitoring Officer and Chairman of the Standards Committee, and/or
 - iii) attend training and/or
 - iv) correct an entry in a register or correct a declaration made;

Where there has been a determination by the Monitoring Officer to resolve the matter informally, the Subject Member's name will be disclosed in accordance with Rule 9.1.14.3 below.

OR

- b) refer the Investigating Officer's report to a Standards Committee Hearings Panel, constituted from members of the Standards Committee. The Hearings Panel will conduct a local hearing following the procedure in [Rule 9.1.15](#), and make a decision in accordance with [Rule 9.1.16.2](#).

The Hearings Panel will usually hear a complaint within two calendar months of the date that the Monitoring Officer received the final investigation report.

9.1.13.3 Publication of a Decision on Finding a Breach of the Code of Conduct which has been Dealt with Informally

Within 3 working days of the decision to resolve the matter informally the Monitoring Officer shall prepare a formal decision notice. The decision notice will include details of the steps the Subject Member has been asked to take by the Monitoring Officer to resolve the matter. A copy of the decision notice will be sent to the complainant, the Subject Member (and, if applicable, the relevant Town/Parish Council) and the Independent Person. The decision notice will be available for public inspection and will be published on

the Borough Council's website. If the complaint is directed at a Borough Councillor, the decision will be reported to the next convenient meeting of the Borough Council. At the Council meeting the report will be noted and there will be no discussion on the item. If the complaint is directed at a Town/Parish Councillor, the relevant Council will be requested to report the decision to its next Council meeting.

The Subject Member has no right of appeal against the decision of the Monitoring Officer.

9.1.14 Procedure for Local Hearings

9.1.14.1 Appointment, Composition and Terms of Reference of the Hearings Panel

The Monitoring Officer is required to convene a politically balanced Hearings Panel from the membership of the Standards Committee as necessary. The Hearings Panel will therefore not have a fixed membership.

The Hearings Panel shall comprise three to five voting members of the Standards Committee.

If the complaint relates to a Town or Parish Councillor then a co-opted Town or Parish Councillor of the Standards Committee will also be part of the Hearings Panel, but will not have voting rights.

An Independent Person will be asked to attend any Hearings Panel and give advice to it in respect of the complaint as required by S28(7) of the Localism Act 2011.

9.1.14.2 Pre Hearing Process

The date of the hearing will be arranged by the Monitoring Officer in consultation with the members of the Hearings Panel and the Subject Member.

Once the date for the Hearings Panel has been arranged the Subject Member will be notified and asked if they:

- a) wish to attend the hearing;
- b) wish to be represented at the hearing by a solicitor, barrister or any other person;
- c) wish to submit any written evidence or documentation to be considered by the Panel. This must be sent no later than 3 working days prior to the hearing and will be passed to the complainant and the Investigating Officer for any comment. Additional evidence or documentation not submitted by this deadline may not be accepted by the Panel;
- d) wish to call relevant witnesses to give evidence at the hearing. The Chairman of the Hearings Panel appointed at the meeting will have the final decision on how many witnesses may reasonably be needed.

The Hearings Panel will receive a report from the Monitoring Officer which will include a copy of the Investigating Officer's final report.

The legal requirements for publishing agendas, minutes and calling meetings will apply to the Hearings Panel. The hearing will be held in public no earlier than 14 working days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Subject Member and no later than 2 months, except in exceptional circumstances. The hearing will normally be held in public but Schedule 12A of the Local Government Act 1972 (as amended) may be applied to exclude the public and press from meetings of the Hearings Panel where it is likely that confidential or exempt information will be disclosed.

9.1.14.3 Procedure for the Hearings Panel

The procedure for the Hearings Panel will be as follows:

- a) Elect a Chairman for the Hearing.
- b) The Chairman will ask the Hearings Panel if they have any interests to declare.
- c) Agree whether the matter should be heard in public or private, subject to the normal rules on exempt and confidential information and bearing in mind the public interest. The Hearings Panel will always, however, retire in private to consider its findings and possible action.
- d) The Chairman to confirm the names and status of those attending. If the Subject Member is not present at the start of the hearing, and they had indicated their intention to attend, the Chairman shall ask the Monitoring Officer whether the Subject Member has provided any reasons why he or she would not be present. From the response the Hearings Panel will decide whether to make a determination in the absence of the Subject Member or adjourn the hearing to another date.

The Chairman may exercise their discretion and amend the order of business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

The Hearings Panel may adjourn at any time.

9.1.14.4 Presentation of the Complaint and Subject Member's Case

- a) The Monitoring Officer, or in his/her absence the Deputy Monitoring Officer, or Chairman may each make an introductory statement outlining the nature of the complaint and the purpose of the hearing, and the procedure to be followed.
- b) The Investigating Officer, or in his/her absence the Monitoring Officer, shall present the Investigating Officer's report having particular regard to any points of difference identified by the Subject Member and why the Investigating Officer had concluded, on the basis of their findings of fact, that the Subject Member had failed to comply with the Code of Conduct. The Investigating Officer or Monitoring Officer may call witnesses as necessary in order to substantiate his/her findings.

- c) The Subject Member will then be given the opportunity to ask the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen during the witness statements.
- d) Members of the Hearings Panel, the Independent Person and the Monitoring Officer will then have the opportunity of asking the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen during the witness statements.
- e) The Subject Member will then be invited to respond to the Investigating Officer's report and provide evidence, either by calling witnesses or by making representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.
- f) The Investigating Officer will then be given the opportunity to ask the Subject Member and any witnesses, questions relating to the representations made to the Hearings Panel.
- g) Members of the Hearings Panel, the Independent Person and the Monitoring Officer will then have the opportunity to ask the Subject Member, and any witnesses, questions relating to the representations made to the Hearings Panel.
- h) The Investigating Officer will then be given the opportunity to sum up.
- i) The Subject Member will then be given the opportunity to sum up
- j) The Independent Person will then be invited to comment and express their view on whether or not they consider that on the facts presented to the Panel, there has been a breach of the Code of Conduct.
- k) The Chairman of the Hearings Panel will check with the other members of the Panel whether they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter. If it is decided that additional evidence is required before a determination can be made then the hearing will be adjourned and the Investigating Officer be asked either to seek and provide such additional evidence and/or undertake further investigation on any point specified by the Hearings Panel.
- l) If the Panel is satisfied that that they do have sufficient evidence to make a decision this will conclude the evidence gathering part of the hearing. The Investigating Officer, the Subject Member, the Independent Person and any witnesses that might be present will be asked to leave at this point, but the Democratic Services Clerk and Monitoring Officer will remain.

9.1.14.5 Deliberations of the Hearings Panel

- a) The Hearings Panel will adjourn the hearing and deliberate in private to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct. The Investigating Officer, the Subject Member, the Independent Person and any witnesses that might be present will be asked to leave at this point, but the Democratic Services Clerk and Monitoring Officer will remain.

- b) The Hearings Panel will then determine the complaint on the balance of probabilities. If the Panel determine that there has been a failure to follow the Code the Panel shall seek advice from the Monitoring Officer as to what action they believe should be taken against the Subject Member.
- c) The Hearings Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and from whom.

9.1.14.6 Announcement of Decision

The Hearings Panel will reconvene the hearing in public and the Chairman will announce whether or not on the facts found the Panel considers that there has been a breach of the Code of Conduct.

9.1.15 Finding of the Hearings Panel

9.1.15.1 Finding of Non Failure to follow the Code of Conduct

If the Hearings Panel determine that the Subject Member has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report then the complaint will be dismissed.

The decision notice stating the Hearings Panel's findings, in relation to a non-failure to follow the Code of Conduct, will be provided to the Subject Member, the Investigating Officer, the Monitoring Officer, and the Independent Person on a confidential basis. It will not be published on the Council's website or otherwise disclosed.

9.1.15.2 Finding of Failure to follow the Code of Conduct

If the Hearings Panel determines that the Subject Member has failed to follow the Code of Conduct then it can decide to take any or more of the following actions:

- a) Formally censure the Subject Member in writing for their failure to follow the Code of Conduct;
- b) Recommend to the Subject Member's Group Leader (or in the case of ungrouped Members, recommend to Council or to Committee(s) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- c) Recommend to the Leader of Council that the Subject Member be removed from the Executive, or removed from particular portfolio responsibilities;
- d) Instruct the Monitoring Officer (or recommend that the relevant Town/Parish Council, as appropriate) to arrange training for the Member;
- e) Remove (or recommend to the relevant Town/Parish Council that the Subject Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Town/Parish Council);

- f) Withdraw (or recommend to the relevant Town/Parish Council that it withdraws) facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access;
- g) Exclude (or recommend that the relevant Town/Parish Council exclude) the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee or Sub-Committee meetings; or
- h) Report its findings to the Crown Prosecution Service in respect of a Subject Member that has been found to have committed an offence under [Appendix A](#).

9.1.15.3 Publication of the Decision on Finding a Breach of the Code of Conduct

Within 3 working days, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Hearings Panel and the Independent Person. A copy of the decision notice will be sent to the complainant, the Subject Member (and, if applicable, the relevant Town/Parish Council) and the Independent Person. The decision notice will be available for public inspection, and published on the Borough Council's website.

If the complaint is directed at a Borough Councillor, the decision will be reported to the next convenient meeting of the Borough Council. At the Council meeting the report will be noted and there will be no discussion on the item. If the complaint is directed at a Town/Parish Councillor, the relevant Council will be requested to report the decision to its next Council Meeting.

The Subject Member or complainant has no right of appeal against a decision of the Monitoring Officer or the Hearings Panel.

CHAPTER 9.2 - CODE OF CONDUCT FOR COUNCILLORS

9.2.1 Joint statement

The role of Councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as Councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual Councillor affects the reputation of all Councillors. We want the role of Councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become Councillors.

As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a Councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust in local government.

9.2.2 Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit- for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and Councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

9.2.3 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 subcommittee 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.

9.2.4 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.

9.2.5 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:

- a) I act with integrity and honesty
- b) I act lawfully
- c) I treat all persons fairly and with respect; and
- d) I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- a) I impartially exercise my responsibilities in the interests of the local community
- b) I do not improperly seek to confer an advantage, or disadvantage, on any person
- c) I avoid conflicts of interest
- d) I exercise reasonable care and diligence; and
- e) I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

9.2.6 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.

9.2.6.1 This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- a) you misuse your position as a Councillor
- b) 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;

9.2.6.2 The Code applies to all forms of communication and interaction, including:

- a) at face-to-face meetings
- b) at online or telephone meetings
- c) in written communication
- d) in verbal communication
- e) in non-verbal communication
- f) in electronic and social media communication, posts, statements, and comments.

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.

9.2.7 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.

9.2.8 General Conduct

9.2.8.1 Respect

As a Councillor:

- a) I treat other Councillors and members of the public with respect.
- b) 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 **notify** 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.

9.2.8.2 Bullying, harassment and discrimination

As a Councillor:

- a) I do not bully any person.
- b) I do not harass any person.
- c) 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.

9.2.8.3 Impartiality of Officers of the Council

As a Councillor:

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.

9.2.8.4 Confidentiality and access to information

As a Councillor:

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:
 - a. reasonable and in the public interest; and
 - b. made in good faith and in compliance with the reasonable requirements of the local authority; and
 - c. I have consulted the Monitoring Officer prior to its release.

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.

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.

9.2.8.5 Disrepute

As a Councillor:

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.

9.2.8.6 Use of position

As a Councillor:

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.

9.2.8.7 Use of local authority resources and facilities

As a Councillor:

- a) I do not misuse Council resources;
- b) I will, when using the resources of the local or authorising their use by others:
 - i. act in accordance with the local authority's requirements; and
 - ii. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the 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:

- a) office support;

- b) stationery;
- c) equipment such as phones, and computers;
- d) transport;
- e) 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.

9.2.9 Complying with the Code of Conduct

As a Councillor:

- a) I undertake Code of Conduct training provided by my local authority;
- b) I cooperate with any Code of Conduct investigation and/or determination;
- c) I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings;
- d) 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.

9.2.10 Protecting your reputation and the reputation of the local authority

Interests

As a Councillor:

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.

9.2.10.1 Registering interests

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.

9.2.11 Gifts and hospitality

As a Councillor:

- a) 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.
- b) I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.
- c) 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.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

The seven principles of public life 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

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 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 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.
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 friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

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 **affects** your 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 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.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure

that any written statement of that decision records the existence and nature of your interest.

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. [Any unpaid directorship.]
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	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘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.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	<p>Any tenancy where (to the Councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(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.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the Councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

* ‘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 Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body 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)

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.

Guidance on Bullying and Intimidation ([Rule 9.2.8.2](#) Code of Conduct)

[Rule 9.2.8.2](#) of the Code of Conduct says: Councillors must not act in a way which a reasonable person would regard as bullying, or in any way which is intimidating to others. The following guidance is based on Standards for England Guidance, now archived after it was abolished by the Localism Act 2011, as well as guidance issued by ACASⁱ.

It is important to remember that such behaviour will only be caught by the Code of Conduct if a Member is acting, or giving the impression they are acting, as a Member of the Authority, and not in his or her private capacity.

What is ‘bullying’ and ‘intimidation’?

Using ACAS guidance as a starting point, the Standards Committee has agreed a definition of bullying as ‘offensive, intimidating or malicious behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient’. A victim’s obvious vulnerability will be taken into account when assessing whether bullying has occurred.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs. It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a Member will be found guilty of bullying when both parties have contributed to a breakdown in relations.

Bullying should be contrasted with the legitimate challenges which a Member can make in challenging policy or scrutinising performance. Contributing to debates in Council meetings about policy and asking officers to explain the rationale for their professional opinions are to be encouraged. All Members should feel free to challenge fellow Councillors and professional Officers as to why their views are held. However, Members need to be careful about criticism which becomes offensive in nature which will cross the line of what a reasonable person would find acceptable.

Criticism of Officers

The Council is under a legal obligation to ensure that officers work in a safe environment and the same rules about their interaction with the public apply equally to their work with Members. Anyone should feel free to express disagreement with officers, so long as it is done in an appropriate way. Officers should make decisions which are unbiased, and attempts to coerce them or persuade them to act in a particular way to a point where to do so would prejudice their professional integrity would not be acceptable.

Examples of intimidation and bullying from the archived Standards for England website:

Councillor W. was a Member of a town council in the East of England conducted a relentless campaign of destructive criticism against the clerk, Councillors and the council. This campaign included making unsubstantiated and inappropriate complaints about the clerk in website postings, newsletters and numerous letters. The Councillor’s behaviour placed a significant drain on both council resources and members’ time, caused staff great stress and ill health, and disrupted the normal running of the council.

Councillor S was a Member of a metropolitan authority in the North West of England. He verbally abused a woman who worked as a cleaner for the Council, after a minor traffic accident. Councillor S told her that he was going to report her to her employer and get her sacked. The tribunal decided that a reasonable person with knowledge of the circumstances would consider that the Councillor had bullied and threatened the cleaner.

Councillor P was a Member of a district council in the East Midlands. He was abusive and aggressive towards an officer, shouting at her and publicly threatened to sack another officer. He also improperly put pressure on staff involved in discussions with their trade union and in doing so compromised their impartiality. The tribunal found his behaviour had caused others unnecessary fear and ill health.

¹ Bullying and harassment at work: [A guide for managers, ACAS June 2014 and Archived content for Standards for England; guidance on 'Bullying and Intimidation' available upon request from the Heda of Legal, or to download:](#)

LGA Guidance for Councillors on the Use of Social Media

<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

Be a Person In the words of Digital Specialist **Euan Semple**, "Organisations don't tweet, people do". You are likely to be more effective if your social media profile is you (with a picture of you) rather than an organisation with a logo.

Don't worry about reaching everyone in your ward Social media will be more effective in some wards than others. University towns, urban areas with good broadband and mobile connections, and a working age population tend to work best. Wards with an older population and poor internet connectivity tend not to be so effective at reaching your ward. However don't let this stop you as connections are getting continuously improving as we move towards a higher level of **digital inclusion**.

Don't let it replace your traditional work To be an effective Councillor you won't stop meeting people and posting leaflets simply because you are posting online. The traditional work of a Councillor still has to be done. You will know your residents best—consider which channel works best for them to connect with you, online and offline.

Think about the platform you'll use If people in your ward are keen Facebook users then think seriously about Facebook. Twitter is popular among politicians because it's easy to use and connects people really well. Whichever one you choose, learn one at a time before even thinking of trying something else. You will know your residents better than anyone else so ask them which channel works best for them.

See how other Councillors use it Watch and learn from other Councillors who are using social media. Have a chat to them. You'll very often find they will be happy to talk. Even to those from different parties.

Don't be a slogan machine There is a really important decision to be taken over how political to be. You may have been elected on a party political ticket. But you are also a rounded human being. Social media is a chance for you to show your human side. Just posting party political content is likely to switch many people off and you may be talking only to the party faithful.

Have a conversation Social media works best as a two-way conversation connecting people and sharing information. Good Councillors do this everyday face-to-face with residents—social media should be no different to this.

Don't wait for people to come to you You've got your Facebook profile or your Twitter profile. People won't just come flocking to you. Run a search on your chosen profile for the name of your ward or an issue. Make a connection. Join a Facebook group set-up by residents. Comment on a blog, a website or a video clip.

Think about times when you won't post From experience, many elected members say that Friday and Saturday nights are not always the best time to post overtly political

messages. You won't always get the most rounded debates. Many Councillors post sparingly on religious holidays.

To post in meetings or not? Some authorities frown on posting from social media in meetings. Check the situation where you are. Residents, residents groups, journalists and bloggers are being encouraged to use social media from meetings. So adding your voice to the conversation may be a good thing as part of democracy. If you can post an update from a meeting and it doesn't hamper your role in that meeting then it's something to think about.

Don't have a row Robust debate is fine from time-to-time and it is part of the cut and thrust of local politics. Most people can accept that. But remember how this debate is playing out to passers-by who are not interested in the detail of the issue. They are likely to be switched off. Take the row offline with a phone call or an email.

Don't be abusive An absolute 'no no' is abusing people online. It doesn't work. It will make you look awful and is a sure-fire way to land you in trouble with your electorate, the party and the council. Be professional. Don't say anything you wouldn't be happy saying in a public meeting with the Press there.

Don't discuss case work detail Case work can be reported to you on social media. Everything from uncollected rubbish and a cracked paving slab to concerns about child protection. As a good rule of thumb, ask residents to tell you the detail of an issue offline. Social media platforms usually have an easy-to-use way to talk one-to-one. Email and telephone can come into play too.

Pictures work People respond really well to pictures. They don't have to be print quality. They don't have to be posed. If you are on a ward walk post some pictures. Include the people you are with if they are happy with that. Post pictures that show your human side too. That sunrise you just noticed. Your dog. Things that make you human.

Enjoy it It's not meant to be scary. It's not meant to be hard work. Relax. Be yourself. Be a responsible elected member. Enjoy it.

CHAPTER 9.3 - MEMBER / OFFICER PROTOCOL

9.3.1 Preamble

The relationship between Members and Officers is important to the successful working of the Authority. This relationship within Wokingham Borough Council is characterised by mutual respect and trust. Members and Officers should feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is to help Members and Officers to perform effectively by giving guidance in their respective roles and expectation of their respective roles and on their relationship with each other. This Protocol also gives guidance on what to do on the rare occasions when things go wrong and in its appendices, give supporting guidance in respect of specific subjects.

The Protocol must be read and operated in the context of any relevant legislation, the Member's Code of Conduct, Officer Code of Conduct and the Council's Whistleblowing Policy and Guidance. Nothing in this protocol overrides national legislation or these documents.

9.3.2 Roles of Members and Staff

The respective roles of Members and Officers can be summarised as follows:

Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council and to carry out the Council's work under the direction of Members through the Council, Executive and relevant committees.

Mutual respect between Members and Officers is essential to good local government and an important part of that is an understanding of these respective roles and responsibility.

9.3.3 Members' Responsibilities

Members have three main areas of responsibility: determining the strategic policy of the Council and giving it political leadership, representing the Council externally, and acting as advocates on behalf of their constituents. It is not the role of Members to involve themselves in the day to day operation of Council services.

9.3.4 The Mayor, Deputy Mayor, Members of the Executive and Deputy Executive Members, Chairmen, Vice-Chairmen

The Mayor, Deputy Mayor, Members of the Executive and Deputy Executive Members have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from and more complex than those of Members without those responsibilities and this is recognised in the expectations they are entitled to have.

9.3.5 Opposition Members

Members shall be given timely access to information that they require in their role as Members. As individual Members of the Council, all Members have the same rights and obligations in their relationships with employees and should be treated equally. This principle is particularly in the context of overview and scrutiny. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between Officers, particularly those at senior level in the organisation and the administration shall differ from that with opposition groups.

9.3.6 Officers

The role of Officers is to give advice and information to Members and to implement the policies determined by the Council.

Certain employees e.g. Head of Paid Services, Monitoring Officer, Chief Financial Officer (Section 151) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Council and its Members which they must be allowed to discharge.

9.3.7 Expectations

Members can expect from Officers:

- A commitment to the Council as a whole and not to any political group;
- A working partnership;
- An understanding of and support for respective roles, workloads and pressures;
- Timely response to enquiries and complaints;
- Professional advice not influenced by political views or preference, which does not compromise the political neutrality of employees;
- Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- Awareness and sensitivity to the political environment
- Respect, dignity and courtesy;
- Training and development in order that they can carry out their role effectively;
- Integrity, mutual support and appropriate confidentiality;
- That Officers shall not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- That Officers shall at all times comply with the relevant Code of Conduct.

Officers can expect from Members:

- A working partnership;
- An understanding of and support for respective roles, workloads and pressures;
- Political leadership and direction;
- Respect, dignity and courtesy;
- Integrity, mutual support and appropriate confidentiality;
- Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of Officers in determining what are reasonable requests, having regard to power relationship between Members and employees and the potential vulnerability of Officers, particularly at junior levels;
- That Members shall not use their position or relationship with employees to advance their personal interests or those of others or to influence decisions improperly;
- That Members shall at all times comply with the relevant Code of Conduct.

9.3.8 If things go wrong

Procedure for Officers

From time to time the relationship between Members and Officers may break down or become strained. Whilst it shall always be preferable to resolve matters informally, through conciliation by an appropriate senior Manager or Member, Officers should raise any concerns with the Monitoring Officer who will consider how the complaint or allegation should be dealt with.

At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group. More serious complaints may involve alleged breaches of the Member Code of Conduct and the process for the consideration of Member Code of Conduct complaints is as set out in [Rule 9.1.12](#) .

Nothing in this process negates the right of Officers to make a Code of Conduct complaint to the Monitoring Officer if they wish.

Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate manager or the relevant Director. Where the matter concerns a Director, it should be raised with the Chief Executive. Where the matter concerns, the Chief Executive it shall be raised with the Director Finance and Resources or with the Leader of the Council as appropriate.

Appendix 1**Supporting Guidance on Members' Access to Documents and Information**

1. This Guidance should be read in conjunction with the Access to Information Rules contained in Chapter 3.2 of the Council's Constitution.
2. Members may request Directors to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
 - a) it is in the public domain, and
 - b) it is not barred by the Data Protection Act from being given.
3. Every Member of the Executive, the Overview and Scrutiny Committees, and/or any other committee or sub-committee has a right to inspect documents about the business of that committee or sub-committee or the Executive.
4. A Member who is not a Member of a specific Overview and Scrutiny Committee, other committee or sub-committee, or the Executive has rights of access to reports which are set out in the Access to Information Procedure Rules set out in Chapter 3.2.
5. Disputes as to the validity of a Member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a Member's request.
6. A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
 - a) where to do so is likely to be in breach of the Data Protection Act, or
 - b) where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Members' code of conduct.
7. Information given to a Member must only be used for the purpose for which it was requested.
8. It is an accepted convention that a Member of one political 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 political group.
9. Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
10. When requested to do so, Officers will keep confidential from other Members advice requested by a Member.
11. Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

Supporting Guidance on Media Relations

1. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
2. Press releases or statements made by Officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a political group.
3. Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
4. Before responding to enquiries from the media, Officers shall ensure they are authorised to do so.
5. Likewise, Officers will inform the Council's Communications Team of issues likely to be of media interest, since that section is often the media's first point of contact.
6. If a Member is contacted by, or contacts, the media on an issue, he/she should:
 - a) indicate in what capacity he/she is speaking (e.g. as ward Member, in a personal capacity, as an Executive Member, on behalf of the Council, or on behalf of a political group);
 - b) be sure of what he/she wants to say or not to say;
 - c) if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's Communications Team and/or relevant Director, except in relation to a statement which is party political in nature;
 - d) consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
 - e) never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - f) consider whether to consult other relevant Members; and
 - g) take particular care in what he/she says during the moratorium on publicity in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

Supporting Guidance on Correspondence

1. Correspondence between an individual Member and an Officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
2. Official letters written on behalf of the Council should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive Member or the chairmen of the Overview and Scrutiny Committees.
3. The Mayor may initiate correspondence in his/her own name.
4. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.
5. When writing in an individual capacity as a ward Member, a Member must make clear that fact.

Appendix 4**Supporting Guidance on Access to Premises and Use of Council Resources**

1. Officers have the right to enter Council land and premises to carry out their work. Some Officers have the legal power to enter property in the ownership of others.
2. Members have a right of access to Council land and premises to fulfil their duties.
3. When making visits as individual Members, Members should:
 - a) whenever practicable, notify and make advance arrangements with the appropriate manager or Officer in charge;
 - b) comply with health and safety, security and other workplace rules;
 - c) not interfere with the services or activities being provided at the time of the visit;
 - d) if outside his/her own ward, notify the ward Member(s) beforehand; and
 - e) take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.
4. The Council provides all Members with a number of services to assist them in discharging their roles as Members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
5. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
 - a) where facilities are provided in Members' homes at the Council's expense;
 - b) in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
 - c) regarding ICT security.
6. Members should not put pressure on staff to provide resources or support which Officers are not permitted to give. Examples are:
 - a) business which is solely to do with a political party;
 - b) work in connection with a ward or constituency party political meeting;
 - c) electioneering;
 - d) work associated with an event attended by a Member in a capacity other than as a Member of the Council;
 - e) private personal correspondence;
 - f) work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council; and
 - g) support to a Member in his/her capacity as a Councillor of another local authority.

Appendix 5**Supporting Guidance on Role and Responsibilities of Members****1 The Role of Members**

Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior Officer(s), and/or the Monitoring Officer but the decision whether or not there is a conflict ultimately rests with the Member:

- a) collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the Authority's policy framework, strategic plans and budget;
- b) Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies;
- c) every elected-Member represents the interests of, and is an advocate for their ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies;
- d) some Members have roles relating to their position as Members of the Executive, Overview and Scrutiny Committees, or other committees and sub-committees of the Council.
- e) members of the Executive can have individual delegated powers. They may determine matters within their portfolios but implementation of their decisions is the responsibility of Officers;
- f) Members serving on the Overview and Scrutiny Committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision;
- g) Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding planning and licensing applications, which by law are excluded from the remit of the Executive.
- h) some Members may be appointed to represent the Council on local, regional or national bodies.

2 The Responsibilities of Members

As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.

3 Instructing Officers

Members are not authorised to instruct Officers other than:

- a) through the formal decision-making process;
- b) where staff have been specifically allocated to give support to a Member or group of Members; and
- c) in the case of political assistants.

4 Financial Transactions

Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

5 Unlawful Actions

Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Section 151 (Finance) Officer.

6 Impartiality of Officers

Members must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change his/her professional advice.

7 Members Role in Appointments

Members have a role in:

- a) the appointment of the Chief Executive, and Directors
- b) determining human resources policies and conditions of employment;
- c) determining requests for early retirement and redundancy pay;
- d) involvement in the appointment of political assistants;
- e) hearing and determining appeals; and
- f) a consultative role with staff side and the Trade Unions.

Members shall not act outside these roles.

If participating in the appointment of Officers, Members should:

- a) remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply);
- b) never canvass support for a particular candidate;
- c) not take part where one of the candidates is a close friend or relative;
- d) not be influenced by personal preferences; and
- e) not favour a candidate by giving him/her information not available to the other candidates.

Supporting Guidance on Role and Responsibilities of Officers**1 The Role of Officers**

Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors. Advice given by the Section 151 (Finance) Officer and Monitoring Officer in accordance with their Statutory functions must always be followed. All Officer reports for Members' attention, excluding reports relating to planning applications which are due to be discussed at the Planning Committee, should be circulated to the Section 151 Officer and Monitoring Officer for information and comment.

Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

2 Responsibilities of Officers

Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly minuted.

- a) Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- b) Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the Authority as expressed in the Council's formal decisions.
- c) Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- d) Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

3 The Relationship Between Members and Officers - General

The conduct of Members and Officers should be such as to instil mutual confidence and trust:

- a) the key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately;
- b) Members and Officers should not undermine respect for the other at Council Meetings, or at any other meeting they attend in their capacity as a Member or Council employee. A personal attack by a Member on an Officer, or on staff generally, at a formal or informal Member meeting will never be acceptable, nor will a personal attack by an Officer on a Member;
- c) Members should not raise matters relating to the conduct or capability of an individual Council Officer or Officers collectively at meetings held in public;

- d) informal and collaborative two-way contact between Members and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection;
- e) Members and Officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles;
- f) it is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis;
- g) Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council;
- h) with the exception of political assistants, Officers work to the instructions of their senior Officers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to a Director, at least in the first instance;
- i) Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by Directors. Members should avoid disrupting Officers' work by imposing their own priorities;
- j) Members wishing to see Officers in person should make appointments in accordance with any local service area protocol;
- k) Members and Officers will endeavour to give timely responses to each other's enquiries and requests;
- l) an Officer shall not discuss with a Member personal matters concerning him/herself or another individual employee. This does not prevent an Officer raising on a personal basis, and in his/her own time, a matter with his/her ward Member;
- m) Members and Officers should respect each other's free (i.e. non-Council) time.

4 The Council as Employer

Officers are employed by the Council as a whole.

5 Mayor and Officers

Officers will respect the position of Mayor and provide appropriate support.

6 Executive Members and Officers

Executive Members will take decisions in accordance with the Constitution and will not otherwise direct staff. Directors will be responsible for instructing staff to implement the Executive's decisions.

In addition to individual Members of the Executive, Directors (including the Section 151 Officer) and the Monitoring Officer have the right to submit papers to the Executive as a whole or to individual Executive Members for consideration.

Directors and Executive Members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and Section 151 Officer, and will not direct Officers in the framing of recommendations.

Before any formal decisions with a financial implication are taken by the Executive, the Section 151 Officer and the Directors for the service(s) concerned must be consulted. This is to ensure that those Officers who are budget holders:

- a) are aware of the proposed decision;
- b) have the opportunity to offer advice; and
- c) are subsequently able properly to authorise the financial transactions needed to implement decisions.

7 Executive Individual Decisions

An individual Executive Member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that those other Members and Officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive Members on cross-cutting issues.

Executive Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.

8 Officer Delegated Powers

Officers taking decisions under their delegated powers must consult with the relevant Executive Member(s) in advance when the matter to which the decisions relate are likely to be sensitive or contentious, or have wider policy implications.

9 Officer Action

At some meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the chairman/Executive Member. In these circumstances it is the Officer, not the Member, who takes the action and is responsible for it. A Member has no legal power to take decisions, neither should he/she apply inappropriate pressure on the Officer.

10 Political Groups and Officers (excluding Political Assistants)

The Chief Executive and Directors may properly be asked to contribute to deliberations of matters concerning Council business by political groups:

- a) Officers will not normally be expected to attend a meeting of a political group where some of those attending are not Members of the Council, particularly where there is a likelihood that matters of a confidential or political nature will be considered;
- b) Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of a wholly political nature, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed;
- c) political group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so;
- d) where Officers provide factual information and advice to a political group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council;

- e) it must not be assumed that an Officer is supportive of a particular policy or view considered at a political group meeting simply because he/she has attended or provided information to the meeting;
- f) Officers will respect the confidentiality of any political group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members. This shall not prevent the Chief Executive or a Director providing feedback to other Directors on a need-to-know basis;
- g) in their dealings with political groups, Officers must treat each group in a fair and even-handed manner;
- h) Members must not do anything which compromises or is likely to compromise Officers' impartiality;
- i) during discussions at political group meetings, Members should have regard to the Code of Conduct requiring them to treat others with respect, and to the provisions of this protocol regarding the need for mutual respect between Members and Officers to be maintained at all times. The Clerk to the meeting shall report any comments or behaviour he/she considers to be contrary to these provisions to the Chief Executive and Monitoring Officer;
- j) an Officer accepting an invitation to the meeting of one political group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each;
- k) an Officer who is not a Director shall not be invited to attend a party group meeting, but a Director may nominate another Officer to attend on his/her behalf;
- l) an Officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a political group meeting;
- m) no Member will refer in public or at meetings of the Council to advice or information given by Officers to a political group meeting, and no Officer will refer in public reports to matters discussed by a political group meeting;
- n) any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Monitoring Officer or Chief Executive, and the relevant party group leader.

11 Political Assistants

These Officers have been appointed by the Council exclusively to provide support to each of the party groups. Their function is to assist the interests and work of the group to which they have been assigned. This is in contrast to all other staff whose duty is to serve the Council as a whole:

- a) political Assistants will be treated in accordance with and expected to observe all codes, policies and practices relating to the Council's staff. This includes the courtesy and consideration which the Council expects its Officers to show to one another;
- b) except for their immediate secretarial and clerical support, the assistants will have no line management responsibility or power of direction over other staff;
- c) political Assistants are not authorised to comment publicly on behalf of the Council as a whole, or to commit the Council to any particular course of action, but can comment on behalf of the party group to which they have been assigned;
- d) the level of access to Council documents and information shall be that enjoyed by Members.

12 Ward Issues and Officers

To enable them to carry out their ward role effectively, Members need to be fully informed about matters affecting their ward. Directors must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing Members to contribute to the decision-making process and develop their representative role.

This requirement is particularly important:

- a) during the formative stages of policy development, where practicable;
- b) in relation to significant or sensitive operational matters;
- c) whenever any form of public consultation exercise is undertaken; and
- d) during an overview and scrutiny investigation.

Issues may affect a single ward. Where they have a wider impact, a number of Local Ward Members will need to be kept informed.

Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the wards affected should be invited to attend the meeting as a matter of course.

If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant Officer. Provided the meeting has not been arranged on a party political basis:

- a) an Officer may attend but is not obliged to do so, and
- b) the meeting may be held in Council-owned premises.

No such meetings should be arranged or held during the moratorium on publicity during the approximate six week period between the notice of election and the election itself.

Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany Members to ward surgeries. In such circumstances:

- a) the surgeries must be open to the general public; and
- b) Officers should not be requested to accompany Members to surgeries held in the offices or premises of political parties.

Officers must never be asked to attend ward or constituency political party meetings.

It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive Members) may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures and in particular locally agreed levels of service. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale, and may need to seek direction from their managers.

Under no circumstances should Members seek to use their positions to further their own personal interests as recipients of Council services.

CHAPTER 9.4 – CORPORATE ANTI-FRAUD AND ANTI-CORRUPTION POLICY

9.4.1 Introduction

Wokingham Borough Council (The Council) aims to deliver high quality services and provide value for money by being fully accountable, honest and open in everything that it does.

Fraud and corruption undermine these aims by diverting resources from legitimate activities, damaging public confidence in the Council and adversely affecting staff morale.

To achieve its strategic priorities, the Council seeks to ensure that measures are taken to prevent, detect and investigate fraudulent or corrupt acts. The aim of this policy is to reduce losses from fraud and corruption to an absolute minimum.

The Council has a zero tolerance policy regarding fraud and corruption. It has adopted the following approach.

“In administering its responsibilities the Council is opposed to fraud and corruption whether it is attempted on or from within the Council and is committed to preventing, deterring, detecting and investigating fraud and corruption.”

This policy is particularly relevant to:

- a) elected Members;
- b) employees;
- c) contractors;
- d) consultants;
- e) suppliers;
- f) service users;
- g) customers (including the public); and
- h) partner organisations.

9.4.2 Defining Fraud

The Council defines “fraud” as detailed in the Fraud Act 2006. Most commonly it occurs when a person dishonestly makes a false representation in order to gain for themselves or cause loss to another.

The type of offences for which a person could be prosecuted include:

- Fraud by false representation – lying about something with the intention to cause a gain or a loss
- Fraud by failure to disclose information – not declaring something when you have a legal duty to do so with the intention to cause a gain or a loss.

- Fraud by abuse of position - where someone abuses a position of trust where there is an expectation to safeguard the financial interest of another and places another at financial risk or causes a loss.
 - a) falsification or alteration of accounting records or other documents;
 - b) misappropriation of assets or theft;
 - c) suppression or omission of the effects of transactions from accounting records of other documents;
 - d) recording transactions which have no substance;
 - e) wilful misrepresentation of transactions or of the Council's state of affairs; and
 - f) moonlighting i.e. a situation where an employee works more than one job.

9.4.3 Defining Corruption

The Council defines corruption as the offering, giving, soliciting or accepting of any inducement or reward which would influence the actions taken by the Council, its Members or Officers. Areas where corrupt practices may occur include, but are not limited to:

- a) tendering and awarding of contracts;
- b) pecuniary interests of Members and Officers;
- c) the award of permissions, planning consents and licenses; and
- d) the disposal of assets.

9.4.4 Framework for Prevention and Detection

It is a management responsibility to maintain the internal control system and to ensure that the Council's resources are properly applied in the manner and on the activities intended. This includes responsibility for the prevention and detection of fraud and other illegal acts.

9.4.5 Key Principles and Culture

The Council will not tolerate fraud and corruption in the administration of its responsibilities whether from inside or outside of the authority. The Council is committed to creating a culture of opposition to fraud and corruption. The Council is determined that the authority meets the expectations of the Committee on Standards of Public Life and is committed to the ten general principles which govern standards of conduct in local government, namely:

- a) selflessness;
- b) honesty and integrity;
- c) objectivity;
- d) accountability;
- e) openness;
- f) personal judgement;

- g) respect for others;
- h) duty to uphold the law;
- i) stewardship; and
- j) leadership.

9.4.5.1

The Council requires Members (elected and co-opted) and employees (including agency staff, consultants and contractors) to lead by example in ensuring effective opposition to fraud and corruption. This includes ensuring adherence to legislation, local rules and regulations, National and Local Codes of Conduct and that all procedures and practices are beyond reproach.

9.4.6 Raising Concerns

Employees at all levels must be alert to the possibility of fraud and corruption. They are required, and positively encouraged to raise any concerns relating to fraud and corruption which they become aware of. These can be raised in any way that the employee prefers, including with their line manager, through a Director, with the Shared Audit and Investigation Service or through the [Council's Whistleblowing Policy](#). Whichever route is chosen, the employee can be assured that concerns raised in good faith will be fully investigated and, wherever possible, those raising concerns will be dealt with in confidence.

When management receive concerns from employees or others regarding potential fraud or corruption, they must immediately contact the Assistant Director, Governance (Monitoring Officer) with details of the concerns. The Assistant Director, Governance (Monitoring Officer) will make preliminary enquiries through the Internal Audit and Investigation and Legal teams, and in consultation with the Section 151 Officer will determine whether there are grounds for an investigation.

Councillors, service users, suppliers, partner organisations and members of the public are encouraged to report any concerns. These concerns about fraud and corruption should be reported either directly to the Assistant Director, Governance (Monitoring Officer) or via the [Council's Whistleblowing Policy](#).

If employees feel that they are unable to use internal routes then they can contact the council's external auditors, Ernst and Young:

Ernst and Young

Helen Thompson, Wessex House, 19 Threefield Lane, Southampton, SO14 3QB,

Email hthompson2@uk.ey.com

Tel 07974 007332

Although the Council encourages its staff to report concerns acting in good faith, any maliciously motivated and unfounded allegations may be dealt with through the Council's disciplinary code.

9.4.7 Corporate Governance

The main corporate policies and procedures which formulate the Council's framework for minimising risk and the prevention of fraud and corruption include:

- a) Anti-Fraud and Anti-Corruption Policy;
- b) Internal Audit Charter;
- c) Contract and Procurement Regulations;
- d) Financial Regulations;
- e) Human Resources Policy and Guidance for Discipline;
- f) Human Resources Policy for Conduct and Personal Behaviour;
- g) Human Resources Policy for Recruitment and Retention;
- h) Member's Code of Conduct;
- i) Money Laundering Policy;
- j) Officer's Code of Conduct;
- k) Prosecution and Sanction Policy;
- l) Risk Management Strategy;
- m) Scheme of Delegation;
- n) Whistleblowing Policy; and
- o) Anti-Bribery Policy

9.4.8 Corporate Responsibility

Assistant Directors must ensure that all employees in their service are familiar with the corporate policies and procedures listed in [Rule 9.4.7](#), in addition to any other relevant rules and regulations specific to their service. Failure to adhere to these policies and procedures could result in the instigation of disciplinary procedures.

9.4.9 Recruitment

The Council recognises that one of the most important issues relating to the prevention of fraud and corruption is the effective recruitment of staff and therefore takes pre-employment screening seriously.

Employee recruitment is required to be in accordance with procedures laid down by the Lead Specialist HR. As part of these procedures, particular reference is made to:

- a) verifying the identity of the applicant;
- b) obtaining satisfactory references prior to appointment;

- c) verifying the applicant is able to legitimately work in the UK;
- d) verifying and retaining copies of certificates for stated qualifications; and
- e) undertaking Disclosure Barring Service checks where appropriate.

These practices apply to all permanent appointments including those where employees have entered the organisation as an agency worker or consultant in the first instance.

9.4.10 System of Internal Control

The risk of fraud and corruption can be minimised by good financial management, sound internal control systems, effective management supervision, and by raising public, member and employee awareness of fraud.

9.4.10.1

Internal control is the whole system of controls, financial and otherwise, established to provide reasonable assurance of:

- a) proper aims and objectives;
- b) efficient and effective operations;
- c) reliable management information and reporting;
- d) legitimate expenditure;
- e) compliance with laws and regulations;
- f) performance management; and
- g) security of assets and income.

9.4.10.2

Weaknesses in the design and operation of administrative and financial internal control systems may increase the risk of fraud. Systems must contain efficient, effective, and well documented internal controls that cover the following:

- a) adequate segregation of duties;
- b) proper authorisation and approval procedures;
- c) adequate physical security over assets; and
- d) reliable monitoring and reporting arrangements.

9.4.10.3

It is management's responsibility to install adequate internal controls and rectify weaknesses if they occur. To help management discharge this responsibility, systems may be subject to review by both Internal and External Audit. Auditors are responsible for reporting to management on significant weaknesses in the control environment, including

deficiencies in the operation of internal controls and highlighting exposure to the risk of fraud.

High risk audit concerns are promptly followed up to ensure issues highlighted are appropriately actioned.

Management must instigate occasional deterrent compliance checks on the operation of internal controls within their service and are encouraged to seek advice from the Shared Audit and Investigation Service on what checks must be carried out. This work must be used to inform the Annual Governance Statement.

9.4.11 Risk Management

Major fraud risks relating to services must be included within local Risk Registers and subject to regular review to ensure that appropriate controls are in place to mitigate those risks.

9.4.12 Role of Statutory Officers

The Council has a statutory responsibility, under Section 151 of the Local Government Act 1972, to ensure the proper administration of its financial affairs and also to nominate one of its Officers to take responsibility for those affairs. The Council's nominated Section 151 Officer is the Deputy Chief Executive and Director of Corporate Services

9.4.12.1

The Council's Assistant Director, Governance (Monitoring Officer) is responsible under Section 5 of the Local Government and Housing Act 1989 to guard against, inter alia, illegality, impropriety and maladministration in the Council's affairs.

9.4.13 Effective Action

Responsibility for investigating suspected fraud and corruption against the Council rests with the Shared Audit and Investigation Service. This is to ensure that the investigation is performed only by properly trained officers in accordance with the appropriate legislation.

9.4.14 Procedure

All referrals received by the Internal Audit and Investigation Service will initially be risk assessed and material instances of fraud or irregularity in the Council will be referred to the Assistant Director, Governance (Monitoring Officer) and the Deputy Chief Executive and Director of Resources and Assets (S151 Officer).

For any investigation undertaken the Shared Audit and Investigation Service will ensure the following objectives are met:

- a) Investigations are undertaken fairly, objectively and in accordance with relevant laws and regulations, so as to avoid jeopardising the outcome on legal and procedural technicalities;
- b) Evidence and unused material is secured and protected, in accordance with the law and best practice;
- c) All reasonable lines of enquiry are followed to establish whether or not there is a case to answer;

- d) Conclusions and recommendations for action are always based on (and, where appropriate, supported by) the evidence gathered during the investigation;
- e) The case is reported and prepared in an appropriate format, in line with the relevant procedures; in the case of criminal process, this means the *National File Standard*;
- f) Appropriate sanctions and redress is sought against any and all individuals and organisations that seek to defraud the Council.

9.4.15 Completion

Once an investigation is completed the Shared Audit and Investigation Service may have responsibilities in relation to:

- a) recommending improvements to systems;
- b) attendance at disciplinary hearings and tribunals;
- c) attendance at Court as a witness; and
- d) reporting to the Audit Committee.

Conclusions will be based on fact allowing management to take forward any required disciplinary and / or criminal proceedings as they determine appropriate.

9.4.16 Disciplinary

The Council has in place disciplinary procedures which must be followed whenever staff are suspected of committing a fraudulent or corrupt act. The disciplinary procedures are set out in the Disciplinary Policy and Guidance. The Chief Executive has overall responsibility for ensuring that the disciplinary procedure is managed effectively. Line managers, under the overall direction of an Assistant Director are responsible for day to day management and ensuring compliance with the Disciplinary Policy and Guidance.

9.4.17 Reporting and Publicity

Incidents of fraud and corruption are reported through the following mechanisms:

- a) Corporate Leadership Team;
- b) Audit Committee; and
- c) External Auditors (currently Ernst and Young).

Where evidence of fraud and corruption is found, appropriate sanctions will be sought in line with the Council's Case Disposal Policy. The details of any proven act of fraud or corruption, including action taken by the Council will be publicised to employees, Members and the public. This is aimed at deterring further attempts of fraud or corruption by demonstrating the seriousness with which the Council views such cases. In agreement with the Section 151 Officer, Monitoring Officer, the Council will report criminal activity to the Police at the appropriate stage.

9.4.18 Working with Others

The Council will put into place and continue to develop such arrangements, as it deems proportionate and necessary in order to facilitate the exchange of information between the

Council and other agencies on national and local fraud and corruption activity. This includes participation in the National Fraud Initiative which matches data across a wide range of public service organisations in order to detect fraud or erroneous payments.

9.4.19 Money Laundering

Money laundering is the process of moving illegally generated funds through a cycle of transformation in order to create the end appearance of legitimately earned funds.

The Proceeds of Crime Act 2002 details the three principal money laundering offences as:

- a) assisting another to retain the benefit of crime;
- b) acquisition, possession or use of criminal proceeds; and
- c) concealing or transferring proceeds to avoid prosecution.

In addition there are related offences for failing to report where a person has knowledge, suspicion or reasonable grounds for knowledge or suspicion that money laundering has taken place, as well as for tipping off a person that a disclosure has taken place.

Council Officers and Members who suspect money laundering activities must report their concern to the Council's nominated Money Laundering Reporting Officer (MLRO), the Section 151 Officer (Deputy Chief Executive and Director of Corporate Services).

The Council has adopted an Anti-Money Laundering Policy; all reports must be made in accordance with that policy.

(Further details are contained in Chapter 9.7 [Anti-Money Laundering Policy](#).)

9.4.20 Conclusion and Review

The Council has in place a clear framework of systems and procedures to deter and investigate fraud and corruption. It will ensure that these arrangements are fair and are monitored and updated to keep pace with future developments in preventative, deterrent and detection techniques regarding fraudulent or corrupt activity.

To this end, the Council maintains a continuous review of these arrangements through, in particular the Audit Committee, the Section 151 Officer (Deputy Chief Executive and Director of Corporate Services), Shared Audit and Investigation Service, External Audit and the Assistant Director, Governance (Monitoring Officer)

CHAPTER 9.5 – WHISTLEBLOWING POLICY AND GUIDANCE

9.5.1 Introduction

The Council is committed to delivering high quality services to its customers and expects high standards from its Officers, Councillors and contractors. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are:

- a) to encourage the raising of concerns about malpractice within the organisation without fear of reprisal;
- b) to provide reassurance that concerns will be taken seriously; and
- c) to provide information about how to raise concerns and explain how the council will respond.

This policy applies to all Council employees, former employees, agency staff and contractors engaged by the Council.

9.5.2 What is Whistleblowing?

In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others, e.g. clients, members of the public or the Council itself. As the person “blowing the whistle” you would not usually be directly affected by the danger or illegality. Consequently you would rarely have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying and you are entitled to seek redress for yourself. A qualifying disclosure means any disclosure of information that, in the reasonable belief of the worker is made in the public interest. As a result of this employees will generally be precluded from being able to “blow the whistle” about breaches of his or her employment contract. Although an employee making such a complaint can still use the Council’s grievance policy.

Examples of whistleblowing concerns which is not exhaustive are:

- a) fraud in, on or by the Council;
- b) offering, taking or soliciting bribes;
- c) unauthorised use of public funds;
- d) financial maladministration;
- e) the physical, emotional or sexual abuse of clients;
- f) failure to comply with legal obligations;
- g) endangering of an individual’s health and safety;
- h) damage to the environment;
- i) a criminal offence;

- j) failure to follow financial and contract procedure rules;
- k) showing undue favour to a contractor or a job applicant;
- l) misreporting performance data; or
- m) neglect of people in care.

This Policy does not replace the Council's complaints or grievance procedures.

9.5.3 Who must I contact?

Having considered this Policy, an employee of the Council, or any other person covered by the Public Interest Disclosure Act (PIDA) 1998, who has serious concerns about any aspect of the Council's work, must in the first instance inform one of the following methods:

a) Inform Line Manager

In many cases, raising concerns with the immediate line manager is the most appropriate route for an employee. The line manager must inform the Assistant Director, Governance (Monitoring Officer) of the disclosure and an appropriate course of action will be agreed. If this is not a suitable option (for example because the issue may implicate the manager or if the concern has been raised but remains unaddressed) the concern may be raised using one of the other methods.

b) Dedicated Whistleblowing Communication Channels

The Shared Audit and Investigation Service have established a dedicated 24 hour answerphone hotline for receiving disclosures.

Hot line number - 0118 974 6550;

Email:- confidential.whistleblowing@wokingham.gov.uk

By Post - Confidential Whistleblowing, Shared Audit and Investigations Service, Shute End, Wokingham, RG40 1BN;

In person at Shute End by asking for Shared Audit and Investigations Service at reception.

c) Shared Audit and Investigation Service and Assistant Director, Governance (Monitoring Officer)

The Shared Audit and Investigation Service can offer confidential independent advice on the use of the Whistleblowing Policy. If you suspect an employee, a member of the public or contractor (in their business dealings with the Council) of fraud or corruption you can contact the Shared Audit and Investigation Service who will discuss your concerns with you in complete confidence. If you are in receipt of any allegation involving possible corruption, fraud or malpractice you must notify the Assistant Director, Governance (Monitoring Officer) immediately on 07747 777298.

d) Director Children's Services and Director Adult Services

If you wish to raise a concern involving vulnerable children, you can contact the Director of Children's Services on 0118 974 6205 to seek guidance on how to proceed. If you wish to raise a concern involving vulnerable adults, you can contact the Director of Adult Services on 0118 974 6414 to seek guidance on how to proceed.

e) Schools

You must refer to the whistleblowing arrangements for the individual school. If it is not suitable for the school's Governing Body to deal with, the concern must be raised with the Director Children's Services (contact details shown in d)).

9.5.3.1

Advice and guidance on how matters of concern may be pursued can be obtained from: the Assistant Director, Governance (Monitoring Officer).

9.5.4 Legal Protection

The Public Interest Disclosure Act (PIDA) 1998 – sets out a framework of protection against victimisation or dismissal for workers who blow the whistle ("disclosure") on criminal behaviour and other specified forms of malpractice.

9.5.4.1

It applies to making a 'protected' disclosure in respect of specific types of malpractice, which are:

- a) that a criminal offence has been committed, is being committed or is likely to be committed;
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
- d) that the health or safety of any individual has been, is being or is likely to be endangered;
- e) that the environment has been, is being or is likely to be damaged; or
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

9.5.4.2

The Act covers internal disclosures to the Wokingham Borough Council as the employer, disclosures to prescribed 'persons' such as regulatory bodies (e.g. for health and safety issues, the Health and Safety Executive), and wider disclosures, for example to the police and the media.

9.5.5 Raising Concerns Outside the Council

In certain circumstances it may be appropriate to raise concerns outside the Council to the appropriate 'prescribed regulator'. This may only be done where any disclosure of information that is made in the public interest and where you believe the information is true, i.e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, trade union or Public Concern at Work before reporting them outside the Council. Examples of prescribed regulators are set out below:

- a) The Council's external auditors (Ernst and Young);
- b) Information Commissioner;
- c) Environment Agency;
- d) Health and Safety Executive;
- e) Commissioner of the Inland Revenue;
- f) Ofsted;
- g) General Social Care Council;
- h) Care Quality Commission;
- i) The Commission for Social Care Inspection; and
- j) National Care Standards Commission.

9.5.5.1

As a last resort you may choose to raise your concern outside the Council to someone other than a prescribed regulator, e.g. to the police or your MP. You should only do this if, in addition to the conditions above, they meet one of three preconditions. Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that you:

- a) reasonably believed that you would be victimised if you raised the matter internally within the Council; or
- b) reasonably believed that the matter would be 'covered up' and there is no prescribed regulator; or
- c) have already raised the matter internally or with a prescribed regulator.

9.5.5.2

It should be noted that wider disclosures (i.e. to the media) can only be protected where there is a justifiable cause for going wider and where the particular disclosure is reasonable. The Council therefore encourages concerns to be raised initially using one of the methods described in [Rule 9.5.3](#).

9.5.6 Making a Protected Disclosure

This policy is intended to allow the internal investigation and resolution of any concerns raised. In accordance with the PIDA 1998, to make a 'protected' disclosure the whistleblower has to meet certain conditions:

- a) A qualifying disclosure means any disclosure of information that, in the reasonable belief of the worker is made in the public interest. Therefore, while the employer can seek a declaration from the whistleblower that he or she is not knowingly making false allegations, disciplinary action is likely to be appropriate only where there is clear evidence that the reporting worker has misused the whistleblowing policy.

- b) Disclosure to a regulatory body will be protected where, in addition, the whistleblower honestly and reasonably believes that the information they provide and any allegation contained in it are substantially true.
- c) Disclosure to other external bodies will be protected if, in addition, making it is in all respects reasonable. 'In all respects reasonable' means, in effect
 - i) the disclosure is not made for personal gain;
 - ii) the whistleblower reasonably believed that they would be victimised if they raised the matter internally;
 - iii) there is no relevant regulatory body;
 - iv) the whistleblower reasonably believed that evidence was likely to be concealed or destroyed;
 - v) the concern has already been raised with the employer and/or relevant regulatory body; and
 - vi) the concern is of an 'exceptionally serious' nature – which in a local government setting could include, say, the alleged abuse of children or vulnerable adults in an authority's care.

9.5.6.1

This may be done orally or in writing. If you are writing, remember to give details of how you can be contacted. Anonymous disclosures present difficulties for effective investigation. Your identity will be kept strictly confidential if you so request, unless disclosure is required by law. However the Council recognises that despite the dual safeguards of confidentiality and legal protection from recrimination that individuals may still feel unable to reveal their identity. In these situations individuals can report their concerns anonymously, but should be aware that these concerns carry less weight with the investigation teams and the disclosure may not be sufficiently detailed to provide a successful investigation. (Those making reports should also note that by concealing their identity it is harder for the Council to ensure that they are protected in accordance with the Act; this is simply because those responsible for putting the Act into effect within the Council will not know who they are.)

9.5.6.2

Allegations that are malicious, or allegations made for personal gain, may result in action against the person making them. If an allegation is made in the public interest, but is not confirmed by an investigation, no action will be taken against the person who raised the concern.

9.5.6.3

It is preferable that a whistleblowing concern be raised as soon as there is reasonable suspicion. Employees are not expected to investigate the matter themselves or prove that their concern is well-founded.

9.5.6.4

Anyone who has made a protected disclosure will not suffer any detriment as a result of raising their concern unless it is later proved that they knew they were providing false

information. In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another worker.

Examples of detriment includes (but is not limited to)

- a) failure to promote, if linked to the disclosure;
- b) denial of training;
- c) closer monitoring;
- d) ostracism;
- e) blocking access to resources;
- f) unrequested re-assignment or re-location;
- g) demotion;
- h) suspension;
- i) disciplinary sanction;
- j) bullying or harassment;
- k) victimisation;
- l) dismissal;
- m) failure to provide an appropriate reference; or
- n) failing to investigate a subsequent concern.

9.5.7 How will the Council respond?

The action taken by the Council will depend on the nature of the concern. The matters raised may:

- a) be investigated internally;
- b) be referred to the Police;
- c) be referred to the external auditors (Ernst and Young);
- d) form the subject of an independent inquiry; or
- e) be considered a service issue and referred to the service to respond by any combination of the above.

9.5.7.1

In all cases, where a concern is raised, the contacted Officer shall notify the Assistant Director, Governance (Monitoring Officer) and Deputy Chief Executive and Director of Resources and Assets (S151 Officer). These officers will assess the nature of the concern to decide the appropriate response. Some concerns may be resolved by agreed action without the need for investigation. Any investigation will be overseen by the Assistant Director, Governance (Monitoring Officer) using the Internal Audit and Investigation and Legal teams.

9.5.7.2

Feedback on the outcome of the concern will be given to the person raising the concern. This feedback may be limited due to legal obligations of confidentiality (i.e. if disciplinary action is taken against a Council employee). The person raising a concern should normally be told:

- a) how and by whom a concern will be handled;
- b) an estimate of how long an investigation will take;
- c) the outcome of the investigation (where appropriate);
- d) that if they believe they are suffering detriment as a result of raising the concern that they should report it;
- e) that he or she is entitled to independent advice.

9.5.8 What if I am Dissatisfied with the Council's Response?

This policy is intended to provide you with an avenue to raise concerns within the Council. However, if at the end of the process an employee of the Council, or any other person covered by the Act, is not satisfied with how a disclosure has been dealt with and wishes to pursue matters by means of a wider disclosure, the following points of contact are available to you:

- a) the Chairman of the Council's Audit Committee
- b) your local Member (if you live in the area of the borough);
- c) the Council's external auditors (Ernst and Young);
- d) relevant professional bodies or regulatory organisations;
- e) relevant inspection body;
- f) your solicitor; or
- g) the Police.

9.5.8.1

If you do decide to take the matter outside of the Council, you need to ensure that you do not disclose confidential information and that you are 'protected' in accordance with the PIDA 1998 ([Rule 9.5.5](#)). If you wish to raise a concern outside of the Council, you may raise it with an external body from the list of prescribed persons and bodies detailed in the

'Department for Business Innovation & Skills [Blowing the Whistle to a Prescribed Person](#) document

9.5.9 Further Information and Advice

Independent advice on 'whistleblowing' can also be obtained from:

Public Concern at Work

3rd Floor, Bank Chambers, 6 - 10 Borough High Street, London, SE1 9QQ

Email: whistle@pcaw.org.uk

Tel General enquiries: 020 3117 2520

Tel Whistleblowing Advice Line: 020 7404 6609

External Audit

Contact details can be obtained from Wokingham Borough Council Annual Accounts, published on the Council Website

Professional Body or Trade Union

If you are a member of a professional body or trade union they should be able to advise you on Whistleblowing.

CHAPTER 9.6 - ANTI-BRIBERY POLICY

9.6.1 Policy Statement: Anti-Bribery

Bribery is a criminal offence. Wokingham Borough Council ('the Council') does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor does it or will it, accept bribes or improper inducements.

9.6.1.1

To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery.

9.6.1.2

The Council is committed to the prevention, deterrence and detection of bribery. The Council has zero-tolerance towards bribery. The Council will embed anti-bribery compliance within its usual "business processes"; the Council will NOT treat it as a one-off exercise.

9.6.2 Objective of this Policy

This policy provides a coherent and consistent framework to enable Council employees to understand and implement arrangements that enable compliance with the anti bribery rules. In conjunction with related policies and key documents it will also enable employees to identify and effectively report any actual or potential breaches of those rules..

We require that all personnel including those permanently employed, temporary agency staff and contractors:

- a) act honestly and with integrity at all times and to safeguard the Council's resources for which they are responsible; and
- b) comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities.

9.6.3 Scope of this Policy

This policy applies to all of the Council's activities. For partners, joint ventures and suppliers, the Council will require the adoption of principles (and will seek to promote the adoption of formal policies) that are consistent with the principles set out in this policy.

9.6.3.1

Within the Council, the responsibility to control the risk of bribery occurring resides at all levels, in every service.

9.6.3.2

This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, Members (including independent members), volunteers and consultants.

9.6.4 Commitment

Wokingham Borough Council commits to:

- a) setting out a clear anti-bribery policy and keeping it up to date;
- b) making all employees aware of their responsibilities to adhere strictly to this policy at all times;
- c) training all employees so that they can recognise and avoid the use of bribery by themselves and others;
- d) encouraging its employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
- e) rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution;
- f) taking firm and vigorous action against any individual(s) involved in bribery;
- g) provide information to all employees to report breaches and suspected breaches of this policy;
- h) include appropriate clauses in contacts to prevent bribery.

9.6.5 The Bribery Act

The Council defines bribery as 'an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage'.

9.6.5.1

There are four key offences under the Act:

- a) bribery of another person (section 1);
- b) accepting a bribe (section 2);
- c) bribing a foreign official (section 6); and
- d) failing to prevent bribery (section 7).

9.6.5.2

The [Bribery Act 2010](#) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

9.6.5.3

The guidance states that a “commercial organisation” is any body formed in the United Kingdom and “.it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made.” Therefore, the Council is a “commercial organisation”.

9.6.6 Adequate Procedures

Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis.

Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the organisation. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles.

The six principles are as follows;

- Proportionality
- Top-level commitment
- Risk Assessment
- Due diligence
- Communication
- Monitoring and Review

These principles are not prescriptive. They are intended to be flexible and outcome focussed, allowing for the different circumstances of organisations. Small organisations will, for example, face different challenges to those faced by large multi-national enterprises.

The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

9.6.7 Proportionate Procedures

An organisation’s procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the organisation’s activities. They are also clear, practical, accessible, effectively implemented and enforced.

9.6.8 Top Level Commitment

The Chief Executive, Directors, Assistant Director Governance (Monitoring Officer) and Councillors are committed to preventing bribery by persons associated with it. Bribery is never acceptable.

9.6.9 Risk Assessment

The Council will assess the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage. All managers within the Council must ensure that appropriate risk assessments are carried out in relation to the work carried out by their staff.

9.6.10 Due Diligence

The Council applies due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks. All staff involved in managing commercial activities must ensure that appropriate due diligence is carried out before the Council enters into a business relationship with another organisation.

9.6.11 Communication (including training)

The Council seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

9.6.12 Monitoring and Review

The Council monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary. Wokingham Borough Council is committed to proportional implementation of these principles.

9.6.13 Bribery is not tolerated

It is unacceptable to:

- a) give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- b) give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- c) accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- d) accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- e) retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;
- f) engage in activity in breach of this policy.

9.6.14 Facilitation Payments

Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions. Facilitation payments are not tolerated and are illegal.

9.6.15 Gifts and Hospitality

The Council's Gifts and hospitality policy is included in the Code of Conduct - Employees must ensure:

- a) when acting in an official capacity they must not give the impression that their conduct both inside and outside work with any person or organisation is influenced by the receipt of gifts, rewards and hospitality or any other such consideration;

- b) they think about the circumstances in which offers are made and are aware that they may be regarded as owing a favour in return;
- c) they have permission from their line managers before accepting such offers and are aware that the offers may have to be returned or refused;
- d) that when gifts or hospitality have to be declined those making the offer must be courteously but firmly informed of the procedures and standards operating within the Council; and
- e) all offers regardless of value and whether or not accepted must be recorded in the Gifts and Hospitality register.

9.6.15.1

How an employee must react to an offer depends on the type of offer, the relationship between the parties involved and the circumstances in which the gift or hospitality is offered:

- a) employees must not be seen to be acting in their own personal interests and need to be careful that their behaviour cannot be misinterpreted;
- b) when receiving authorised gifts/hospitality, employees must be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality;
- c) an offer of a bribe or commission made by contractors, their agents or by a member of the public must be reported to the line manager and the Assistant Director, Governance (Monitoring Officer). Hospitality from contractors must also be avoided where employees / team are singled out for example Christmas lunch etc, this may be perceived as preferential treatment; and
- d) employees must not accept significant personal gifts from the contractors and outside suppliers, although the Council may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc not exceeding the value of £25. The most common form of gift is the offer of wine and chocolates etc. In general these are shared out among colleagues and provided the offers are reasonable, for example a single bottle of wine, they may be accepted. It is important that all offers are recorded in the Gifts/Hospitality Register including those that are offered and not accepted. Directors must remind their staff of the process to be followed with regards to gifts and hospitality.

9.6.15.2

No one working for, employed by, or providing services on behalf of the Council is to make, or encourage another to make any personal gain out of its activities in any way. Any person becoming aware of a personal gain being made at the expense of the Council, contractors or the public must follow the Whistleblowing procedures on the [Council's website](#).

9.6.15.3

Employees may only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions may only be accepted when these are part of the life of the community

or where the authority should be seen to be represented. All hospitality must be properly authorised and recorded in the Gifts/Hospitality Register.

9.6.15.4

Employees may accept hospitality when attending relevant conferences and courses where it is clear the hospitality is corporate rather than personal, where consent is given in advance and where it is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees must ensure that their service meets the cost of such visits to avoid putting at risk the integrity of subsequent purchasing decisions.

9.6.15.5

The acceptance of gifts and hospitality may be a subject of criticism placing the Council in a position that it has to defend such action. Consequently, it is essential that all offers and details of gifts and hospitality be recorded in the Gifts & Hospitality Register which will be held by the Director or nominated Manager.

9.6.16 Public Contracts and Failure to Prevent Bribery

Under the Public Contracts Regulations 2015 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. This organisation has the discretion to exclude organisations convicted of this offence.

9.6.17 Staff Responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control. All staff are required to avoid activity that breaches this policy.

Staff must:

- a) ensure that they read, understand and comply with this policy; and
- b) raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

As well as the possibility of civil and criminal prosecution, staff that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

9.6.18 Raising a Concern

The Council is committed to ensuring that we all have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every member of staff to know how they can raise concerns. We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

9.6.18.1

There are multiple channels to help you raise concerns – these are explained in [Chapter 9.5 the Whistleblowing Policy](#). Staff who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the

repercussions. The Council aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken. For the avoidance of doubt any and all reports made in good faith will, therefore, be treated as Whistleblowing and gain the protection that entails.

9.6.18.2

The Council is committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith. If you have any questions about these procedures, please contact Andrew Moulton, Assistant Director Governance (Monitoring Officer).

9.6.19 Other Relevant WBC Policies

[Anti-Fraud and Anti-Corruption Policy, Chapter 9.4](#)

[Anti-Money Laundering Policy, Chapter 9.7](#)

[Code of Conduct and Finance, Chapter 9.2](#)

[Whistleblowing Policy, Chapter 9.5](#)

[Procurement and Contract Rules and Procedures \(Section 13\)](#)

CHAPTER 9.7 - ANTI-MONEY LAUNDERING POLICY

9.7.1 Introduction

Money laundering legislation requires local authorities to establish internal procedures to prevent the use of their services for money laundering. Money laundering legislation in the UK is primarily governed by the following legislation:

- a) the Terrorism Act 2000;
- b) the Anti-Terrorist Crime & Security Act 2001;
- c) the Proceeds of Crime Act 2002;
- d) Serious Organised Crime and Police Act 2005;
- e) the Money Laundering, Terrorist Financing and Transfer of Funds (information on the payer) Regulations 2017; and
- f) Anti Money Laundering Act 2018

9.7.2 Scope of the Policy

This Policy applies to all employees and contractors of the Council. The Policy sets out the procedures that must be followed to enable the Council to comply with its legal obligations.

9.7.2.1

Staff are instructed to report any suspicions to the appointed Money Laundering Reporting Officer (MLRO) (see section 5.0) and it is for the MLRO to consider if the circumstances warrant the completion of a 'suspicious activity report' (SAR), which is sent to the National Crime Agency.

Failure by a member of staff to comply with the procedures set out in this Policy may lead to disciplinary action being taken against them in accordance with the Council's Disciplinary procedures. It may also render them liable to criminal action, if their actions have helped to facilitate money laundering or warned the potential money-launderer of the Council's suspicions.

9.7.3 What is Money Laundering?

The legislation is not limited to major organised crimes, but covers proceeds of all crimes, however small. The primary money laundering offences and thus prohibited acts under the legislation are:

- a) concealing, disguising, converting, transferring criminal property or removing it from the UK (section 327 of the 2002 Act); or
- b) entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person (section 328 of the 2002 Act); or
- c) acquiring, using or possessing criminal property (section 329 of the 2002 Act); or

- d) becoming concerned in an arrangement facilitating concealment, removal from the jurisdiction, transfer to nominees or any other retention or control of terrorist property (section 18 of the Terrorism Act 2000); or
- e) failing to disclose suspected money laundering.

9.7.3.1

The defence to these offences is to be able to show that the person has made an 'authorised disclosure' to an approved person. Approved persons are Customs Officers, Police Officers and the Council's MLRO ([Rule 9.7.6.](#)).

9.7.4 Suspicious Activity

Some indications of suspicious activity are:

- a) any unusually large cash payment;
- b) any overpayment or duplicate payment in cash where the refund is requested via a different bank account or payment method.
- c) if an unconnected 'third party' is involved in any transaction (e.g., someone paying cash to settle someone else's bill).
- d) a customer behaved strangely, or made unusual requests that did not seem to make sense.
- e) the transaction the customer wanted to make just did not add up commercially.
- f) Persons withholding reasonably requested information e.g. name/address.
- g) Absence of an obvious legitimate source of the funds.
- h) Payments received from overseas that would not normally be expected.

9.7.4.1

The Council must be alert to large amounts of "Cash" accepted as a payment, which would normally arouse suspicion.

9.7.4.2

Officers involved in Treasury Management and cashiering activities are the most likely to encounter attempts to launder money but all staff must be alert to the possibilities.

9.7.4.3

All organisations and each individual is required by law to try to prevent and to report any attempts to 'launder' money (i.e. to use the proceeds of crime in apparently legitimate business transactions).

9.7.4.4

Potentially any member of staff could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it.

9.7.5 The Council's Obligations

Organisations conducting "relevant business" must:

- a) appoint a MLRO to receive disclosures from employees of money laundering activity (their own or anyone else's);
- b) implement a procedure to enable the reporting of suspicions of money laundering;
- c) maintain client identification procedures in certain circumstances; and
- d) maintain record keeping procedures.

9.7.6 The Money Laundering Reporting Officer (MLRO)

If you have any suspicions, you must contact the MLRO. The Council's nominated MLRO is the Section 151 Officer (Deputy Chief Executive and Director of Corporate Services), Email Graham.Ebers@wokingham.gov.uk or Tel 0118 974 6557.

9.7.7 Disclosure Procedure

Reporting to the MLRO: Where you know or suspect that money laundering activity is taking/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under the legislation, you must disclose this as soon as practicable to the MLRO. In order to gain the protection from prosecution of having made a disclosure the disclosure must be made as soon as reasonably practicable and, in any case, must be within "hours" of the information coming to your attention, not weeks or months later. Should you not make a prompt disclosure, you may be liable to prosecution. Disclosure must always be made in writing on the AML1 form, which is available on the shared drive.

9.7.7.1

Once you have reported the matter to the MLRO you must follow any directions they may give you. You must NOT make any further enquiries into the matter yourself.

9.7.7.2

Similarly, at no time and under no circumstances may you voice any suspicions to the person(s) whom you suspect of money laundering, without the specific consent of the MLRO; otherwise you may commit a criminal offence of "tipping off". Do not, therefore, make any reference on a client file to a report having been made to the MLRO – should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

9.7.7.3

On receipt of the disclosure the MLRO will:

- a) consider the report and make such further enquiries as are necessary to form a view on whether a person is engaged in money laundering;
- b) consider all other relevant information in making this judgement;

- c) ensure that nothing is done which could alert the person or business concerned that a report and an investigation could ensue;
- d) make a report to National Crime Agency, if appropriate, making full notes of the reasons for doing so;
- e) co-operate with any enquiries made by the proper authorities; and
- f) maintain all records of disclosures and reports for at least five years.

9.7.8 Client Identification Procedure

Each unit of the Council conducting relevant business where a business relationship is to be established and an account is to be opened or a one-off transaction or series of linked transactions amounting to approximately £10,000 or more must maintain procedures which:

- a) require satisfactory evidence of the identity of both internal and external clients at the outset of the matter;
- b) require that if satisfactory evidence of identity is not obtained at the outset of the matter then the business relationship or one off transaction(s) cannot precede any further;
- c) recognise the greater potential for money laundering when the client is not present; and
- d) require that where a client appears to act for another that reasonable measures are taken to establish the identity of that person.

Staff involved in Treasury Management must ensure that all dealings are carried out in accordance with the Treasury Management Strategy and Treasury Management Policies which ensure that transactions are only undertaken with approved counterparties.

9.7.9 Record Keeping Procedures

Each unit of the Council conducting relevant business must maintain records for at least five years of:

- a) client identification evidence obtained; and
- b) details of all relevant business transactions carried out for clients

The precise nature of the records is not prescribed by law, however, they must be capable of providing an audit trail.

9.7.10 Further Information and Advice

For any further information or guidance, please contact the MLRO:

Graham Ebers

Tel 0118 974 6557 or

Email Graham.Ebers@wokingham.gov.uk

CHAPTER 9.8 – ENFORCEMENT SANCTIONS POLICY

9.8.1 Introduction

Wokingham Borough Council (The Council) has the power to prosecute granted under defined legislation, if there is sufficient evidence and if, in the opinion of the Council, it is in the public interest to do so.

9.8.1.1

When deciding if it is in the public interest, all officers authorised to decide whether to prosecute on behalf of the Council will be guided by the Code for Crown Prosecutors. Whenever it is appropriate, the Council will consider offering other sanctions as an alternative to prosecution.

9.8.1.2

The Council will consider each case on its own merits before deciding whether or not to prosecute. If it is the case that the Council has suffered a material/financial loss, it may take separate action to stop further payments/ recover money, irrespective of whether it decides to take criminal proceedings.

9.8.1.3

The Council authorises case disposal decisions to be made in accordance with the guidance in the Crown Prosecution Service guidance on charging responsibility, noting that for 'CPS' will be read 'Legal Services' and for 'police' will be read 'investigators', in so far as this is possible.

9.8.2 Alternatives to Prosecution - Cautions

In the issuing of Cautions the Council will be guided by the relevant statutory Guidance.

9.8.3 Alternatives to Prosecution - Statutory Sanctions

The Council may consider a Statutory Sanction, whether a financial penalty or otherwise, as an alternative to prosecution for an offence where the imposition or offer of such a sanction for the specified offence or offences is prescribed by law.

9.8.4 Code for Crown Prosecutors – The Evidential and Public Interest Test

When making a decision on whether to prosecute, the Council will follow the Code for Crown Prosecutors when considering the evidential and public interest tests.

9.8.5 Other Sanctions or Penalties

The Council may also consider the imposition or offer of a sanction or and/or monetary penalty where to impose a monetary penalty or sanction for the given circumstances is prescribed by law. The Council may also offer such sanctions and/or monetary penalties where a person undertakes criminal conduct, but the Council determine that a prosecution is not to be undertaken for any reason.

9.8.6 Investigation Costs

In all cases where the Council is put to the cost of an investigation (and this may also include, but is not limited to, costs associated with civil and/or criminal proceedings and enforcement action), the Council will seek to recover those costs from the party whose conduct has caused those costs.

In cases where legislation allows the responsible party to be billed for costs, the Council will normally do this. In litigated cases, the Council will normally seek to recover all costs

through the courts, as part of the relevant litigation. In other cases, the Council will always consider seeking the cost directly from any party whose actions have given rise to the costs, either by voluntary contribution or by taking legal action to recover the costs.

CHAPTER 9.9 – ACQUISITION OF COMMUNICATIONS DATA AND USE OF COVERT SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES POLICY (Regulation of Investigatory Powers Act 2000/Investigatory Powers Act 2016)

9.9.1 Introduction

Officers and employees of (and contractors working on behalf of) Wokingham Borough Council may, in the course of their investigatory, regulatory and enforcement duties, need to make observations of persons in a covert manner, to use a Covert Human Intelligence Source or to acquire Communications Data. These techniques may be needed whether the subject of the investigation is a member of the public, the owner of a business or a Council employee.

By its very nature, this sort of action is potentially intrusive and so it is extremely important that there is a very strict control on what is appropriate and that, where such action is needed, it is properly regulated in order to comply with Legislation and to protect the individual's rights of privacy.

Privacy is a right, but in any democratic society, it is not an absolute right. The right to a private and family life, as set out in the European Convention on Human Rights, must be balanced with the right of other citizens to live safely and freely, which is the most basic function that every citizen looks to the state to perform.

Drawing on the principles set out in the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPA) and the Data Protection Act 2018, this policy sets out the Council's approach to Covert Surveillance, the use of Covert Human Intelligence Sources and the acquisition of Communications Data.

The policy also sets out Members' oversight of this area, adopts a set of procedures and appoints appropriate officers to ensure that these areas are properly controlled and regulated.

9.9.2 Policy

It is the policy of Wokingham Borough Council (the Council) that all Covert Surveillance, the use of Covert Human Intelligence Sources (informants) and the acquisition of Communications Data by those working for or on behalf of this Council (investigators) will be carried out in accordance with this policy and the associated procedure (the RIPA Procedure). Any member, officer or employee who deliberately or recklessly breaches this policy will normally be considered to have committed an act of gross misconduct and will be dealt with accordingly.

9.9.2.1

In so far as the Regulation of Investigatory Powers Act (RIPA) allows, Covert Surveillance and the use of Covert Human Intelligence Sources (informants) will always be subject to the RIPA application process. (This does NOT affect monitoring activities where the actions undertaken do not amount to covert surveillance.) Where officers wish to undertake covert surveillance or use informants but where RIPA is not available, a similar process of considering the proportionality and necessity of any such activities must be carried out before the activities are undertaken and approval gained from a RIPA authorising officer. Officers are instructed to consider when online investigations, where actions go beyond the scope of *open source* enquiries, would meet the criteria for covert investigations and to obtain relevant authorisations in those cases.

9.9.2.2

When acquiring Communications Data officers are instructed to use those set out in the IPA and the associated *Communications Data Code of Practice*, unless they are doing so with the consent of the data subject. DPA requests and other powers may NOT be used to seek the disclosure of Communications Data. Communications data may only be obtained using IPA powers for the applicable crime purpose. (Note that the guidance in the statutory code of practice takes precedence over any contrary content of a public authority's internal advice or guidance.)

9.9.2.3

The Council resolves to maintain membership of the *National Anti-Fraud Network*, so that the relevant sections of the IPA and the associated *Communications Data Code of Practice* may be complied with.

9.9.3 Appointments

The Council appoints the Assistant Director Governance (Monitoring Officer) (SAO) for RIPA purposes and as Senior Responsible Officer (SRO) for all purposes under RIPA and IPA.

9.9.3.1

The Council appoints the Assistant Director, Governance as the RIPA Monitoring Officer (RMO) to monitor the use of covert techniques within this Council (whether using the RIPA or non-RIPA processes) and reports to members on the activities the policy covers. They are also directed to ensure that appropriate training is made available to RIPA Authorising Officers (AOs) IPA Verifying Officers (VOs) and applicants when it is required.

9.9.3.2

The Council directs that only those appointed by this policy as AOs and VOs may authorise covert surveillance, the use of informants or the acquisition of communications data. In so far as is practical and possible, the Council intends that the same officers should be nominated as both AOs and VOs.

9.9.3.3

The Council appoints Directors and Assistant Directors to meet the training criteria as AOs, subject to a maximum number of six (including the SAO) at any given time. The Council instructs the RMO to maintain a list of all those currently authorised as part of the RIPA/IPA Procedures.

9.9.3.4

In order for the Council's RIPA authorisations to take effect they must be approved by a Magistrate. The Chief Legal Officer is instructed to authorise all those who may need to apply to a Magistrate to appear for that purpose for the Council. The RMO is directed to maintain a list, as part of the RIPA Procedures, of all those so authorised.

9.9.3.5

The Council appoints Directors and Assistant Directors who meet the training criteria as VOs, subject to a maximum number of six at any given time. The Council instructs the RMO to maintain a list of all those currently authorised as part of the RIPA/IPA Procedures.

9.9.4 Oversight and Reporting

The RMO shall report to elected Members on the use of RIPA regulated activity by officers of the Council every six months. Such a report shall be presented to the Members (or to such a sub-committee as the full council shall deem appropriate to constitute for oversight purposes) by the RMO and the SRO. The report must not contain any information that identifies specific persons or operations but must be clear about the nature of the operations carried out and the product obtained.

9.9.4.1

Alongside this report, the RMO and SRO will report details of 'Non-RIPA' surveillance undertaken or informants used in precisely the same fashion.

9.9.4.2

Elected Members shall have oversight of the Council's policy and shall review that policy annually should it be deemed by the RMO that significant changes have been made. At that review (or following any six-monthly report) elected Members shall make such amendments as they deem necessary to the Council's policy, and may give such directions as they deem necessary to the RMO and SRO in order to ensure that the Council's policy is followed.

9.9.4.3

Elected Members shall not interfere in individual authorisations. Their function is to, with reference to the reports, satisfy themselves that the Council's policy is robust and that it is being followed by all officers involved in this area. Although it is elected members who are accountable to the public for council actions, it is essential that there should be no possibility of political interference in law enforcement operations

9.9.5 RIPA/IPA Procedures

The RMO is instructed to create a set of procedures that provide instruction and guidance for the use of surveillance and informants, and the acquisition of communications data. They are further instructed to maintain and update the RIPA/IPA Procedures, ensuring that they continue to be both lawful and examples of best practice.

9.9.5.1

The reference to 'maintain and update' in this section includes the duty to remove AOs/VOs from the list if they cease to be employed in a relevant role or if they no longer satisfy the requirements to be an AO/VO, and the right to add names to that list so long as

- a) they satisfy the policy and regulatory requirements and
- b) at no time does the number of AOs exceed six.

If a change is required, in the opinion of the RMO, in order to comply with this part, they are authorised to make that change without prior approval from any person.

The RMO must report any changes made under this section to Members when they undertake their annual oversight of the Policy, as set out above.

9.9.5.2

All managers are required to ensure that their staff understand that covert investigation techniques may only be used in accordance with this policy and the associated procedures.

9.9.6 Training

In accordance with this Code of Practice, AOs/VOs must receive full training in the use of their powers. They must be assessed at the end of the training, to ensure competence, and must undertake refresher training at least every two years. Training will be arranged by the RMO. Designated officers who do not meet the required standard, or who exceed the training intervals, are prohibited from authorising applications until they have met the requirements of this paragraph. AOs and VOs must have an awareness of appropriate investigative techniques, Data Protection and Human Rights Legislation.

9.9.6.1

Those officers who actually carry out surveillance work must be adequately trained prior to any surveillance being undertaken. A corporate training programme has been developed to ensure that AOs, VOs and staff undertaking relevant investigations are fully aware of the legislative framework.

9.9.6.2

Senior management who have no direct involvement with covert investigation will undertake a briefing at least biannually, to ensure that they have a good understanding of the activities that might fall into the definition of covert investigation techniques.

9.9.7 Exceptions, Notes and Complaints

CCTV cameras operated by this Council are not covered by this policy, unless they are used in a way that constitutes covert surveillance; only under those circumstances must the provisions of this policy and the RIPA Procedures be followed.

Interception of communications, if it is done as part of normal business practice, does NOT fall into the definition of acquisition of communications data. (This includes, but is not limited to opening of post for distribution, logging of telephone calls, for the purpose of cost allocation, reimbursement, benchmarking, etc.; logging E Mails and internet access for the purpose of private reimbursement.)

9.9.7.1

If any person wishes to make a complaint about anything to which this policy applies is invited to use the Council's Complaints Procedure. Any complaint received will be treated as serious and investigated in line with this Council's policy on complaints. Regardless of this, the detail of an operation, or indeed its existence, must never be admitted to as part of a complaint. This does not mean it will not be investigated, just that the result of any investigation would be entirely confidential and not disclosed to the complainant.

9.9.8 Adoption and Amendment of the Policy

This version of the Policy was agreed prior to its adoption being recommended to Council via the Constitution Review Group on 17 September 2020 after which it came into immediate effect. It replaces all previous policies on these subjects

CHAPTER 9.10 - COUNCILLOR REPRESENTATION ON OUTSIDE BODIES PROTOCOL

9.10.1 Introduction

Service on outside bodies has always been an established part of a Councillor's role. A Councillor appointed to an external body will be able to use their knowledge and skills both as Councillor, and as a representative of their communities, to assist the organisation to which they are appointed, as well as the Council.

9.10.1.1

The Council is increasingly working in partnership with outside organisations as part of a move to a commissioning based organisation set out in the Transformation Blueprint. This means that it is important that everyone is clear about the role of the Councillors appointed to these bodies. Questions of accountability and governance are likely to arise particularly as funding may be channelled through the Council to these outside bodies.

9.10.1.2

Councillors are appointed by the Council to serve on a range of outside bodies. In the context of this protocol, an 'outside body' covers organisations such as trusts, companies, industrial and provident societies, voluntary bodies, charities, community associations, joint venture vehicles, public private partnerships and companies, including Local Authority Trading Companies.

9.10.1.3

Membership of an outside body brings into play different considerations to those which relate to Council membership. As members of outside bodies, elected Councillors will have different duties, obligations and liabilities depending upon the type of organisation involved. Councillors' roles on these outside bodies may appear to conflict, sometimes with each other, and sometimes with their position as a Wokingham Borough Councillor.

9.10.1.4

This guidance sets out the main issues which Councillors should consider when appointed by the Council to serve on outside bodies, though much of the advice applies equally to Councillors who are involved in outside bodies in a private capacity. It may be read as a separate stand alone document or together with the document 'Appendices to the Protocol for Councillor Representation on Outside Bodies'.

9.10.1.5

Depending on the legal nature of the body and the role fulfilled by the Councillor they may attract personal responsibility for decisions and actions of the body.

9.10.1.6

The remainder of this guidance includes the following general information:

- a) issues to consider before beginning an appointment;
- b) application of the Code of Conduct for Councillors;
- c) legal status of outside bodies, capacity of appointment, duties and liabilities;
- d) insurance and indemnity;

- e) more detailed separate appendices relating to the main type of outside bodies to which Councillors may be appointed.

9.10.2 Issues to Consider before Appointment

Before beginning an appointment to an outside body, Councillors should consult information available about the outside body and satisfy themselves that they have a reasonable understanding of the following:

- a) the legal status of the organisation e.g. company, trust, charity, unincorporated association;
- b) the capacity in which the Councillor is to be appointed e.g. director, trustee, member
- c) with voting rights or member with observer status;
- d) the purpose of the organisation and how this relates to the Council's functions and objectives;
- e) the relationship between the Council and the body and the likelihood and extent of any conflicts of interest;
- f) the requirements of the organisation's governing instrument (e.g. constitution, trust deed, memorandum and articles of association), both as a Councillor and generally;
- g) the financial status of the organisation;
- h) the governance and decision making arrangements, including the management of risk;
- i) any code of conduct for members of the outside body;
- j) potential liabilities;
- k) the extent of any insurance cover for members of the outside body;

9.10.2.1

Each outside body will usually have a connection with an aspect of the Council's activities and it may be there are Officers who would be able to provide useful background information on the outside body to the Councillor. Councillors unsure of the appropriate Officer can seek the assistance of Democratic Services;

9.10.2.2

If having begun an appointment on an outside body a Councillor considers that the Council should not continue to participate formally in the management of the external organisation e.g. as a director, trustee or voting member and that their role as a representative of the Council may be more effectively discharged as a non-voting member with observer status only, they should seek the advice of the Monitoring Officer.

9.10.3 General Principles

There are some general principles which can be applied across all outside bodies whatever their legal or organisational model. These include:

- a) Acting according to the rules, constitution and framework set by the outside body;
- b) Making independent and personal judgements in line with their duty of care to the outside body;
- c) Reporting back, at least annually as set out in Paragraph 7;
- d) Behaving ethically and following as far as applicable the National Code of Conduct of Local Government Conduct or any local voluntary Code of Conduct for Councillors that may be agreed by the Council;
- e) Taking an active and informed role in the outside body's affairs.

It does not mean:

- a) exclusively representing the views of their own political party;
- b) avoiding taking part in the outside body's discussions and decisions;
- c) looking at things simply from the Council's perspective;
- d) not being an active participant at meetings

9.10.4 Application of the Code of Conduct for Councillors

The Council's current [Code of Conduct for Councillors](#) places specific obligations on Councillors in relation to their dealings with outside organisations, including the registration and declaration of interests. The relevant provisions are set out in detail within Appendix A of the supporting document 'Appendices to the Protocol for Councillor Representation on Outside Bodies', which includes guidance from Standards for England on the position of dual-hatted members under the Code of Conduct.

9.10.4.1

The Government is currently legislating through the Localism Bill to abolish the current Code of the Code of Conduct regime, including the requirement that Councils adopt a nationally prescribed Code of Conduct and to clarify the legal position with regard to predisposition and bias. However, the Localism Bill includes continued provision for the obligation on individual Councillors to register and declare personal interests. Councillors appointed to outside bodies should be mindful of any duties placed upon them as a result of the provisions of the Localism Bill as enacted and any voluntary Code of Conduct, should one be adopted by the Council in the future. Democratic Services or the Monitoring Officer can provide advice on this.

9.10.5 Legal Status, Capacity and Liabilities

The specific responsibilities of Councillors will depend upon the legal status of the outside body and the capacity in which they have been appointed. The position of Councillors in relation to the various types of outside body is set out in more detail within the document '*Appendices to the Protocol for Councillor Representation on Outside Bodies*' as follows:

- a) Appendix B – Director of a Company
- b) Appendix C – Trustee of a Trust or Charitable Trust
- c) Appendix D – Member of Unincorporated Association
- d) Appendix E – Membership of Steering Groups, Joint Committees or Partnership Bodies

A fundamental point that Councillors should be aware of is that in undertaking their duties as a trustee, director, or management committee member, they may take account of the wishes of the Council, but their primary duty is to act in the best interests of the organisation to which they have been appointed.

9.10.6 Liability, Insurance and Indemnity

Councillors can incur personal, civil and criminal liability from formal participation in outside bodies.

9.10.6.1

Under Section 265 of the Public Health Act 1875, (as applied by Section 39, Local Government (Miscellaneous) Act 1976), Councillors enjoy statutory immunity from civil liability where they act within the powers of the Council, in good faith and without negligence.

9.10.6.2

However, this immunity does not apply where they act beyond the powers of the council or act in bad faith (i.e. with dishonest or malicious intent) or negligently, and it does not protect them from criminal liability, for example for fraud or for corporate killing where they exercise managerial responsibilities.

9.10.6.3

The Council has adopted the provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004 and agreed to provide indemnity on specific grounds to Councillors and officers including the provision of appropriate insurance cover.

9.10.6.4

Wokingham Borough Council has also made appropriate insurance provision to protect its assets and liabilities. Within these provisions the Council has extended its cover to protect its elected and co-opted members when carrying out appointed duties in connection with the business of Wokingham Borough Council. It is important to note that this provision is limited to Councillors appointed to 'not for profit' entities and would not cover Councillors appointed as directors of 'for profit' limited companies including local authority trading companies. The expectation would be that such companies would make their own indemnity and insurance provision.

9.10.6.5

Councillors wishing to clarify specific issues around liability, indemnity and insurance related to their appointment should in the first instance approach the outside bodies to which they are to be appointed.

9.10.7 Expenses, Remuneration and Benefits

As a general rule Councillors should not benefit personally from their appointment to outside bodies or be out of pocket as a result of their service to the community.

9.10.7.1

Where a Councillor has been appointed to an outside body by the Council, they may claim travel and subsistence expenses as an 'approved' duty set out within the Wokingham Borough Council Members' Allowances Scheme, unless the outside body has its own provision for the payment of expenses.

9.10.7.2

Reasonable hospitality, e.g. lunch after a board meeting and minor promotional gifts may be accepted. As set out in the [Councillors' Code of Conduct](#), anything worth over £25.00 that has been given to the Councillor must be declared on the Councillor's Register of Gifts and Hospitality within 28 days of receipt. Other more substantial gifts should not be accepted.

9.10.7.3

In the case of Councillors sitting on the boards of local authority trading companies, local authority law restricts the level of remuneration that they can receive from the company. The amount of remuneration that a Councillor can receive from a company cannot exceed that received for comparable duties undertaken through the Council's Member Allowances Scheme.

9.10.7.4

Free access to an outside body's facilities should only be accepted where it is necessary to discharge the Councillor's duties and responsibilities as an appointed representative and should be declared in the Councillor Register of Interests.

9.10.8 Representatives Reporting Back

Councillors are under a specific obligation as a result of the 1995 Local Authorities (Companies) Order to report back to the Council on their involvement in outside companies to which they have been nominated by the Council. While the law now makes this a requirement for involvement in outside companies, it is also logical and best practice that the requirement to report back should apply to involvement in all outside bodies.

Accordingly, Councillors are requested to lodge their annual report using the attached feedback form with Democratic Services by 1 May each year. The reports will then be circulated with the Annual Council Agenda.

9.10.9 Further Advice

Councillors should contact the Monitoring Officer or Democratic Services for further advice if they have any particular issues of concern regarding Code of Conduct and outside bodies. Councillors wishing to raise matters relating to insurance or indemnity should contact the Insurance Manager.

WOKINGHAM BOROUGH COUNCIL**APPOINTMENT TO OUTSIDE BODIES ANNUAL FEEDBACK FORM****MUNICIPAL YEAR: 20 - 20**

Name of Organisation	
Name of Member	
Capacity appointed, e.g. trustee, director, observer etc	
Number of meetings called to attend	
Number of Meetings attended	
Reasons for not attending, if appropriate	
Please give a brief synopsis of the key areas covered by the Outside Body during the past Municipal Year.	
What background /briefing information did you receive from the organisation on its constitution, aims, objectives etc and was it sufficient to enable you to carry out your appointed role?	

<p>Please indicate how effective you think the organisation is, e.g. has it met or contributed to the Council's Vision and Priorities and give examples to illustrate your reply?</p>	
<p> </p>	
<p>Do you think the Council should continue to be represented on this Outside Body?</p>	<p>Yes / No</p>
<p>If No, please state why</p>	
<p> </p>	
<p>Please provide any additional information that fellow Members might find useful</p>	
<p> </p>	

Councillor.....

Signed..... **Dated:**.....

Return completed forms to: Democratic Services Manager
 Governance and Improvement Services,
 Shute End, Wokingham, RG40 1WQ or
 democratic.services@wokingham.gov.uk

Appendix A**Code of Conduct for Members Relevant Provisions and Guidance**

- 1 Where a Councillor is acting as a representative of the Council on any other body (other than a relevant authority) they must comply with the *Council's Code of Conduct* *except where it conflicts with any lawful obligations to which that body may be subject, ([Rule 9.2.1](#))* of the Council's Code of Conduct for Members).
- 2 Councillors appointed to serve on outside bodies must be mindful of their duties regarding disclosure of confidential information under [Rule 9.2.8.5](#) of the Code of Conduct.
- 3 Councillors must not use or attempt to use their position as a Councillor improperly to confer on or secure for themselves or any other person, an advantage or disadvantage – ([Rule 9.2.8.3](#)). In particular they must not use their position as a Councillor improperly to secure benefits or advantages for the outside body to which they have been appointed.
- 4 [Rule 9.2.3.1](#) of the Code requires Councillors to register any personal interests which fall within the categories set out in Appendix B of the Code of Conduct. Registration is by written notification to the Monitoring Officer within 28 days of taking up office, or within 28 days of becoming aware of any new interest or change of interest.
- 5 The categories of interest which are most relevant in this context are:
 - any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority: [Appendix B i\) ii\)](#)
 - any body -
 - exercising functions of a public nature;
 - directed to charitable purposes;
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
 - of which the Councillor is a member or in a position of general control or management.

Personal interest

- 6 A Councillor will have a personal interest in any business of the Council which relates to or is likely to affect any of their registerable interests. They will, therefore, have a personal interest in any business of the Council which relates to or is likely to affect an outside body to which they have been appointed by the Council.
- 7 They may also have a personal interest where a decision in relation to the business under consideration might reasonably be regarded as affecting their well-being or financial position, or the well-being or financial position of a relevant person to a greater extent than the majority of council tax payers in the electoral division affected by the decision. A 'relevant person' includes a body which falls within the categories of interest described in paragraph 5 above. ([Appendix B i\) ii\)](#) of the Code).

- 8 Where a Councillor has a personal interest in any business of the Council and attends a meeting of the Council at which the business is considered, they must disclose the existence and nature of their interest to the meeting when the matter begins to be considered or when the interest becomes apparent, ([Rule 9.2.5.1](#) of the Code). For example, if the Councillor is attending a council debate on education policy and is also a council appointed governor, they would only need to declare an interest if they decided to speak during the debate.
- 9 In the case of a personal interest in any business which relates to or is likely to affect any body to which the Councillor has been appointed, or a body exercising functions of a public nature, the Councillor only needs to disclose the existence and nature of their interest when they address the meeting on that business, ([Rule 9.2.5.1 of the Code](#)).

Prejudicial Interest

- 10 Considered where the personal interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgment of the public interest, ([Rule 9.2.6.1](#) of the Code).
- 11 A prejudicial interest will only arise, however, where none of the exemptions in [Rule 9.2.7.1](#) of the Code apply, and the business being considered:
- affects the Councillor's financial position or the financial position of a person or body included in their register of interests e.g. a body to which they have been appointed by the Council;
 - relates to the determination of a regulatory matter affecting them or any such person or body.
- 12 A Councillor who is considering an application for a grant or a planning application by a body to which they have been appointed by the Council will, therefore, have a prejudicial interest in that matter. This will apply equally to a Councillor who is a member of one of the other bodies mentioned in paragraph 5 above.
- 13 Where a Councillor has a prejudicial interest they may make representations on the matter to the same extent as a member of the public, answer questions or give evidence, if required, but they must then leave the meeting and not take any further part in the item or vote. They must not seek to influence the decision improperly in any way, ([Rule 9.2.4.4](#) of the Code).
- 14 A Councillor who participates in decision making on business in which they have a prejudicial interest may invalidate the decision.

Standards for England Guidance on Dual-hatted Members and the Code of Conduct

What is a dual-hatted member?

- 15 Dual-hatted members are members who serve on two or more relevant authorities; for instance, a member who is both a Borough and parish council member.

When should a dual-hatted member declare an interest?

- 16 If a dual-hatted member is taking part in a council meeting and an issue is under discussion which affects that member's other authority, then provided that they do not have a prejudicial interest, [under Rule 9.2.6](#) of the Code of Conduct the dual-hatted member only needs to declare a personal interest if they intend to speak on the matter involving the other authority. If the member does speak on the matter then they must declare a personal interest, but they are still able to vote.
- 17 Members must consider carefully, however, if the nature of the matter under discussion means that their membership of another authority may also give rise to a prejudicial interest.
- 18 For dual-hatted members who would not otherwise have a prejudicial interest for any other reason, a prejudicial interest will arise as a result of membership of the other authority if all of the following conditions are met:
- the matter affects the other authority's financial position or is about a licensing or regulatory matter applied for by the other authority;
 - the matter does not fall within one of the exempt categories of decisions under [Rule 9.2.7.1](#) of the Code;
 - a reasonable member of the public with knowledge of the relevant facts would believe that the member's ability to judge the public interest would be impaired.
- 19 Standards for England takes the view that where a regulatory application, including a matter of consent or approval, is made by a body on a member's register of interests, or a matter is discussed that would impact upon the financial interests of a body on a member's register of interests, then a prejudicial interest will arise. For example if a parish council planning application was being considered at a borough council meeting, a member of the planning committee who is also a parish council member would need to declare a personal and prejudicial interest when that matter is considered, leave the chamber and not vote.

Predetermination and dual-hatted members

- 20 A dual-hatted member does not automatically have an interest in an item just by virtue of having considered the issue at the meeting of a different authority. If the issue does not meet the normal criteria for needing to declare a personal interest, then an interest does not need to be declared. However, the issue of predetermination or bias may need to be considered where members sit on different bodies determining matters.

Councillors appointed as Directors of Limited Companies

Legal Status

- 1 Upon incorporation a company becomes a separate legal entity, which can hold property in its own right, enter into contracts and sue and be sued in its own name.
- 2 Limited to the amount they paid or agreed to pay when they joined the company. This can be as little as £1.
- 3 Wokingham Borough Council has since 2010 established a number of Local Authority Trading Companies, (LATCs). It is possible for LATCs to take different structural models, but to date, the model chosen by the Council is a company limited by shares whereby the Council is the sole shareholder. As profits are distributed on the basis of the number of shares held, the Council receives 100% of any profits generated as the sole shareholder. Liability in the event of winding-up is as with any company limited by shares is limited to the amount unpaid on the shares held.
- 4 Companies limited by guarantee do not have shares. Instead, each member agrees that in the event of the company being wound up they will agree to pay an agreed amount e.g. £1. This is most common in the public and voluntary sector, particularly where charitable status is sought.

Directors' Duties

- 5 Whatever the exact form of a company's structure, the role of a Councillor who has been appointed as a director will depend upon the company's Articles of Association (its constitution). A company's constitution will vest most of its powers in the board of directors and the board will exercise these either directly or through managers appointed by the board. Directors must understand the requirements of the Articles of Association in order to fulfil their responsibilities properly.
- 6 Directors should be aware of the best practice requirements of the '*UK Corporate Governance Code*' to the extent that this has been adopted by the company, including general management of the company, internal financial and operational controls and risk management.

Comment: I have deleted reference to Directors remuneration as this is principally reserved as the Shareholder function in the articles

- 7 Directors, as agents of the company, must:
 - act within their powers and make sure the company follows its constitution as set out in the Articles of Association;
 - act in good faith to promote the success of the company for the benefit of its members. Directors must also have taken into consideration employees, suppliers, customers, the environment and the community;
 - carry out their duties with reasonable care and skill. Higher standards may be expected from executive directors who are responsible for an area in which they have a specialist or professional qualification;
 - exercise independent judgement;
 - avoid situations where there are conflicts of interest. Directors must not take bribes, and must disclose any personal interests to the company. Directors must

not divert business opportunities to themselves that ought to be available to the whole company;

- make a declaration of interest where appropriate. Directors may not be allowed to vote on matters if there is a conflict of interest;
- not benefit from a third party by reason of being a director, or by doing or not doing something;
- not act with intent to defraud creditors or for any other fraudulent purpose;
- not engage in wrongful trading, that is, allowing the company to carry on trading when you know (or ought to know) that it is insolvent. This can lead to personal liability;
- to carry out the statutory obligations imposed by the Companies Act 2006 and other legislation.

- 8 Some directors may be given special responsibilities under the company's constitution, for instance a managing director or finance director. Those with special roles will be expected to have the personal and technical skills to perform the duties associated with that role, which may be onerous.
- 9 The above duties apply to non-executive directors as well as executive directors.
- 10 There are other statutory requirements which may be relevant depending on the company's business. Directors will need to be familiar with these. For example, if the company is an investment vehicle which engages in fundraising activity, financial services legislation will apply.

Observer status

- 11 The position of observer has no specific legal status in company or local authority law. Any person appointed as an observer should ensure that their role is clearly defined and avoid involvement in the management of the Company. If an observer acts beyond their remit and exercises real influence over the company's affairs and decision making the observer may be deemed to be a shadow director, with all the duties of an ordinary director.
- 12 Observers and others, such as professional advisors, may attend board meetings. Generally the minutes of the meetings will note the names of observers and the fact that they are "in attendance". Persons "in attendance" have no specific legal status and in itself the phrase does not indicate any particular level of participation in the company's affairs. The extent of the participation of a Councillor described in board minutes as "in attendance" is a question of fact. They should, however, take care to avoid involvement in the management of the company so as to avoid being treated as a shadow director.
- 13 A director (or shadow director) may incur personal liability if they are in breach of the above duties.

This may arise where:

- the company is found, in the course of winding up, to have been trading for fraudulent purposes. If a director has acted dishonestly this is also a criminal offence;
- following liquidation, a director is found liable for wrongful trading, i.e. allowing the Company to continue to trade at a time when the director knew or ought

reasonably to have known that there was no reasonable prospect that the company would avoid going into insolvent liquidation;

- the company commits a breach of the criminal law, for example, health and safety legislation;
- a director acts negligently or in breach of their duty to the company (including the duty to maintain confidential any confidential information relating to the company that comes into their possession);
- a director knowingly causes the company to act beyond the activities authorised by its Articles of Association;
- there is a breach of trust, such as the misappropriation of company funds or property;
- a director uses their powers improperly or makes a personal profit from their position as director;
- there is a failure to comply with the requirements of companies legislation, such as the making of returns to the Registrar of Companies.

Insurance

14 The Council will endeavour to ensure that appropriate insurance is in place. However Councillors appointed as directors should check on appointment that the company maintains appropriate insurance cover against directors' liability. If this is not in place this should be requested, but this is a matter entirely for the board and the Council cannot normally insist upon this. It will be necessary to ensure that the company has the resources to maintain payment of the insurance premiums.

15 Further guidance on the responsibilities of company directors is available on the websites of the Institute of Directors and Companies House:

<https://www.iod.com/Home>

<http://www.companieshouse.gov.uk>

Councillors Appointed as Trustees to a Trust or Charity

- 1 To be a charity, an organisation must operate for charitable purpose as defined by the Charities Act 2006. These are
 - the prevention or relief of poverty;
 - the advancement of education;
 - the advancement of religion;
 - the advancement of health or saving lives;
 - the advancement of citizenship or community development;
 - the advancement of the arts, culture, heritage or science;
 - the advancement of amateur sport;
 - the advancement of human rights, conflict resolution or the promotion of religious or racial harmony or equality and diversity;
 - the advancement of environmental protection or improvement;
 - the relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
 - the advancement of animal welfare;
 - the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services;
 - any other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

Trustees and their responsibilities

- 2 Charity trustees are the people who serve on the governing body of a charity. They may be known as trustees, directors, board members, governors or committee members. The principles and main duties are the same in all cases.
- 3 Trustees have and must accept ultimate responsibility for directing the affairs of a charity, and ensuring that it is solvent, well-run, and delivering the charitable outcomes for the benefit of the public for which it has been set up.
- 4 **Compliance - Trustees must:**
 - Ensure that the charity complies with charity law, and with the requirements of the Charity Commission as regulator; in particular ensure that the charity prepares reports on what it has achieved and Annual Returns and accounts as required by law;
 - Ensure that the charity does not breach any of the requirements or rules set out in its governing document and that it remains true to the charitable purpose and objects set out there;
 - Comply with the requirements of other legislation and other regulators (if any) which govern the activities of the charity;
 - Act with integrity, and avoid any personal conflicts of interest or misuse of charity funds or assets.
- 5 **Duty of prudence - Trustees must:**
 - Ensure that the charity is and will remain solvent;
 - Use charitable funds and assets reasonably, and only in furtherance of the charity's objects;

- Avoid undertaking activities that might place the charity's endowment, funds, assets or reputation at undue risk;
- Take special care when investing the funds of the charity, or borrowing funds for the charity to use.

6 Duty of care - Trustees must:

- Use reasonable care and skill in their work as trustees, using their personal skills and experience as needed to ensure that the charity is well-run and efficient;
- Consider getting external professional advice on all matters where there may be material risk to the charity, or where the trustees may be in breach of their duties.

7 Liability

Trustees are jointly and severally liable to the charity for breaches of trust. They may incur personal liability for losses incurred if they:

- act outside of the scope of the trust deed;
- fall below the required standard of care;
- make a personal profit from the trust assets.

8 Trustees will incur personal liabilities under contracts they enter into in the name of the charity. They are, however, entitled to be reimbursed from the charity's funds for all liabilities and expenses in accordance with the trust deed.

9 Insurance and Indemnity

An indemnity can be given from the charity provided the trustee has acted properly and within their powers. Trustees may take out personal insurance to protect themselves against personal liability except criminal liability. Payment of the premiums must be authorised by the trust deed if they are to be met from charitable funds.

Appointment of Councillors to Committees of Management or Unincorporated Associations

Legal Status

- 1 Most societies, clubs and similar organisations (other than companies, industrial societies and trusts), are unincorporated associations. This is an informal organisation, which may arise where several people join together, with the intention of creating legal relations, to carry out a mutual purpose otherwise than for profit.
- 2 There is no statutory definition of an unincorporated association but it has been described by the court as “an association of persons bound together by identifiable rules and having an identifiable membership”. Unlike a company it does not have a separate legal status distinct from its members.
- 3 The rules of an unincorporated association are found in its constitution, which sets out the roles and responsibilities of its members.

Duties

- 4 An unincorporated association will typically have an executive or management committee with its powers and composition defined by the constitution. Key decisions will usually be made by the members at general meetings. The day to day administration of an association is usually undertaken by the officers and members of the executive or management committee.
- 5 Broadly executive or management committee members must act within the constitution and must take reasonable care in exercising their powers.
- 6 Where an unincorporated association is a registered charity the members of the executive or management committee may also be charity trustees. As such, their role and responsibilities will be determined not only by the association’s constitution but also by the general law relating to trusts and charities.

Observer Status

- 7 The Council may appoint a Councillor to the executive or management committee of an unincorporated association as an observer. A Councillor acting as an observer should avoid exceeding this role by becoming directly involved in the management of the association as they may be deemed to be an ordinary member for the purposes of determining liability.

Liabilities

- 8 Members of the management committee are generally liable, jointly and severally, for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are insufficient funds the members are personally liable for the shortfall.
- 9 Particular care should also be taken when entering into contracts on behalf of the association. If the individual lacks the authority to do so, they may find themselves personally liable for the performance of the contract.

Insurance

- 10 Insurance may be available, but payment of the premiums must be authorised by the constitution if they are to be met from the association's funds.

**Appointment of Councillors to Steering Groups,
Joint Committees and Partnership Bodies**

- 1 The responsibilities of a Councillor who is appointed as a member of any of these bodies will be determined by the terms of reference, constitution or partnership agreement under which they are established and governed;
- 2 It is necessary to ensure that the Councillor's role on the body is clear, in accordance with the Council's adopted *Partnership Protocol* and, in particular, whether they are acting as a delegate or representative of the Council to further the interests of the Council, or whether they are expected to exercise independent judgment in the best interests of the body concerned;
- 3 Liability will depend on the nature and functions of the body and the constitution or agreement under which it is established. Insurance may be available to cover certain liability.

¹ Bullying and harassment at work: A guide for managers, ACAS June 2014 and Archived content for Standards for England; guidance on 'Bullying and Intimidation' available upon request from the Head of Legal, or to download:
<http://webarchive.nationalarchives.gov.uk/20090505163356/http://www.standardsboard.gov.uk/TheCodeofConduct/Guidance/CodeofConduct/Factsheets/filedownload,16138,en.pdf>

Appendix



**WOKINGHAM
BOROUGH COUNCIL**

Wokingham Borough Council

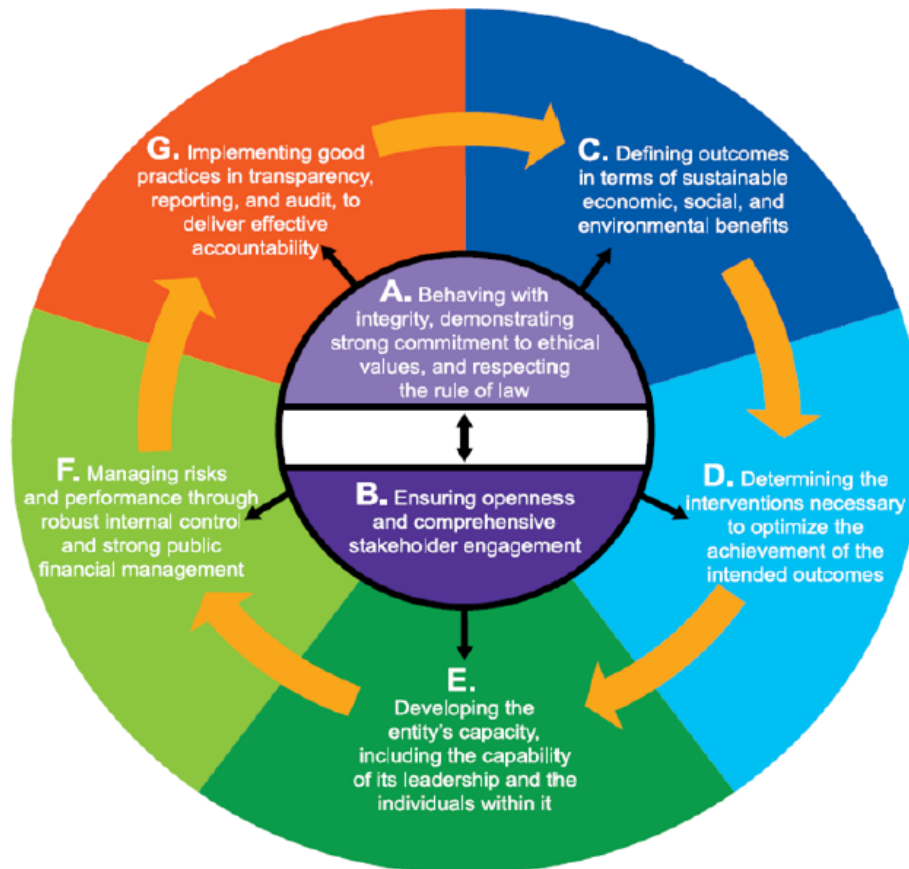
Local Code of Corporate Governance

November 2020

1. Delivering Good Governance

- 1.1 Good governance is everyone's responsibility. The Leader of the Council and the Chief Executive have a special leadership role as custodians of the Council's governance arrangements.
- 1.2 Each year an Annual Governance Statement is published with the Statement of Accounts (as required by the Accounts and Audit (England) Regulations 2015). This follows a review on the effectiveness of the Council's system of internal control and governance.
- 1.3 Good governance at Wokingham Borough Council is delivered and guided by the Chartered Institute of Public Finance & Accountancy (CIPFA) and the Society of Local Authority of Chief Executives (SOLACE): *Delivering Good Governance in Local Government – Framework (2016)* and the *International Framework: Good Governance in the Public Sector* (Chartered Institute of Public Finance and Accountancy / International Federation of Accountants, 2014).
- 1.4 The 'International Framework' defines governance as follows: "*Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved*".
It also states that:
"To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity's objectives while acting in the public interest at all times. Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders".
- 1.5 The Foreword to the 'Framework' sets out that "*Good governance requires a qualitative approach, not a mindless quantitative one. It requires integrity, objectivity, transparency, and accountability, built on a foundation of intellectual honesty. These principles are already embedded throughout this Framework, but it should be read with these fundamentals firmly in mind*".
- 1.6 The diagram below shows how the various principles of good governance in the public sector relate to each other.

**Achieving the Intended Outcomes
While Acting in the Public Interest at all Times**



2. The Principles of Good Governance

2.1 The Framework requires governance processes and structures to focus on the attainment of sustainable outcomes for the economy, society and the environment.

2.2 Principles A and B are overarching principles and spread through all other principles C to G and ensure that the Council achieves its intended outcomes while acting in the public interest at all times. This requires:

A. Behaving with integrity, demonstrating strong commitment to ethical values,

and respecting the rule of law.

B. Ensuring openness and comprehensive stakeholder engagement.

2.3 In addition to the overarching requirements for acting in the public interest in principles A and B, achieving good governance in the public sector also requires effective arrangements for:

C. Defining outcomes in terms of sustainable economic, social, and environmental benefits.

D. Determining the interventions necessary to optimise the achievement of the intended outcomes.

E. Developing the Council's capacity, including the capability of its leadership and the individuals within it.

F. Managing risks and performance through robust internal control and strong public financial management.

G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

3. Monitoring and Review

- 3.1 The Council will monitor its governance arrangements for their effectiveness in practice and will review them on a continuing basis to ensure that they are up to date. The process of review to produce the Annual Governance Statement will assess in more detail how the Council has performed in its adherence to the adopted principles of governance detailed in this code.
- 3.2 On an annual basis, the Chief Executive and Leader of the Council will publish an Annual Governance Statement which will:
- Assess how the Council has complied with this Code of Corporate Governance;
 - Provide an opinion on the effectiveness of the Council's arrangements;
 - Provide details of how continual improvement in the systems of governance will be achieved.

4. Certification

We hereby endorse our commitment to this Code of Corporate Governance and will ensure that the Council continues to review, evaluate and develop the Council's Governance arrangements to ensure continuous improvement of the Council's systems.

Leader of the Council – John Halsall
Chief Executive – Susan Parsonage

How the Council ensures good governance:

Principle A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.		
Supporting Principles	To embed the behaviour and actions that demonstrate good governance, the council is committed to:	This is demonstrated by:
Behaving with integrity.	<ul style="list-style-type: none"> • Ensure that members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation. • Ensure that members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These will build on the Seven Principles of Public Life (The Nolan Principles). • Lead by example and using the above standard operating principles or values as a framework for decision making and other actions. • Demonstrate, communicate and embed the standard operating principles or values through appropriate policies and processes, which are reviewed on a regular basis to ensure that they are operating effectively. 	<ul style="list-style-type: none"> • The Council's values • The Community Vision and Corporate Delivery Plan • The Constitution • Standards Committee • Member and Officer Codes of Conduct • Member Declarations of Interests, Register of Interests and details of Gifts and Hospitality are published on the Council's website • Officer declarations of interest • Officer job descriptions and Appraisals • Member and Officer induction and training • Whistleblowing and counter-fraud arrangements
Demonstrating strong commitment to ethical values.	<ul style="list-style-type: none"> • Seek to establish, monitor and maintain the organisation's ethical standards and performance. • Underpin personal behaviour with ethical values and ensure they permeate all aspects of the organisation's culture and operation. • Develop and maintain robust policies and procedures which place emphasis on agreed ethical values. • Ensure that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation. 	<ul style="list-style-type: none"> • The Council's values • The Constitution • Standards Committee • Overview & Scrutiny Committees • Regulatory and other Committees • Codes of Conduct • Member and Officer induction and training • Member Declarations of Interests, Register of Interests and details of Gifts and Hospitality are published on the Council's website • Officer declarations of interest • Equality Policy / BAME Group • Procurement and

		Contract rules, and procedures
Respecting the rule of law.	<ul style="list-style-type: none"> • Ensure that members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations. • Create the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements. • Strive to optimise the use of the full powers available for the benefit of citizens, communities and other Stakeholders. • Deal with breaches of legal and regulatory provisions effectively. • Ensure that corruption and misuse of power are dealt with effectively. 	<ul style="list-style-type: none"> • Legal and finance senior officers review reports going for Member decision making. • Project Managers have responsibility to secure legal and finance advice for projects • Corporate complaints, compliments and monitoring procedures. • Ombudsman process • Companies – Compliance with Companies Act and Directors duties • Head of Paid Service post / advice • S151 officer post / advice • Monitoring Officer post / advice • The Constitution • Roles, responsibilities and competencies • Anti-Fraud and Corruption Policy • Whistleblowing Policy • Data Protection Policy

Principle B - Ensuring openness and comprehensive stakeholder engagement.		
Supporting Principles	To embed the behaviour and actions that demonstrate good governance, the council is committed to:	This is demonstrated by:
Openness.	<ul style="list-style-type: none"> • Ensure an open culture through demonstrating, documenting and communicating the organisation's commitment to openness. • Make decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. • Provide clear reasoning and evidence for decisions in both public records and explanations to Stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensure that the impact and consequences of those decisions are clear. • Use formal and informal consultation and engagement to determine the most appropriate and effective interventions / courses of action. 	<ul style="list-style-type: none"> • The Council's values • The Community Vision and Corporate Delivery Plan • Communication Strategy / Policy • WBC website • Committee meetings documentation, standard report templates and minutes • Call-in periods for Executive decisions • Overview & Scrutiny

		<p>panels</p> <ul style="list-style-type: none"> • Forward Plan • Publication Scheme • Consultation Policy, webpage and e-Petitions • Transparency data published • Freedom of Information processes • HR Policies and procedures • Equality Framework and Equality Impact Assessments
<p><i>Engaging stakeholders effectively, including individual citizens and service users.</i></p>	<ul style="list-style-type: none"> • Establish a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes. • Ensure that communication methods are effective and that members and officers are clear about their roles with regard to community engagement. • Encourage, collect and evaluate the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs. • Implement effective feedback mechanisms in order to demonstrate how views have been taken into account. • Balance feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity • Take account of the impact of decisions on future generations of tax payers and service users. 	<ul style="list-style-type: none"> • Consultation Policy, webpage and e-Petitions • Corporate complaints, compliments and monitoring procedures • Customer Service Strategy • Public attendance at meetings and web stream • Annual Budget consultation • Wokingham Borough News surveys
<p><i>Engaging comprehensively with institutional stakeholders.</i></p>	<ul style="list-style-type: none"> • Effectively engage with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably. • Develop formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively. • Ensure that partnerships are based on: <ul style="list-style-type: none"> - trust; - a shared commitment to change; - a culture that promotes and accepts challenge among partners; and, - that the added value of partnership working is explicit. 	<ul style="list-style-type: none"> • The Community Vision and Corporate Delivery Plan • Local Enterprise Partnership Arrangements • Joint Strategic Needs Assessment • Joint Health and Wellbeing Strategy • Community Safety Partnership • Berkshire West Children's Safeguarding partnership • Wokingham Integrated Partnership

Principle C - Defining outcomes in terms of sustainable economic, social, and environmental benefits.		
Supporting Principles	To embed the behaviour and actions that demonstrate good governance, the council is committed to:	This is demonstrated by:
Defining outcomes.	<ul style="list-style-type: none"> • Have a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions. • Specify the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer. • Deliver defined outcomes on a sustainable basis within the resources that will be available. • Identify and manage risks to the achievement of outcomes. • Manage service users' expectations effectively with regard to determining priorities and making the best use of the resources available. 	<ul style="list-style-type: none"> • The Community Vision and Corporate Delivery Plan • Directorate and Service Plans • Medium Term Financial Plan • Capital Strategy • Statement of Accounts • Corporate Risk Register and project risk assessments • Performance Framework and reporting to Officers and Members
Sustainable economic, social, and environmental benefits.	<ul style="list-style-type: none"> • Consider and balance the combined economic, social and environmental impact of policies and plans when taking decisions about service provision. • Take a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints. • Determine the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs. • Ensure fair and equal access to services. 	<ul style="list-style-type: none"> • Standard templates for Business Cases and Executive papers • MTFP, Capital and Investment Strategies • The Community Vision and Corporate Delivery Plan • Directorate and Service Plans • Adults social care strategies and policies • Children's social care strategies and policies. • Climate emergency objectives. • Air Quality Management Group • Health & Wellbeing Strategy • Development and Planning policies • Housing policies • Equality Framework and Equality Impact Assessments

Principle D - Determining the interventions necessary to optimise the achievement of the intended outcomes.		
Supporting Principles	To embed the behaviour and actions that demonstrate good governance, the council is committed to:	This is demonstrated by:
Determining interventions.	<ul style="list-style-type: none"> • Ensure that decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided. • Consider feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts. 	<ul style="list-style-type: none"> • Standard templates for Business Cases and Executive papers • Consultation Policy, webpage and e-Petitions • Corporate complaints, compliments and monitoring procedures. • Annual Budget consultation
Planning interventions.	<ul style="list-style-type: none"> • Establish and implement robust planning and control cycles that cover strategic and operational plans, priorities and targets. • Engage with internal and external stakeholders in determining how services and other courses of action should be planned and delivered. • Consider and monitor risks facing each partner when working collaboratively, including shared risks. • Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances. • Establish appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured. • Ensure that capacity exists to generate the information required to review service quality regularly. • Prepare budgets in accordance with objectives, strategies and the medium term financial plan. • Inform medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy. 	<ul style="list-style-type: none"> • The Community Vision and Corporate Delivery Plan • Directorate and Service Plans • MTFP, Capital and Investment Strategies. • Consultation Policy, webpage and e-Petitions • Performance Framework and reporting to Officers and Members • Corporate and service risk registers • Project management policies and guidance
Optimising achievement of intended outcomes.	<ul style="list-style-type: none"> • Ensure that the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints. • Ensure that the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term. • Ensure that the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage. • Ensure that the achievement of 'social value' through service planning and commissioning (The Public Services (Social Value) Act 2012 states that this is "the 	<ul style="list-style-type: none"> • MTFP, Capital and Investment Strategies • Capital and revenue monitoring and reporting to officers and Members • Annual budget consultation • Consultation Policy, webpage and e-Petitions • Resident surveys

	additional benefit to the community.... over and above the direct purchasing of goods, services and outcomes”.	
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Principle E - Developing the Council's capacity, including the capability of its leadership and the individuals within it.		
Supporting Principles	To embed the behaviour and actions that demonstrate good governance, the council is committed to:	This is demonstrated by:
Developing the entity's capacity.	<ul style="list-style-type: none"> • Review operations, performance and use of assets on a regular basis to ensure their continuing effectiveness. • Improve resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently. • Recognise the benefits of partnerships and collaborative working where added value can be achieved • Develop and maintain an effective workforce plan to enhance the strategic allocation of resources. 	<ul style="list-style-type: none"> • The Community Vision and Corporate Delivery Plan • Asset Management Plan • Highways Asset Management Strategy • Benchmarking within Directorate and Service plans • Local Enterprise Partnership Arrangements • Joint Strategic Needs Assessment • Joint Health and Wellbeing Strategy • Community Safety Partnership • Berkshire West Children's Safeguarding partnership • Wokingham Integrated Partnership • Shared Services arrangements • Workforce plan
Developing the entity's leadership and the capability of individuals within the entity.	<ul style="list-style-type: none"> • Develop protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained. • Publish a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body. • Ensure that the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority. • Develop the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by: <ul style="list-style-type: none"> - Ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and 	<ul style="list-style-type: none"> • Member / officer protocol • Constitution including delegated powers • Training plans for officers and Members • Standard induction and training for both officers and Members • Mandatory e-learning modules • Intranet guidance, policies and procedures • Corporate recruitment processes with job profiles and competencies • Appraisals and 121s • Corporate staff surveys

	<p>development matching individual and organisational requirements is available and encouraged;</p> <ul style="list-style-type: none"> - Ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis; - Ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external. <ul style="list-style-type: none"> • Ensure that there are structures in place to encourage public participation. • Take steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections. • Hold staff to account through regular performance reviews which take account of training or development needs. • Ensure that arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing. 	<ul style="list-style-type: none"> • Apprenticeship scheme • Coaching Cadre • Peer Reviews – council and service Specific • Companies – Companies Act, Articles of Association, Directors duties • Health and Wellbeing policies, guidance and events
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Principle F - Managing risks and performance through robust internal control and strong public financial management.		
Supporting Principles	To embed the behaviour and actions that demonstrate good governance, the council is committed to:	This is demonstrated by:
Managing risk.	<ul style="list-style-type: none"> • Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making. • Implementing robust and integrated risk management arrangements and ensuring that they are working effectively. • Ensuring that responsibilities for managing individual risks are clearly allocated. 	<ul style="list-style-type: none"> • Risk Management Strategy • Corporate Risk Register • Directorate and Service risk Registers • Standard templates for Executive decision making • Audit Committee • Overview & Scrutiny panels • Audit & Investigation service
Managing performance.	<ul style="list-style-type: none"> • Monitor service delivery effectively including planning, specification, execution and independent post implementation review • Make decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook. • Ensure that an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible. • Provide members and senior management with regular reports 	<ul style="list-style-type: none"> • Performance reporting framework to officers and Members • Standard templates for Executive decision making • Overview & Scrutiny panels and quarterly performance reporting to them • Directorate and Service plans • MTFP

	<p>on service delivery plans and on progress towards outcome achievement.</p> <ul style="list-style-type: none"> • Ensure that there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements). 	<ul style="list-style-type: none"> • Capital and revenue budget • Monitoring • Statement of Accounts • Project monitoring • Internal and External Audit reports • Peer reviews / inspections
Robust internal control.	<ul style="list-style-type: none"> • Align the risk management strategy and policies on internal control with achieving objectives. • Evaluate and monitor risk management and internal control on a regular basis. • Ensure that effective counter fraud and anti-corruption arrangements are in place. • Ensure that additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor. • Ensure an audit committee which is independent of the executive and accountable to the governing body: <ul style="list-style-type: none"> - Provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment; and, - That its recommendations are listened to and acted upon. 	<ul style="list-style-type: none"> • Audit & Investigation annual plan • External Audit • Audit Committee • Anti-Fraud and Corruption Policy • Whistleblowing Policy • Anti-Money Laundering Policy • Financial Procedure Rules, Regulations and Contract Standing Orders • Chief Audit Executive annual report • Annual Governance Statement • Risk Management Strategy and Policy
Strong public financial management.	<ul style="list-style-type: none"> • Ensure that financial management supports both long term achievement of outcomes and short-term financial and operational performance. • Ensure that well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls. 	<ul style="list-style-type: none"> • MTFP • Financial Regulations / Contract Standing Orders • Capital and revenue reporting to officers and Members • Standard templates for Executive decision making • Annual budget process
Managing data	<ul style="list-style-type: none"> • Ensure that effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data. • Ensure that effective arrangements are in place and operating effectively when sharing data with other bodies. • Review and audit regularly the quality and accuracy of data used in decision making and performance monitoring. 	<ul style="list-style-type: none"> • Information Security and Acceptable Use of ICT Policy • Data Protection / GDPR Guidelines • Privacy Notices • Mandatory GDPR e-learning • Data sharing agreements with Partners • E-mail security classification • Freedom of Information policy

		<ul style="list-style-type: none"> • Records Retention guidance • Internal Audit • Caldicott Guardians
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Principle G - Implementing good practices in transparency, reporting, and audit to deliver effective accountability.		
Supporting Principles	To embed the behaviour and actions that demonstrate good governance, the council is committed to:	This is demonstrated by:
Implementing good practices in transparency.	<ul style="list-style-type: none"> • Write and communicate reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate. • Strike a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand. 	<ul style="list-style-type: none"> • Standard templates for public reports • Committee Agendas, papers and minutes published • Forward Plan • Publication Scheme • Only using Part 2 reporting for the purposes intended • Website streaming of meetings and public questions • Transparency Data published • Annual Governance Statement • Companies – Companies House reporting and submissions
Implementing good practices in reporting.	<ul style="list-style-type: none"> • Report at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way. • Ensure that members and senior management own the results reported. • Ensure that robust arrangements for assessing the extent to which the principles contained in this framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the Annual Governance Statement). • Ensure that this Framework is applied to jointly managed or shared service organisations as appropriate. • Ensure the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations. 	<ul style="list-style-type: none"> • Statement of Accounts • Annual Governance Statement and improvement plan • Annual External Audit report and Letter
Assurance and effective accountability.	<ul style="list-style-type: none"> • Ensure that recommendations for corrective action made by external audit are acted upon. • Ensure that an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon. • Welcome peer challenge, reviews and inspections from regulatory bodies and implementing 	<ul style="list-style-type: none"> • External Audit reporting to Audit Committee • Internal Audit reporting to Audit Committee • Peer reviews / inspections

	<p>recommendations.</p> <ul style="list-style-type: none">• Gain assurance on risks associated with delivering services through third parties and that this is evidenced in the Annual Governance Statement.• Ensure that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met.	<p>published results and monitoring of outcomes</p> <ul style="list-style-type: none">• Overview & Scrutiny panels• Partnerships Governance Protocol
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PARTNERSHIP WORKING**

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CHAPTER 10.1 - PRINCIPLES OF PARTNERSHIP WORKING

10.1.1 Introduction

Partnership working is playing an increasingly important role in the future of policy development and service delivery for the public sector. Partnerships can bring significant benefits. They can provide flexibility, innovation and additional financial and human capital resources to enhance service delivery to the community. However partnerships also bring risks. Working across organisational boundaries brings complexity and ambiguity that can generate confusion and weaken accountability. The public needs assurances that public money is spent wisely in partnerships and it should be confident that its quality of life will improve as a result of this form of working.

In order to ensure a consistent and efficient approach to partnership working all partnership activities shall be undertaken in accordance with the Council's Partnership Protocol, set out in [Chapter 10.2](#).

The Council's partnership arrangements are recorded on the Partnership Register which is available to view on the Council's website, www.wokingham.gov.uk

10.1.2 Arrangements to Promote Well Being

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

- a) enter into arrangements or agreements with any person or body;
- b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c) exercise on behalf of that person or body any functions of that person or body.

10.1.3 Power to Enter Partnerships and Joint Arrangements

- a) The Council may establish joint arrangements with other organisations towards the efficient and effective delivery of its services. Such arrangements may involve the appointment of a joint Committee with these organisations. The Council shall be responsible for appointments to these joint Committees.
- b) The Executive 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 those other local authorities. The Executive shall be responsible for appointments to these joint Committees.
- c) Details of partnership arrangements shall be set out within the Partnership Agreement and shall include the provisions required by the Partnership Protocol which is set out in [Chapter 10.2](#). Any decision-making and budgetary powers to partnerships and Joint Committees shall be agreed by the Council or Executive as appropriate.

10.1.4 Access to Information

The Partnership Protocol ([Chapter 10.2](#)) sets out issues to be considered in respect of access to information.

10.1.4.1

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 Executive.

10.1.4.2

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.

10.1.5 Delegation to and from Other Local Authorities

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

10.1.5.1

The Executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.

10.1.5.2

The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

10.1.6 Contracting Out

The Executive 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.

CHAPTER 10.2 - PARTNERSHIP PROTOCOL

10.2.1 Introduction

Partnership working is playing an increasingly important role in the future of policy development and service delivery for the public sector. It is important to understand that partnership working at any level, however small or seemingly insignificant, may carry important legal and financial implications for the Council.

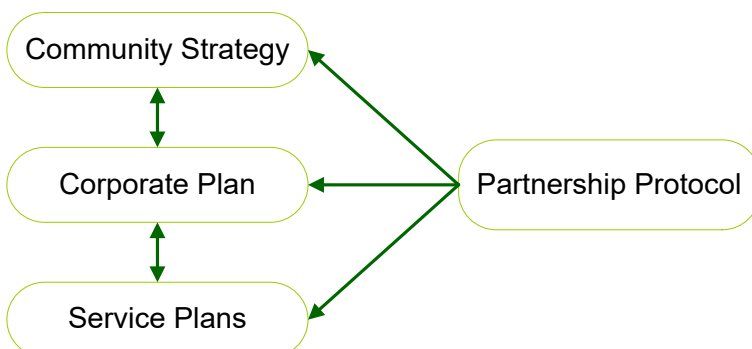
Working in partnership is key to the Council to achieving its strategic priorities and delivering its vision for the Borough. This Protocol is divided into two sections. The first covers the governance arrangements that need to be in place to ensure that the Council's engagement in Partnerships is meeting its objectives. The second is to provide guidance to Partnerships on governance. In most instances the Council will be a leading body in the Partnership and may even have responsibility for setting up the Partnership. This section provides guidance to those setting up partnerships and should be shared with Partner organisations.

This Protocol sets out the principles by which partnerships should be governed. The Council engages in a wide variety of partnerships and these may vary in size, service area, membership and function. These principles of good partnership governance are scalable to apply to all partnerships. Detailed guidance is provided in the appendixes.

This protocol aims to ensure that in partnership working:

- a) the Council is clear about the purpose of its partnerships and the expected outcomes for the people of Wokingham Borough;
- b) the Council's own agreed priorities and objectives are being met;
- c) there is clarity about accountability and responsibility for outcomes;
- d) partnership activity and outcomes are monitored, reviewed and evaluated to make best use of resources;
- e) risks for the council, and for the partnership, are assessed and agreed;
- f) each partnership remains committed to its agreed purpose during its lifespan and has in place an effective exit strategy.

Figure 1 below illustrates how this document links to other corporate planning documents which support the effective delivery of the Council's corporate objectives.



10.2.2 Definition of Partnerships

The term partnership can encompass a wide range of collaborative arrangements. The Council defines a partnership as:

“a group of stakeholders brought together from a range of organisations, to be responsible for tackling mainly long-term challenges and opportunities in which they have a shared interest.”

10.2.2.1

The Audit Commission describes partnerships as a joint working arrangement where the partners:

- a) are otherwise independent bodies;
- b) agree to cooperate to achieve a common goal;
- c) create a new organisational structure or process to achieve this goal separate from their own organisations;
- d) plan and implement a jointly agreed programme, often with joint staff or resources;
- e) share relevant information; and
- f) pool risks and rewards.

10.2.2.2

This protocol is only concerned with arrangements where the Council is ‘working with’ other parties towards ‘joint objectives’. These partnerships are generally about benefiting the community and not making a profit, therefore the types of partnership arrangements covered are:

- a) strategic alliances (formal forums, joint committees, management committees);
- b) partnerships required or covered by law (Crime and Disorder Act 1998, Health Act 1999, Local Government Act 2000);
- c) not for profit organisations that are conducted for the benefit of the community (charities; trusts; companies limited by guarantee);

10.2.3 Applicability of Protocol

This Protocol is not applicable to:

- a) groups where the Council has direct control over budgets or decision making;
- b) informal groups set up to discuss and consider specific topics (consultation groups);
- c) appointments and / or financial commitments to outside bodies where the Council has no strategic or policy function;

- d) partnerships created with a view to making a profit, which are subject to the Partnership Act 1890;
- e) Private Finance Initiatives (PFI) and;
- f) contracts and arrangements where the Council simply pays other organisations to deliver a service or goods and vice versa.

10.2.4 Statement of the Council's Partnership Principles

The Council is prepared to invest significant resources in partnerships that directly contribute to achieving the strategic aims and objectives of the Authority. The level and duration of any such investment will be assessed on a case-by-case basis, taking account of the business case supporting investment and the expected benefits and risks. The Council will decline involvement, or withdraw involvement, in any partnerships that do not deliver benefits for the Authority or its communities or in cases where the costs of involvement outweigh the benefits, or if the added risks cannot be managed properly.

10.2.5 Why Does the Council Enter into Partnerships?

The number of partnerships the Council is involved in is growing both in response to central requirements and as a result of local initiatives. Partnership working is a potentially powerful tool for tackling difficult policy and operational problems that local agencies face. It can also be a productive way of achieving a more efficient and effective use of scarce resources.

The Council may be drawn into partnership working for a number of reasons:

- a) to deliver coordinated packages of services to individuals;
- b) to tackle cross-cutting issues;
- c) to respond to an identified strategic or operational issue which might be too big, or multifaceted to achieve in isolation;
- d) to reduce the impact of 'silo-working';
- e) to maximise limited funds and / or to bid for, or gain access to, resources;
- f) to fulfil a statutory requirement; and
- g) to meet a community need for which no one agency is responsible.

10.2.6 What Benefits do Partnerships Bring?

If planned and developed properly, partnership working can bring the following significant benefits to the delivery of services:

- a) **Greater Impact** – Increased benefits for people, businesses or communities served; greater contact with harder to reach communities; greater critical mass – ability to reach and deliver beyond capabilities of any one partner.
- b) **More Resources** - Able to attract public funding where policy requires partnership bids and evidence of partner ability to deliver joint projects (not available to single organisations) ; strengthened negotiating power.

- c) **New better ways of working** - Innovation: new / more effective ways of doing things; new perspectives and challenging views within the partnership; improved intelligence about needs and opportunities.
- d) **Spread risk** - Complementary strengths, resources, perspectives; greater flexibility within a team.
- e) **Reduce Risk** - Pool resources; share costs of common functions (in promoting and delivering services, in common systems e.g. for quality, use of the internet etc).

10.2.7 What Are The Potential Risks To The Council of Partnership Working?

The Audit Commission has identified a number of common weaknesses in the way in which public sector partnerships operate:

- a) failure of partners to understand the extent of their involvement in partnerships, or their implications, including their financial and legal liabilities;
- b) the partnership can operate in isolation, duplicating effort and activity;
- c) weak alignment between partnership and corporate plans, targets and delivery; poor links and co-ordination between partnerships and between umbrella partnerships and their sub groups. A lack of formal arrangements for partnership representatives to report back on partnership activity;
- d) a lack of monitoring or evaluation of the effectiveness and impact of partnerships; limited use of impact or outcome measures; inadequate use of SMART action plans, progress monitoring and reporting tends to focus on input and activity targets rather than outcomes;
- e) a lack of monitoring or evaluation of the contribution of partner organisations; limited opportunities or willingness to challenge the performance of partners or give feedback on their performance;
- f) underdeveloped arrangements for scrutiny of partnerships by corporate processes;
- g) insufficient thought given to planning an exit strategy. Partners should clarify the management of any continuing financial liability, the ownership of any assets and arrangements for disposal in order to avoid the risk of future legal disputes, or of the accountable body (often the Council) becoming liable by default;
- h) a lack of formal systems for recording conflicts of interest or for assessing the risks of funding proposals; and
- i) partners may not be adhering to the standards and protocols expected of them in the corporate sphere.

10.2.8 Key Controls for Partnership Working

In accordance with the Council's approach to the management of risk, governance requirements should be appropriate to the risks involved. The Council has therefore

adopted a partnership assessment with different governance arrangements depending on the Council's exposure to risk.

10.2.9 Partnership Categorisation System

The Council is involved in many different partnerships all of which vary in size, service area, membership and function. They include voluntary and statutory partnerships, executive and non-executive partnerships and strategic partnerships relating to service delivery.

This protocol has been designed to guide users through a process and is therefore not specific to any one partnership or purpose. The Council acknowledges that there is no one-size-fits-all model of governing partnerships; the governance arrangements placed on a partnership should be proportionate to the risks involved and appropriate to its circumstances, level of complexity and the Council's resource commitment (both financial and non-financial).

With this in mind, the Council's partnership arrangements are categorised as either Major, Medium or Minor in terms of the Council's input, the partnerships process and the impact of the outputs and outcomes i.e. greater governance requirements are placed on partnerships where the Council has a major interest.



The partnership risk assessment detailed at [Rule 10.2.10](#) should be completed for each partnership. Each of the seven areas should be assessed by the lead Council representative as high, medium or minor and a score assigned to each. The total of score for each partnership will determine the scope of the mandatory requirements of this guidance. If significant changes occur in any of the factors then a reassessment of risk of the partnership for the Council should be conducted and the Partnerships Manager informed.

10.2.10 Partnership Risk Categorisation

Financial Contribution; The Council directly contributes money to the partnership or money is directed through the Council's accounts	More than £50,000 per annum	3
	Between £10,000 - £50,000 per annum	2
	Less than £10,000 per annum	1
Officer Time - Direct Officer time involved in the partnership and conducting work on behalf of the partnership.	More than 975 hours	3
	More than 485 and less than 975 hours	2
	Less than 485	1
Complexity - The partnership has complex governance arrangements. A large number of partners, from various sectors and a number of sub-groups	The Partnership has more than six partners; or partners are from private, voluntary and public sectors; or there are three or more sub-groups	3
	The Partnership has between four and six partners; or partners are from the voluntary or private sector; or there are one or two sub-groups	2
	The Partnership has only three or fewer partners, they are public sector partners and there are no sub-groups	1
Authority - The partnership takes decisions on behalf of or that are binding on the Council	The Partnership has decision making responsibilities directly delegated to it from the Council/ Executive Board	3
	The partnership does not take decisions on behalf of the Council but Council representatives with decision making authority attend the partnership and consider and agree to be bound by its decisions	2
	The partnership does not take decisions on behalf of the Council but Council representatives feed back/lobby the Council	1
Risk - The partnership contributes to the management of risk identified on corporate or operational risk registers	The partnership contributes to the management of a high priority risk on the corporate risk register	3
	The partnership contributes to the management of high priority risks identified on an operational risk register	2
	The partnership contributes to the management of low or medium priority risks identified on an operational risk register	1
Corporate Priorities - to what extent is the partnership's success critical to the achievement of a corporate priority	Significant contribution to the successful achievement of at least one corporate priority	3
	Moderate contribution to successful achievement of a corporate priority	2
	Indirect links to successful achievement of a corporate priority	1
Consequence of failure (financial / reputational / liability / political) for the Council of failures within the Partnership	Major significance / long term	3
	Moderate consequence / medium term	2
	Minor consequence / short term	1

Partnerships that score below a total of 12 will be categorised as Minor partnerships. Those that score between 12 and 16 will be categorised as Moderate partnerships and those that score above 16 will be categorised as Major partnerships. The risk categorisation of partnerships should be discussed with the Partnerships Manager or Business Assurance Auditor. The risk categorisation of partnerships is used to determine the levels of controls proportionate to the risk of the partnership to the Council.

All partnerships that are separate legal entities i.e. companies, social enterprises or charities or require pooling of budgets are classified as Major Partnerships. These partnerships may need separate accounts and advice should be sought from Corporate Finance. These partnerships may also involve Council representative acting as a Director or Trustee additional advice must be sought from Legal Services and Corporate Finance on this aspect of the partnership before the completion of a Partnership Agreement.

10.2.11 Key Controls for All Partnerships

The risks to the Council identified in [Rule 10.2.7](#) are mitigated by the following key controls that apply to all partnerships;

- a) Partnerships Register;
- b) Partnership Approval Checklist;
- c) Reporting procedures;
- d) Partnership Agreement – the governing document;
- e) Commitment of resources and budgetary control; and
- f) Management of Risks.

Members or Officers involved in partnerships should also encourage partnerships to comply with the guidance which represents good governance requirements for effective partnerships. If Council representatives have concerns about the governance of the partnership these should be raised with their line manager, Head of Governance and Improvement Services.

10.2.12 Partnership Register

The partnership register details all the partnerships the council is current engaged in and is published on the Council's website and updated annually. Before setting up or joining an existing partnership it is necessary to establish that the partnership is not duplicating existing effort and activity. Therefore the partnership register should be reviewed to identify any other partnerships that may have overlapping or complementary activity and the relevant partnership officer consulted.

Once the decision to setup or enter a partnership is made the lead Officer involved in the partnership should provide sufficient information to the Head of Community Services to enable them to create a record on the partnership register.

10.2.13 Partnership Approval Checklist

Those Members and Officers engaging with a partnership should have clear authority to enter the partnership.

A Partnership Approval Checklist should be completed by the appropriate Officer before entering into a partnership. The checklist has different sections to complete depending on the categorisation of the risk. Before signing a partnership agreement the authorisation of the appropriate Director and Director of Legal and Electoral Services should be sought and recorded via completion of [appendix 1](#)

Some partnerships may set themselves up as a company (limited by guarantee), a charity or other 'not for profit' organisations. Such arrangements are separate legal entities and typically require an employee of the council to act as a director of the organisation. From the outset, the officers involved in the partnership must seek finance, legal and executive approval to enter into the agreements. Such arrangements often have specific accounting requirements that need to be assessed, along with the risk to the council of entering into the agreement.

Governance Requirement

	MINOR Partnership	MEDIUM Partnership	MAJOR Partnership
1. Partnership Approval Checklist: Section 1 – Partnership Need	✓	✓	✓
2. Partnership Approval Checklist: Section 2 – Risk Assessment		✓	✓
3. Partnership Approval Checklist: Section 3 – Detailed Assessment & Other Considerations			✓
4. Partnership Approval Checklist requires approval by the relevant General Manager.	✓	✓	✓
5. Partnership Approval Checklist requires approval by the Head of Governance & Improvement Services (Monitoring Officer) or nominated representative.	✓	✓	✓
6. Partnership Approval Checklist requires approval by the Director Resources (Section 151 Officer) or nominated representative.			✓
7. Partnership Approval Checklist may require endorsement as directed by the Director of Environment			✓
8. Partnership Approval Checklist may require approval by the Executive or if required constitutionally, by the Council. The Section 151 Officer & Monitoring Officer will determine if this is required.			✓

10.2.14 Reporting procedures

Members and Officers are accountable for their participation in the partnership. Members are accountable via the Executive to full Council. Officers are accountable through their line management chain via their Director or to the Chief Executive. To ensure effective decision making within the partnership council representatives should have

delegated authority to take decisions on behalf of the Council. As participants in partnerships Officers should ensure that they have arrangement for the scrutiny of partnerships and reporting arrangements are in place so that information is relayed via their line manager. The reporting on the activity of the partnerships should focus on outcomes rather than solely on the input and activity targets.

When reporting on partnerships officers should consider the impact on other service areas and communicate as appropriate to ensure that the partnership is not operating in isolation.

A partnership maybe effective in achieving the goals of the partnership but this may not be effective in realising the Council's vision if the partnership is not aligned to the Council's strategic priorities, Community Strategy or Local Area Agreement.

The Council needs to be able to demonstrate how the involvement in the partnership is effectively contributing to the achievement of the Council's vision. This well be assessed by comparing the objectives and intended outcomes of the partnership with

- a) The council's own strategic priorities
- b) The priorities of the LSP (as set out in the Community Strategy)
- c) The Local Area Agreement.

10.2.15 Partnership Agreement – The Governing Document

The governing document or partnership agreement is a key element of partnership governance. The partnership agreement is a result of the partners reaching agreement on how they will govern their collaboration. This requires agreement between partners about purpose, membership and accountability of the partnership. All partnerships must have a governing document. This sets out the roles and responsibilities of the partner organisation and the decision making processes.

Since most partnerships are unincorporated associations they can adapt the Charity Commission's model constitution. The main elements of which are:

- a) the name of the partnership;
- b) aims and objectives: what is the purpose of the partnership? what added value will it achieve? how shall we determine success?
- c) strategy and activities: how will the partners realise these goals?
- d) membership, including status of different members: what should be the basis for membership of the partnership?
- e) powers and legal status;
- f) roles and responsibilities;
- g) funding and financial accountability: how will the partnership be resourced?

- h) management and operation: what principles or ground rules should govern the partnership? how and when will performance be reviewed?
- i) meetings: notice and frequency of meetings; quorum rules; chairing arrangements; voting arrangements; and representation of other members;
- j) decision-making processes (scope and timescales);
- k) conflict avoidance / dispute resolution: how shall we deal with disputes?
- l) information: what information will we need to share?
- m) timescales including how long the partnership is expected to last;
- n) amendments to the partnership's rules; and
- o) exit strategy / arrangements for dissolution;

Partnerships are fluid and dynamic entities and the governing document should be subject to frequent review to ensure that it remains fit for purpose. The level of detail required in the governing document will depend on the size and complexity of the partnership arrangement. A template for a Partnership Agreement is at [Appendix 3](#)

10.2.16 Financial Commitment and Budgetary Control

Where a partnership requires a financial commitment from the Council, the following must be satisfied and agreed by the Director Finance and Resources (or nominated Service Accountant):

- a) Budget availability to fund partnership commitment
- b) Pending approvals within the partnership
- c) Budget monitoring arrangements (style/ frequency / distribution)
- d) Arrangements to deal with over / under spends
- e) VAT arrangements
- f) Document retention in respect of external inspections (e.g. Audit)

All partnerships involving a financial commitment from the Council must adhere to the Council's Finance and Contract Regulations unless the Strategic Director Resources has agreed an alternative.

Consideration should also be made for the commitment of staff resources to the partnership. The amount of time that officers spend engaged in partnership activity will need to be identified and approved by the appropriate management controls (including budgetary arrangements).

When making arrangements for a partnership the requirements for any property requirements to be considered within the Partnership. There is an often assumption made about the Council providing accommodation. Any need for accommodation provided by the Council needs to be agreed by Property. The Council Property section maybe able to

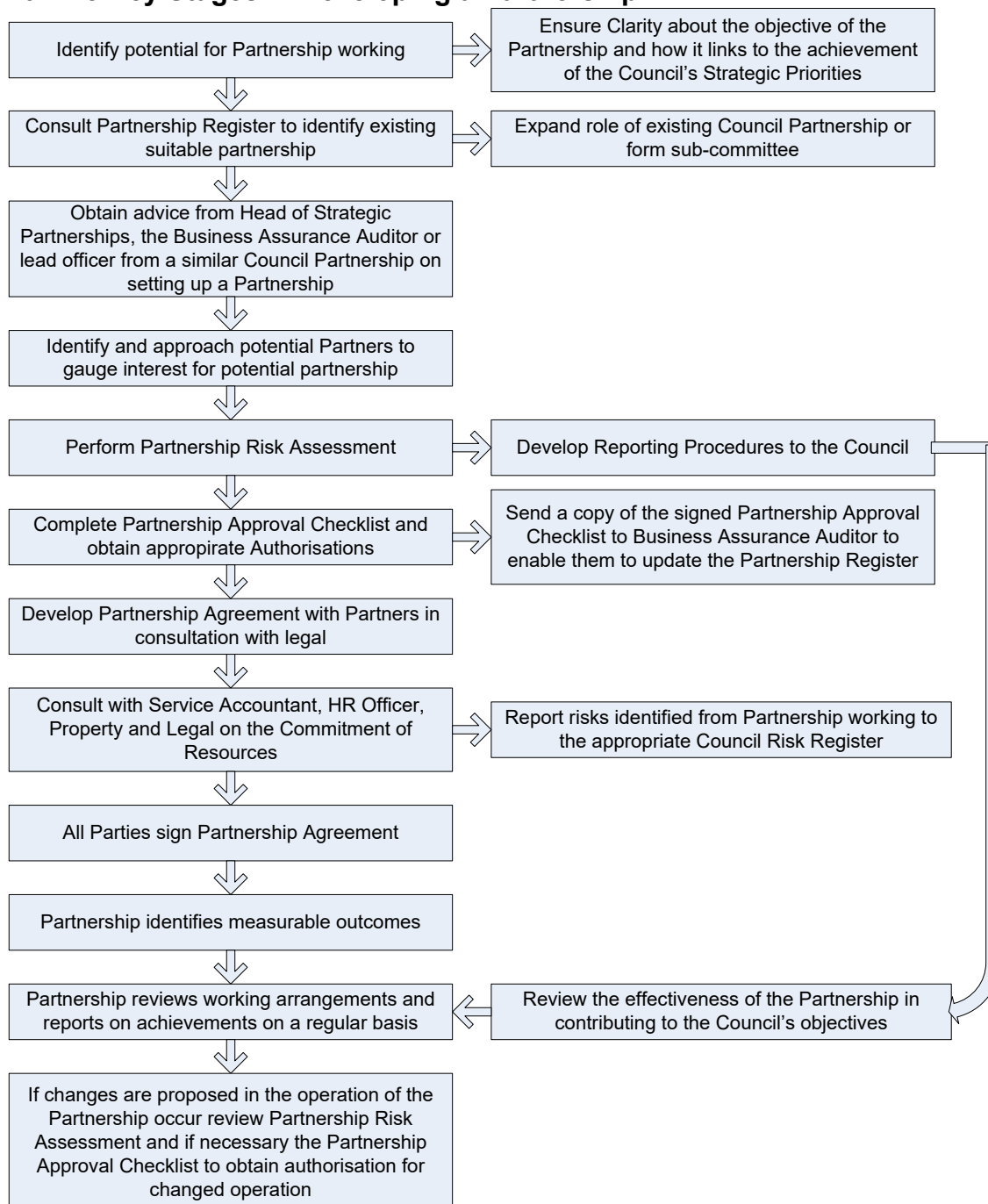
provide advice on leasing arrangements but the partnership will need to consider the costs of acquiring the property, the legal position of the property and the running costs.

Requested Council resources will need to be identified within the relevant Service Plan, this will include staff time as well as money, accommodation, equipment, and so on.

10.2.17 Management of Risks

As outlined at [Rule 10.2.7](#) partnership working has entails exposing the Council to risks. These risks should be captured on the risk register (Corporate, Service or Operational) appropriate to the level of risk. This is in addition to the risks recorded within the risk management processes operated by the partnership, although risks identified by the partnership will provide a key reference document for feeding information into the Council's risk management processes.

10.2.18 Key Stages in Developing a Partnership



10.2.19 Additional Controls for Major and Medium Partnerships

The controls outlined in Controls for all [Rule 10.2.11](#) should be applied to Medium and Major Partnerships. As these partnerships are assessed as higher risk these controls should be more sophisticated than the basic requirements outlined in [Rule 10.2.11](#). In addition the following controls should be adopted.

Medium Partnerships

Medium Partnerships will need to complete the Partnership Self Assessment Tool at least at two year intervals. A copy of this tool is available at [Appendix 10](#).

Business Assurance will seek assurance that all partnerships categorised as Medium in the Partnership Register complete the self-assessment tool at two year intervals.

Major Partnerships

All partnerships categorised as Major Council partnerships will be subject to a formal evaluation by the Council's Business Assurance function. These will be on a three yearly cycle, although the partnership representative or the Director may request an evaluation at any time. Partnerships should also consider using the Partnership Self Assessment Tool at [Appendix 10](#) in years when they have not been subject to a formal evaluation conducted by Business Assurance.

When Council representatives are involved in setting up, or joining existing, partnerships categorised as Major Council Partnerships Legal Services must be consulted at an early stage on the Partnership Agreement.

Major partnerships should agree a joint risk management strategy and methodology. If the principal organisation has a tried and tested strategy and has a methodology which has worked well within the organisation, consideration might be given to applying this to the partnership's risk management work.

Consideration will also need to be given to matters such as:

- a) reporting on shared key risks to management; and
- b) defining arrangements for joint risk registers (Appendix 7).

10.2.20 The Role of Elected Members

There are increasing numbers of local bodies that can impact upon the lives of local people, and Councillors can play an important role in communicating local views to key public and private agencies and in influencing decision making. It is easy for big partnerships to allot decisions between powerful agencies and to forget the local public. Councillors play a vital role in reflecting the views of the Council as a whole. A Councillor might well be the only person on a partnership with democratic accountability and thus has a duty to be very careful about what public money is used for.

Councillors should be aware of the Partnership Protocol and ensure that an Officer of the Council has been designated to undertake the necessary partnership arrangements (see role of Council Officers [Rule 10.2.21](#)).

Councillors must remember that, if they act as a trustee of a charitable partnership or body, then their first duty whilst acting as a trustee is to the Charity. However elected Members must remember that, when working for a partnership, they remain elected Members of Wokingham Borough Council and are still bound by the associated legal requirements, including the Council's Code of Conduct for Members.

Councillors working / associated with a partnership continue to be bound by the Council's policies and procedures, Constitution and Financial Regulations. They should actively encourage the partnership to follow similar practices and procedures and must immediately report to their Group Leader, the Chief Executive or the Council's Monitoring Officer when they feel that the partnership is not acting in a manner acceptable to the Council or in the public interest.

10.2.21 The Role of Council Officers

Council Officers involved in partnership working must:

- a) follow the procedures outlined in this document in the review and development of partnership working initiatives;
- b) ensure that details held on the Council's Partnership Register are accurate and up-to-date;
- c) comply with agreed reporting procedures;
- d) be fully aware of Council procedures before any decisions are made (what authorisation is required and who needs to be consulted);
- e) where applicable – relay information to Service areas – always ask who needs to know; and
- f) make sure that suitable substitutes are fully briefed prior to attending any partnership meetings.

Council Officers must remember that, if they act as a trustee of a charitable partnership or body, then their first duty whilst acting as a trustee is to the Charity. Council Officers must remember that they remain employees of Wokingham Borough Council and are bound by their contract of employment, Council policies and procedures (including the Code of Conduct) and Financial Regulations.

They should actively encourage the partnership to follow similar practices and procedures and must immediately report to their line manager, Head of Service, Director or Business Assurance when they feel that the partnership is not acting in a manner acceptable to the Council or in the public interest.

10.2.22 The Role of the Council's Statutory Officers

- a) **The Monitoring Officer** (Head of Governance and Improvement Services), or nominated representative, must endorse all partnership proposals (Major, Medium or Minor) to ensure that the Council has proper authority to enter into such a relationship and to ensure that the Council's interests are properly protected.

- b) **The Section 151 Officer** (Director Finance and Resources), or nominated representative, must agree the financial arrangements of all Major partnership proposals and assess the Council's financial commitment towards the new partnership initiative.

10.2.23 What Does Effective Partnership Working Look Like?

Developing a successful partnership is by no means an easy task. The Council recognises the strength and value of effective partnerships in contributing to the improved well-being of the Borough's communities and meeting its strategic priorities. The Council is committed to being involved in partnerships that are:

- a) **well-lead:** There is good leadership of partnerships, and partnerships provide good leadership in the local community.
- b) **inclusive:** All relevant stakeholders and all sections of the community have a voice in the partnership and their involvement is proportionate and equitable.
- c) **accountable:** The way in which partnerships operate represents good practice in representatives and participative democracy and there is clarity on where responsibility and accountability lie.
- d) **transparent:** There is clarity on how partnerships operate and on what and how decisions are made. They are open to scrutiny.
- e) **focused on delivery:** Partnerships produce tangible and relevant outcomes for local people and improve the quality of life across the Borough.
- f) **economic and efficient:** Partnerships go about their business in an orderly manner, organisational arrangements are 'fit for purpose' and they deal promptly and constructively with issues needing resolution.
- g) **sustainable:** Where relevant, partnerships have the capacity to deliver successfully over a period of time and to bring about changes that take several years to achieve.
- h) **innovative:** Partnerships are open to learning and new ways of doing things. Learning is continual and partnerships are able to build common knowledge, understanding and skills to improve effectiveness.

10.2.24 Forming a Partnership Agreement

The process of agreeing a governing document is itself an important element of partnership governance: it will help to clarify roles and relationships and build goodwill and trust. Because partnerships are fluid and dynamic, it is vital that they review their governing documents regularly and, where necessary, amend them. This review process will confirm that current arrangements are satisfactory or afford partners the chance to raise fundamental issues that they would not normally discuss in the process of day-to-day business. The Council has produced a model partnership agreement that can form the basis of a partnership agreement that can be tailored to the requirements of the partnership.

However, the existence of a governing document does not guarantee effective governance as documents cannot capture many of the soft attributes of successful partnership

working. An organisation's involvement in the partnership is unlikely to yield meaningful results unless individual partners bring personal commitment to the venture. Partnerships should use governing documents sensibly, to bring clarity to complex or ambiguous situations.

10.2.25 Effective Leadership

Leading a partnership successfully requires influencing skills. Different partners may emerge to lead on different occasions, depending on the partnership or the topic under discussion. The Council's statutory role as community leader does not automatically confer on it an agreed leadership position in partnerships.

If people perceive that one organisation or personality is too influential and dominates the partnership, this can result in leadership tensions. This can affect the degree of commitment from other partners and tensions can also arise if the principal partners lack flexibility to meet the needs of other partner organisations.

10.2.26 Effective Decision Making

Partnerships either take executive decisions themselves, or make decisions that will affect executive decisions in another arena. They need clear lines of accountability and transparent decision-making processes, particularly for the decisions on committing and allocating partnership resources.

A partnership's work can be seriously impeded if decisions have to be separately ratified by the partners in advance and if the partner's decision making processes or timetables do not fit well together. Therefore, it is important that agents representing the partner organisations have the delegated authority to take decisions on its behalf and that those decisions can be scrutinised and challenged effectively.

Partnerships should also plan their work carefully so that they know well in advance when decisions with significant policy or financial implications will need to be made. It is important that all partners have sufficient time to evaluate the implications of major prospective decisions and to consider their own legal and financial advice.

It is vital for the partnership to agree and record how decisions are made.

The partnership agreement should address:

- a) how does the partnership make decisions? e.g. simple majority vote, casting vote by Chairman etc.
- b) what is the quorum (minimum number of voting members required to be present at any meeting for the decisions taken at the meeting to be considered as legitimate decisions of the body) for decisions made by the partnership?
- c) who communicates decisions to people not present?
- d) how are required actions put into operation?

It is also recommended that the partnership establish the ground rules (or rules of procedure) for meetings. These are the procedures and processes that govern the partnership's meetings. These should be kept to a minimum to avoid bureaucracy but be sufficient for clarity and effective operation.

10.2.27 Anti-Fraud and Corruption

The Council has an Anti-Fraud and Corruption Strategy which all managers are responsible for ensuring that their staff and their partners are informed of its contents and are able to report all suspicions and allegations of irregularity. Partner organisations may have their own anti-fraud strategies and reporting arrangements but they should all be based upon the fundamental principles of maintaining the highest standards of probity and conduct in all affairs of their organisations and a guide to all who play a part in protecting public money and assets. It is important for the partnership to adopt an approach to combating Fraud and Corruption. Partners should note that the Council representatives will be bound by the Council's Anti-Fraud and Corruption Strategy even if the partnerships adopt its own, or an another organisations, Anti-Fraud and Corruption Strategy.

10.2.28 Communications Strategy

A partnership communications strategy is a useful tool as it helps to ensure the partnership's main messages are communicated with one voice, and misinformation is kept to a minimum. A complex strategy document is not necessary; it may be sufficient for just the partnership agreement to cover issues such as key messages, key audiences and channels of communication. Further advice is available on this subject from the Communications Team.

10.2.29 Information Sharing

Partners may have a wide range of useful data / information that can enhance the objectives of the partnership. All data protection rules and requirements must be adhered to and apply to partnership activities. There is however, significant scope for information previously held in different places to be combined to good effect.

It should however be remembered that information is an asset of the Council and it is essential that clear responsibility is assigned and proper controls are put in place. This section only applies to partnership arrangements that involve the sharing, storing or collecting of information.

There are a number of things to be considered when developing a information sharing protocol:

- a) requirements arising from the client group concerned should be developed with the support of relevant professionals and representatives of the client group.
- b) the partnership may choose to develop the protocol themselves or to commission someone to draft the protocol for their comment.
- c) the person or group responsible for developing the protocol should consult with all partners and stakeholders with a view to the adoption of a common format and common or integrated procedures where appropriate.
- d) reviewing protocols developed for the same user group elsewhere or for other user groups can shorten the development process, but should be done with a clear understanding of the local requirements and environment.
- e) a framework for identifying the operational circumstances which influence information exchange within a community is presented in [Appendix 4](#).

10.2.30 Information Sharing Protocol

An information sharing protocol should address the following:

- a) disclosure of data;
- b) requests for data;
- c) response to requests;
- d) transfer of data;
- e) receiving data;
- f) purpose of sharing / storing data;
- g) review protocol procedures; and
- h) professional codes of conduct (Caldecott, Freedom of Information, Data Protection etc).

10.2.31 Legal Elements of Information Sharing

The sharing of information is not something to be afraid of and it is fundamental to the success of any partnership initiative. You simply need to share information within the limits of the law. Protocols developed for information sharing initiatives do not have any legal standing, but they are a helpful way to ensure good practice in information sharing between all agencies that might be involved in partnership working.

Whilst information might be made available, within a protocol framework, it should not entail staff from external agencies having access to the Council's main financial systems or feeder systems. It is important to have a clear understanding of stewardship and governance requirements for sharing data on the basis of certainty. Further guidance is provided in [Appendix 4](#).

10.2.32 Standards of Conduct

Partnerships should agree high standards of conduct that govern the way in which they work. The integration of planning, commissioning and delivery in partnership working presents an opportunity for decision makers to promote or protect vested interests – for example, private and voluntary sector partners may find themselves involved in decisions that affect their own interests.

Establishing principles of working together helps the 'softer' side of partnership working, and can facilitate partner relationship building. Some general principles of conduct are provided in [Appendix 5](#). The Code of Conduct should be agreed and followed by all partners.

10.2.33 Declarations of Interest

Members of the partnership should have regard to the highest standards of behaviour in the conduct of public business and, in particular, should declare any personal or prejudicial interest they may have (as defined by the Council's Employees / Members Code of Conduct) on any matter under discussion.

It is best practice for the partnership Chair at the beginning of each meeting to ask individuals in attendance to declare whether they hold any material interest in any item on the agenda for discussion.

10.2.34 Resolution of Disputes

Disputes arise and partnerships break down for various reasons. When this happens, there must be clear protocols for managing conflict. Without them, there cannot be sound internal accountability between partners and it may not be possible for the public to get redress for complaints.

To avoid bad feeling and potential litigation the partnership agreement should set out the rules to be followed to resolve disputes between partners. [Appendix 6](#) provides an example Dispute Resolution Procedure.

It will be necessary to consider what will happen if a partner defaults, for example, in failing to make the agreed contribution, failing to provide the required service or perhaps failing to take part in the decision making processes of the partnership and effectively engage.

Consideration should be given as to whether there should be a warning procedure whereby other partners warn the defaulting partner and give them a period of time to remedy the default. A co-operative approach and one where there is joint working amongst partners to ensure there is an appropriate resolution to the problems being experienced is key.

The partnership agreement should provide for an escalation procedure in the event that partners disagree amongst themselves. This might be a mechanism whereby disputes are raised with senior officers of partner organisations or even for discussion with Councillors.

Ideally, disputes between partners should be settled on the basis of good faith and wherever possible, by internal discussion and negotiation within the partnership, possibly using some form of escalation procedure.

In some cases it may be necessary to consider incorporating adjudication / arbitration procedures or, in the case of technical matters, expert dispute resolution. Litigation should always be regarded as the last resort.

While it is hoped that the partnership will be successful, it may also be wise to consider agreeing a procedure for removing a partner. If the partnership wishes a partner to leave, having an existing procedure should make the process easier and avoid further disagreement.

[Appendix 3](#) provides a template for a Partnership Agreement.

10.2.35 Accountable Body

Where projects are funded by grants, the funding body normally requires that one of the partners takes on the role of accountable body. Accountable body status can only be granted to an entity which has a 'legal personality' e.g. a company registered at Companies House, a local authority or a health authority.

The Accountable Body's role is to act on the partnership's decisions and could include the following:

- a) administering and taking responsibility for funding (e.g. ensuring structured financial procedures);
- b) providing resources (e.g. staff, facilities) to carry out the obligations of the partnership;
- c) ensuring that the grant allocated is spent in accordance with conditions and the agreed plan;
- d) establish and maintain effective systems for auditing and monitoring partnership spend.

10.2.36 Lead Partner

From the outset it will be essential to consider who is to become the Lead Partner. This is particularly important with regard to financial matters. Even with shared spending decisions a lead partner must be nominated. The lead partner will be responsible for the day-to-day accounting functions, including the production of the appropriate financial statements. It should be pointed out that the Lead Partner is not necessarily the Accountable Body, as referred to previously; such status is a requirement of certain grant funding bodies.

10.2.37 Pooled Budgets

A 'pooled budget' is simply an amount of money placed in a common fund by each partner. However, where partnerships include a partner from a health authority / agency then reference is sometimes made to two types of pooled budget:

- a) pooled budget with discretely identifiable resources – where contributions made to the 'pool' do not lose their identity to the funding partners i.e. expenditure is separately accounted for against each individual contribution to the pool; and
- b) macro pooled budget – where on pooling, all resources will lose their identity to the funding partner.

In most cases pooled budgets tend to be of the macro type as referred to above.

From the outset agreement must be reached (and documented in the partnership agreement) on each partner's contribution to the partnership as well as the decision who will administer the pooled budget i.e. the Lead Partner.

10.2.38 Resource Requirements

The resources required to achieve the aims and objectives of the partnership, and how they will be provided, must be identified and agreed by all partners involved. In some cases, particularly where government funding is being used, it may be appropriate to use timesheets so that person time can be accurately costed. Conditions of grants, such as these, need to be considered, to ensure that they are adhered to.

10.2.39 Personnel Issues

When employing staff both part-time and full-time, there are many issues that need to be handled carefully; it is therefore essential that Human Resources Experts (such as the Council's own Human Resources section) are consulted from the outset where the partnership intends to 'employ' staff.

When a partnership 'employs' staff, one partner should act as the employer. In all instances of a partnership employing staff, a Partnership Agreement will need to be drawn up. The flow chart illustrated at [Appendix 8](#) will help to ensure that the Partnership Agreement covers the appropriate issues linked to the employment of staff.

In the case of volunteers, consideration must be given regarding supervision, training and equipment needs and which partner is responsible. It is also important to identify any insurance required to cover volunteers, and to decide how out of pocket expenses will be reimbursed.

For employed staff and volunteer staff, checks with the Criminal Records Bureau must be carried out if working with children or vulnerable adults.

10.2.40 Secondment of Staff

In the case of seconding staff to a partnership, a clear agreement must be drawn up between all three parties (employee, the parent organisation and the host organisation). Secondment arrangements can be complex and give rise to liabilities. Advice **must** be sought from Human Resources in the first instance.

The terms 'parent' and 'host' are often used, they mean:

- a) **Parent** - the employer from whom the seconded has come. The parent is liable for any redundancy costs unless agreed otherwise in the secondment and partnership agreement. It will also be necessary to agree what each partner will contribute to any potential costs (who will pay travel and subsistence costs etc).
- b) **Host** - the partner organisation or partnership to which the employee is seconded into.

The flowchart at [Appendix 9](#) highlights some of the issues to be considered when seconding staff, however this is a complex process, and all stages must involve Human Resources.

It is particularly important to have internal clarity over line management responsibilities where joint posts are involved. Staff involved in partnership working need to know which organisation has line management responsibility for them; these may be secondees, staff in jointly funded posts, or staff from different organisations who are working in the same office or service outlet, such as health and social care staff, or police officers and neighbourhood wardens on joint patrols.

10.2.41 Exit Strategy / Termination Provisions

The partnership agreement should include provisions for both the planned and unplanned end of the partnership. While it may not be necessary to cover all of the points below, even smaller partnerships should agree termination provisions.

Even if the partnership is due to run for an indefinite period, termination provisions should still be identified. For example, if any partner wishes to terminate or withdraw from the partnership the termination provisions may specify a minimum notice time. The partnership may also wish to include provisions for termination on other grounds e.g. legislative changes, overspends or a breach of regulations. In these instances, a minimum notice period may not be necessary.

A clear exit strategy should address how to deal with on-going commitments and liabilities. In particular it should cover:

- a) informing the funders;
- b) how partner contributions will be distributed / apportionment of resources;
- c) outstanding contractual liabilities;
- d) personal issues (e.g. redundancy);
- e) property issues (e.g. property transfers, including surrender of lease);
- f) IT issues (e.g. system and data transfers);
- g) informing all stakeholders, service users and so on;
- h) any 'guarantee' period i.e. a period during which the partners still accept some responsibility;
- i) a date from which each partner acts independently; and
- j) Post closure appraisal.

10.2.42 Succession Planning

Partnerships can often be set up as a result of Central Government initiatives and funding is usually by way of a grant for, say three to four years. Upon cessation of grant funding, the Government may expect agencies to mainstream these services into their normal day-to-day business. Therefore the Council must be fully aware of any potential funding shortfalls. If the partnership has a short life span based on available funding, it should not be led to expect that the Council will continue to match the costs in order to maintain the work, if this is not possible.

10.2.43 Consultation Strategy

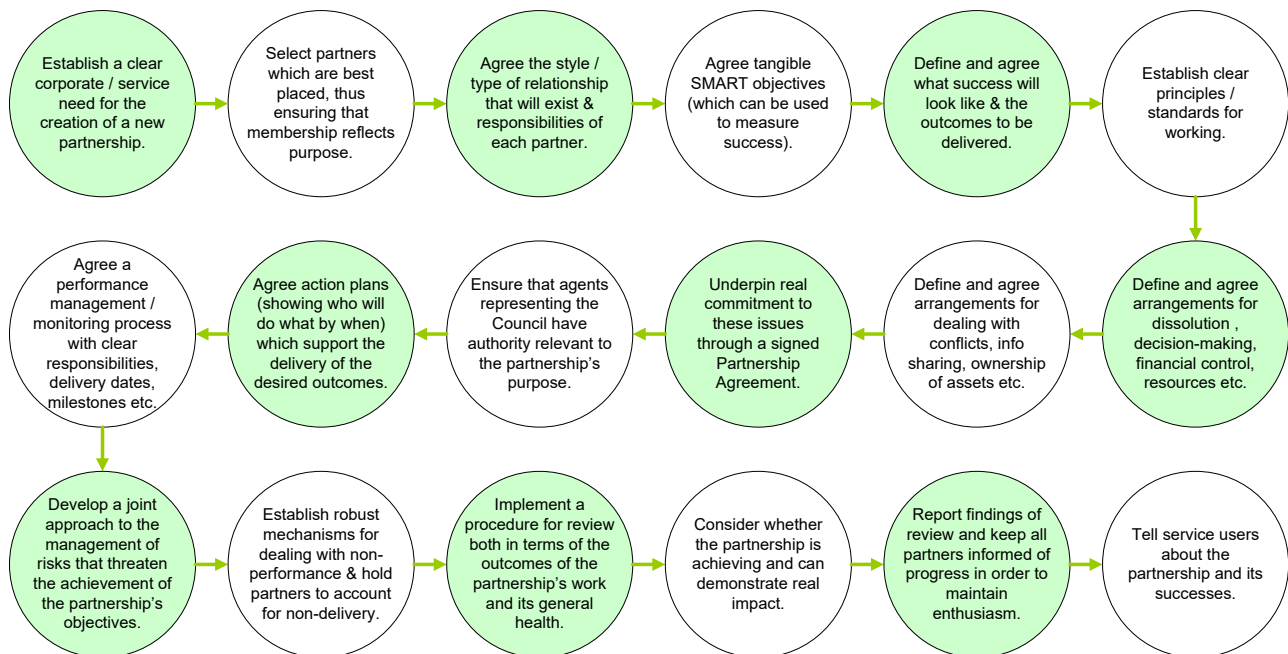
The formation of a partnership will not automatically provide better mechanisms for engaging with hard-to-reach communities than those that corporate bodies have established. It is likely that the same community representatives will come forward.

It may be advisable for partnerships to develop joint consultation exercises in an attempt to avoid overlap and consultation fatigue and make effective use of consultation exercises that have already been undertaken by individual agencies acting as corporate bodies.

It should be remembered that increased consultation can raise public expectations and may actually undermine public confidence in the agencies if the partnership cannot meet these expectations. Failure will almost certainly erode public enthusiasm for continuing to engage in this way. However, if the public believes that consultation is only a tick box exercise then this will create further cynicism.

10.2.44 Developing a Successful Partnership

Developing a successful partnership working relationship is by no means an easy task. However, there are a number of simple guidelines that will help to maximise the opportunity for success:



10.2.45 A Joint Approach to Risk Management

A joint approach to the management of risks that affect the achievement of a partnership's objectives can bring a number of rewards:

- a) a common understanding by all partners of the risks and opportunities, and how they will be managed;
- b) creates an environment that allows the partnership to anticipate and respond to change;
- c) encourages forward thinking, thus minimising unwelcome surprises and increases accountability;
- d) enhances communication which, in turn, improves the basis for strategy setting, decision making and performance management; and
- e) adds realism – so gives a better basis for allocation of resources and enables the delivery of better services.

10.2.46 Common Pitfalls to Risk Management in a Partnership Setting

Obvious risks around financing and partnership failure may have been identified but there is a wider spectrum of risks that need to be considered;

- a) a risk assessment may have been carried out at the start of the partnership but has not been updated in line with the developing relationship.
- b) organisations have no agreed way to identify, prioritise, manage and report the partnership's risks;

- c) there is a lack of communication and understanding on risk between partners.

10.2.47 Risk Identification in a Partnership Setting

The usual basic risk management questions apply:

- a) what are our objectives?
- b) can we identify the things that would stop us achieving these?
- c) can we find ways of mitigating them?

When identifying partnership risks, the process of risk identification should, almost always, include a joint exercise with the partner(s) or perspective partner(s). There are two main ways to look at partnership risk:

- a) **Outside Looking In (From the perspective of the Partner Organisations)**
This approach considers the risks that the Organisations (including the Council) as an organisation faces in being involved in the partnership.
- b) **On the Inside (From the perspective of the partnership)**
The partner or prospective partner organisation(s) participate in the risk identification process as it is necessary to consider the risks faced by the partnership. Examples could include: lack of 'buy in' from all partners; confused governance arrangements e.g. financial control, reporting etc; unable to blend organisational cultures; and the partnership is seen as Council led.

At stake for all partners are: service delivery; reputation; organisational objectives; and investments in time, money, resources and expertise.

10.2.47.1 What Are the Risks Involved?

To give a comprehensive list of the risks involved in partnership working would be difficult, if not impossible. However, some of the risks which might be encountered include: partnership standards are not met; partnership chases reward rather than local priorities; service failures lead to excess costs; and no ownership by local delivery agents.

10.2.48 How Can a Partnership Review its Activities?

It is often difficult to quantify and measure, the added value of partnership working. Partnership working can take up a lot of time and other resources and it can therefore extract value as well as add to it.

The best way of measuring the impact of partnership working is to devise performance indicators that measure the outcomes of its work. These will help to demonstrate the effect of multi-agency interventions and provide a focus to the partnership's long-term strategic objectives.

All Council partnerships must agree a procedure for their review. The review should cover how the partnership works in order to determine whether the outputs and outcomes of the partnership merit continued involvement as well as the general health of the partnership itself. The partnership will need to record who will conduct the review and when this will occur (at a minimum this should be at least every two years). [Appendix 10](#) provides a self-assessment tool to assist partnerships in undertaking this requirement.

10.2.49 Formal Partnership Evaluations

The Council has established clear criteria against which partnerships can be evaluated to determine that they help to achieve the Council's corporate objectives cost-effectively. The Council is committed to making hard decisions to scale down its involvement in partnerships if the costs outweigh the benefits, or if the added risks cannot be managed properly.

Business Assurance may conduct an evaluation of the Partnership to provide assurance that the partnership is providing value to the Council.

10.2.50 Further Support from Wokingham Borough Council

The Business Assurance Auditor is responsible for maintaining and promoting the Council's Partnership Register and Protocol and is available to offer advice and guidance to Council Officers / Members who are involved in either existing partnerships or who are thinking about new partnership initiatives.

The Business Assurance Auditor maintains a Partnership Webpage which provides guidance and best practice to those Officers / Members involved in partnership working.

Other useful contacts are;

- **Financial Management**
Rob Stubbs - Corporate Accountant
- **Human Resources**
HR Officer for the appropriate service
- **Legal Services**
Sean O'Connor – Legal Services

Appendix 1**PARTNERSHIP APPROVAL CHECKLIST**NAME OF PARTNERSHIP: CHECKLIST COMPLETED BY: DATE:

The extent to which this approval checklist is completed will be dependent on the proposed partnership's categorisation. Further information on the categorisation of partnerships is provided in [Rule 10.2.8](#) and [10.2.9](#) of the Partnership Protocol.

WBC FINANCIAL CONTRIBUTION (p.a.): LEVEL OF OFFICER PARTICIPATION (hrs p.a.): PARTNERSHIP CATEGORY: **SECTION 1 – PARTNERSHIP NEED (MINOR, MEDIUM AND MAJOR PARTNERSHIPS)**

- 1.1 How does participation contribute to the Council's Strategic Priorities, corporate, service and wider community objectives?

- 1.2 What is the issue or need identified by elected Members / senior Council Officers?

- 1.3 Is the issue or need shared by other organisations willing to work together?
Have other delivery options been considered and evaluated?

- 1.4 Could an existing partnership be adapted to deliver the outcome instead?
The Council's Partnership Register is a valuable reference point when considering new partnership initiatives.

- 1.5 Is there a clear vision and purpose for the proposed partnership?

- 1.6 Does the law allow for the partnership to proceed?
Is participation required by statute?
This should be confirmed by the Council's Monitoring Officer (Head of Governance and Improvement Services) or nominated representative.

SECTION 2 – RISK ASSESSMENT (MEDIUM AND MAJOR PARTNERSHIPS)

The potential risks involved in participating in the proposed partnership initiative should be presented in a tabular format as set out below. A typical risk assessment is likely to run to many rows. A number of risk areas should be considered including but not limited to: financial, reputation, legal, physical, technological and operational. Further guidance on this is contained within [Rules 10.2.35-10.2.38](#) and [Appendix 2](#) of the Partnership Protocol.

DESCRIPTION OF RISK	ACTIONS TO MITIGATE RISK	LIKELIHOOD	IMPACT	OUTCOME
FINANCIAL RISK				
REPUTATION RISK				
LEGAL RISKS				
PHYSICAL, TECHNOLOGICAL, OPERATIONAL and OTHER RISKS				

SECTION 3 – DETAILED ASSESSMENT AND OTHER CONSIDERATIONS (MAJOR PARTNERSHIPS)

- 3.1 Who will lead the partnership and what other organisations will be represented?
Who will be the accountable body?
What are the proposed partnership's financial arrangements?

- 3.2 What are the resource implications (staff, capital and revenue funds, use of assets etc?)

3.3 Are there other sources of funding available? (does the partnership attract funding?)

3.4 Are there future budget implications that need to be considered?

3.5 Has the partnership been the subject of consultation with other Council services?

3.6 What business benefits will be realised through the Council's participation?

SECTION 4 – PARTNERSHIP SIGNOFF

4.1 Approval of relevant Director (MINOR, MEDIUM AND MAJOR PARTNERSHIPS)

4.2 Approval of Monitoring Officer (Head of Governance and Improvement Services) or nominated representative (MINOR, MEDIUM AND MAJOR PARTNERSHIPS)
As evidence of the Council's proper authority to enter into the partnership

4.3 Approval of Section 151 Officer (Director Finance and Resources) or nominated representative (MAJOR PARTNERSHIPS)
As evidence of Council agreement to partnership's financial arrangements and an assessment of the Council's financial / resource commitment.

4.4 Endorsement of the Wokingham Borough Local Strategic Partnership (MAJOR PARTNERSHIPS)
As evidence of contribution to the Borough's community ambitions – as directed by the Director of Environment

4.5 Approval by Executive or if required constitutionally, Council (MAJOR PARTNERSHIPS)
As directed by the Monitoring Officer (Head of Governance and Improvement Services) and the Section 151 Officer (Director Finance and Resources)

A Completed Copy of this form should be sent to the Business Assurance Auditor

PRE-PARTNERSHIP RISK ASSESSMENT GUIDANCE

The Council requires that a pre-partnership risk assessment (SECTION 2 – PARTNERSHIP APPROVAL CHECKLIST) be completed for its involvement in all MEDIUM and MAJOR partnerships. This will allow for full consideration of the proposed partnership, test the initial service need identified and ensure that participation does not expose the Authority to undue risk.

- a) the full financial implications, including the period covered by any available funding and any additional costs;
- b) the availability of performance indicators to measure success and outcomes;
- c) any impact on existing resources and level of additional resources required to successfully meet the partnership's aims;
- d) the impact on core services and priorities and extent to which partnership work is incorporated into daily work;
- e) the appropriateness of any potential partner and level of added value;
- f) the appropriateness of any conditions attached to available funding (grants etc);
- g) is the partnership chasing financial reward rather than local priorities? and
- h) the potential public fall-out and reputational risk if the partnership aims are not delivered.

Risk Matrix Index

LIKELIHOOD SCORE	DESCRIPTION	
3	Almost certain	Will undoubtedly happen, possibly frequently.
2	Possible	Will probably happen, but not a persistent issue.
1	Unlikely	May happen occasionally.

IMPACT SCORE	DESCRIPTION	
3	Catastrophic / Major	Significant impact on service provision, major financial loss, major adverse publicity etc.
2	Moderate	Service objectives disrupted, moderate financial loss, some adverse publicity etc
1	Minor	Minimal impact on service objectives / financial loss, some public embarrassment

Risk Assessment Score

		IMPACT		
		Low (1)	Medium (2)	High (3)
LIKELIHOOD	High (3)	3	6	9
	Medium (2)	2	3	6
	Low (1)	1	2	3

Risk Management Action Level

RISK ASSESSMENT OUTCOMES	
High priority – action is necessary	6 - 9
Action is required to address risk	3 - 4
Risk is tolerable or low priority – action required?	1 - 2

PARTNERSHIP AGREEMENT TEMPLATE**1. Introduction**

State that this is a partnership agreement between (name each partner).

2. Vision and Objectives

A vision describes what you want to see in place some years down the road. It is a picture of the future.

Objectives should be SMART (specific, measurable, achievable, realistic and time bound) where possible and practical so that you know what you want to achieve and whether you are achieving it. They should focus on outcomes and results rather than activities i.e. what you will accomplish rather than how you will work or what you will do.

3. Outcome Indicators and Measures for Success

These are measures based on the actual outcomes the partnership is aiming to deliver i.e. they define what success will look like and can be used to determine the partnership's effectiveness and impact in achieving its strategic objectives. Outcome indicators or clear measures of success should be defined for each strategic objective.

4. Running the Partnership

As a minimum this section should define arrangements for the following:

- general principles of conduct;
- partners' roles / duties / responsibilities;
- resource commitment for each partner;
- the ownership of assets;
- decision making procedures;
- how the partnership will monitor and evaluate its activities;
- meetings; notice and frequency of meetings; quorum rules; chairing arrangements; voting arrangements; and representation of other members;
- information sharing principles / protocols;
- organisational structure and reporting mechanism (how often, who reporting to and what reporting on);
- Performance management arrangements;
- How complaints will be handled; and
- Member involvement (roles and responsibilities, democratic accountability, declaration of interests etc).

5. Financial matters

For guidance see Financial Matters Section at [10.2.21](#)

Where applicable the Partnership Agreement should document:

- Accountable Body agreement;
- Partnership capital;
- Income and expenditure;
- Grants and other sources of funding;
- Banking and financial arrangements;
- Role of Lead Partner;

- Accounting arrangements; and
- Provisions for tax payments and VAT.

6. Other considerations

The Partnership Agreement should define:

- Arrangements for dealing with the media and other stakeholders (Communications Strategy);
- The circumstances necessary for the suspension, exclusion and removal of a partner;
- Arrangements for resolving conflicts and/or disputes;
- Procedures for whistle blowing / fraud etc.
- Right of access for appropriate audit bodies (Council's Business Assurance).

7. Dissolution

The Partnership Agreement should define:

- Termination provisions;
- Exit strategy (including surpluses and mediation);
- Final reporting arrangements; and
- At dissolution the partners may need to:
 - Inform the funders;
 - Provide appropriate final reports; and
 - Inform all stakeholders / service users.

8. Review

State when the agreement will be reviewed and by whom.

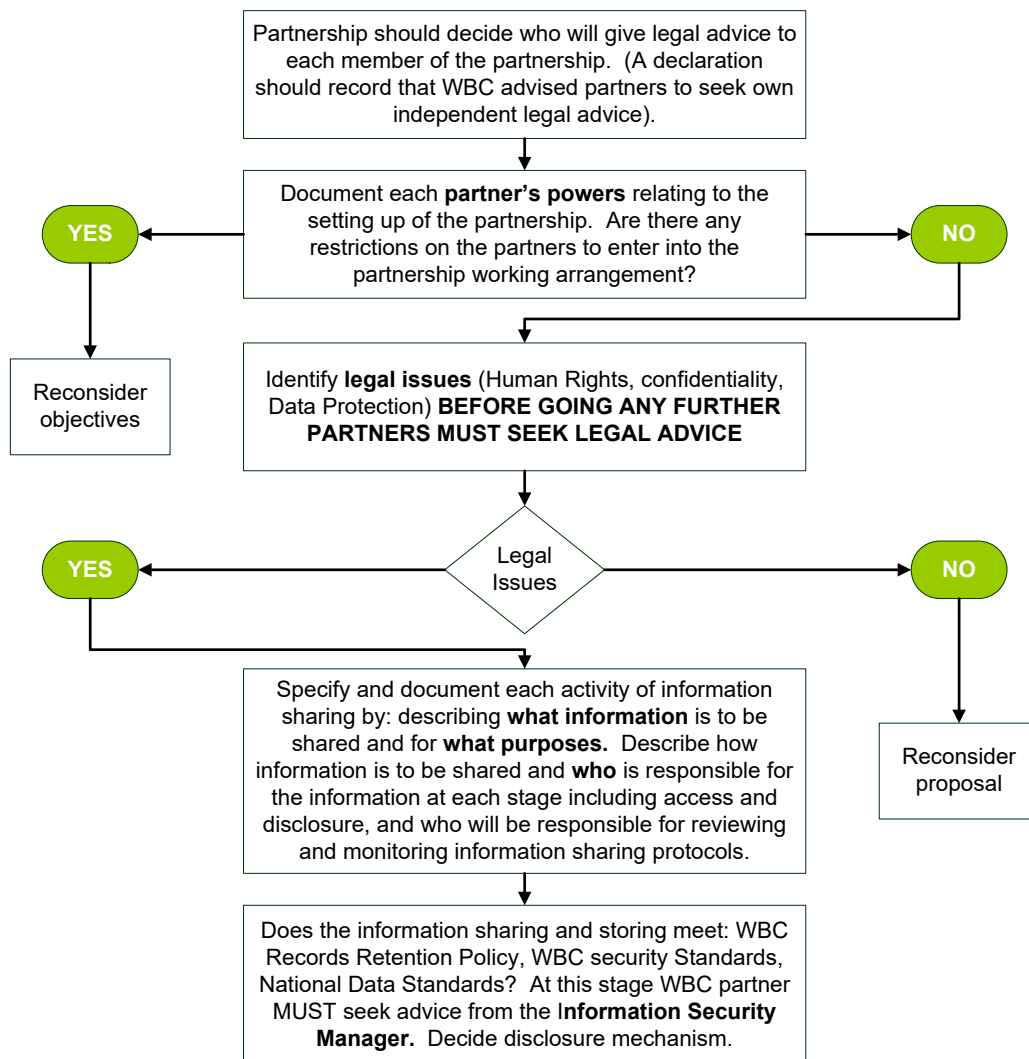
9. Agreement

The Partnership Agreement should be agreed and signed by all parties. Note: For all Major Partnerships the partnership agreement should be prepared in consultation with Legal Services.

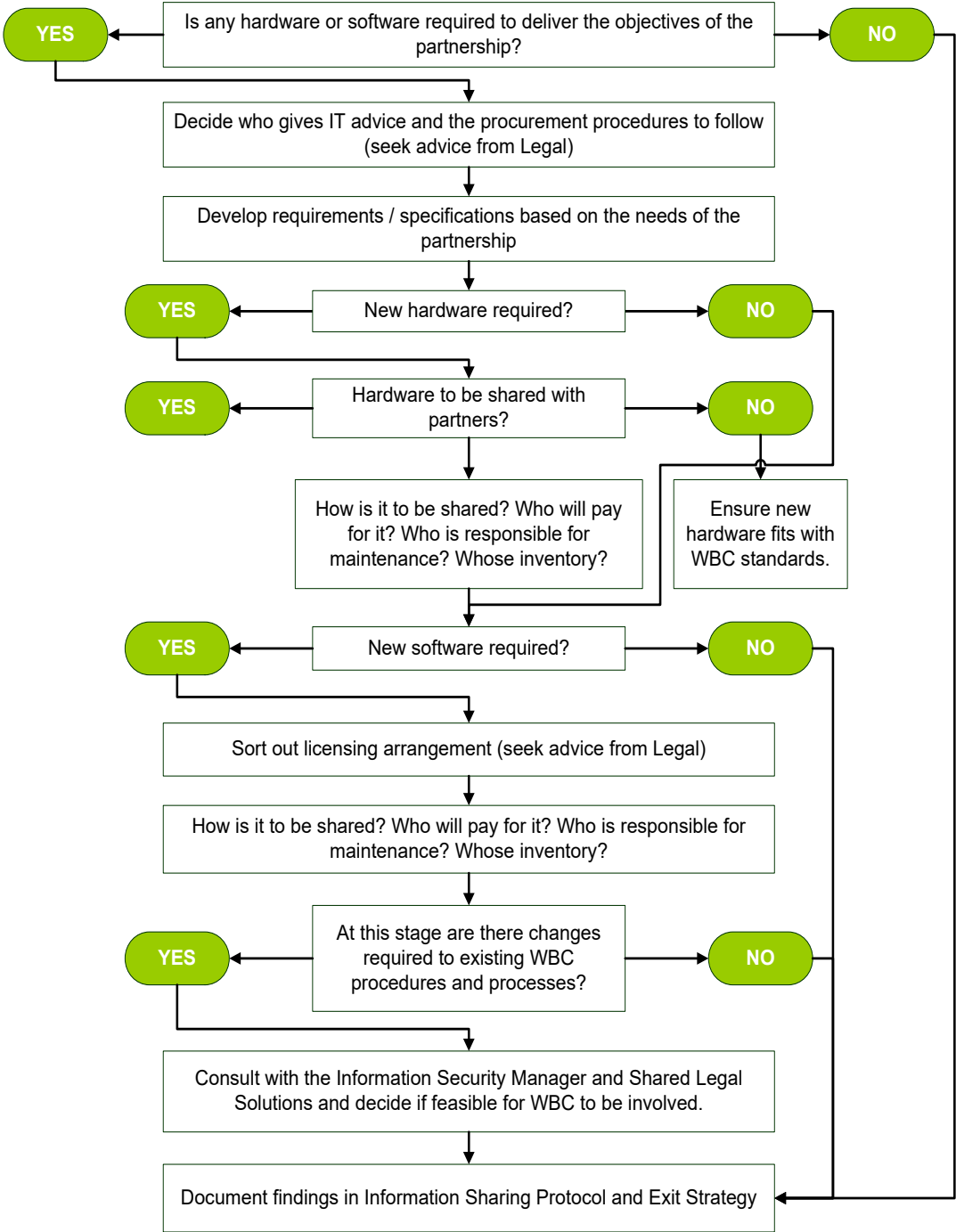
INFORMATION SHARING PROTOCOLS

The following flowcharts only apply to partnerships who will be sharing or storing information.

a) Initial procedures – information sharing



b) Hardware and software issues – information sharing



GENERAL PRINCIPLES OF CONDUCT FOR PARTNERSHIP WORKING

Selflessness

Members of the partnership should serve only the public interest and should never improperly seek or confer an advantage or disadvantage on any person or organisation.

Honesty and Integrity

Members of the partnership should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity

Members of the partnership should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Members of the partnership should be accountable to the public (where appropriate) for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members of the partnership should be as open as possible about their actions and those of the organisation they represent, and should be prepared to give reasons for those actions.

Personal Judgment

Members of the partnership may take account of the views of others, including those of political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

Members of the partnership should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Local Authority's Statutory Officers, and its other employees.

Duty to Uphold the Law

Members of the partnership should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

Members of the partnership should do whatever they are able to ensure that the organisation they represent, authorise use of their resources prudently and in accordance with the law.

Leadership

Members of the partnership should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

EXAMPLE PROTOCOL FOR THE RESOLUTION OF DISPUTES

1. Aims and Principles

The aim of the following procedure is to resolve disputes that may arise during the tenure of the partnership, as expeditiously as possible, consistent with the principles of openness and fairness to all parties. It is also intended to ensure that the process of reviewing and developing the partnership is informed by disputes that may arise from time to time.

2. Enquiries

Initial enquires about difficulties or disputes which have arisen in the conduct of relations between, on the one hand Members or Officers of the Council, and on the other hand, organisations, representatives or officers from the BLANK (name partnership), should be addressed by either party concerned to BLANK (name Officer and provide contact details). The enquiry may be redirected to an appropriate Council or Partnership Officer, in order to resolve the matter at an early and informal stage.

3. Formal Process – 3 Stages

If the matter cannot be resolved at the informal/enquiry stage, the following stages will be pursued:

Stage One

The enquirer will be asked to explain in writing (as clearly and concisely as possible) the difficulty or dispute which has arisen, including (as appropriate):

- a summary of the issues in dispute;
- the partnership code or practice, principle or guideline which is held to be infringed;
- names and roles of parties involved;
- dates of relevant events / episodes;
- copies of relevant correspondence; and
- what action has been taken to resolve the matter to date.

The written enquiry will then be referred to the BLANK (e.g. partnership management group / steering group) who will decide if:

- It is a matter that falls within the remit / scope of the partnership agreement;
- Appropriate early action can be taken to resolve the issue;
- Further information / clarification is required from any of the parties concerned.

A letter will be sent to the enquirer within four weeks, explaining what action is proposed and/or requesting further information or clarification, as appropriate.

Stage Two

Should it not be possible to resolve the issue at stage 1, a meeting of the BLANK (e.g. partnership management group / steering group), will be called to consider whether the matter can be resolved by negotiation with the parties concerned or whether it is necessary to call a meeting of the BLANK (Partnership Disputes Panel – a special committee made up of appropriate representation from the partnership, panel members should be independent of the matter being discussed). Should this be considered necessary, the parties to the dispute will be notified in writing and may be invited to send a representative to the Panel meeting.

Stage Three

The Partnership Disputes Panel may be set up for the purposes of attempting to resolve or rule on disputes which cannot be resolved at stages 1 and 2. It shall comprise BLANK (name appropriate representatives from each organisation represented at the partnership, panel members should hold an appropriate level of seniority). The Panel shall be chaired by BLANK (name panel chair) and shall be serviced by BLANK (e.g. partnership clerk).

A meeting shall be arranged at the earliest possible date consistent with the availability of a majority of Panel members and representatives of the parties to the dispute. The Panel shall attempt to resolve the matter at one meeting. However, if it is considered that further evidence is required before reaching a conclusion, it may be decided to reconvene at a later date.

If, after hearing all the available evidence, the Panel is able to reach a decision as to the action that is required to resolve the dispute, the Chair of the Panel shall write to all the parties concerned requesting that such action is carried out. Those parties of whom action is required will be requested to respond within 4 weeks, with confirmation of the action taken and its outcome.

Where the Panel is unable to reach a conclusion, and does not believe that further evidence is available which will enable it to do so, the dispute will be considered irresolvable, and the parties will be notified accordingly.

A summary of all disputes referred to the Panel and the action taken will be submitted to the BLANK (e.g. partnership management group / steering group).

Appendix 7

JOINT RISK REGISTER

BLANK PARTNERSHIP RISK REGISTER

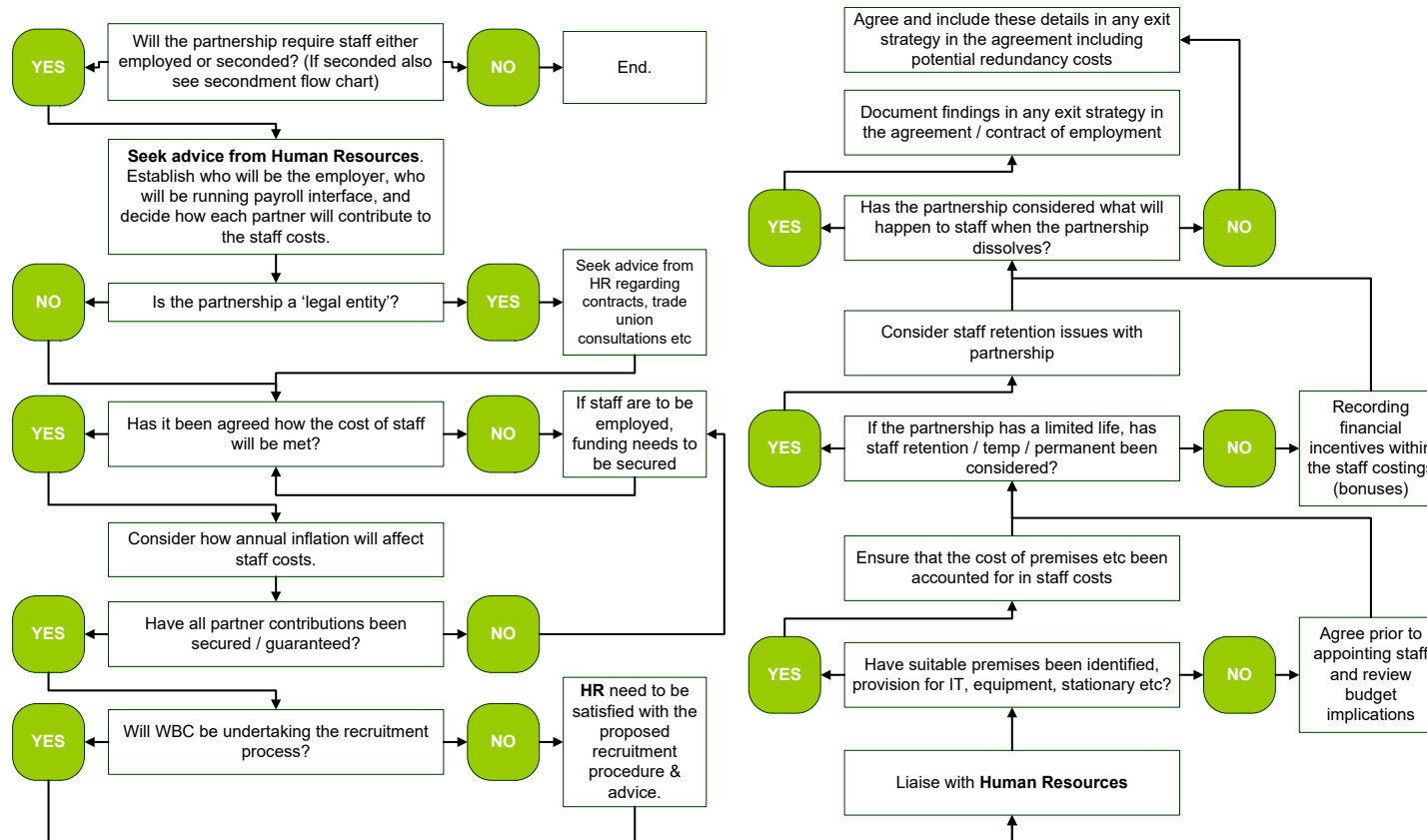
Priority Order (PO) is arrived at by considering the Residual Risk (the net risk / loss remaining after mitigation / planned action i.e. its likelihood is reduced) in the context of Risk Impact (potential consequences of risk occurring).

Residual risk is measured as: H – High; M – Medium; L – Low; N – None;

PO	DATE OF RISK ENTRY	RISK	PLANNED ACTION	BY WHOM / WHEN	LEAD PARTNER	RESIDUAL RISK
1						
2						
3						
4						
5						
6						

REMOVED FROM BLANK PARTNERSHIP RISK REGISTER AS A RESULT OF MITIGATING ACTION

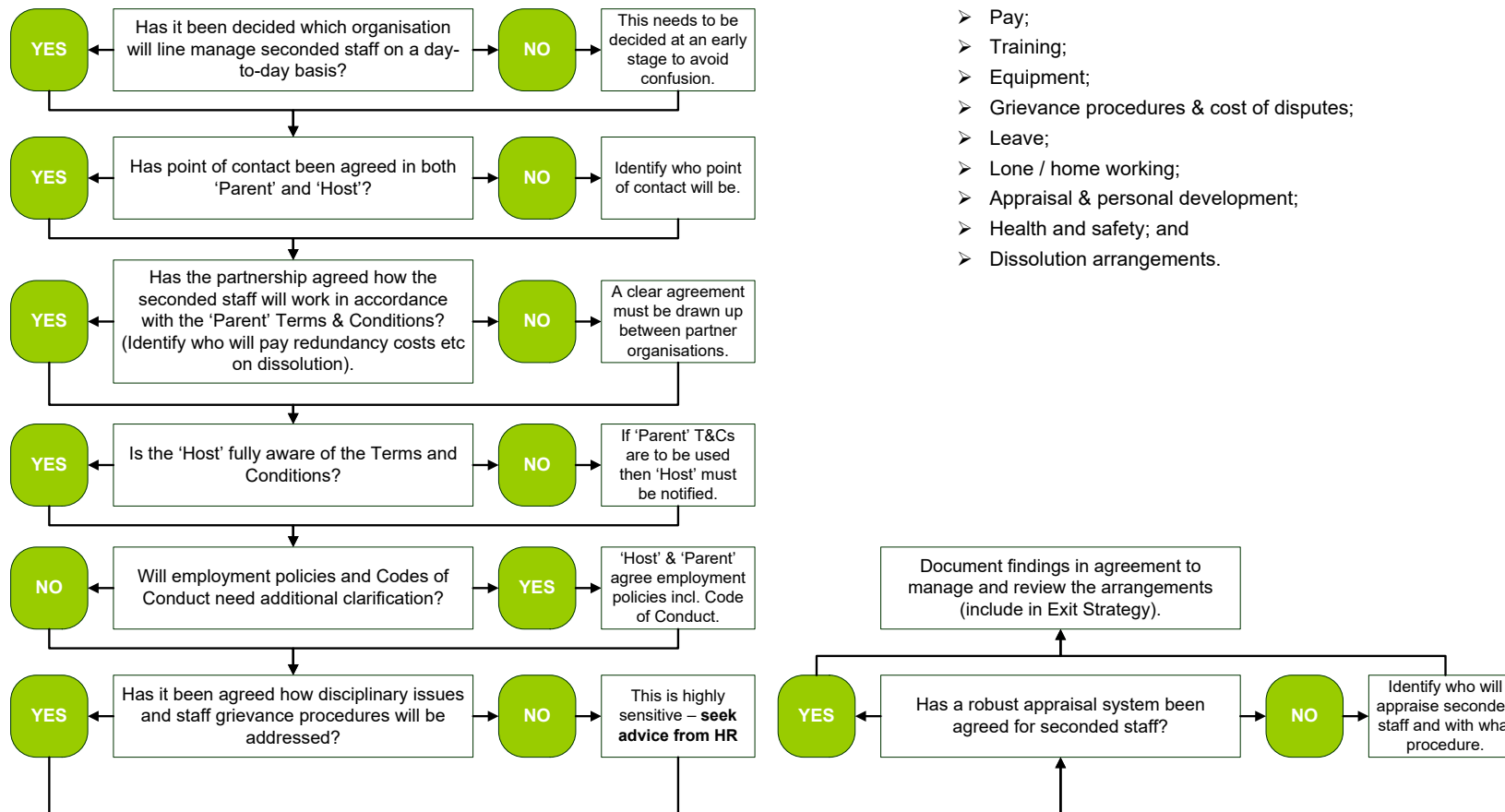
CONSIDERATIONS FOR THE EMPLOYMENT OF STAFF IN A PARTNERSHIP SETTING



CONSIDERATIONS FOR THE SECONDMENT OF STAFF IN A PARTNERSHIP SETTING

Key issues for employing and seconding staff

- Pay;
- Training;
- Equipment;
- Grievance procedures & cost of disputes;
- Leave;
- Lone / home working;
- Appraisal & personal development;
- Health and safety; and
- Dissolution arrangements.



PARTNERSHIP SELF-ASSESSMENT TOOL**1 Guidance notes**

The Council is committed to establishing partnership arrangements which support its strategic objectives and lead to a more efficient and effective delivery of public services. This Partnership Self-Assessment Tool has been prepared with reference to the Audit Commission's Report: Governing Partnerships – Bridging the Accountability Gap and the Council's own Partnership Protocol. The tool has been designed as a 'health-check' which establishes clear criteria against which partnerships can be evaluated in terms of their effectiveness and impact. The Council's Internal Audit section will seek assurance that all Medium partnerships complete the self-assessment at two yearly intervals.

2 Completion time

There is no set way for partnerships to use the self-assessment tool. Some may wish to complete it as a group, others may complete it separately and then come back together to develop one response, whilst some partnerships may wish to identify a key person to complete it. It is estimated that the tool will take 45 minutes to an hour to complete, depending on the method used.

3 Format

The self-assessment tool is split into 3 sections:

- | | | |
|---|-----------------|---|
| 1 | Key details | concerns key details of the partnership |
| 2 | Self-Assessment | checklist of 29 questions based on: <ul style="list-style-type: none"> • partnership need; • structure, framework and governance; • council inputs and management of risk; outcomes and impact |
| 3 | Action plan | provides a template which allows you to transfer the actions identified in the self-assessment to an action plan for short-term / quick wins and medium / longer term improvements |

SECTION 1 – PARTNERSHIP DETAILS

PARTNERSHIP NAME:

PARTNERSHIP FUNCTION: (please rank in order of importance if more than one)

Policy formation Service delivery Information sharing / best practice

Other (please specify)

PARTNERSHIP PERIOD: FROM: TO: IS PARTNERSHIP STATUTORY? YES: NO:

PARTNERSHIP RESOURCES:

WBC financial contribution per annum (£) Level of WBC Officer participation (hrs p.a.) Accountable body Lead partner (if different)

SECTION 2 – SELF ASSESSMENT CHECKLIST

Please tick to indicate Y = YES, P = PARTIAL, N = NO. Where ‘partial’ or ‘no’, you should give reasons for any non-compliance, and any compensating measures in place or actions in progress to address this. The template at Section 3 can be used to prepare a formal action plan to address any areas for improvement highlighted through the self-assessment.

REF	CHECKLIST ITEM	Y	P	N
PARTNERSHIP NEED				
Assessing the drivers and incentives for partnership working				
1.1	Does the partnership have a clear, agreed long-term vision of what it wants to achieve?			
1.2	Does the partnership use feedback from the local community to identify need?			
1.3	Is membership of the partnership appropriate and does it best reflect the partnership’s aims and purpose?			
1.4	Is there evidence that the partnership is having a positive impact on the way in which services are delivered?			
1.5	Are the partnership’s aims and its work closely aligned to and effectively support the Council’s corporate, service and community ambitions?			
1.6	Has the partnership clearly defined what success will look like and the outcomes to be delivered?			
Any additional comments arising from section 1 of self-assessment:				
STRUCTURE, FRAMEWORK AND GOVERNANCE				
Assessing the framework and governance arrangements for effective partnership working				
2.1	Is the partnership supported by a partnership agreement / terms of reference / governing document which has been agreed by all parties?			
2.2	Does the partnership agreement clearly define the responsibilities of each partner?			
2.3	Does the partnership have effective support and administration arrangements?			
2.4	Do agents representing organisations have the delegated authority to take decisions on their behalf?			
2.5	Is the partnership supported by an agreed work programme and action plan(s) showing who will do what, by when and which effectively support delivery of the desired outcomes?			
2.6	Are partnership meetings effective and timetabled and are arrangements in place for communications between meetings?			
2.7	Has the partnership established clear principles of working including clearly defined processes in respect of decision making and the resolution of conflicts.			
Any additional comments arising from section 2 of self-assessment:				
COUNCIL INPUT AND MANAGEMENT OF RISK				

Assessing the Council's contribution and the associated risks of partnership working			
3.1	Does the partnership work democratically and is it accountable to its stakeholders?		
3.2	Does the management and chairing of the partnership provide an inclusive and impartial overview?		
3.3	Do all partners have the full capacity to be fully engaged in the partnership?		
3.4	Are the partnership's decisions open to effective scrutiny?		
3.5	Are effective protocols / principles in place for information sharing which effectively support management and planning?		
3.6	Has the partnership adopted a joint approach to the management of risks that threaten the achievement of its aims and objectives?		
3.7	Is the ownership of any assets clearly defined and understood by all partners?		
3.8	Is the partnership's financial position regularly reported on and reviewed?		
Any additional comments arising from section 3 of self-assessment:			
OUTCOMES AND IMPACT			
Assessing the impact and outcomes of partnership working to the Council and the local community			
4.1	Has the partnership agreed a performance management / monitoring process with clear responsibilities, outcome indicators, delivery dates and key milestones?		
4.2	Does the partnership have robust mechanisms for dealing with non-performance and holding partners to account for non-delivery?		
4.3	Do partners deliver what they have signed up to?		
4.4	Are the original partnership objectives being met?		
4.5	Have the partnership's aims and purpose been appropriately communicated to stakeholders including the local community?		
4.6	Have the partnership's achievements and successes been appropriately communicated to all stakeholders including the local community?		
4.7	Has consideration been given to the lifetime of the partnership and whether it should continue?		
4.8	Does the Council have an exit strategy in place for when the partnership comes to an end? (e.g. continuation of service, redistribution of resources / assets etc)		
Any additional comments arising from section 4 of self-assessment:			

Appendix 11

CHANNEL PANEL

Channel forms part of the Prevent Duty 2015 for local authorities to protect people vulnerable to being drawn into terrorism. Channel offers support to individuals identified as vulnerable via a multi-agency panel which comes together to agree a support package for each case depending on need. Channel, as a local authority statutory function (Section 36 of the Counter Terrorism and Security Act (CTSA) 2015), is required to be referred to within the local authority's constitution.

In compliance with the statutory requirements set out under sections 36-41 of the Counter Terrorism and Security Act 2015, Wokingham Borough Council has a Channel Panel in place for the area, has regard to the Channel Duty Guidance 2020 and is committed to complying with the requirements within it'

SECTION 11 OFFICERS

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CHAPTER 11.1 – OFFICERS – GENERAL PRINCIPLES

11.1.1 Terminology

The use of the word "Officers" means all employees and staff engaged by the Council to carry out its functions and also covers those engaged under short term, agency or other non employed situations.

11.1.2 Management Structure

Details of the Council's management structure are set out in Chapter 1.3.

11.1.2.1

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director Children's Services	Director of Children's Services
Director Adult Services	Director of Adult Social Services
Director Resources and Assets	Chief Finance Officer
Assistant Director Governance	Monitoring Officer

In their absence, the following Officers are entitled to carry out the functions of those Officers:-

Post	Nominated Deputy(ies)
Chief Finance Officer	Assistant Director Finance
Director of Adult Social Services	Relevant Officer from Adult Services Leadership Team
Director of Children's Services	Relevant Officer from Children's Services Leadership Team
Head of Paid Service	Relevant Director
Monitoring Officer	As designated by the Monitoring Officer

Such posts will have the functions described below.

11.1.2.2

The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of Officers. This is set out in Chapter 1.3 of this Constitution.

11.1.3 Functions of the Head of Paid Service

- a) **Discharge of functions by the Council.** Overall corporate management and operational responsibility (including overall management responsibility for all 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.

11.1.4 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 Council or to the Executive in relation to any 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 Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d) **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.
- e) **Advising whether Executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- f) **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.
- g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.1.5 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 Council or to the Executive 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) **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.
- d) **Overview of work of Internal Audit.** In order to ensure that the Chief Finance Officer's statutory duties are discharged effectively, he/she will have direct input into the programme of work of Internal Audit and advise the Audit Committee of his/her opinion if the programme, quantity and quality of staff is inadequate to undertake the relevant audits.
- e) The Chief Finance Officer can enact urgent Value for Money decisions that ensure the effective financial and service operations of the Council, in consultation with the Leader, or in his/her absence, the Deputy Leader.

11.1.6 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.

11.1.7 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Chapters [11.4](#) and 9.3 of this Constitution.

11.1.8 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules and Delegated Powers relating to staffing matters set out in [Chapters 11.3, 11.5](#) and [11.6](#) of this Constitution.

11.1.9 Appointment of Political Assistants

11.1.9.1

Political Assistants may be appointed from time to time in accordance with the wishes of a political group qualifying in terms of Section 9 of the Local Government and Housing Act 1989.

11.1.9.2

No appointment shall be made to any post allocated to a political group until the Council has allocated a post to each of the political groups that so qualify.

11.1.9.3

No such post shall be allocated to a political group which does not qualify in terms of Section 9 of the aforementioned Act.

11.1.9.4

Not more than one such post shall be allocated to any one political group.

CHAPTER 11.2 – RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

These functions are so named because the Council can decide whether the Executive should or should not be the decision making body. The Council has therefore allocated these functions as follows:

Function	Executive or Non-Executive	Delegated to
Any function under a local Act other than a function specified or referred to in regulation 2 of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England)(Amendment) Regulations 2001	Non-executive	Chief Executive
The determination of an appeal against any decision made by or on behalf of the authority	Non-executive	Licensing and Appeals Committee
The Licensing Authority's fee setting functions as set out in the Gambling Act 2005	Non-executive	Licensing and Appeals Committee
The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to the 1998 Act (appeals against exclusion of pupils)	Non-executive	Chief Executive
The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to the 1998 Act (admission appeals)	Non-executive	Chief Executive
The making of arrangements pursuant to section 95(2) of, and Schedule 25 to the 1998 Act (children to whom section 87 applies; appeals by governing bodies)	Non-executive	Chief Executive
The making of arrangements under Section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority	Non-executive	Chief Executive
The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996	Non-executive	Chief Executive
Any function relating to contaminated land.	Non-executive	Director Place and Growth
The discharge of any function relating to the control of pollution or the management of air quality.	Non-executive	Director Place and Growth
The service of an abatement notice in respect of a statutory nuisance.	Non-executive	Director Place and Growth
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive	Executive

The inspection of the authority's area to detect any statutory nuisance.	Non-executive	Director Place and Growth
The investigation of any complaint as to the existence of a statutory nuisance.	Non-executive	Director Place and Growth
The obtaining of any information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-executive	Director Place and Growth / Head of Legal
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Non-executive	All Directors
The making of agreements for the execution of highways works	Non-executive	Director Place and Growth
The appointment of any individual – a) to an 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 d) to a body or committee of two or more partners of the Wokingham Borough Strategic Partnership and the revocation of any such appointment.	Executive	Executive
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Non-executive	Chief Executive
The authorisation of another local authority or officer(s) of another local authority under Section 101 of the Local Government Act 1972 to discharge any functions of Wokingham Borough Council which have been delegated to Directors or Monitoring Officer	Non-executive	Any Director or the Monitoring Officer

CHAPTER 11.3 - SCHEME OF DELEGATION TO OFFICERS

11.3.1 Introduction

The following section sets out the extent to which the functions and duties of the Council are delegated to the Council's Officers to carry out, the conditions and principles by which such authority will be exercised and limitations to it.

The Scheme is divided into the following sections:

- a) Proper Officer functions – functions of the Council required to be assigned to named Officers under Statute;
- b) Service specific delegations, set out by Director.

The delegations in this Scheme include the discharge of both Executive and Non-Executive functions. Non-Executive functions cannot be taken by the decision-making Executive of the Council. A list of Non-Executive functions is set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

The delegations set out in this Chapter apply to those functions which have not, by virtue of the Constitution or any other instrument, been reserved to Council, Executive or any committee / sub-committee thereof. Any functions which are not specifically discharged by Council, Executive or delegated to a committee / sub-committee are delegated to officers.

11.3.2 Principles and Conditions

The following principles and conditions shall apply where Officers exercise delegated powers:-

Any exercise of delegated powers shall comply with:

- a) any statutory restrictions;
- b) any relevant Act of Parliament as set out in [Appendix A](#). Any reference to any Act of Parliament shall be deemed to include any act, statutory instrument or regulation by which it is applied, extended, amended, consolidated or replaced;
- c) the Council's Budget and Policy Framework which includes the approved Budget;
- d) Council Rules of Procedure as set out in Chapter 4.2 of this Constitution;
- e) Financial Regulations and Procurement and Contract Rules of Procedures as set out in Chapters 12 and 13 of this Constitution;
- f) Policies and Plans approved by Full Council or the Executive in conjunction with the Council's strategic partners;
- g) Codes and Protocols; and
- h) The Officer Code of Conduct set out in [Chapter 11.4](#) of this Constitution.

Delegated powers shall be exercised within the Council's policy guidelines and the appropriate budget provision having regard to economy, efficiency, and effectiveness, ensuring compliance with the Council's objectives as set out in its Policy Framework, the highest standards of customer care and giving due consideration to the environmental implications and human rights implications of any decision taken.

Officers shall not exercise delegated powers in any case where a departure from current policy is likely to be involved, where the decision is a Key Decision as defined in Chapter 1.4 or where it is reserved to the Council or a Committee/Sub-Committee of the Council. Officers shall have the discretion not to exercise their delegated powers but to refer the matter to the Executive, Council or Committee/Sub-Committee of the Council.

Functions delegated by reference to job titles or posts which have changed will continue to be exercised by Officers whose duties include or most closely correspond to the duties of the post originally referred to.

11.3.2.1 Consultation

In exercising delegated powers, Officers shall consult other Officers as appropriate and shall have regard to any advice given. Consultation in areas of financial, legal, personnel, property and public relations will be of paramount importance, as will consultation with the Council's strategic partners.

Officers shall liaise with the relevant Executive Member on executive functions and the Chairmen of the Planning Committee, Licensing and Appeals Committee or Personnel Board, as appropriate, before exercising delegated powers in respect of matters which are likely to be regarded as politically sensitive or contentious.

Officers shall inform the local Ward Member(s) when they exercise any delegated powers affecting a particular Ward in respect of a matter which is likely to be regarded as politically sensitive or contentious.

The exercise of a power by an Officer which requires consultation with other Officers shall be dependent upon agreement being reached otherwise the matter shall be referred to the Chief Executive for determination or, if he/she considers it necessary, for reference to the Executive for consideration.

11.3.2.2 Delegations

The scheme sets out delegations to each Director, and where appropriate further delegations to other named Officers. Directors may arrange for other Officers under their control to exercise some or all of their powers, subject to:

- a) such arrangements being clearly set out within written section procedures;
- b) accountability for the actions of subordinate Officers remaining with the Director.

Any delegation to a Director or other Officer may be exercised by the Chief Executive.

11.3.3 PROPER OFFICER FUNCTIONS

11.3.3.1 Local Government Act 1972 and Any Other Amending Legislation

The following Officers have been appointed Proper Officer for the purposes of the undermentioned provisions of the Local Government Act 1972 and any other amending legislation:

Responsibility	Exercised by:	Section(s)
Registration of Local Land Charges	Head Customer Excellence	212(1) (2)
Deposit of Documents	Head of Legal Services	225(1)
Certification of photocopies of documents	Head of Legal Services	229(5)
Authentication of Documents	Chief Executive, Head of Legal Services or any solicitor, or barrister employed by the Council	234(1) (2)
Sending Bye-laws to Parishes and Town councils	Head of Legal Services	236 (9) (10)
Certification of Bye-laws	Head of Legal Services	238
Signature of summonses to Council meetings	Chief Executive	Sch. 12 Para. 4(2)(b)
Receipt of notices of addresses for summonses to Council meetings	Chief Executive	Sch. 12 para 4(3)
Functions with respect to Ordnance Survey	Director Place and Growth	191 as amended
Receipt of money due from Officers	Director Resources and Assets	115(2)
Declarations and certificates with regard to securities	Director Resources and Assets	146(1) (a) and (b)
Witness and receipt of declarations of acceptance of office	Chief Executive or Assistant Director Governance	83 (1) to (4)
Receipt of declaration of resignation from Office	Chief Executive or Assistant Director Governance	84
Convening a meeting of Council to fill casual vacancy in office of Mayor	Chief Executive or Assistant Director Governance	88(2)
Receipt of notice of casual vacancy from two local Government electors	Assistant Director Governance	89 (1)(b)
Receipt of notices of Disclosable Pecuniary Interests or any relevant Personal Interests.	Assistant Director Governance	S29-34 of the Localism Act 2011
Keeping records of Disclosable Pecuniary interests	Assistant Director Governance	S30(3) of the Localism Act

Granting of dispensations under the Localism Act 2011	Assistant Director Governance	S33 of the Localism Act
Circulation of reports and agendas	Assistant Director Governance	100B(2)
Supply of papers to the press	Assistant Director Governance	100B(7)
Summaries of Minutes	Assistant Director Governance	100C(2)
Members' right to papers	Assistant Director Governance	100F
Officer responsible for identifying background papers and compiling lists of such documents	Assistant Director Governance	100d(1) (a) and (5)(a)
Certification of Resolutions under paragraph 25 of Schedule 14	Chief Executive	Sch. 14 Para. 25(7)
Making arrangements for the proper administration of the Council's financial affairs	Director Resources and Assets	151

11.3.3.2 Other Legislation

The following Officers have been appointed Proper Officer under the terms of the following legislation:

Representation of the People Act 1983

a) Electoral Registration Officer

For the purposes of Section 8 of the Act, the Officer responsible for the compilation and maintenance of the Register of Electors and the discharge of duties contained in Parts V and VI of the Representation of the People (England and Wales) Regulations 2001;

**Assistant Director
Governance**

b) Acting Returning Officer

For the purposes of Section 24, the Officer responsible for the discharge of the Returning Officer's functions as Acting Returning Officer;

**Assistant Director
Governance**

c) Returning Officer

For the purposes of Section 35 of the Act, the Officer responsible for the discharge of functions of Returning Officer at an election of Borough and Town/Parish Councillors and any other relevant elections or referendums;

**Assistant Director
Governance**

<p>d) Emergency Re-designation of Polling Places Emergency powers to re-designate a polling place if there is an unplanned event which makes the polling place unusable, within the period between close of nominations and polling day;</p>	<p>Assistant Director Governance, in consultation with the lead Executive Member and the Ward Member(s) (unless the Member is a candidate in that ward in the forthcoming election)</p>
<p>e) Neighbourhood Planning (Referendums) The officer responsible for the discharge of functions of Counting officer at a Neighbourhood Plan Referendum.</p>	<p>Assistant Director Governance</p>
<p>Local Government Finance Act 1988 For the purposes of Section 114, the Officer who shall make a report on any decision or proposed decision which would incur expenditure which is unlawful</p>	<p>Director Resources and Assets</p>
<p>For the purposes of Section 116(3), the Officer who shall notify the auditor of the date, time and place of any meeting of the authority to consider a report under Section 114</p>	<p>Director Resources and Assets</p>
<p>Local Government and Housing Act 1989 For the purposes of Section 2(4), the Officer with whom the list of politically restricted postholders under Section 2(2) of the Act shall be deposited</p>	<p>Chief Executive</p>
<p>Local Government (Committees and Political Groups) Regulations 1990 The Officer who shall receive notices relating to the establishment and membership of political groups and the wishes of those groups with regard to the filling of committee seats allocated to them</p>	<p>Lead Specialist, Democratic and Electoral Services.</p>

11.3.3.3 Miscellaneous

- | | |
|---|--|
| 1. Any reference to an Officer which may be interpreted as reference to the Proper Officer of the Council in any Act, Statutory Instrument or local statutory provision passed before 26 October 1972 (other than the Local Government Act 1972). | Chief Executive |
| 2. Any similar reference to 1 above which refers to the Public Health Inspector. | Director Place and Growth |
| 3. Any similar reference to 1 above which refers to the Surveyor. | Director Place and Growth |
| 4. Any similar reference to 1 above which refers to the Treasurer or Chief Finance Officer. | Director, Resources and Assets |
| 5. Any reference in Rules of Procedure, not dealt with in this document. | Chief Executive |
| 6. In relation to Adult Social Services matters. | Director, Adult Services |
| 7. In relation to Children's Services matters. | Director, Children's Services |
| 8. Alternative Proper Officer to act in the absence of the Proper Officer(s) and where urgent action is necessary. | a) in the absence of the Chief Executive, the relevant Director

b) in the absence of the relevant Director, the Chief Executive |

11.3.3.4 General Data Protection Regulation

To act as the Council's Data Protection Officer

**Assistant
Director
Governance**

11.3.4 Chief Executive

11.3.4.1

To carry out the functions of the Council as set out in [Chapter 11.1](#).

11.3.4.2.

To amend the Scheme of Delegation to Officers to enable Directors to authorise Council Officers to carry out duties in pursuance of new legislation, such power not to be exercised to carry out functions not in accordance with Council policy. Any amendments to be subsequently reported to the Council.

11.3.4.3

Under Section 92 of the Local Government Act 2000, power to make payments or provide other benefits in cases of maladministration etc.

11.3.4.4

Ensuring compliance with the Health and Safety at Work legislation so far as it affects Council employees.

11.3.4.5

Approval of virements in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.4.6

The appointment on an interim basis of a Director who is not a statutory chief officer as an interim appointment and for a period not exceeding 12 months, pending permanent replacement.

11.3.4.7

The Chief Executive is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) Human Resources, including organisational development and health and safety;
- b) Communications and marketing;
- c) Informational Management Technology – IT management, web design and digital strategy.

11.3.5 All Directors

11.3.5.1

Expenditure of a routine and recurring nature which is provided for in the current year's estimates.

11.3.5.2

Virement between budgets within the limits set out in the Financial Regulations Chapter 12.1.

11.3.5.3

Incurring expenditure not within the current year's estimates arising from an emergency as defined in the Civil Contingencies Act 2004 and any Regulations made thereunder or any local emergency that requires the activation of the Council's 'gold' team.

11.3.5.4

Acceptance of tenders and quotations subject to compliance with the Procurement and Contract Rules and Procedures set out in Chapter 13, and the ongoing management of contracts.

11.3.5.5

Making such visits on Council business and participating in inter-agency and other partnership working as are necessary.

11.3.5.6

Purchase, hire and sale of vehicles, plant, equipment and materials, in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.7

Issue of public advertisements for contractors in accordance with the Procurement and Contract Rules and Procedures set out in Chapter 13.

11.3.5.8

Service of Requisitions for Information under various enactments relative to the functions of the service concerned.

11.3.5.9

Making arrangements for the safety and security of all Council owned buildings within the purview of his/her service in accordance with the requirements of legislation and for insurance purposes, where relevant, having regard to the advice of the police.

11.3.5.10

Release of Section 106 funds in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.11

To respond to petitions in accordance with the Council's agreed Petition Protocol as set out in Chapter 3.5.

11.3.5.12

To safeguard the consistency and integrity of the Council's electronic public interface by providing editorial management and regulation of the web site.

11.3.5.13

To safeguard the consistency and integrity of the Council's internal electronic communications and information sharing by providing editorial management and regulation of the Intranet.

11.3.5.14

To authorise the right of entry onto land by contractors representing the Authority to carry out works and to seek appropriate recharge of costs.

11.3.5.15

To make service information and personal data available to Members, staff and the public within the provisions of the Data Protection Act (and the General Data Protection Regulations)

11.3.5.16

To comply with the Freedom of Information Act by making information available to Members, staff and the public within the provisions of the Act.

11.3.5.17

Approval of attendance by Members at conferences, seminars and training.

11.3.5.18

To exercise the delegated powers as set out in the Human Resources Schedule of Delegated Powers [Chapter 11.6](#).

11.3.5.19

To undertake the actions required by the Financial Regulations (see Chapter 12.1) which are necessary to assist the Chief Finance Officer in the sound management of the Council's financial affairs.

11.3.5.20

To waive Fees and Charges in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.21

To approve requests for purchase orders or payments in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.22

To take action to promote the health and welfare of young people across the Borough.

11.3.5.23

To authorise disposal of assets or write off of items, in accordance with the Financial Regulations as set out in Chapter 12.1.

11.3.5.24

To obtain specialist advice, if required. The Estates Unit Manager to be consulted on any transaction where there may be strategic asset management implications.

11.3.5.25

To make ex gratia payments in respect of claims against the Council for damage or injury, subject to the limits in the budget.

11.3.6 Director, Resources and Assets

To exercise the functions of the Chief Finance Officer as set out in [Chapter 11.1](#).

The Director Resources and Assets is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) Income collection, revenues and Benefit assessments, including:

- i) action to cover arrears relating to Council Tax and National Non-Domestic Rates;
 - ii) the administration of any benefit schemes adopted by the Council, including the exercise of the discretions permitted;
 - iii) approving the write-off of irrecoverable Council Tax and NNDR debts and Housing Benefit and Council Tax Benefit overpayments in accordance with the Financial Regulations as set out in Chapter 12.1;
 - iv) the administration of debtor control and collection.
- b) Treasury Management, in accordance with the Council's policy statement, Treasury Management Practices and CIPFA's Standard of Professional Practice on Treasury Management;
 - c) Effecting of all necessary insurances and settlement of claims arising therefrom;
 - d) Procurement
 - e) Commercial Property, including:
 - i) the granting and taking of leases or licences and renewals and surrenders of up to 20 years of commercial, operational (service) and non-operational property;
 - ii) approval of Community Asset Transfers under leases of between 14-30 years following consultation with the Executive Member with responsibility for Business and Economic Development, the Executive Member with responsibility for the relevant service area and local Ward Members;
 - iii) making or granting or easements, wayleaves, and revocable licences;
 - iv) disposing of freeholds or leaseholds of small parcels of land required by statutory undertakers for their operation purposes (eg sub station sites);
 - v) in consultation with any barrister or solicitor acting on behalf of the Council taking action on breaches of lease covenants including arrears of rent;
 - vi) maintaining an Asset Register of all properties owned by the Council, for all fixed assets valued in excess of £10,000, and to ensure that assets are valued in accordance with best practice arrangements.
 - f) Emergency planning;
 - g) Management of the Council's sport and leisure facilities and parks and oversight of any contract with an external partner for the provisions of such facilities;
 - h) Payments including ensuring a robust purchasing and payments process for Council suppliers.

- i) Authority (jointly with Director Adult Services) to add and remove services within Optalis during the term of the contract provided that in each case, up to the total value of £500k;
 - i. The budget for the costs of the services has already been approved as part of the agreed Council Budget;
 - ii. The business case has been approved by both Directors;
 - iii. The Executive Member with responsibility for Adult Services and the Executive Member with responsibility for Finance, have been consulted.

- j) in consultation with the Lead Member for Finance and the Lead Member for Leisure, to approve reductions, discounts and/or promotions for fees and charges within Sports and Leisure, up to £100 per fee or charge.

11.3.6.1 Further delegation to the Head of Legal Services

- a) institute, defend, lay information, negotiate and settle any dispute decision or any proceedings by or against the Council including taking any necessary steps in connection with such dispute decision or proceedings;
- b) instructing and obtaining the opinion of Counsel and external legal advice;
- c) the formation, negotiation and settlement of any agreement with any party that binds the Council to an obligation.

11.3.6.2 Delivery of Joint Procurements through the Director of Public Health

11.3.6.2.1

To arrange for the delivery of joint procurement with the other Berkshire Unitary Authorities through the Director of Public Health for the future provision of joint public health services and / or contracts.

11.3.6.2.2

In consultation with the Consultant in Public Health, to negotiate and conclude amendments to the inter-authority Public Health Agreement dated 10 July 2018 to provide for the administration, management and operation of future contracts for which joint procurement has been agreed.

11.3.7 Director Children's Services

To exercise the powers and duties of the Council in relation to section 18 of the Children Act 2008 and appoint and authorise Council Officers to exercise all such powers as the Council may appoint or authorise persons, Officers or inspectors to exercise, in the pursuance of the undermentioned enactments and amendments thereto and any regulations, statutory instruments, bylaws and licenses made thereunder:

- a) functions conferred on or exercisable by the Council in its capacity as Local Education Authority;
- b) functions conferred on or exercisable by the Council which are social services functions, so far as those functions relate to children;

- c) functions exercisable by the Council under Section 75 of the National Health Service Act 2006, so far as those functions relate to children;
- d) functions conferred on the Council as a children's services authority.

11.3.7.1

The Director Children's Services is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) early years;
- b) school improvement;
- c) special education needs support;
- d) safeguarding and child protection;
- e) youth services;
- f) school governor services;
- g) adoption services;
- h) fostering services;
- i) support for children, young people, looked after and care leavers,
- j) youth offending services;
- k) school admissions, including pupil place planning;
- l) school transport;
- m) adult community learning.

11.3.8 Director of Adult Services

To carry out the statutory duties of the Director of Adult Social Services as set out in Section 6(A1) Local Authority Social Services Act 1970 and in statutory guidance.

11.3.8.1

The Director of Adult Services is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) safeguarding vulnerable adults;
- b) social care support for persons aged 18 or over;
- c) older people's services;
- d) services for adults with a physical or learning disability and mental illness;
- e) Public health, Community health and wellbeing development;

- f) Authority (jointly with Director Resources and Assets) to add and remove services within Optalis during the term of the contract provided that in each case, up to the total value of £500k;
 - i. The budget for the costs of the services has already been approved as part of the agreed Council Budget;
 - ii. The business case has been approved by both Directors;
 - iii. The Executive Member with responsibility for Adult Services and the Executive Member with responsibility for Finance, have been consulted.

11.3.9 Director Place and Growth

To exercise the powers and duties of the Council in relation to legislation in [Appendix A](#) that is applicable to the service area and appoint and authorise Council Officers to exercise all such powers as the Council may appoint or authorise persons, Officers or inspectors to exercise, in the pursuance of the enactments and amendments thereto and any regulations, statutory instruments, bylaws and licences made thereunder:

The Director Place and Growth is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) management and operation of public car parks and parking spaces administered by the Council;
- b) street naming, subject to no objections to any proposed name being received from the Parish/Town Council, Post Office or Fire and Rescue Service and the agreement of local Members;
- c) the Council as the Highways Authority, including highway inspection, minor highway repairs, winter maintenance, gritting, gully cleansing, street lighting and asset management;
- d) waste, including refuse collection, recycling, waste disposal and abandoned vehicles;
- e) transport planning, traffic management and road safety. In relation to Traffic Regulation Orders only those where no objections have been received;
- f) Trading Standards, Environmental Health and Licensing Services;
- g) Place shaping strategies such as planning policy, including the local plans; climate emergency and economic development;
- h) planning service, including the determination of planning applications not included in the Planning Committee's Terms of Reference;
- i) building control;
- j) libraries and Information service;
- k) cultural services;

- l) community development;
- m) assets of Community Value;
- n) countryside service, including public rights of way and tree preservation orders;
- o) customer services;
- p) local land charges;
- q) sale of council houses;
- r) housing; (excluding strategic housing);
- s) provision and management of housing accommodation, including maintenance and improvement to Council dwellings, associated buildings and land;
- t) proper officer under the provisions of the Registration Act 1953;
- u) in consultation with the Head of Legal, functions in relation to Part III of the Wildlife and Countryside Act 1981
- v) Community Safety and Anti-Social Behaviour

11.3.9.1

The Director has delegated certain functions, powers, and duties in relation to Trading Standards and ancillary regulatory services to officers of West Berkshire District Council from 01 April 2022 by virtue of a delegation agreement under s113 of the Local Government Act 1972. The Director may add to or remove any delegations as they see fit and when the delegation agreement expires the delegations to officers of West Berkshire District Council will cease.

11.3.10 Assistant Director Governance

To carry out the functions of the Monitoring Officer as set out in [Chapter 11.1](#) and to act as Proper Officer for the functions set out in [Rule 11.3.3](#)

The Assistant Director Governance is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to the following areas:

- a) Members' Code of Conduct, including reporting breaches by Members with respect to cases involving legal proceedings;
- b) to amend the Constitution in accordance with Rule 1.1.6 of Chapter 1;
- c) Audit and Investigation Services;
- d) Democratic and Electoral Services, including making arrangements for appeals, reviews and hearings in relation school admission, school exclusion, home to school/college transport and in relation to the granting, revocation and conditions imposed under the Licensing Act 2003 and the Gambling Act 2005;

- e) Legal services;
- f) To make amendments to the Constitution in accordance with Rule 1.1.6.

11.3.10.1 Further Delegation to the Borough Solicitor

To carry out any of the functions delegated to the Head of Legal Services as set out in [Rule 11.3.6.1](#).

To carry out the role of Commons Registration Officer as set out in Chapter 8.8.

11.3.11 Assistant Director Commercial Property

The Assistant Director Commercial Property is authorised to exercise or further delegate to a named Officer the Council's functions, powers or duties related to commercial property.

11.3.12 Director of Public Health – Shared Across Berkshire West

To have responsibility for the functions of the Strategic Director of Public Health as required by section 30 and all relevant provisions of the Health and Social Care Act 2012, and all other relevant legislation, and which shall include the following:

- a) the duty imposed upon the Council to take such steps as it considers appropriate for improving the health of the people in its area;
- b) any public health functions of the Secretary of State which he/she requires local authorities to discharge on his/her behalf;
- c) dental health functions of the Council;
- d) the duty to co-operate with the prison service to secure and maintain the health of prisoners;
- e) the Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services;
- f) arrangements for assessing the risks posed by violent and sexual offenders.

List of Relevant Acts/Regulations

A
<p>Access to Personal Files (Housing) Regulations 1989 – all functions under the Regulations with the exception of the hearing of appeals under Regulation 8</p> <p>Accommodation Agencies Act 1953</p> <p>Acquisition of Land Act 1981</p> <p>Administration of Justice Act 1970</p> <p>Adoption Act 2002</p> <p>Adoption Agencies Regulations 1983, 2005</p> <p>Aerosol Dispensers Regulations 2009, and those Regulations which impose a duty of enforcement upon the local weights and measures authority</p> <p>Agriculture Act 1970</p> <p>Animal Boarding Establishments Act 1963</p> <p>Animal Health Act 1981</p> <p>Animal Health and Welfare Act 1984</p> <p>Animal Welfare Act 2006</p> <p>Animals Act 1971</p> <p>Anti-Social Behaviour Act 2003</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>
B
<p>Berkshire Act 1986</p> <p>Births and Deaths Registration Act 1953</p> <p>Breeding of Dogs Act 1973, 1991</p> <p>Building Act 1984</p> <p>Building Regulations 2010</p>
C
<p>Cancer Act 1939 (Section 4)</p> <p>Caravan Act 1968, 1985</p> <p>Caravan Sites and Control of Development Act 1960, 1985</p> <p>Care Act 2014</p> <p>Carers (Recognition and Services) Act 2000</p> <p>Charities Act 1992</p> <p>Children Act 1989</p> <p>Children and Adoption Act 2006</p> <p>Children and Families Act 2014</p> <p>Children and Social Work Act 2014</p> <p>Children and Young Persons (Protection from Tobacco) Act 1991</p> <p>Children's and Young Persons Act 1933</p> <p>Chiropractors Act 1994</p> <p>Children (Leaving Care) Act 2000</p> <p>Chronically Sick and Disabled Persons Act 1970</p> <p>Cinema Act 1968-1985</p> <p>Civil Contingencies Act 2004</p> <p>Civil Partnership Act 2004</p> <p>Civil Protection in Peacetime Act 1986</p> <p>Clean Air Acts 1956-1993</p> <p>Cleaner Neighbourhoods and Environment Act 2005</p>

Companies Act 1985, 2006
 Companies Act 2006 (Part V)
 Community Care Assessment Directions 2004
 Community Care (Delayed Discharges etc.) Act 2003
 Community Care (Direct Payments) Act 1996
 Community Infrastructure Levy Regulations 2010 (as amended)
 Conservation of Habitats and Species Regulations 2010
 Consumer Credit Act 1974, 2006
 Consumer Protection Act 1987
 Consumer Protection from Unfair Trading Regulations 2008
 Consumer Rights Act 2015
 Control of Dogs Order 1992
 Control of Pollution Act 1974
 Control of Pollution (Amendment) Act 1989
 Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 and 1994
 Copyright Design and Patents Act 1988
 Countryside Rights of Way Act 2000
 Courts and Legal Services Act 1990A
 Crime and Disorder Act 1998
 Criminal Attempts Act 1981
 Criminal Justice Act 1988 (Section 141A)
 Criminal Justice and Immigration Act 2008
 Criminal Justice and Police Act 2001
 Criminal Justice and Public Order Acts 1994 (Part VII)
 Criminal Law Act 1977
 Crossbows Act 1987
 Customs and Excise (Management) Act 1979
 Cycle Tracks Act 1984

D

Dangerous Dogs (Amendment) Act 1997
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Data Protection Act 2018
 Deer Act 1991
 Development of Tourism Act 1969
 Disabled Persons Act 1981
 Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000
 Discretionary Financial Assistance (Amendment) Regulations 2008
 Dogs Act 1871
 Dogs Act 1906
 Dogs (Fouling of Land) Act 1996
 Domestic Violence, Crime and Victims Act 2004 & 2012

E
<p>Education Act 2002 and 2011 Education Reform Act 1988 Energy Act 1976 Enterprise Act 2002 Equality Act 2010 Environment and Safety Information Act 1988 Environment Act 1995 Environmental Protection Act 1990 Estates Agents Act 1979 European Communities Act 1972 European Communities (Amendment) Act 1986 Eviction Act 1977 Explosives Act 1875, 1923 Explosives (Age of Purchase etc) Act 1976</p>
F
<p>Factories Act 1961 Fair Trading Act 1973 Family Law Reform Act 1969 Female Genital Mutilation Act 2003 Financial Services and Markets Act 2000 Fireworks Act 2003 Flood and Water Management Act 2010 Food and Environment Protection Act 1985</p>
<p>Food Safety Act 1990 Forgery and Counterfeiting Act 1981 Fraud Act 2006</p>
G
<p>Gambling Act 2005 Game Act 1831 General Data Protection Regulation 2018 Guard Dogs Act 1975</p>
H
<p>Hallmarking Act 1973 Health Act 1999 Partnership Arrangements Health Act 2006 Health and Safety at Work etc. Act 1974 Health and Social Care Acts 2001 and 2012 Hedgerow Regulations 1997 High Hedges Legislation 2004 Highways Act 1980 Home Safety Act 1961 Homelessness Act 2002 Homelessness Reduction Act 2017 House to House Collections Act 1939 Housing Acts 1957, 1985 1996 and 2004 Housing Grants, Construction and Regeneration Act 1996 Human Rights Act 1998 Hypnotism Act 1952</p>
I
<p>Immigration Act 2016</p>

J
Justice and Police Act 2001
K
Knives Act 1997
L
Land Compensation Act 1973 Land Drainage Act 1991 Landlord and Tenant Act 1985 Late Night Refreshment Houses Act 1969 Legal Aid, Sentencing and Punishment of Offenders Act 2012 Licensing Act 2003 Local Authorities Cemetery Order 1977 Local Authority Social Services Act 1970 Local Government Acts 1972, 1982, 2000 and 2003 Local Government and Housing Act 1989 Local Government Finance Act 1988 (National Non-Domestic Rate) Local Government Finance Act 1992 (Council Tax) Local Authorities (Functions and Responsibilities)(England) Regulations 2000 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Local Government Planning and Land Act 1980 Localism Act 2011
M
Malicious Communications Act 1988 Marriage Act 1949 Marriage (Approved Premises) Regulations 1995 Marriage (Same Sex Couples) Act 2013 Medicines Act 1968 Mental Capacity Act 2005 Mental Health Act 1983 and 2007 Mental Health (Patients in the Community) Act 1995 Mines and Quarries Act 1954 Motor Cycle Noise Act 1987 Motor Vehicles (Safety Equipment for Children) Act 1991
N
National Assistance Act 1948 National Assistance (Amendment) Act 1951 National Health Service Act 2006 National Health Service and Community Care Act 1990 National Lottery Act 1993 Natural Environment and Rural Communities Act 2006 New Roads and Street Works Act 1991 Noise Act 1996 Noise and Statutory Nuisance Act 1993
O
Offices, Shops and Railway Premises Act 1963 Olympic Symbol etc (Protection) Act 1995 Open Spaces Act 1906 Osteopaths Act 1993
P
Party Wall etc. Act 1996 Performing Animals (Regulation) Act 1925

Pesticides Act 1996
 Pet Animals Act 1951
 Petroleum (Consolidation) Act 1928
 Petroleum (Transfer of Licences) Act 1936
 Planning and Compensation Act 1991
 Planning and Compulsory Purchase Act 2004
 Planning (Hazardous Substances) Act 1980
 Planning (Listed Buildings and Conservation Areas) Act 1990
 Poisons Act 1972
 Police, Factories etc (Miscellaneous Provisions) Act 1916
 Pollution Prevention and Control Act 1999
 Prevention of Damage by Pests Act 1949
 Prices Act 1974
 Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2000
 Proceeds of Crime Act 2002
 Protection from Harassment Act 1997
 Protection of Animals Act 1911
 Psychoactive Substances Act 2016
 Public Health (Control of Disease) Act 1984
 Public Health Act 1936, 1961 and 1984
 Public Libraries and Museums Act 1964
 Public Passenger Vehicles Act 1981

R

Radioactive Substances Act 1993
 Refuse Disposal (Amenity) Act 1978 Part II
 Registration of Births and Deaths Regulations 1987
 The Registration of Births and Deaths (Amendment) Regulations 2009
 Registration of Births, Deaths, and Marriages (Fees) Regulations 2016
 The Registration of Marriage Regulations 2015
 Registration Service Act 1953
 Regulation of Investigatory Powers Act 2000
 Regulatory Enforcement and Sanctions Act 2008
 Rent Act 1977
 Reservoirs Act 1975
 Riding Establishments Act 1964, 1970
 Road Traffic (Foreign Vehicles) Act 1972
 Road Traffic Act 1988, 1991
 Road Traffic Regulation Act 1984

S

Safeguarding Vulnerable Groups Act 2006
 Safety of Sports Grounds Act 1975
 Scotch Whisky Act 1982
 Secure Tenancies (Right to Repair Scheme) Regulations 1985
 Scrap Metal Dealers Act 2013
 Serious Organised Crime and Police Act 2005
 Slaughter of Poultry Act 1967
 Slaughterhouse Act 1974
 Solicitors Act 1974
 Sunbeds (Regulation) Act 2010
 Sunday Trading Act 1994

T
<p>Tattooing of Minors Act 1969 Telecommunications Act 1984 Theatres Act 1968 Theft Act 1968, 1978 Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 Tobacco Advertising and Promotion Act 2002 Tobacco Products Duty Act 1979 Town and Country Planning Act 1990 Town and Country Planning (Control of Advertisements) Regulations 2007 Town and Country Planning General Regulations 1992 Town Police Clauses Act 1847, 1889 Trade Descriptions Act 1968 Trade in Animals and Related Products Regulations 2011 Trade Marks Act 1994 Trading Schemes Act 1996 Traffic Management Act 2004 Transport Act 1968, 1985 and 2000</p>
U
<p>Unsolicited Goods and Services Act 1971, 1975 Unsolicited Goods and Services (Amendment) Act 1975</p>
V
<p>Vehicles (Crime) Act 2001 Video Recordings Act 1984, 2010 Video Recordings Act 1993 Violent Crime Reduction Act 2006</p>
W
<p>Waste (England and Wales) Regulations 2011 Water Acts 1945-1989 Water Industry Act 1991 Weights and Measures Act 1985 Welfare Reform Act 2012 Wildlife and Countryside Act 1981 Working Together to Safeguard Children 2018</p>
Z
<p>Zoo Licensing Act 1981</p>

CHAPTER 11.4 - OFFICERS' CODE OF CONDUCT

11.4.1 Policy Statement

The Council believes that it is essential for standards of conduct at work to be maintained to ensure delivery of quality services and also to protect the well-being of all its employees and clients/customers/service users. The following policy will make sure that all employees are aware of the standards set by the Council. The Council is committed to carry out its business in a fair, open and honest way

11.4.1.1

Full details are described in the Conduct Policy. Managers also need to make employees aware of additional policy and guidance within their departments. This policy does not include the Code of Conduct for Members.

11.4.2 Purpose

The purpose of this policy is to establish, and encourage all employees to achieve, high standards of conduct at work, and to help provide a fair and consistent way of dealing with alleged failures to observe them.

11.4.2.1

All employees of Wokingham Borough Council are expected to give the highest possible standard of service to the public. Employees should conduct themselves with integrity, impartiality and honesty. They should give honest and impartial advice to councillors, fellow employees and customers/clients. Breaches of conduct and personal behaviour will be dealt with under the Discipline Policy and Procedure.

11.4.3 Scope

The policy applies to all employees and temporary/casual workers of Wokingham Borough Council, Contractors, agency workers and volunteers with the exception of staff employed in schools (teaching and non-teaching). These latter staff are covered by a separate procedure.

11.4.4 Equal Opportunities

Our Equal Opportunity Policy reflects one of the Council's core values. All employees are entitled to fair treatment by others, and to be treated with respect and dignity. In return, they are expected to treat others in this way.

11.4.5 Procedure Description

The policy and procedure for conduct consists of the following components:

- a) confidentiality
- b) political neutrality;
- c) additional activities;
- d) conflict of interest;
- e) gifts and hospitality; and
- f) personal behaviour.

11.4.6 Confidentiality

In the course of their work, employees will have access to and be entrusted with confidential information in respect of the clients, business and finances of the Council and their dealings, transactions and affairs. Employees shall keep all such “confidential information” strictly private and confidential and under the terms of their contract shall not during or after the period of their employment, divulge to any person whatever or otherwise make use of, any such confidential information except:

- a) in the proper course of their duties, or
- b) unless the Council has decided to carry out the defence on their behalf, as necessary to defend an employee in any claim, suit or proceeding brought against them with respect to, arising out of, in consequence of, or in any way related to their employment, or
- c) In the event a court, litigant or governmental body requests or requires disclosure of anything protected by this sub paragraph, the employee from whom disclosure is sought shall immediately give written notice to the Council.

11.4.7 Political Neutrality

Employees provide a service to the Council as a whole. It follows they must treat all Councillors equally and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

11.4.8 Additional Activities

Employees who have more than one employment (either inside or outside the Council) should seek approval before undertaking another job, employees must also inform their “primary” manager of other work undertaken so that the total level of work undertaken can be monitored. The policy does not bar all outside work, however, all employees must be clear about their contractual obligations and must not take outside employment that conflicts with or damages the Council’s interests or reputation

11.4.9 Conflict of Interest

The Council expects its employees to give the highest possible standard of service to the public and to avoid any situation where private and Council interests may conflict. Employees must declare in writing to their line manager any financial and/or non-financial interest that may potentially conflict or be seen to conflict with the Council’s interests.

11.4.10 Gifts and Hospitality

Employees must not accept any gift, inducement or reward, including hospitality, for showing favour or disfavour to any person or other organisation. It is the responsibility of the person receiving the favour to prove that it was not received dishonestly. All offers whether or not approved to be accepted must be recorded. Under the Bribery Act (2010) it is an offence to offer or receive bribes or improper inducements for any purpose.

11.4.10.1 The Council defines bribery as ‘an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage’. An offer of a bribe or commission made by contractors, their agents or by a member of the public must be reported to the line manager and Audit. Hospitality from contractors should also be avoided where employees/team are singled out for example Christmas lunch etc, this may be perceived as preferential treatment.

However, managers may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc not exceeding the value of £25.

It is important that all offers are recorded including those that are offered and not accepted.

11.4.11 Personal Behaviour

This policy is fundamental to the conduct of employees in the course of their duties. It is the Council's policy that any employee who fails to observe the expected standards of behaviour and who impedes the service to our customers or brings the Council into disrepute may be liable to disciplinary action.

11.4.11.1

The Policy and Guidance for Discipline will be initiated where any employee is found to be in breach of this Policy. If an employee is found guilty of gross misconduct he or she may face dismissal. Expectations with regard to personal behaviour are detailed in the policy.

CHAPTER 11.5 – OFFICER EMPLOYMENT PROCEDURE RULES

11.5.1 Recruitment and Appointment

Declarations

- a) 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 or Officer of the Council; or of the partner of such persons.
- b) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Director or an Officer nominated by him/her.

11.5.1.1

Seeking support for appointment.

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

11.5.2 Recruitment of Head of Paid Service, Directors, S151 Officer Monitoring Officer and Permanent Assistant Directors

Where the Council proposes to appoint any of the aforementioned and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- a) draw up a job description and person specification:
- 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 job description and person specification to be sent to any person on request.

11.5.3 Permanent or Interim Appointment of Head of Paid Service, S151 Officer, and Monitoring Officer

- a) Executive members will be informed of Personnel Board's decision and given an opportunity to make a well-founded objection to the appointment then:
- b) Subject to the majority of Executive Members not objecting, Personnel Board make the recommendation to approve the appointment to Council

11.5.4 Permanent Appointment of other Directors and Assistant Directors (excluding S151 Officer)

- a) Executive members will be informed of Personnel Board's decision and given an opportunity to make a well-founded objection to the appointment then:
- b) Subject to the majority of Executive Members not objecting, Personnel Board to make the appointment.

11.5.5 Interim Appointment of Directors (excluding Statutory Chief Officers)

The Head of Paid Service in consultation with the Leader, relevant Executive Member(s) and Chairman of the Personnel Board will appoint on an interim basis a Director for a period not exceeding 12 months, pending permanent replacement. Subject to agreement of the Chairman of Personnel Board this period can be further extended as required.

11.5.6 Other Appointments

Officers below Assistant Director

Appointment of Officers below Assistant Director is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors. The exception to this are;

- a) **Assistants to Political Groups** - appointment of an assistant to a political group shall be made in accordance with the Council's recruitment procedure and involve that political group in the selection process and decision.

11.5.7 Disciplinary Process to be Followed for the Head of Paid Service, Monitoring Officer and Section 151 Officer

The full Disciplinary Process for the Head of Paid Service, Monitoring Officer and Section 151 Officer are outlined in the Council's disciplinary, capability and related procedures, as adopted from time to time. The discretions and delegations that are in place are:

11.5.7.1 Suspension

The Head of Paid Service, Monitoring Officer and S151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and be regularly reviewed, lasting no longer than necessary. The decision to suspend will be taken by the Leader of the Council, the Chair of the Personnel Board and the remaining Statutory Officers with advice from the Lead Specialist, Human Resources. If no consensus then the Chair of the Personnel Board has the casting vote.

11.5.7.2 Final Decision

A final decision on the disciplinary action is dependent on the sanction:

- a) **Action short of dismissal** The Investigating and Disciplinary Committee may agree to impose no sanction, or take action short of dismissal, in which case the Committee will impose an appropriate penalty / take other appropriate action;
- b) **Dismissal** The Investigating and Disciplinary Committee will inform the Officer and put the proposal to the Independent Panel. When this is concluded the Full Council will consider the recommendation and must take into account

- i) any advice, views or recommendations from an Independent Panel;
- ii) the conclusions of any investigation into the proposed dismissal; and
- ii) any representations from the Officer concerned.

11.5.7.3 Independent Panel

An Independent Panel will be set up at least 20 working days prior to the relevant full Council meeting to consider the allegation and associated representations and to offer advice, views or recommendations on the proposal for dismissal it wishes to present to Full council. Independent persons who have been appointed for the purposes of the Members' conduct regime under section 28(7) of the Localism Act 2011 will be invited to form an Independent Panel. The Independent Panel will be formed if two or more independent persons accept the invitations which should be issued in accordance with the following priority order:

- a) an Independent Person who has been appointed by the Council and who is a local government elector;
- b) any other Independent Person who has been appointed by the Council; and
- c) an Independent Person who has been appointed by another council or councils.

11.5.8 Disciplinary Process to be followed for Other Director Level Positions (excluding S151 officer)

The full Disciplinary Process for other Director level positions is outlined in the Council's disciplinary, capability and related procedures, as adopted from time to time. The discretions and delegations that are in place are:

11.5.8.1 Suspension

Other Directors may also be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and be regularly reviewed, lasting no long than necessary. The decision to suspend will be taken by the Chief Executive, the most relevant Lead Member for that Directorate, in consultation with the S151 and Monitoring Officer and with advice from the Lead Specialist, Human Resources. The Chief Executive has the casting vote and will inform the Leader of Council.

11.8.5.2 Final Decision

A final decision on whether or not to approve a proposal to dismiss the relevant Officer will be taken by Personnel Board who must consider:

- a) any advice, views or recommendations from the Investigating Officer;
- b) the conclusions of any investigation into the proposed dismissal; and
- c) any representations from the Officer concerned.

11.8.5.3 Investigation

Where the allegation is in relation to performance or behaviour, an independent investigator will be appointed to conduct the investigation. If the allegation is in relation to financial or operational irregularities, Internal Audit will lead the investigation.

11.5.9 Disciplinary Action for Positions Below Director Level (excluding Monitoring Officer)

Councillors will not be involved in the disciplinary action against any Officer below Director level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time

CHAPTER 11.6 – DELEGATED POWERS RELATING TO STAFFING MATTERS

All the following delegated powers are subject to, and are exercised in accordance with the Council's Rules of Procedure and Contract and Financial Regulations and within the Council's policies and procedures and agreed budgets. This document applies to all non-schools Services.

Officers occupying a post with specific delegation as outlined below must decide to what extent they will assign in writing the powers delegated to them to another responsible Officer for whom they will always be accountable.

Any delegation made to a Director may also be exercised by the Chief Executive.

11.6.1 Directors

The term "Director" relates to Officers who report directly to the Chief Executive.

11.6.2 Assistant Director

The term "Assistant Director" (3rd tier) relates to Officers who report directly to Directors.

11.6.3 Budget Manager

The Budget Manager has approval for staffing matters within budget.

11.6.4 Transacting Delegations

11.6.4.1

In all cases in the event the Lead Specialist, Human Resources is not available a nominated Human Resources Senior Specialist will substitute.

11.6.4.2

Once a decision has been made in line with the appropriate delegation the decision should be transacted in accordance with the current procedures.

11.6.4.3

Any decisions that result in additional expenditure that exceeds currently agreed budgets has to be agreed by Executive via a Supplementary Estimate.

11.6.5 Delegations

All the delegations below are subject to being used in line with the relevant policy.

SUBJECT	LEVEL	RESPONSIBILITY / DELEGATED POWER
11.6.5.1 Terms & Conditions of employment	To determine changes to terms and conditions of employment of all non-teaching staff	Personnel Board – recommendations are in consultation with Chief Executive and Section 151 Officer
		Recommendation must be made to Executive where there are budget implications
		Process managed by Assistant Director, HR and OD
11.6.5.2 HR Policy	New or revised policy with significant staff impact and/or budgetary implications	Personnel Board Recommendation must be made to Executive where there are budget implications Process managed by Assistant Director, HR and OD
	New or revised policy due to statutory requirement	Chief Executive Inform Personnel Board Process managed by Assistant Director, HR and OD
	Revised policy to reflect best practice and/or process improvement with little or no staff impact and no additional cost	Director, Corporate Services Process managed by Assistant Director, HR and OD
	11.6.5.3 Appointment	Permanent and Interim appointment of Head of Paid Service (Chief Executive), Section 151 Officer and Monitoring Officer

	Directors (excluding S151 Officer)	<p>Personnel Board</p> <p>Executive Members will be informed of Personnel Board's decision and given opportunity to object to the appointment.</p> <p>Subject to the majority of Executive Members not objecting, Personnel Board to make the appointment.</p> <p>Process managed by Assistant Director, HR and OD</p>
	Interim Appointment of Directors (excluding Statutory Chief Officers)	<p>The Head of Paid Service in consultation with the Leader, relevant Executive Member(s) and the Chairman of Personnel Board will appoint on an interim basis a Director for a period not exceeding 12 months, pending permanent replacement. Subject to the agreement of the Chairman of Personnel Board and the Leader this period can be further extended as required.</p> <p>Process managed by Assistant Director, HR and OD</p>
	Interim Appointment of Assistant Directors (excluding Statutory Chief Officers)	<p>The Director in consultation with the Leader, relevant Executive Member(s) and the Chairman of Personnel Board will appoint on an interim basis an Assistant Director for a period not exceeding 12 months, pending permanent replacement. Subject to the agreement of the Chairman of Personnel Board and the Leader this period can be further extended as required.</p>
	All other Employees (excluding Monitoring Officer)	<p>Budget manager - agree the recruitment and appointment of staff within budget and to create delete or change posts within budget and in line with HR Policy.</p>
11.6.5.4 Appraisals	Chief Executive	Leader of the Council
	All other Employees	Line Manager
11.6.5.5 Deciding whether to instigate formal	Head of Paid Service, S151 or Monitoring Officer	<p>Leader of the Council, the Chair of Personnel Board and the remaining 2 Statutory Officers with advice from Lead Specialist Human Resources. The Chair of Personnel Board has the casting vote.</p>
		Investigated by: Independent Investigator

Disciplinary procedure and Suspension	Directors (excluding S151 Officer)	Chief Executive and the most relevant Lead Member for that Directorate in consultation with the S151 and Monitoring Officer and advice from Lead Specialist, Human Resources. The Chief Executive has the casting vote.
		Investigated by: Independent Investigator if conduct or behaviour related.
		Investigated by: Internal Audit if financial, legal or operational irregularities
	Assistant Directors (excluding Monitoring Officer)	Director Investigated by: Internal Audit
11.6.5.6 Dismissal (excluding redundancy)	Head of Paid Service, Monitoring Officer and S151 Officer	Investigating and Disciplinary Committee make the recommendation to dismiss, and recommendation reviewed by Independent Panel
		Full Council must approve dismissal and after representation from the Officer being dismissed which will constitute the appeal.
		Advice provided by Assistant Director, HR and OD
	Directors (excluding S151 Officer)	Delegated to Personnel Board.
HR inform Executive to give them opportunity to object to dismissal. This is subject to the majority of Executive Members not objecting.		
Appeal heard by the Appeal Committee. Members with previous involvement must not be part of this committee, except to give evidence.		
Assistant Directors (excluding Monitoring Officer)	Hearing and Dismissal: Director with advice from HR Specialist	
	Appeal: Chief Executive with advice from Assistant Director HR and OD	
All Other Employees	Hearing and Dismissal: Hearing to be conducted by manager two levels above employee and decision to be agreed by appropriate Head of Service if not involved in hearing with advice from HR Specialist.	
	Appeal: Director with advice from a different HR Specialist	
11.6.5.7 Grievance (raising)	Chief Executive	Can only raise grievance(s) against members. Receiving Officer – Monitoring Officer.
		Recommendations to Standards Committee
		Appeal: Standards Committee
		Advice: Lead Specialists, Legal and Human Resources

	S 151 Officer and Monitoring Officer	Receiving Officer: Chief Executive (see Rule 11.6.5.8 if against Chief Executive) Hearing: Grievance Committee Appeal: Personnel Board Appeals Sub Committee Advice: Lead Specialists: Legal and Human Resources
	Directors (Excluding S151 Officer)	Receiving Officer: Chief Executive (see Rule 11.6.5.8 if against Chief Executive, S151 or Monitoring Officer)
		Hearing: Chief Executive (see Rule 11.6.5.8 if against Chief Executive, S151 or Monitoring Officer) Appeal: Appeal Panel
	All Other employees (excluding the Monitoring Officer)	In accordance with the Grievance Procedure
11.6.5.8 Grievance (against)	Chief Executive, S151 Officer and Monitoring Officer	Raises to Leader, who identifies an appropriate 'Receiving Officer' (as laid down in the procedures) with the support of Lead Specialist, Human Resources
		Investigated by: Independent Investigator
		Hearing: Grievance Committee Appeal: Personnel Board Appeals Sub Committee
	Directors (excluding S151 Officer)	Raises to and responsible for investigation: Chief Executive, with the support of Lead Specialist, Human Resources
		Investigated by: Independent Investigator
		Hearing: Chief Executive Appeal: Leader who will send to Personnel Board for determination
All other employees (excluding Monitoring Officer)	In accordance with the Grievance Procedure	
11.6.5.9 Redundancy	Directors and Monitoring Officer	Chief Executive following consultation with Personnel Board and S151 Officer.
		Director at risk of redundancy has right to make representation to Personnel Board as part of consultation
		Advice: Lead Specialist, Human Resources
	All other employees	5 or less within budget Jointly agreed by S151 Officer and appropriate Director

		<p>Above 5 within budget As above plus in consultation with Lead Member for Human Resources / Chair of Personnel Board Advice from HR Specialist</p> <p>Outside of budget As above plus refer to Rule 11.6.4.3 Advice from HR Specialist</p>
11.6.5.10 Early Retirement Discretions	Use of employer discretions where there are no enhancements under the LGPS Regulations 2013 and organisational Change Policy	<p>S151 Officer and Director of appropriate Service Advice from HR Specialist</p>
	Recommendations on augmentation of payments	<p>Within budget Personnel Board</p> <p>Outside budget Personnel Board make a recommendation to Executive where there are budget implications. A supplementary estimate must be made by the relevant budget manager. Advice from HR Specialist</p>
	Flexible Early Retirement	<p>With no additional cost in line with policy Budget Manager in consultation with Director of Service</p>

		<p>With additional cost still in line with policy Budget Manager in consultation with Director of Service and S151 Officer.</p> <p>Advice from HR Specialist</p> <p>HR must inform Personnel Board</p>
<p>11.6.5.11 Structures</p> <p><i>Where this relates to a reduction in staffing numbers please see rule 11.6.5.9</i></p>	To approve overall strategy for organisation and Tier 1 and 2 structure.	Chief Executive and Lead Member in consultation with Executive and Directors
	To approve organisation structure at Tier 3 and 4	Chief Executive, Relevant Director in Consultation with the other Directors
	To approve organisation structure below Tier 4	Advice from Assistant Director HR and OD
		Director of Service

11.6.5.12 Pay progression	Chief Executive	Recommendation: Leader of the Council
		Approval: Personnel Board
		Advice from Assistant Director HR and OD
	Directors and Monitoring Officer	Recommendation: Chief Executive
		Approval: Personnel Board
		Advice from Assistant Director HR and OD
	Pay policy for Chief Executive, Directors & Monitoring Officer	Personnel Board with advice from Assistant Director HR and OD
	Dealing with salary and pay progression outside of the published pay scales	Chief Executive, appropriate Director and Section 151 Officer. Advice from Lead Specialist, Human Resources
	Dealing with salary and pay progression in line with published pay scales	In line with relevant policies
Honorariums, Acting Up payments, High Mileage Allowance and Market Supplements	In line with relevant policies	
To accelerate salary increments within budget or withhold salary increments	Budget Manager	
Performance Related Pay	Refer to current scheme guidance	
11.6.5.13 Sick Pay	Agree conversion of any period of sick pay entitlement from half to full pay.	Budget Manager in consultation with Director
	Agree the extension of sick pay beyond the aggregate of full and half pay.	Budget Manager in consultation with Director
	Agree recovery of sick pay where employee has been off sick due to their own misconduct	Budget Manager in consultation with Director

11.6.5.14 Leave	Annual Leave Carry over leave in excess of 5 days	Line Manager, subject to compliance with Working Time Directive
	Pay in lieu of leave instead of carry over	Budget Manager and Director, subject to compliance with Working Time Directive
	To authorise payment of outstanding leave on termination	Budget Manager
	Compassionate Leave Compassionate leave beyond provisions of policy	Budget Manager in consultation with Director
	Sabbatical (unpaid leave up to 12 months for personal/ professional development)	Budget Manager in consultation with Director
	Career Break (unpaid leave for 1 – 3 years).	Budget Manager in consultation with Director
	Other shorter periods of Unpaid leave	Budget Manager in consultation with Director
	Other Unpaid Leave	Line Manager
11.6.5.15 Secondments	To agree secondments outside and into WBC	Assistant Director
	To agree secondments within WBC	Budget Manager
11.6.5.16 Political Activity	To authorise “Political Activity” for post holders in politically restricted posts	Standards Committee
11.6.5.17 Health & Safety	To ensure compliance with Health and Safety at Work Regulations and other legislation.	Head of Paid Service and Directors
11.6.5.18 Flexible Working Arrangements	Head of Paid Service	Recommendation: Leader of the Council
		Approval: Personnel Board
		Advice from Lead Specialist, Human Resources
	Directors and Monitoring Officer	Recommendation: Head of Paid Service
		Approval: Personnel Board
		Advice from Lead Specialist, Human Resources

Assistant Director (Excluding Monitoring Officer)	Director in Consultation with the Head of Paid Service
All Other Employees	Line Manager in Consultation with the Assistant Director

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CHAPTER 12.1 – FINANCIAL REGULATIONS

Wokingham Borough Council is a Unitary Authority established in 1998 under the Local Government Act 1992 Part II and provides the following diverse range of services to its residents:

- Building Control
- Car Parks
- Council Tax and National Non Domestic Rate Collection
- Country Parks
- Emergency Planning
- Environmental Protection and Energy Efficiency
- Housing Benefits
- Libraries
- Licencing
- Open Spaces
- Planning Control
- Public Rights of Way
- Recreation and Leisure
- Recycling
- Registration of Births, Deaths and Marriages
- Roads and Highways
- Schools
- Social and Sheltered Housing
- Social Services
- Street Lighting
- Subsidised Public Transport
- Trading Standards
- Traffic Management
- Waste Collection and Disposal

Wokingham Borough Council's governance structure is laid down in its Constitution which sets out how the Council operates, how decisions are made and the procedures that are followed.

Wokingham Borough Council has adopted a leader and a cabinet form of Executive.

12.1.1 Status of Financial Regulations

Financial regulations provide the framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.

The regulations encompass the financial responsibilities of the Council, Executive and Overview and Scrutiny Committees, the Chief Executive, the Monitoring Officer, Director Corporate Services (Chief Finance Officer) and other Directors which are incorporated in the Constitution and Rules of Procedure of the Council.

Executive Members, the Chief Executive and the Directors should maintain a written record where decision making has been delegated to members of their staff including seconded staff. Where decisions have been delegated or devolved to other responsible Officers, such as School Governors, references to the Directors in the regulations should be read as referring to them.

Director Corporate Services (Chief Finance Officer) is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Council for approval. Director Corporate Services (Chief Finance Officer) is also responsible for reporting significant breaches of the financial regulations to the appropriate person/s.

The Directors are responsible for ensuring that all staff in their Departments are aware of the existence and content of the Authority's financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their Departments.

Director Corporate Services (Chief Finance Officer) is responsible for issuing advice and guidance to underpin the financial regulations that Members, Officers and others acting on behalf of the Authority are required to follow.

12.1.2 The Statutory Officers

12.1.2.1 Head of Paid Service (Chief Executive)

The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority as a whole. He or she must report to and provide information for the Executive, the Council, the Overview and Scrutiny Committees and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Council's decisions.

12.1.2.2 Monitoring Officer¹

The requirement to designate a Monitoring Officer for the Council and the duties of this Officer are set out in Part 1, Section 5 of the Local Government and Housing Act 1989.

The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the Standards Committee.

¹ Wokingham Borough Council has designated the Assistant Director Governance as the Monitoring Officer. The Assistant Director Governance will designate a Deputy Monitoring Officer.

The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or to the Executive and for ensuring that procedures for recording and reporting key decisions are operating effectively.

The Monitoring Officer must ensure that Executive decisions and the reasons for them are made public. He or she must also ensure that Council Members are aware of decisions made by the Executive and of those made by Officers who have delegated Executive responsibility.

The Monitoring Officer is responsible for advising all Councillors and Officers about who has authority to take a particular decision.

The Monitoring Officer is responsible for advising the Executive or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

The Monitoring Officer (together with the Director Corporate Services (Chief Finance Officer)) is responsible for advising the Executive or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- a) initiating a new policy;
- b) committing expenditure in current or future years to above budget level or when there is no budget;
- c) any break of virement limits; or
- d) causing unbudgeted expenditure to be incurred.

The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

12.1.2.3 Chief Finance Officer²

Director Corporate Services (Chief Finance Officer) has statutory duties in relation to the financial administration and stewardship of the Authority. The statutory responsibility cannot be overridden. The statutory duties arise from:

- a) Section 151 of the Local Government Act 1972;
- b) The Local Government Finance Act 1988;
- c) The Local Government and Housing Act 1989;
- d) The Accounts and Audit Regulations 2015; and
- e) The Local Government Act 2003.

12.1.2.4 Chief Finance Officer is responsible for:

- a) the proper administration of the Authority's financial affairs;

² Wokingham Borough Council has designated the Director Corporate Services as the Chief Finance Officer. The Director Corporate Services has nominated the Head of Finance as Deputy Chief Finance Officer.

- b) setting and monitoring compliance with financial management standards;
- c) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- d) providing financial information;
- e) preparing the revenue budget and capital programme; and
- f) treasury management.

12.1.2.5

Section 114 of the Local Government Finance Act 1988 requires the Director Corporate Services (Chief Financial Officer) to report to the Council, Executive and external auditor if the Authority of one of its Officers:

- a) has made, or is about to make, a decision which involves incurring unlawful expenditure;
- b) has taken, or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Authority; or
- c) is about to make an unlawful entry in the Authority's accounts.

12.1.2.6

Section 114 of the 1988 Act also requires:

- a) Director Corporate Services (Chief Finance Officer) to nominate a properly qualified member of staff to deputise should he or she being unable to perform the duties under Section 114 personally; and
- b) the Council to provide the Director Corporate Services (Chief Finance Officer) with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under Section 114.

12.1.3 Summary of Material Decisions

The following areas must be approved and recorded by the Chief Executive or other relevant Directors as a Material Decision.

A Material Decision is any decision identified as such within these Regulations. See Appendix A to the Regulations for information on how these decisions are to be recorded.

Financial Regulations

Virement

A Director may authorise, in consultation with the Director, Corporate Services (Chief Finance Officer), virement of up to £150,000 in any financial year subject to there being service budget availability and overall budget availability. [Rule 12.1.16.15](#)

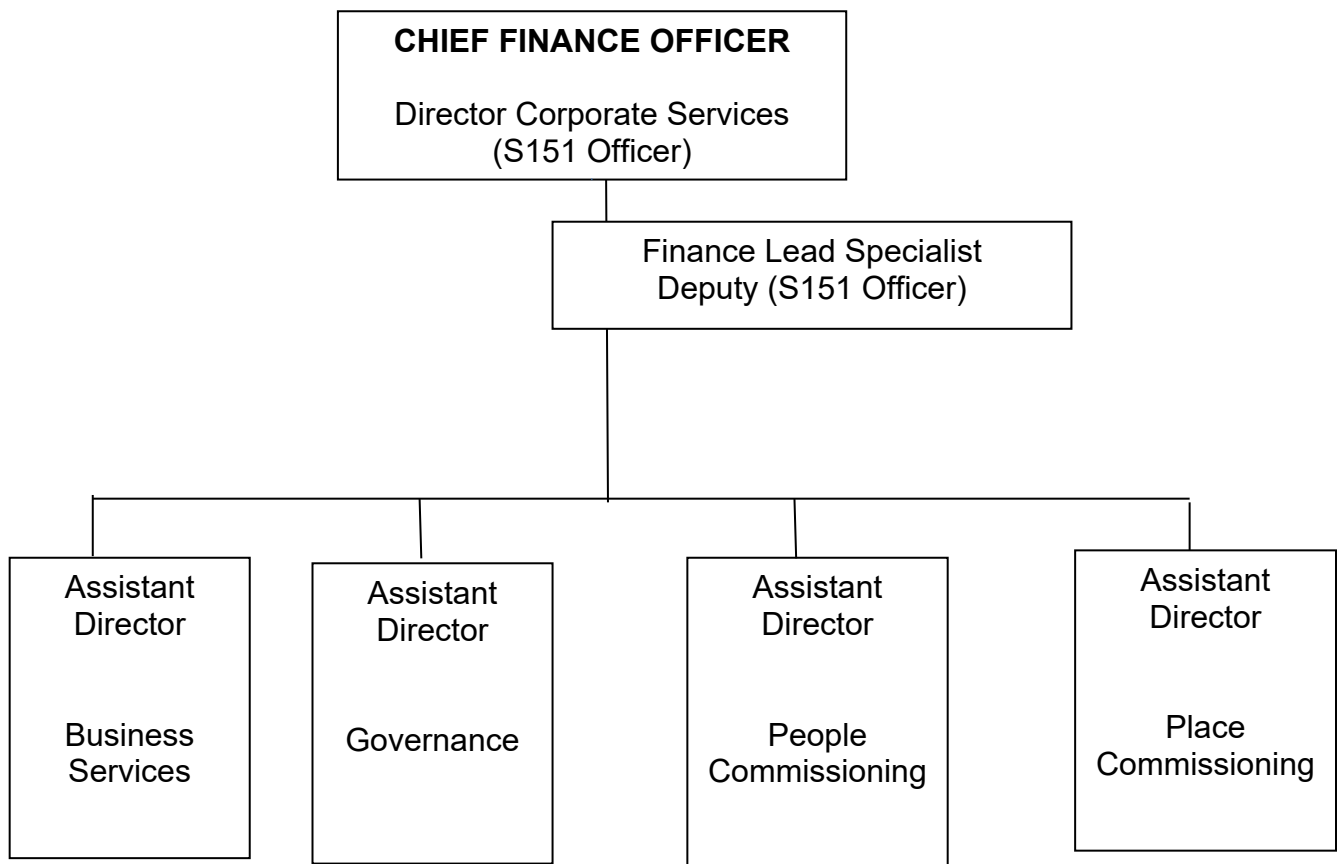
The Chief Executive, in consultation with the Director Corporate Services (Chief Finance Officer), may vire up to £300,000 across Services in any financial year in total subject to overall budget availability.

The Executive Member responsible for Council Budgets must be informed of all virements.

Write Offs and Waivers

Write off of uneconomic debts, or fees and charges, between £1,000 and £25,000. [Rule 12.1.19.17](#)

CHIEF FINANCE OFFICER AND NOMINATED OFFICERS



12.1.4 Accounting Procedures and Standards

Why is this area important?

The Council has a statutory duty to prepare annual accounts of its transactions. This duty falls to Director Corporate Services (Chief Finance Officer) who is required to ensure that the accounting procedures of the Council are sufficient to assure that any statements of accounts are complete and that proper control systems exist to enable transactions to be timely and accurately recorded.

12.1.4.1 Accounting Standards

The form of accounts, accounting policies, procedures, and supporting financial records of the Council and its Officers and the Council's subsidiary organisations shall be determined by the Council's Chief Finance Officer.

12.1.4.2

No new accounting systems shall be introduced at the Council and its subsidiaries or changes to existing financial systems without the approval of Director Corporate Services (Chief Finance Officer).

12.1.4.3

The accounts of the Council shall be compiled by Director Corporate Services (Chief Finance Officer) or under his direction. Director Corporate Services (Chief Finance Officer) and the Assistant Director Governance shall be consulted before any records, books, forms or procedures which might affect the financial integrity of the systems are introduced.

12.1.4.4

The following principles shall be observed in the allocation of accounting duties:

- a) the duties of providing information regarding amounts to be received or paid by the Council and of calculating, checking and recording these sums, shall be separated from the duty of collecting or paying them;
- b) Officers who are responsible for examining and checking the accounts of cash transactions shall not also be engaged in these transactions; and
- c) adequate records are maintained to provide a management train leading from the source of income/expenditure through to accounting statements.

12.1.4.5

The Directors shall identify Officers authorised to act upon their behalf in respect of payments, income collection and placing orders including variations.

12.1.4.6

The names of authorised Officers, their signatures and limits of authority shall be recorded by each Director and supplied to the Business World On³ corporate finance staff on request.

³ Business World On is Wokingham Borough Council's Integrated Financial and Human Resources Management Information system (An ERP system).

Where these authorisations are held within Business World On, the Directors will be responsible for ensuring regular reviews take place to confirm these details remain up to date.

12.1.4.7

Proper security and privacy of information contained in the financial records shall be maintained at all times in accordance with the principles of the Data Protection Act.

12.1.4.8

Vouchers and documents with financial information shall not be destroyed except in accordance with arrangements approved by the Director Corporate Services (Chief Finance Officer).

12.1.4.9

Director Corporate Services (Chief Finance Officer) shall make arrangements for the audit of the Council's accounts in accordance with the latest Accounts and Audit Regulations.

12.1.4.10 The Annual Statement of Accounts

Director Corporate Services (Chief Finance Officer) shall ensure that the accounting arrangements of the Council comply with the CIPFA Code of Practice and the Accounts and Audit Regulations 2011 and shall approve, sign and date the Annual Statement of Accounts for the preceding financial year by 30th June stating that it presents a true and fair view of the financial position of the Council at the accounting date and its income and expenditure for the year ended 31st March.

12.1.4.11

Director Corporate Services (Chief Finance Officer) shall ensure that the audited accounts of the Council are prepared and published in accordance with the statutory timetable which shall include the requirement for the audited Statement of Accounts to be approved by the Audit Committee and signed by the Chairman of the Audit Committee by 31st July each year.

12.1.4.12

Director Corporate Services (Chief Finance Officer) shall report any unadjusted misstatements contained in the Accounts and other audit findings to the Audit Committee in consultation with the External Auditors.

12.1.4.13

Director Corporate Services (Chief Finance Officer) shall ensure an Annual Governance Statement prepared by the Assistant Director Governance is approved by the Audit Committee by the statutory deadline.

12.1.4.14

Government transparency aims to increase openness by sharing more government information with citizens. As such, the Council is increasingly encouraged to publish the information it has on how money is spent by the Council and its agencies, which companies have contracts with the Council and how the Council performs.

Citizens have the right to inspect the Council's detailed financial accounts and all books, deeds, contracts, bills, vouchers and receipts relating to them for a period of 20 working days prior to the appointed audit date, as set annually by the External Auditor. The Council will publish notice of when the 20 day period starts and ends on its website and in the local press for 14 days before the start of the period in line with the Accounts and Audit Regulations 2011. These rights allow the public to check any spending under the £500 threshold without having to submit a Freedom of Information Act request.

12.1.4.15

The Chief Financial Officer will publish details on Council payments and contracts for goods and services worth more than £500 on the Council's website to show residents how the Council spends its budget.

12.1.4.16

The Chief Financial Officer will make available (on request) all the books, deeds, contracts, bills, vouchers and receipts relating to all expenditure within the Council's accounts to any member of the public for a period of 20 working days each year in accordance with statutory regulations.

12.1.4.17

Directors shall ensure that adequate records or books, deeds, contracts, bills, vouchers and receipts relating to all expenditure within their service area are readily available and can be produced to the Chief Financial Officer when responding to a request from a member of the public during either the statutory period or as part of a Freedom of Information Act request.

12.1.4.18

The Chief Financial Officer will publish details of Councillor allowances and expenses on the Council's website on an annual basis as part of the transparency reporting. The Chief Financial Officer will also publish details of Officers who hold senior positions in the Council and what their job descriptions are and total remuneration (e.g. salaries, bonus' payments, pension payments and expenses) has been for the previous year.

12.1.5 Assets and Security

Why is this area important?

It is important to protect and safeguard the assets of the Council. This is particularly relevant regarding attractive and portable items of equipment such as laptop computers, cameras and video recorders.

Most departments also carry out stocks, which will in the main be items of stationery. As consumable items they should also be adequately safeguarded.

12.1.5.1 Care and Custody

Each Director shall be responsible for the care and custody of all assets, equipment and stock in their Department.

12.1.5.2

Safes and similar receptacles should be kept locked up and their keys removed. The Directors shall ensure that security is kept under review and that keys are properly controlled. The loss of any such keys must be immediately reported to the Assistant Director Governance.

12.1.5.3

Each Director shall:

- a) report any break-ins, major deficiencies or loss immediately to the Assistant Director Governance and the Finance Specialist - Insurance;
- b) ensure that land and buildings, plant and machinery and equipment are only used for Council business other than as may be directed by the appropriate Director;
- c) ensure that whenever equipment belonging to the Department and not allocated to individuals including but not limited to such items as computers, cameras and video recorders are taken off-site, appropriate procedures are put in place so that they are accounted for and properly controlled;
- d) supply Director Corporate Services (Chief Finance Officer) immediately after the end of the financial year with a statement of the value of any stock or stores of £5,000 or more, if applicable, held at the 31st March each year; and
- e) ensure that assets are identified, their location recorded, that they are appropriately marked and insured and are kept adequately secure;
- f) ensure that employees and/or agency staff leaving the employment of the Council return all laptops, mobile phones, any other equipment and that all monies outstanding are repaid prior to their departure.

12.1.5.4 Inventory

Where a central record is not maintained each Director shall ensure that:

- a) they maintain an inventory of furniture, fittings, plant and machinery and equipment with an individual purchase value in excess of £1,000 and keep it up to date for acquisitions and disposals;
- b) where a store of consumable items is maintained for future use, it is kept at an economic level, administered securely, and a physical check is made of any inventory at least annually. Take action in relation to surpluses or deficiencies and note the inventory accordingly. Any major differences over £1,000 shall be reported to the Assistant Director Governance.
- c) to provide the inventory to the insurance officer as required ([Rule 12.1.10.5](#)).

12.1.5.5

A Director may authorise disposal or write off of items, other than land and buildings, which are surplus to requirements up to a value of £2,000. Disposal shall be by competitive quotations or auction where appropriate. Any individual or group of items or capital assets (excluding land and buildings) which have an estimated disposal value exceeding £2,000, shall not be disposed of without prior consultation with Director of Corporate Services (Chief Finance Officer).

12.1.5.6 Property

The Service Manager, Strategic Assets shall maintain an Assets Register of all properties owned and leased by the Council for all assets valued in excess of £10,000, in a form agreed with Director Corporate Services (Chief Finance Officer). Recording the asset classification, the purposes for which held, value, location, plan reference, purchase details, nature of interest, rents payable and tenancies granted.

12.1.5.7

Any proposals for changes affecting the use or status of land and buildings or its asset classification shall not be made without the prior arrangement of the Service Manager, Strategic Assets.

12.1.5.8

The Service Manager, Strategic Assets shall ensure that assets are valued and reviewed for impairment at appropriate intervals in accordance with the current CIPFA Code of Practice and the Royal Institution of Chartered Surveyors (RICS) Valuation Standards.

12.1.5.9

The Service Manager, Strategic Assets may approve the disposal or acquisition of land or buildings which are worth less than £150,000, in consultation with the appropriate Director, together with Director of Corporate Services (Chief Finance Officer) and the relevant Executive Member(s). The disposal of surplus land or buildings of a higher value shall also be subject to the approval of the Executive.

12.1.5.10

Any disposal or part exchange of land and buildings shall follow normal and prudent commercial practices to achieve best price or best value in conjunction with the Service Manager, Strategic Assets who shall report this action to the Executive. No costs associated with the disposal of land and buildings may be capitalised unless they can be shown to have enhanced the value of the asset in accordance with the Institute of Public Finance and Accountancy – Practitioners' Guide to Capital Finance in Local Government.

12.1.5.11

No material alterations or other works to Council buildings shall take place without consultation with the Service Manager, Strategic Assets.

12.1.5.12

The Assistant Director Governance shall hold all title deeds under secure arrangements on behalf of the Council.

12.1.5.13

The Directors shall consult with the Service Manager, Strategic Assets and Chief Finance Officer on any proposed transactions including the rental, leasing, disposal, or acquisition of real property, or property related agreements of any kind with third parties. This consultation must take place prior to any discussion or correspondence with third parties that commits or could be construed as implying commitment by the Council to a course of action or to any specific terms and conditions. Directors should have regard to rules [12.1.5.6](#), [12.1.5.9](#), [12.1.13.7](#), [12.1.17](#) and 13.3.3.2.in seeking approval for leasing, disposal or acquisition of real property or property related agreements.

12.1.5.14

The Directors shall ensure that all lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement in a form approved by the Service Manager, Strategic Assets, in consultation with Director of Corporate Services (Chief Finance Officer), has been established as appropriate and accounting arrangements have been properly determined.

12.1.5.15

Directors shall ensure that the Council does not enter into any leases to lease in property or land to the Council until a lease agreement in a form approved by the Service Manager, Strategic Assets, in consultation with the Director Corporate Services (Chief Finance Officer), has been established as appropriate, a business case has been evaluated and accounting arrangements have been properly determined. Directors should check with the Service Manager, Strategic Assets that there is no existing suitable Council owned accommodation available before submitting proposals to lease the property.

12.1.5.16

The Service Manager, Strategic Assets shall be responsible for all negotiations in respect of real property and for agreeing terms on behalf of the Council (Rule 11.3.9). Title deeds shall be passed to the Assistant Director Governance who is responsible for the custody of all title deeds on behalf of the Council.

12.1.6 Protection of Private Property**Why is this area important?**

Many of the Council's responsibilities involve people coming under the guardianship or supervision of its Officers or facilities. The public is entitled on these occasions to expect the Council to exercise proper controls to safeguard their property and other assets in circumstances where they may be unable to manage for themselves.

12.1.6.1

Any Director who is responsible for the private property (including cash and other assets) of a person under their care or supervision shall:

- a) take all necessary measures to mitigate loss or damage to that property;
- b) maintain an inventory of that property prepared in the presence of two Officers; arrange the safekeeping of all items in that inventory to the satisfaction of Director Corporate Services (Chief Finance Officer);
- c) ensure that no-one shall use or remove any private property without the authorisation of the owner or their guardian; and
- d) comply with the rules and directions of the Treasury Solicitor with regard to the disposal of any property belonging to a deceased person previously in the care of the Council where it has not been possible to identify the next of kin.

12.1.7 Partnerships

Why is this area important?

Partnership arrangements are an increasingly significant feature of public service delivery. They are a response to the complex and multifaceted problems that face society and which cannot be tackled effectively by any individual body working alone. They can provide flexibility, innovation and additional financial and human capital resources to enhance service delivery to the community. These are powerful incentives for organisations to work with others and now all local public bodies work in partnerships to different degrees but partnerships also bring risks. Working across organisational boundaries brings complexity and ambiguity that can generate confusion and weaken accountability. The public needs assurance that public money is spent wisely in partnerships and it should be confident that its quality of life will improve as a result of this form of working.

The term partnership can encompass a wide range of collaborative arrangements. The Council defines a partnership as “a group of stakeholders brought together from a range of organisations to be responsible for tackling mainly long term challenges and opportunities in which they have a shared interest”.

12.1.7.1

Partnership activities should be carried out in accordance with the Council’s Partnership Protocol in Chapter 10.2, unless otherwise approved by the Assistant Director Governance.

12.1.7.2

The creation of any new partnership must be supported by a completed Partnership Approval Checklist in accordance with Rule 10.2.13 of the partnership protocol. The anticipated level of Council resources to be directed at the partnership, the complexities of the partnership and its outcome will determine the extent to which the approval checklist is completed.

12.1.7.3

Before entering into agreements with external bodies, a Director shall ensure that:

- a) the need for the partnership has been assessed including legality and specific objectives determined;
- b) consideration has been given to how to make the partnership work including risk management, decision making procedures and performance management arrangements;
- c) a Partnership Agreement has been prepared in consultation with Finance, HR, IS/IT, Legal and Property Services where appropriate; and
- d) the Partnership Agreement has been properly authorised by a Director and the Monitoring Officer in consultation with Director Corporate Services (Chief Finance Officer). Executive approval may be required;

- e) where entering into a partnership agreement commits the Council to expenditure of more than £100,000, that the Director Corporate Services (Chief Finance Officer) has been consulted and an evaluation of the relationship is undertaken for group reporting purposes.

12.1.7.4

A partnership arrangement can be a “shared service”. Prior to commencing discussions around a shared service, the Director Corporate Services (Chief Finance Officer) shall be consulted.

12.1.7.5

All Council partnerships must agree a procedure for their review. The review should cover how the partnership works, in order to determine whether the outputs and outcomes of the partnership merit continued involvement as well as the general health of the partnership itself.

12.1.7.6

All Council partnerships must adhere to the Council’s Partnership Protocol.

12.1.7.7

Each Director and their staff must:

- a) provide appropriate information about partnerships under their control to the Strategic Commissioner for Communities to enable the Council’s Partnership Register and the Medium Term Financial Plan to be updated;
- b) ensure that all agreements and arrangements are properly documented and do not impact adversely upon the Services provided by the Council;
- c) consider and respond promptly to recommendations in formal evaluation reports so that agreed actions arising are carried out in a timely and efficient manner.

12.1.8 Work for Third Parties

Why is this area important?
<p>Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is intra-vires.</p> <p>A determination as to whether or not a service to an external body may be intra-vires is to be made by the Assistant Director Governance.</p>

12.1.8.1

The Directors shall ensure that:

- a) the approval of the Executive is obtained before an negotiations are concluded to work for third parties;
- b) a register of all contracts entered into with third parties is maintained;
- c) appropriate insurance arrangements are made;

- d) the Authority is not put at risk from any bad debts;
- e) no third party contracts are subsidised by the Council;
- f) wherever possible, payment is received in advance of the service delivery;
- g) the Department has the appropriate expertise to undertake the contract;
- h) third party contracts do not impact adversely upon the services provided for the Council;
- i) appropriate information is provided to Director Corporate Services (Chief Finance Officer) to enable a note to be entered into the statement of accounts and an evaluation of the arrangement for group reporting purposes to be undertaken;
- j) there are adequate existing resources; and
- k) appropriate trading accounts are established and maintained for the arrangement.

12.1.8.2

Section 106 or Community Infrastructure Levy (excluding CIL payments to Town and Parish Councils as prescribed under the CIL regulations 2010) contributions to third parties, require the submission of a bid from the third party, and approval via the protocol for CIL and Section 106 contributions outlined at [Rule 12.1.17.3](#)

12.1.9 Audit and Anti-Fraud

Why is this area important?
<p>The Director Corporate Services (Chief Finance Officer) has a statutory responsibility for maintaining an adequate and effective internal audit of the accounting, financial and other operations of the Council and its Officers.</p> <p>Internal audit highlights weaknesses in controls or unsound practice, offers advice and suggests improvements to existing arrangements and checks that financial and other systems and procedures are sound. The internal audit function is provided by the Shared Audit and Investigation Service and is independent in its planning and operation and has direct access to the Chief Executive and the Audit Committee.</p> <p>The Council's Accounts are also scrutinised by external auditors.</p> <p>The external auditors must be satisfied that the statement of accounts represent a 'true and fair view' of the financial position of the Authority and its income and expenditure for the year in question and complies with the legal requirements..</p>

12.1.9.1

The Assistant Director Governance in conjunction with the Director Corporate Services (Chief Finance Officer) shall ensure that an internal audit of all of the Council's accounting, financial and other operations is maintained and shall ascertain the resources required for approval by the Audit Committee.

12.1.9.2

The Assistant Director Governance, following consultation with Directors, shall present the strategic and annual audit plans to Audit Committee for approval. The plans should take into account the characteristics and relative risks of the activities involved and ensure proper liaison with the external auditors' work programme.

12.1.9.3

Internal and external auditors shall have access at all reasonable times to such premises, personnel, documents and records (including those of third parties and contractors) as they consider necessary for the purposes of their work.

12.1.9.4

The Assistant Director Governance shall report annually to the Audit Committee on the effectiveness of the Council's systems of internal control.

12.1.9.5

Each Director and their staff must:

- a) produce, if required by the auditors, any cash, stores or any other Council property under their control;
- b) ensure that auditors are provided with any information and explanations they seek in the course of their work;
- c) ensure that any material changes to any systems and procedures, which may affect income and expenditure or risk, are discussed with the Assistant Director Governance before being implemented; and
- d) consider and respond promptly to recommendations in audit reports so that agreed actions arising are carried out in a timely and efficient manner.

12.1.9.6

Director Corporate Services (Chief Finance Officer), as Section 151 Officer, has statutory responsibility for the Council's financial control environment and for the overall effectiveness of internal controls within the Council.

Each Director shall establish, document and maintain proper systems, controls and procedures within their areas to;

- a) ensure adherence to policies and directives in order to achieve the Council's objectives;
- b) safeguard assets and ensure resources are effectively managed;
- c) ensure compliance with statutory responsibilities;
- d) ensure information is relevant, accurate and complete to maintain the integrity of records;
- e) ensure risk identified and appropriately managed.

12.1.9.7 Preventing Fraud and Corruption (excludes Benefit Fraud investigations)⁴

The Director Corporate Services (Chief Finance Officer) shall in conjunction with the Assistant Director Governance promote and maintain the Council's Anti-Fraud and Corruption Strategy.

12.1.9.8

In the event of any suspected fraud or irregularity, the relevant Director shall notify Director Corporate Services (Chief Finance Officer) and the Assistant Director Governance immediately and shall take all necessary steps, pending investigation and reporting, to prevent further loss and to secure records and documentation against removal or alteration (⁵Excludes Benefit Fraud).

The Council's Whistle Blowing Policy provides a safe environment for concerns to be raised confidentially and places an obligation on Council Employees to deal with allegations appropriately.

12.1.9.9

The Assistant Director Governance shall be kept informed of the progress and outcome of any investigation arising from suspected fraud or irregularity.

12.1.9.10

Where there is the possibility of criminal proceedings, any further investigations shall be conducted under the guidance of the Assistant Director Governance.

12.1.9.11

Any decision to refer a matter to the Police shall be made by the relevant Director after consultation with the Assistant Director Governance.

12.1.9.12

The Assistant Director Governance in consultation with Director Corporate Services (Chief Finance Officer) shall inform the Chief Executive of any significant suspected irregularities.

12.1.9.13

The Assistant Director Governance shall inform the Chair of the Audit Committee of any significant suspected irregularities and shall report to the Chair of the Audit Committee the outcome of such investigations. The Assistant Director Governance shall, at all times, have direct access to the Chief Executive and Chair of the Audit Committee.

12.1.9.14

A Director shall ensure that the Council's disciplinary procedures are implemented where the outcome of an audit investigation indicates improper behaviour.

⁴ Specific Procedures for dealing with Benefit Fraud investigations are set out in the Benefits Fraud Protocol

⁵ Please note that a Virement is defined as "A budget transfer to enable expenditure on a different service, or a different way of providing that service, to that originally budgeted".

12.1.10 Insurance, Risk and Opportunity Management

Why is this area important?

Risk may be defined as the unwanted or unexpected exposure to adverse circumstances that can lead to loss, damage, injury or failure to achieve objectives.

Risk Management itself is the responsibility of everyone in the Authority, with no effective Risk Management there is no effective management.

Insurance is only a small part of the Authority's strategy for Risk Management, providing limited financial protection in certain defined circumstances.

12.1.10.1

The Assistant Director Governance shall assist the Chief Executive in preparing and promoting the Council's Enterprise Risk Management Policy and Guidance, and Risk Register.

12.1.10.2

Each Director shall review annually, in their service planning, the exposure to risk in their areas having regard to advice from the Director Corporate Services (Chief Finance Officer), the Assistant Director Governance and other appropriate Officers (including crime reduction, fire prevention, and health and safety).

12.1.10.3

The Director Corporate Services shall effect all insurance cover on behalf of the Council.

12.1.10.4

Directors must identify and notify the Director Corporate Services and the Assistant Director Governance of any:

- a) amendments to, extension of or change in Service;
- b) acquisition or sale of equipment referred to in [Rule 12.1.10.5](#);
- c) acquisition, lease or sale of land or property;
- d) acquisition, lease or sale of plant or motor vehicles;
- e) all other risks in accordance with the Council's Risk Management Strategy;
- f) all other new risks, whether insurable or not, to which the Council may be exposed.

12.1.10.5

Each Director must submit an inventory of equipment that has a new replacement value of £1,000 or more which they choose to insure under the Council's "All Risks" insurance policy.

Equipment with a new replacement value of £2,500 or more should be insured unless otherwise approved by the Director Corporate Services. Equipment not so declared will not be covered by the Council's insurance.

12.1.10.6

Each Director shall:

- a) ensure that agreed risk management strategies are in place for all aspects of their Service's operations and that all Officers and staff are fully aware of the likelihood and impact of any identified risks or losses or opportunities for improvements;
- b) ensure that systems and procedures are risk assessed and documented and staff trained in their operation;
- c) immediately identify and notify the Finance Specialist (Insurance) of any incident involving loss or damage or actual or potential liability including all allegations of negligence, whether or not insured;
- d) in consultations with the Director Corporate Services, inform the police of any incident or allegation referred to in c) above, where relevant to do so;
- e) advise the Finance Specialist (Insurance) and the Director Corporate Services of the purchase, sale, hire, lease or granting of any licence or rights of or over any land or property prior to any contracts being agreed, signed, exchanged or completed;
- f) ensure that Officers or staff driving any vehicle on behalf of the Council have notified the Finance Specialist (Insurance) of any motoring convictions if driving a vehicle covered under the Councils' motor fleet insurance or their own insurers, if using their own vehicle(s);
- g) ensure that Officers or staff hold an appropriate licence for driving any vehicle on the business of the council;
- h) ensure that Officers or staff have in place appropriate motor insurance to cover business use while driving their own vehicle on the business of the Council;
- i) ensure that any plant or equipment that is subject to a statutory requirement to regularly inspect, is so inspected by the Council's engineering inspection service providers and notify the Council's Finance Specialist (Insurance) of any required inspections that have not been carried out;
- j) ensure that any work identified during any inspection referred to in h) above is carried out promptly;
- k) ensure that no repairs to vehicles or property arising from an insured incident are carried out (other than urgent and essential repairs to 'make safe') without having obtained authorisation from the Council's insurers.

12.1.10.7

At no time should any person:

- a) agree, offer or give any indemnity to a third party; or

- b) admit liability,

as this will prejudice the Council's insurance cover and could lead to the Council facing significant uninsured losses.

Indemnity forms shall not be signed without first consulting with the Director Corporate Services and Finance Specialist (Insurance)

No payments or compensation for loss, damage or injury shall be offered, agreed or made without prior consultation with the Director Corporate Services. [Rule 12.1.21.17](#).

12.1.10.8

The Director Corporate Services shall manage all insurance claims (whether made by or against the Council) except where other statutory arrangements apply.

Any claim made against the Council remains at all times in the ownership of, and the responsibility of, the Director of the service against which the claim has been bought.

In respect of any claim, Officers and Managers must provide the Director Corporate Services and the Finance Specialist (Insurance) with their full and expeditious assistance at all times.

In respect of the handling of any claim, failure to provide such assistance or information within the timeframe required or as otherwise necessitated by the circumstances and status of the claim will result in the claim not being covered by insurance; the full costs of the claim will consequently be borne by the Service(s) against which it has been made.

12.1.10.9

All staff shall be covered under a Fidelity Guarantee insurance policy.

12.1.11 Internal Control

Why is this area important?

The Authority has statutory obligations and therefore requires internal controls to identify, meet and monitor compliance with these obligations.

The Authority faces a wide range of financial, administrative and commercial risks both from internal and external factors which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

The system of internal controls is established in order to provide measurable achievement of:

- a) efficient and effective operations;
- b) reliable financial information and reporting;
- c) compliance with laws and regulations; and
- d) risk management.

12.1.11.1

Director Corporate Services (Chief Finance Officer), as Section 151 Officer, has statutory responsibility for the Council's financial control environment and for the overall effectiveness of internal controls within the Council.

Each Director shall:

- a) ensure they maintain an appropriate control environment and effective internal controls within their Departments to provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations: and
- b) review existing controls in the light of changes affecting the Authority and establish and implement new ones in line with guidance from the Director Corporate Services (Chief Finance Officer). The Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective.

12.1.11.2

The Directors shall adhere to the guidance provided by Director Corporate Services (Chief Finance Officer), through these and other regulations issued from time to time, on internal financial controls covering budgetary systems, supervision, management review and monitoring, physical safeguards, segregation of duties, accounting procedures, information systems and authorisation and approval processes.

12.1.11.3

An Annual Governance Statement shall be prepared by the Chief Executive and Leader of the Council for inclusion in the Statement of Accounts. This must be prepared in consultation with the Assistant Director Governance. This will set out the potential risks which the Council could face in the forthcoming financial year and also set out how the risk identified in the previous financial year have been addressed.

12.1.12 Banking Arrangements and Cheques**Why is this area important?**

Strict control of bank accounts is required to enable benefits from management of cash flows to be maximised and the risks of losses from theft or mismanagement to be minimised. The Council will normally hold one main account, but where there is an administrative need, additional bank accounts will be established and maintained on an imprest basis.

12.1.12.1

All the Council's banking arrangements shall be made by or under arrangements approved by Director Corporate Services (Chief Finance Officer) who shall operate such banking accounts, including National Giro Accounts, as he may consider necessary and in accordance with the relevant bank mandates. No other accounts shall be opened without the agreement of Director Corporate Services (Chief Finance Officer).

12.1.12.2

All cheque stationery drawn on the Council's main bank account shall be ordered only on the authority of Director Corporate Services (Chief Finance Officer) who shall ensure that proper arrangements are in place for its safekeeping.

12.1.12.3

Cheques drawn on the Council's main banking accounts shall bear the facsimile signature of Director Corporate Services (Chief Finance Officer) or be signed personally by Director Corporate Services (Chief Finance Officer) or one of his/her authorised Officers.

12.1.12.4

Where the value of a cheque drawn on the Council's main bank account exceeds £10,000, it shall be countersigned by one of the authorised Officers.

12.1.12.5

No accounts shall be opened in the name of any individual Officer.

12.1.12.6

All accounts shall recognise the Council's interest and, where applicable, the Service or Department in respect of which the account is required.

12.1.12.7

Cheques drawn on any account, other than the Council's main accounts, shall be signed by at least two signatories. Each Director shall provide Director Corporate Services (Chief Finance Officer) with the names of all signatories to the account together with specimen signatures and details of the limits of their authorisation and position within the organisation.

12.1.12.8

Directors shall ensure that chequebooks relating to Imprest accounts are kept secure.

12.1.12.9

Director Corporate Services (Chief Finance Officer) may agree arrangements for the use of a debit, credit, or procurement card to make payments. Applications for such arrangements must be supported by a business case agreed with the relevant Director before being forwarded to Director Corporate Services (Chief Finance Officer) and shall have the same force as these financial regulations.

12.1.12.10

Where credit/procurement cards or Imprest accounts are used, the Directors must ensure they are regularly reconciled to bank statements. [Rule 12.1.20.11](#).

12.1.12.11

Prior to an employee leaving the Council's employment, or otherwise ceasing entitlement to hold a corporate credit card or corporate procurement card, the responsible Director must ensure that the employee returns any card issued to them to the Director Corporate Services (Chief Finance Officer) and obtain a receipt certifying that the card has been destroyed.

12.1.12.12

Director Corporate Services (Chief Finance Officer) shall manage all electronic funds transfer arrangements on behalf of the Council.

12.1.12.13 Authorised Signatories

The following people are currently authorised to sign cheques, BACS & CHAPS payment requests and legal documents on behalf of the Council:

a) Cheques (any two of)

Director Corporate Services (the Chief Finance Officer)
 Head of Finance (the Deputy Chief Finance Officer)
 Assistant Director Governance (the Monitoring Officer)
 Service Manager - Group Finance
 Service Manager - Finance Business Partnering

b) BACS (Bankline) Payments

Director Corporate Services (the Chief Finance Officer)
 Head of Finance (the Deputy Chief Finance Officer)
 Assistant Director Governance (the Monitoring Officer)
 Service Manager - Group Finance & Service Manager - Finance Business Partnering

c) CHAPS Payments

Director Corporate Services (the Chief Finance Officer)
 Head Finance (the Deputy Chief Finance Officer)
 Assistant Director Governance (the Monitoring Officer)
 Service Manager - Group Finance
 Service Manager - Finance Business Partnering

d) Legal Documents

Lead Specialist, Legal

12.1.13 Investments, Borrowing, Treasury Management, Leasing and Trust Funds**Why is this area important?**

The Council manages large sums of money and has a significant involvement in the financial markets. As these markets are volatile, there is a need for constant care in the management of borrowing and investment activities to control any risk exposure. There is also a growing need to be aware of performance in the fields of borrowing and investment, as elsewhere, to achieve economies, savings and improved returns.

12.1.13.1 Treasury Management

Director Corporate Services (Chief Finance Officer) and his staff are required to act in accordance with CIPFA's "Code of Practice for Treasury Management in the Public Services", the "CIPFA Prudential Code for Capital Finance in Local Authorities" and the Council's treasury management practices.

12.1.13.2

The Council will create and maintain as the cornerstones for effective treasury management:

- a) a treasury management policy statement stating the policies and objectives and approach to risk management of its treasury management activities;
- b) suitable treasury management practices setting out the manner in which the Council will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.

12.1.13.3

All monies held by the Council shall be aggregated for the purposes of treasury management and shall be under the control of Director Corporate Services (Chief Finance Officer) who shall arrange the borrowing and investments of the Authority in such a manner as to comply with the CIPFA “Code of Practice for Treasury Management in the Public Services” and the Council’s Treasury Management Policy statement and strategy.

12.1.13.4

Before the start of each financial year, Director Corporate Service (Chief Finance Officer) shall report in the first instance to the Audit Committee on the strategies for treasury management and investment proposed for adoption for the coming financial year including the prudential indicators. The Council will only borrow in advance of need if supported by a strong business case setting out the reasons and also the security of the resulting counterparties used to invest the funds.

12.1.13.5

Director Corporate Services (Chief Finance Officer) shall provide a mid-year and annual report to the Audit Committee, prior to being approved by Council, on the exercise of the treasury management powers delegated, treasury management performance and on any material departure from the code of practice.

12.1.13.6

All securities, whether the property of or held in the name of the Council or its nominees together with the title deeds of property in its ownership, shall be held in secure custody by the Assistant Director Governance.

12.1.13.7 Loans, Leases and Guarantees

No lending or leasing arrangements including hire purchase or similar agreements or provision of loan or other financial guarantees shall be entered into without first consulting Director Corporate Services (Chief Finance Officer) and, in addition, in relation to land and buildings, the Service Manager, Strategic Assets. Where arrangements or guarantees exceed an estimated whole life value of £150,000, the approval of the Council’s Executive should be sought.

Leasing arrangements are defined as:-

- a) agreements that have the formal status of a lease whereby a lessor conveys the right to use an asset for an agreed period of time under a lease contract to a lessee in return for a payment or a series of payments;
- b) agreements that do not have the legal form of lease but convey the right to use an asset in return for payments (embedded lease).

Where these are provided, consideration should be given to whether or not:

- a) any leasing arrangement is deemed to be an operating or financing lease for accounting purposes and, therefore, whether it should be treated as revenue or capital expenditure;
- b) the transaction will count against the Council's borrowing limit and prudential indicators;
- c) requires the provision of information to Director Corporate Services (Chief Finance Officer) for inclusion in the Lease Register and the Council's Statement of Accounts;
- d) there are any implications for VAT or other taxes.

To aid evaluation of the arrangement, the contract agreement should split the payment between those elements applicable for the asset and those elements applicable for the service.

Loans to other organisations by the Council shall be charged at Market Rates unless otherwise directed by Director Corporate Services (Chief Finance Officer).

If loans are provided at below market rates, the difference in interest income will be paid by the Service. Directors should ensure that loan arrangements are properly constituted by formal agreement in consultation with Director Corporate Services (Chief Finance Officer) and Assistant Director Governance.

12.1.13.8

The Directors shall advise Director Corporate Services (Chief Finance Officer) of any transactions or proposed actions that may impact on the Council's investment policy or funds management.

12.1.13.9 Trust Fund

The existence of sums of money held on trust for others must be declared to an appropriate third party. For schools, this shall be the Headteacher and Governors and for Social Services, the Directors of Children's Services or Adult Services.

12.1.13.10

All trust funds are to be held in the name of the Council. All Officers acting as trustees by virtue of their official position shall deposit all securities etc, relating to the trust with the Assistant Director Governance unless the deed make other provisions.

12.1.13.11

Directors shall:

- a) where funds are held on behalf of third parties, arrange for their secure administration approved by Director Corporate Services (Chief Finance Officer) and maintain written records of all transactions; and
- b) ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

12.1.13.12 Investments and Borrowing

Director Corporate Services (Chief Finance Officer) shall:

- a) ensure all investments of money are made in the name of the Council or in the name of nominees approved by the Council; and
- b) ensure all borrowings are made in the name of the Council.

12.1.13.13

Director Corporate Services (Chief Finance Officer) shall act as the Council's Registrar of stocks, bonds and mortgages and shall maintain records of all borrowing of money by the Council.

12.1.13.14

No interests shall be acquired in any Company, Joint Venture or other enterprise without the approval of the Executive following consultation with Director Corporate Services (Chief Finance Officer). [Rule 12.1.24](#).

12.1.13.15

The Council, in consultation with Director Corporate Services (Chief Finance Officer), shall determine the maximum borrowing limits under the Prudential Code in the context of affordability.

12.1.13.16 Service Concession Arrangements

Where a contract is proposed which includes the use of a specific asset or conveys the right to use a specific asset as part of the arrangement, the contract shall be treated as an embedded lease as outlined in [Rule 12.1.13.7](#). Contracts that convey to the operator the right to provide services that give the public access to major economic and social facilities and include the use of particular assets under which the Council controls the services provided and any residual interest in the asset should be treated as a Service Concession Arrangement.

Such contracts are typically but not exclusively related to Private Finance Initiative/Public Private Partnership (PFI/PPP) arrangements, however, some contracts that were not planned as PFI/PPP schemes could also be classified as Service Concession Arrangements (e.g. certain asset transfers where the Council retains a legal charge over the infrastructure). Directors should inform and consult Director Corporate Services (Chief Finance Officer) where any such arrangements are proposed to enable a proper evaluation of the accounting treatment of the arrangement.

12.1.14 External Funding**Why is this area important?**

With increasing pressure on Council expenditure, external funding is potentially a very important source of income. However, terms and conditions attached to funding need to be carefully considered to ensure they are adhered to and compatible with the aims and objectives of the Council. Funds from external agencies as well as project funding from Central Government Departments, sponsorship and other Corporate Social Responsibility contributions from private companies and other donors, provide additional resources which can enable the Authority to augment services it delivers to the local community.

12.1.14.1

Director Corporate Services (Chief Finance Officer) shall ensure that all funding from external bodies is properly recorded in the Authority's accounts.

12.1.14.2

Prior to any external funding arrangements being entered into by a Director, he/she shall consult with Director Corporate Services (Chief Finance Officer) to ensure that any match funding requirements and future budget implications are fully considered.

12.1.14.3

Any proposal to spend monies received from any external funding source must be in accordance with revenue or capital budgets.

12.1.14.4

The Directors shall ensure that the project progresses in accordance with the agreed project plan, that all expenditure is properly incurred and recorded and all claims for funds are made by the due date.

12.1.14.5

Director Corporate Services (Chief Finance Officer) and Assistant Director Governance shall ensure that audit requirements of any external funding sources are met.

12.1.14.6

Prior to bidding/allocating out of external funding, the Corporate Leadership Team, Lead Member and Executive Member responsible for Council Budgets must first be consulted to ensure alignment with the Council's strategic priorities and that any implications across Services are fully considered.

12.1.15 Petty Cash and Imprest Accounts**Why is this area important?**

Petty cash and Imprest accounts are issued for administrative convenience. As they are vulnerable to theft or misappropriation, it is important that the use of such accounts is properly controlled and that the floats are secured.

12.1.15.1

Requests for new Imprest accounts and Petty Cash accounts, or any changes to the existing accounts, or procurement cards, must be supported by a business case agreed with the Relevant Director before being forwarded to Director Corporate Services (Chief Finance Officer) who shall provide these as considered appropriate unless other statutory arrangements apply.

12.1.15.2

The Director shall ensure that there are three signatories to each Imprest account and that any cheques shall be signed by any two of these signatories. The signatories shall be selected to ensure that there is adequate control of the account without affecting the day to day operation of the service.

12.1.15.3

Reimbursement of payments from Imprest or Petty Cash Accounts shall be made on receipt of a properly completed Imprest return in a form approved by the Director of Corporate Services (Chief Finance Officer). The return shall show the cost centres to be charged and the amounts relating to each cost centre. Payment will be limited to such items of expenditure as may be approved by Director Corporate Services (Chief Finance Officer). Vouchers supporting claims must be retained for audit purposes.

12.1.15.4

Where necessary, Director Corporate Services (Chief Finance Officer) will open an account with the Council's bankers to be operated on an Imprest basis. The account holder shall not allow the account to be overdrawn without prior agreement from Director Corporate Services (Chief Finance Officer).

12.1.15.5

No income received on behalf of the Council, other than for schools, may be paid into an Imprest account without the approval of Director Corporate Services (Chief Finance Officer) subject to appropriate accounting procedures being in place. Where a Service receives income into an Imprest account, it shall issue a VAT receipt showing the rate and amount of VAT included in the receipt and shall record the income in full (net of VAT) before any expenses are met from it.

12.1.15.6

Each Director shall ensure that any Imprest or Petty Cash account is not used for:

- a) encashment of personal cheques;
- b) payment of any disbursements which may be taxable and should be paid through Business World On Employee Services (or any replacement system);
- c) mileage allowance for travelling, lump sum payments or other taxable benefit which should be paid through Business World On Employee Services (or any replacement system). Other than costs which are a reimbursement of actual expense and are supported by a receipt;
- d) cash advances except where this falls within arrangements agreed for appropriate clients of Children's Services or Health and Wellbeing;
- e) loans to employees.

12.1.15.7

Where an Imprest or Petty Cash account is authorised, the Officers concerned shall maintain a record of their receipts and payments and shall give the Director or Director Corporate Services (Chief Finance Officer) annually after the 31st March, a certificate signed by the holder confirming they continue to hold the account and the amount held at that date. For Imprest accounts, the statement must be supported by a bank statement at the 31st March and a reconciliation of the transactions now shown at the bank to agree with the amount certified.

12.1.15.8

On leaving the Council's employment or otherwise ceasing entitlement to hold an Imprest or Petty Cash account, the employee must account to Director Corporate Services (Chief Finance Officer) for any monies advanced to them.

12.1.15.9

Each Director shall ensure the Imprest or Petty Cash account is:

- a) routinely monitored for appropriate usage;
- b) sufficient to allow for reimbursement claims every 4-6 weeks;
- c) kept securely;
- d) that proper records are maintained and transactions are recorded promptly;
- e) only accessed by authorised staff. A list of staff and specimen signatures to be sent to the Lead Finance Specialist (or other authorised staff);
- f) checked on a periodic basis for completeness of funds;
- g) available with receipts to be produced on demand to the Director Corporate Services (Chief Finance Officer) and auditors;
- h) Petty Cash accounts are not used for payments exceeding £100.00. Payments in excess of this to be requested by cheque from the Lead Finance Specialist (or any replacement system) in exceptional circumstances, payments exceeding £100 may be made from Petty Cash accounts with the approval of Director of Corporate Services (Chief Finance Officer); and
- i) payments in excess of £100 from an Imprest account shall be countersigned by the Budget Manager.

12.1.15.10

All payments made by Imprest or Petty Cash must be supported with a receipt or acknowledgement of payment that identified (where applicable) the supplier's VAT registration number, any VAT paid and details of items purchased.

12.1.16 Revenue and Capital Budgets (including Virement)

Why is this area important?

The Authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with priorities reflected within the Community, Corporate and Service Plans. The budget is the financial expression of the Authority's plans and policies.

Budgets (spending plans) are needed so that the Authority can set its Council Tax, set targets for Budget Managers, provide authority to spend and to provide a basis to measure performance.

Medium-term planning involves a planning cycle in which the Council develops its Corporate plans. This ensures that the Authority is always preparing for events in advance and provides opportunities to identify areas where up-front investment can generate savings in the future.

The scheme of virement is intended to enable the Executive, the Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council and to optimise service delivery.

12.1.16.1 Budgets and Medium-Term Planning

Director Corporate Services (Chief Finance Officer) shall report annually to the Executive/Council on the revenue and capital budget including any resource constraints which may be set by the Government taking account of medium term planning, the implications of spending decisions and adequacy of the level of revenue and capital reserves. The annual report will include an opinion on the robustness of the budgets presented, adequacy of reserves and any finance or service Risks.

12.1.16.2

Director Corporate Services (Chief Finance Officer) shall present the capital and revenue budgets to comply with the general directions of the Council, the Chartered Institute of Public Finance and Accountancy – Service Reporting Code of Practice (SeRCOP) and all legal requirements.

12.1.16.3

Each Director in consultation with Director Corporate Services (Chief Finance Officer) shall prepare future year estimates of revenue and capital. These shall be collated by the Director Corporate Services (Chief Finance Officer) who shall present them to the Executive and report of the implications for the Council including the level of Council Tax.

12.1.16.4

Each Director shall carry out a Budget Risk Assessment each year to identify financial and service risks and the extent of the risk in order to ascertain potential unbudgeted liabilities and provide information in setting the level of reserves. Each Director shall also undertake and record equality impact assessments of proposals to amend service levels as required by the Equality Act 2010.

12.1.16.5

For all proposed budget bids, each Director shall complete a budget submission prescribed by the Director Corporate Services (Chief Finance Officer).

12.1.16.6 Budget Preparation, Monitoring and Control

Each Director is responsible for the management of their Department's budget and shall ensure it is properly monitored in accordance with the Council's Budget Management Protocol.

12.1.16.7

Directors shall inform the Executive of any instance where a budget is likely to be exceeded by an increase in costs or reduction in income (which cannot be contained within existing budgets under the Virement rules) after consulting with Director Corporate Services (Chief Finance Officer).

12.1.16.8

Each Director shall report to the Executive any instances where he/she is unable to operate within his/her budgets. The Executive may:

- a) instruct a Director to take action to the correct position;
- b) make a transfer within the Council's budgets (in excess of the virement limits below [Rule 12.1.16.15](#)); or
- c) approve a supplementary estimate.

12.1.16.9

Each Director shall consult with Director Corporate Services (Chief Finance Officer) to ensure that reports to the Executive and Council which propose action, show the financial implications of that action for the current financial year and any subsequent years.

12.1.16.10

Any commitment which may be contained in the current year's budget but generates growth in future years shall only be entered into with the proper approval of the Executive. This is particularly relevant to grant funded expenditure.

12.1.16.11

Each Director shall consult with the Director Corporate Services (Chief Finance Officer) before reporting to the Executive any proposed course of action which may have material financial implications beyond their Department budget.

12.1.16.12

The Directors shall in consultation with Director Corporate Services (Chief Finance Officer) prepare monthly budget monitoring reports, identifying and giving reasons for significant movements from budgets and detailing proposed corrective action together with any potential impact on the levels of service. These shall be periodically presented to the Executive,

12.1.16.13

Director Corporate Services (Chief Finance Officer) shall inform the Executive of any budget variances which significantly affect the Prudential Indicators that are approved by Executive on an annual basis as required by the CIPFA Prudential Code for Capital Finance in Local Authorities.

12.1.16.14 Resource Allocation

No revenue or capital expenditure may be committed, which is not authorised, through the capital or revenue budgets except in the event of an emergency, as defined in Section 138 of the Local Government Act 1972, or where the commitment can demonstrate value for money to the Council and with the agreement of Director Corporate Services (Chief Finance Officer) regarding budget implications.

Such action to be reported to Director Corporate Services (Chief Finance Officer) as soon as possible and to the Executive at the next practical opportunity.

12.1.16.15 Virements

The term "Virement" is used to describe the situation where:

- a) a decision has been made to change policy and move budget from one purpose to another (e.g. budget is moved from non-staffing to staffing related expenditure) or,
- b) a decision has been made to incur expenditure against something that has not previously been approved and money is moved from other budgets to finance it or,
- c) Where budget is moved from one purpose to another to cover unforeseen expenditure.

Each Director who sits on the Leadership Board, in consultation with Director Corporate Services (Chief Finance Officer), may vire up to a total of £150,000 in any financial year subject to service budget availability and overall budget availability.

The Chief Executive, in consultation with Director Corporate Services (Chief Financial Officer), may vire up to £300,000 across Services in any financial year subject to overall budget availability.

All virements must be recorded as a Material Decision (see Appendix A) and must be submitted to Director Corporate Services (Chief Finance Officer) and, if affecting the Capital Programme, must also be in consultation with the Service Manager, Strategic Assets.

The Executive Member responsible for Council Budgets must be informed of all virements.

12.1.16.16

No virement relating to a specific financial year shall be made after 31st March in that year.

12.1.16.17

When an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement provided that the amount is used in accordance with the purposes for which it was established.

12.1.16.18 Treatment of Year End Carry Forwards

Schools' balances will be automatically carried forward to support the expenditure of the school concerned. Where an unplanned deficit occurs, the Governing Body shall prepare a detailed financial recovery plan for consideration by the Chief Executive in consultation with Director Corporate Services (Chief Finance Officer). Schools will normally be expected to agree to a plan to recover the deficit within a defined period.

12.1.16.19

Other statutory ring-fenced budgets such as the Housing Revenue Account and Building Control will be automatically carried forward.

12.1.16.20

Budgets for capital schemes which are in progress or have been contractually committed, will be carried forward automatically. This excludes amounts below £1,000 except where there are statutory or other requirements for the budgets to be carried forward.

12.1.16.21

All other carry forward requests shall be considered by the Corporate Leadership Team prior to seeking the approval of the Executive.

12.1.16.22 Maintenance of Reserves

Director Corporate Services (Chief Finance Officer) shall advise the Executive on the nature and prudent level of any reserves required and shall ensure these are maintained in accordance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies.

12.1.16.23

Earmarked Reserves may be set up by the Director Corporate Services (Chief Finance Officer) subject to budget availability.

12.1.16.24 Fees and Charges

Directors shall set the established fees and charges annually. These shall be increased in accordance with the Corporate Charging Policy and the rate of inflation as confirmed by Director Corporate Services (Chief Finance Officer) and the Executive Member responsible for Council Budgets.

The Deputy Chief Executive, in consultation with the Lead Member for Finance and the Lead Member for Leisure, may approve reductions, discounts and/or promotions for fees and charges within Sports and Leisure, up to £100 per fee or charge.

12.1.16.25

In-year increases above inflation can be approved as an Individual Member Decision subject to no adverse on-going budgetary implications and in consultation with Director Corporate Services (Chief Finance Officer) and the Executive Member responsible for Council Budgets.

12.1.16.26

In exceptional circumstances and subject to the forgoing requirement, charges may be increased, reduced or waived for a specified period to promote a service or facility as an Individual Member Decision subject to there being no ongoing budgetary implications and in consultation with Director Corporate Services (Chief Finance Officer) and the Executive Member responsible for Council Budgets. This may include introducing a casual charge for the purpose of defraying costs of a special event. Any such change must be fully documented.

12.1.17 Capital Schemes (including funded by S106 Developer Contributions and Community Infrastructure Levy)**Why is this area important?**

Capital expenditure needs to be properly prioritised and monitored in order to maximise the benefit from scarce resources. No new capital scheme can be committed unless sufficient capital finance is available and provision has been made to cover any on-going revenue consequences.

12.1.17.1

A project may only proceed where it has been provided for in the Capital Programme and is in accordance with the Council's Capital Strategy and Key Priorities, as agreed by the Executive/Council.

12.1.17.2

All work to improve or alter any of the Council's buildings must be approved by the Service Manager, Strategic Assets. [Rule 12.1.5.11](#). Such works may only be capitalised if they enhance the life, use or value of a building as defined by the Institute of Public Finance and Accountancy – Practitioner's Guide to Capital Finance in Local Government.

12.1.17.3 Community Infrastructure Levy and Section 106 Developer Contributions

The utilisation (including the creation of new projects in the capital programme) of all CIL and Section 106 Developer Contributions, and other funding from developers received under specific legislation, up to £25,000 are to be agreed by the Resources Manager (CIL/S106) and the relevant Head of Service. Between £25,000 and £100,000 to be agreed by the Director Corporate Services (this authority has been delegated by the Director Corporate Services to the Assistant Director Delivery and Infrastructure and by the Assistant Director Delivery and Infrastructure to the Lead Specialist Infrastructure Delivery and Projects); the Service Manager Strategic Assets; and the Executive Member responsible for the area spending the CIL/S106 money. Above £100,000 will require approval from Executive quarterly as part of the capital programme.

In instances where the S106/CIL money relates to the Council's My Journey travel programme delegated approval can be achieved through Individual Executive Member Decisions.

12.1.17.4

Director Corporate Services (Chief Finance Officer) shall maintain and publish, at least on an annual basis, a record of the Developers Contributions received under S106, Community Infrastructure Levy or other legislation together with all expenditure incurred from those funds.

12.1.17.5

On approval by the Executive of a programme of capital expenditure, the Directors concerned may request the Service Manager, Strategic Assets to take steps to enable land required for the purposes of the programme to be acquired in time. Subject to approval by the Assistant Director Strategic Property and Commercial Assets, Assistant Director Delivery and Infrastructure and Director Corporate Services (Chief Finance Officer) before any acquisition is finalised.

12.1.17.6

Where payment is made by certificate each Director shall ensure:

- a) any stage payments do not exceed the value of work completed;
- b) certificates are authorised by the appropriate Officer or consultant in accordance with the conditions of the contract;
- c) that before authorising final payment, the contractors final account accords with any Bill of Quantities or Schedule of Rates that the contract has been satisfactorily performed and is within approved budgets. This check must be independent of the Contract or Project Manager; and
- d) any penalties or liquidated damages, where applicable, are deducted prior to the final payment.

12.1.17.7

Credit arrangements, such as leasing agreements, shall not be entered into without the prior approval of Director Corporate Services (Chief Finance Officer) and, if applicable, inclusion of the scheme in the Capital Programme. [Rule 12.1.13.7.](#)

12.1.17.8 Capital Resources

All borrowing, disposals or use of capital reserves to finance the Capital Programme must be approved by the Council when setting the Capital Programme or by Executive thereafter, or in exceptional circumstances by the Director Corporate Services subject to the Executive having been notified and the subsequent approval by Executive at the earliest opportunity. Ring fence grants and contributions received will require the same approval as virements ([Rule 12.1.16.15](#)) for release into the capital programme in year.

12.1.17.9 Update of Capital Forms detail required for Business World On

Before making any commitment in respect of a project included in the Approved Capital Programme, a Budget manager shall authorise release of budget via full completion of the Capital Project Setup (CPS). Following release of funds by CPS approval, any subsequent budget adjustments shall also be approved through the CPS process following any necessary virement approvals.

12.1.17.10 Forward Funding of Capital Schemes

The Director Corporate Services, in consultation with the Executive Member responsible for Council Budgets, can approve forward funding for capital projects of up to £1m against approved capital schemes, i.e. spending income from contributions or grants in advance of their actual receipt.

12.1.18 Information and Communication Technology (ICT)

Why is this area important?

The Council is increasingly reliant on information technology incorporating, as it does, computers, printing services and telecommunication services to process and record financial and management information and to support its business and decision making processes.

The Information and Communication Technology (ICT) used by the Council must be resilient, secure and effective. Systems and procedures must be fully integrated and well administered. The impact of ICT is not limited to individual sections, Departments or the Council itself. Decisions about ICT investment must be taken holistically in order to deliver maximum benefit to the Council and the community that it serves.

12.1.18.1

The ICT Operations shall be responsible for providing all corporate ICT services including the procurement of equipment, software and services and telecommunications. It is the responsibility of the Directors to ensure this requirement is complied with.

12.1.18.2

Any proposal to acquire ICT equipment, software or services shall be subject to a business case that clearly weighs the full life costs against the business benefits and must be in accordance with the Council's Corporate Plan and ICT Strategy.

12.1.18.3

The Directors shall, in consultation with the Assistant Director Business Services, make arrangements to:

- a) ensure that their staff comply with the Acceptable Use of IT Policy;
- b) ensure that their staff comply with the software licencing requirements;
- c) ensure that their staff comply with the Council's Information Security Policy and Guidelines; and
- d) ensure that, where appropriate, computer systems and databases are registered in accordance with data protection, legislation and that staff are aware of their responsibilities under the legislation.

12.1.19 Income

Why is this area important?

Income is a vulnerable asset and effective income collection systems are therefore necessary to ensure that all income due is identified, all collections are receipted and banked promptly and completely and the Council's accounting records are properly and promptly updated.

Cash is particularly vulnerable and must be properly controlled and held securely.

12.1.19.1

Director Corporate Services (Chief Finance Officer) shall determine arrangements for the collection and recording of all monies due to the Council.

12.1.19.2

Director Corporate Services (Chief Finance Officer) shall be notified promptly of all contracts, leases and other agreements which will involve the receipt of money by the Council.

12.1.19.3

Director Corporate Services (Chief Finance Officer) shall order and supply to Departments all receipt forms, books or tickets and similar items for internal control.

12.1.19.4 Cash Collection

Each Director shall be responsible for the identification and collection of income due from activities in their service areas.

12.1.19.5

Each Director shall ensure that where income is collected, Officers shall:

- a) issue an official receipt or maintain other formal documentation;
- b) note the form in which it was received e.g. credit card, cheque, cash;
- c) enter details of the debt on the back of the cheque; and
- d) ensure all income prior to banking is held securely against loss or theft and that at no time the amount held exceeds the limits set for insurance purposes

12.1.19.6

All money received on its behalf by any of the Council's establishments shall be paid without delay, and intact, directly into the Council's income collection account, the appropriate school account or into any other bank account established with the approval of Director Corporate Services (Chief Finance Officer). Money collected and deposited must be reconciled to the bank account on a regular basis.

12.1.19.7

Details to be provided on any Bank Paying In Slip shall include:

- a) the name of the collecting establishment;
- b) the payee;
- c) the income and VAT codes;
- d) the date collected: and
- e) the initials of two Officers who have prepared the amount for deposit.

12.1.19.8

Each Director shall:

- a) supply Director Corporate Services (Chief Finance Officer) with details relating to work done, goods supplied, services rendered or other amounts due,

to enable Director Corporate Services (Chief Finance Officer) to record correctly the sums due to the Authority and to ensure accounts are sent out promptly;

- b) establish performance management systems to monitor recovery of income and notify the Service Manager, Shared Audit and Investigations Service and Director Corporate Services (Chief Finance Officer) of any serious shortage of missing income immediately;
- c) record every transfer of money between employees of the Authority. The Receiving Officer must sign for the transfer and the transferor must retain a copy;
- d) ensure income is not used for the encashment of personal cheques or for any other payments;
- e) ensure that, where practical, at least two employees are present when post is opened and ensure that income received is properly identified and recorded on receipt;
- f) ensure that the transfer of income between staff is immediately acknowledged by the issue of a receipt or a signature in a cash accounting record;
- g) ensure that receipts, tickets and other records of income are securely retained in accordance with the Council's Records Management Policy;
- h) ensure that all blank receipt books, tickets and other income records are retained and controlled in a secure manner;
- i) review annually all fees and charges for the supply of goods or services, other than those set by schools, in accordance with the Income Generation Strategy and Charging Policy and;
- j) implement appropriate recovery proceedings, up to legal action, in respect of debts which are not paid promptly except where Director Corporate Services (Chief Finance Officer) determines other arrangements.

12.1.19.9 Debtors and Credit Income

Director Corporate Services (Chief Finance Officer) is responsible for approving the arrangements for the collection of the debts of the Council, other than schools, and, where appropriate, shall be supplied with all necessary supporting documents in order to achieve recovery.

12.1.19.10

A bona fide debt once raised may not be cancelled except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt. Credit notes must be approved by Budget Managers.

12.1.19.11

Where payment for goods or services provided by the Council, other than schools, is not received at the time of supply, Service Manager, Income & Payments shall raise an invoice for the due sum and shall ensure suitable arrangements are in place to recover the

debt. Except where Director Corporate Services (Chief Finance Officer) has agreed suitable alternative arrangements.

12.1.19.12

Director Corporate Services (Chief Finance Officer) may approve the raising of debtors invoices outside the main systems where they are satisfied that suitable alternative procedures are in place.

12.1.19.13

All charges for goods and services shall be invoiced within 28 days of provision unless payment is required in advance.

12.1.19.14

Recovery action in respect of all the Council's unpaid debtor invoices shall be co-ordinated by Service Manager, Income & Payments who will liaise with the Head of Legal. Sufficient documentary evidence to substantiate the debt must be passed to Service Manager, Income & Payments where any court action is considered.

12.1.19.15

Requests to raise a debtor invoice shall be approved by the Budget Manager, and shall include information about the cost centres to be charged and the application of VAT.

12.1.19.16

The Directors shall notify Director Corporate Services (Chief Finance Officer) of outstanding income not yet invoiced and relating to the previous financial year, as soon as possible after 31st March each year, in line with the timetable determined by Director Corporate Services (Chief Finance Officer).

12.1.19.17 Write Offs and Waivers

Debts may be written off via a material decision where an account remains unpaid and further action to recover debt would evidently be uneconomic:

- a) up to £1,000, by Budget Managers subject to the agreement of the Director Corporate Services (Chief Finance Officer). Such action to be fully recorded;
- b) above £1,000 but less than £10,000, by Heads of Service subject to the agreement of the Director Corporate Services (Chief Finance Officer). Such action to be fully recorded;
- c) above £10,000 but less than £25,000 by a Director or the Assistant Director Governance, subject to the agreement of the Director Corporate Services (Chief Finance Officer). Such action to be fully recorded;
- d) above £25,000, subject to the approval of the Executive.

Directors will be required to supply schedule of proposed debt write-offs for sums below £25,000 to the Director Corporate Services (Chief Finance Officer) on a quarterly basis.

12.1.19.18

Discretionary Rate Relief may be authorised by Director Corporate Services (Chief Finance Officer) in accordance with Council Policy. Appeals shall be considered by the appropriate Lead Member.

12.1.19.19 PayPal Account

Set up and operation of a PayPal account for the collection of income from specific website transactions within services shall require the approval of Director Corporate Services (Chief Finance Officer) who shall establish appropriate procedures for their operation. Where applicable, a Director should nominate a separate PayPal administrator and certifying officer whose responsibility will entail reconciling the income received via the PayPal account to the Council's financial system.

12.1.20 Orders for Work, Goods, Services and Consultancy**Why is this area important?**

Placing an order commits the Council to expenditure. It is therefore important that none is placed without authorisation or full consideration at the outset of the budget implications, specifications, health and safety, trading terms and the cost effectiveness of any work, goods services or consultancy required.

12.1.20.1

All orders for work, goods, services or consultants shall be made in accordance with the Council's Procurement and Contract Rules and Procedures. Payment vouchers must not be used in place of orders, and must only be used where orders are not appropriate. Payment vouchers must be paid by BACS, not cheques, wherever possible. See Chapter 13.

12.1.20.2

A purchase order is defined as a type of contract raised by the Business World On Procurement System (or on any replacement or alternative system, such as Framework-i) for the purpose of procuring goods and services and shall require authorisation by a Budget Manager, as set out in [Rule 12.1.21.4](#).

Purchase Orders shall be supported by a written contract document signed or sealed in accordance with the Procurement and Contract Rules and Procedures as set out in Rule 13.3.2.1 and Rule 13.3.3.2.

(Purchase Orders shall not be broken down for the purpose of avoiding these regulations).

For Purchase Orders raised as a direct result of the Care Act 2014 (and related legislation) for the purpose of providing personal care for a named individual the above limits do not apply providing:

- a) the Director Adult Services maintains a scheme of delegation setting out the limits to be applied at each level of the management structure for the purchase of social care; and
- b) the purchase order is raised using the designated Social Care system ; and
- c) the supplier meets all relevant registration requirements as determined by the Department of Health; and

- d) the supplier is already contracted to the council for this purpose; and
- e) the unit price is in accordance with the suppliers contract.

The reason for this exception is that the purchase of personal care will in almost all case have no end date and will not therefore conform to a) above.

12.1.20.3

Director Corporate Services (Chief Finance Officer) shall determine the style and format of purchase order forms and may agree suitable alternative arrangements.

12.1.20.4

All Purchase Orders for work, goods, services or consultancy shall be issued through the Business World On Procurement system (or any replacement system) except:

- a) where services are provided by the public utilities or are rents or rates;
- b) where the purchase order is raised using an alternative system agreed with Director Corporate Services (Chief Finance Officer);
- c) where other statutory arrangements apply;
- d) where, agreed in consultation with the Director, that purchase is made by telephone or other direct communication such as the internet, however, this must be followed immediately by an authorised purchase order. A copy of the order should be sent to the supplier noting, where appropriate, if the order is a confirmation of instructions already given;
- e) where the Business World On system (or any replacement system) is not available and Director Corporate Services (Chief Finance Officer) has determined an emergency procedure; or
- f) where an alternative method of procurement has been identified and implemented by Director Corporate Services (Chief Finance Officer).

12.1.20.5

Use of Purchase Orders should conform to any guidelines set by Director Corporate Services (Chief Finance Officer) regarding central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Assistant Director Governance.

12.1.20.6

Each Director shall ensure that:

- a) Purchase Orders placed with external suppliers are only use for goods and services required by the Council. Individuals must in no circumstances use official orders to obtain goods and services from external suppliers for their private use;
- b) goods and services are checked on receipt to verify that they are in accordance with the purchase order.

This check should be carried out by a different person from that authorising the order who shall also process confirmation of the receipt through the Business World On system (or any replacement system).

12.1.20.7

Approval of the official order shall ensure that:

- a) budget provision (including other committed items) is available;
- b) the goods or services are appropriate to need; and
- c) quotations, tenders or other similar measures have been taken to ensure best practice and value for money.

For Purchase Orders raised as a direct result of the Care Act 2014 (and related legislation) for the purpose of providing personal care for a named individual a) above does not apply. This is because the council has a duty to assess and if the individual meets care criteria a duty to provide assessed care irrespective of budget availability (LASSL(97)13, 11 November 1997).

12.1.20.8 In-House Service Provision and Corporate Contracts

Where a service is already provided by an in-house unit, orders must be placed with this unit and shall not be placed externally without consultation with the Director providing the service. Where a Council wide contract is in existence, all orders for goods and services available under these contracts must use these contracts unless an alternative has been agreed with the Director Corporate Services (Chief Finance Officer).

12.1.20.9 Temporary Staff

All temporary staff appointments must be placed via the Council's central contract, where possible. Exceptions should be approved by Director Corporate Services (Chief Finance Officer).

12.1.20.10 Corporate Transport Unit

Any requirements for vehicles must be referred to the Corporate Transport Unit who shall place orders for purchase or leasing, contracting or redistribution of existing vehicles, as appropriate, to satisfy the requirement and ensure the Council's vehicle's strategy operates in the most efficient manner.

12.1.20.11 Procurement Cards

In some circumstances, the Director Corporate Services (Chief Finance Officer) will issue a procurement card to Service Managers or other authorised staff. The procurement card operates in a similar way to a credit card, to allow purchases to be made quickly over the phone, in person or via the internet.

Request for new procurement cards or any changes to existing cards, must be supported by a business case agreed with the relevant Director before being forwarded to Director Corporate Services (Chief Finance Officer).

The Director shall ensure that:

- a) nominated cardholders sign confirmation of receipt of the procurement card and acceptance of their conditions of usage;
- b) the card is kept securely and only nominated cardholders use it;
- c) any loss or misuse of the card is reported immediately to the Council's bank account provider and to the Group Finance Team at Shute End;
- d) card limits are not exceeded;
- e) there is an appropriate limit for individual transactions incurred on the card and that the limit is applied consistently;
- f) the card must not be used to obtain cash (with the exception of emergency duty officers) or any items personal to the Holder or other staff or for making loans to employees;
- g) the card must not be used to circumvent Wokingham Borough Council's Procurement policies/processes. [Rule 12.1.20](#) and Chapter 13;
- h) no loyalty rewards (e.g. Air Miles etc) or other personal benefits are collected by the cardholder;
- i) all purchase vouchers and till receipts or invoices must be retained for attachment to the card statement as proof of purchase for VAT purposes and for reporting under the Council's Transparency Reporting procedures. [Rule 12.1.4.14](#);
- j) monthly charge reports are reviewed monthly by the cardholder. The cardholder will check this report for accuracy of expenditure incurred and coding of expenditure to Business World On (or any replacement systems) and advise the Group Finance Team if any coding changes are required. Any queries on the statement should be addressed immediately to the bank and a note attached to the statement stating the action being taken to redress any errors forwarded to Group Finance Team at Shute End;
- k) the cardholder shall return any card which is no longer required, or on cessation of entitlement, to the Group Finance Team at Shute End who will destroy the card;
- l) the cardholder is mindful of their duty in public office and under the Council's Code of Conduct and does not incur any expenditure on the card that could embarrass the Council or lead to any accusation of abuse;
- m) breaches of the Conditions of Use and the Finance and Procurement Regulations will result in the card being withdrawn and disciplinary action being taken against officers;

12.1.21 Payment for Work, Goods and Services

Why is this area important?

It is important that the Council has firm control over its payments to ensure its suppliers are paid in accordance with their trading terms, that invoices are not overlooked or duplicated and that payment is only made where goods and services have been received satisfactorily.

Accounting for VAT also requires clear procedures to be in place to ensure it is correctly claimed. [Rule 12.1.23](#).

12.1.21.1

All payments on behalf of the Council shall be made by Director Corporate Services (Chief Finance Officer) except where delegated powers have been given to holders of alternative bank accounts or procurement cards authorised by Director Corporate Services (Chief Finance Officer).

12.1.21.2

Every Officer and Member of the Authority shall declare in the Register of Interests (Declaration of Interests) held on Business World On (or any replacement systems), any links or personal interests they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority in accordance with the Council's Code of Conduct.

12.1.21.3

All invoices or requests for payment for work, goods and services shall be matched to ensure that they are in accordance with Purchase Orders held in Business World On (or any replacement systems) unless an alternative arrangement has been agreed by Director Corporate Services (Chief Finance Officer). Wherever possible, this check should be carried out by a different Officer from the person who placed the order. Any unmatched vouchers will be referred to the relevant Budget Manager for approval.

12.1.21.4

Each Budget Manager is responsible for the authenticity and coding of Purchase Orders or payments and shall approve up to £50,000.

The Budget Manager may delegate authority to approve orders or payments up to £2,500 to one or more nominated representatives subject to the agreement of the Director Corporate Services (Chief Finance Officer).

Each Service Manager (within their area of budget responsibility) can approve orders or payments up to £100,000 and is responsible for the authenticity and coding of Purchase Orders. Each Head of Service (within their area of budget responsibility) can approve orders of payments up to £250,000 and is responsible for the authenticity and coding of Purchase Orders.

12.1.21.5

Requests for Purchase Orders or payments between £250,000 and £1,000,000 shall be approved by a Director or the Deputy Chief Finance Officer.

12.1.21.6

Requests for Purchase Orders or payments, exceeding £1,000,000, shall be approved by the Director Corporate Services (Chief Finance Officer) or the Chief Executive or in their absence, the Head of Finance.

For all Purchase Orders raised as a direct result of the Care Act 2014 (and related legislation) for the purpose of providing personal care for a named individual rules [12.1.21.4](#), [12.1.21.5](#), and [12.1.21.6](#) do not apply providing:

- a) the Director Adults Services maintains a scheme of delegation setting out the limits to be applied at each level of the management structure for the purchase of social care; and
- b) the purchase order is raised using the designated Social Care system ; and
- c) the supplier meets all relevant registration requirements as determined by the Department of Health; and
- d) the supplier is already contracted to the council for this purpose; and
- e) the unit price is in accordance with the suppliers contract.

12.1.21.7

The Directors shall provide Director Corporate Services (Chief Finance Officer) with a list of Budget Managers authorised to approve orders and payments in this respect. Where these authorisations are held within the Authority's accounting systems, the Directors shall ensure they are reviewed regularly and kept up-to-date.

12.1.21.8

Prior to invoices being passed for payment, the Approving Officer, who shall not be the Examining Officer, shall ensure the following checks have been made:

- a) the invoice complies with VAT requirements;
- b) there is evidence that work, goods or services have been satisfactorily received;
- c) the invoice has not been previously paid;
- d) expenditure is a proper liability of the Council;
- e) prices and arithmetic are correct and as quoted or estimated;
- f) the voucher has been properly coded to the correct account;
- g) discounts have been taken where available; and
- h) where payment relates to a Contractor's Final Account, that an independent scrutiny of the account has been undertaken.

12.1.21.9

Director Corporate Services (Chief Finance Officer) may approve other arrangements for authorising payments where adequate alternative controls can be demonstrated.

12.1.21.10

Payments shall only be made where an original VAT invoice is provided as a supporting voucher or the invoice is produced electronically by a system approved by Director Corporate Services (Chief Finance Officer) other than where payment is supported by a contract certificate or internal payment voucher. Any alteration to a sum due shall be supported by a debit or credit note.

12.1.21.11

All unmatched invoices and those from approved alternative systems [Rule 12.1.20.4b](#) must have attached to them a cover slip, as determined by Director Corporate Services (Chief Finance Officer), showing that the required checks have been carried out and bearing the signature of the Examining Officer.

12.1.21.12

The normal method of payment shall be BACS, or where authorised by Director Corporate Services (Chief Finance Officer), by direct debit or cheque. Wherever possible, services should not request cheques due to their greater administrative cost and bank charges. Once instant Pre-Paid Cards become available, they will become the normal method of payment where a cheque would previously have been drawn. The continued use of cheque payments will then only continue where a payment by BACS, Direct Debit or Pre-Paid Card is not possible.

12.1.21.13

All undisputed invoices shall be paid in accordance with Corporate Terms of Payment of 28 days unless contractual obligations require earlier payment which shall not in any case be less than 14 days. Prompt payment discounts shall be taken where available.

12.1.21.14

Payments by debit card, credit card or procurement card shall be in accordance with the approval given by Director Corporate Services (Chief Finance Officer) when setting up the arrangement. [Rule 12.1.20.11.](#)

12.1.21.15

The Directors shall notify the Director Corporate Services (Chief Financial Officer) of outstanding expenditure, not yet passed for payment, relating to the previous financial year as soon as possible after 31st March each year, in line with the timetable determined by the Director Corporate Services (Chief Finance Officer).

12.1.21.16

Payments in advance for Goods and Services exceeding £1,000 shall not be made except with the approval of Director Corporate Services (Chief Finance Officer) who may require evidence of a satisfactory Financial Health Check of the supplier (excludes Social Services residential placements and payment by schools of examination fees).

12.1.21.17 Compensation Payments

No payments for compensation of loss, damages or injury shall be made without consultation with the Assistant Director Governance. [Rule 12.1.10.7.](#)

12.1.22 Salaries, Wages and Other Emoluments

Why is this area important?

In most Departments the largest item of expenditure is the cost of staffing. It is therefore important to have controls in place to ensure that payments are only made to bona fide employees in accordance with individual's conditions of employment, in respect of services provided to the Department and that all amendments to the payroll are properly authorised.

The following regulations are not applicable to schools which may make their own arrangements for payroll services. Schools must ensure that any arrangements they make for these services comply with relevant employment and taxation legislation.

12.1.22.1

The payment of all salaries, wages, compensation and other emoluments to all employees, or former employees, of the Council shall be made by Director Corporate Services (Chief Finance Officer) or under arrangements approved and controlled by him/her.

12.1.22.2

Appointments of all employees shall be made in accordance with the regulations of the Council and its approved structures, grades and rates of pay and approved budget.

12.1.22.3

The format of all-time records, claims or other pay documents shall be approved by Director Corporate Services (Chief Finance Officer) and shall be approved by a Budget Manager.

12.1.22.4

Director Corporate Services (Chief Finance Officer) shall make arrangements for the accurate and timely payment of tax, superannuation and other deductions.

12.1.22.5

Director Corporate Services (Chief Finance Officer) shall make arrangements for the payment of Members allowances as per information from Democratic Services.

12.1.22.6

The Directors must establish adequate and effective systems and procedures to ensure that:

- a) payments are only authorised to bona fide employees;
- b) payments are only made where this is a valid entitlement;
- c) conditions and contracts of employment are correctly applied; and
- d) employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

12.1.22.7

Each Director shall:

- a) notify Business Services of all appointments, terminations or variations which may affect the pay or pension of an employee, or former employee, as soon as they are aware of them;
- b) retain personnel records securely and administer those records held on computer files in accordance with the provisions of the Data Protection legislation;
- c) ensure that payroll transactions such as mileage claims or reimbursement of expenses which are not supported by receipts, are processed only through the payroll system;
- d) give careful consideration to the employment status of individuals employed on a self-employed consultant or sub-contract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from Director Corporate Services (Chief Finance Officer);
- e) check and approve travel expenses on Business World On or Purchase to Pay systems, travel and subsistence claims and other allowances. Check and approve is taken to mean that journeys were authorised and expenses properly and necessarily incurred, that allowances are properly payable by the Authority ensuring that cost-effective use of travel arrangements is achieved and that expenses are supported by VAT receipts. Due consideration should be given to tax implications and that VAT is applied correctly where appropriate; and
- f) ensure that the Business Services are notified of the details of any employee benefits in kind to enable full and complete reporting within the income tax self-assessment system.

12.1.22.8

Each Director shall ensure that all payroll source data is:

- a) maintained as required on Business World On;
- b) retained by the Department for the period defined in the Council's Records Management Policy;
- c) authorised, certified and submitted to the Department Administrator or other designated Officer; and
- d) supported with receipts or other documentation to fully verify the claims for expenses or subsistence.

12.1.22.9

All payments made under the relocation scheme shall be in accordance with the scheme. A formal agreement, as supplied by the Lead Specialist Human Resources, must be signed by the member of staff prior to receipt of any benefit.

12.1.22.10

All employees seeking reimbursement of expenses in respect of post entry training courses shall enter into a signed agreement with the Council, to repay all appropriate training expenses should he or she leave the Council's employment within two years following completion of training. The agreement to be signed before any payment is made.

12.1.22.11

Each Director shall ensure that adequate records are kept detailing the total financial support for training, relocation or other purposes given to each member of staff, within their area of responsibility, to enable costs to be ascertained when an employee leaves the Council prematurely.

12.1.22.12

Where an employee leaves the employment of the Council before the terms of any agreement such as for post entry training, relocation or car loan are met, or the employee otherwise becomes ineligible or unable to complete the terms of the agreement, the relevant Directors shall notify Director Corporate Services (Chief Finance Officer) and the Lead Specialist Human Resources of any monies which are to be repaid under the terms of the agreement so that an invoice may be raised.

12.1.22.13

A Director may not waive any monies which become due from an employee in accordance with the terms of any loan agreement or other agreement for financial assistance other than at the discretion of the Assistant Director Governance.

12.1.23 Taxation/VAT**Why is this area important?**

Like all organisations, the Authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all Officers to be aware of their role.

12.1.23.1

Director Corporate Services (Chief Finance Officer) shall complete all returns regarding PAYE and monthly returns of VAT inputs and outputs to HM Revenue and Customs on behalf of the Council and shall provide details to the HM Revenue and Customs regarding payments made under the construction industry tax deduction scheme.

12.1.23.2

Director Corporate Services (Chief Finance Officer) shall maintain up-to-date guidance for the Council's employees on taxation issues.

12.1.23.3

The Directors shall follow the guidance on taxation issued by Director Corporate Services (Chief Finance Officer) in the VAT manual and establish procedures to ensure that:

- a) the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations;

- b) where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements; and
- c) all persons employed by the Authority are added to the Authority's payroll and tax deducted from any payments except where the individuals are bona fide self-employed by a recognised staff agency.

12.1.23.4

The Directors shall inform Director Corporate Services (Chief Finance Officer) of all proposed capital schemes, disposals or leasing arrangements to ensure VAT implications are fully considered and shall seek Director Corporate Services (Chief Finance Officer) 's approval before entering into, or committing to, any land, property, leasing contract or partnership arrangement or setting up or engaging with any company on behalf of the Council.

12.1.24 Local Authority Companies

Why is this area important?

The Local Government Act 2003 has enabled best value authorities to trade through the medium of a company provided that the nature of the trading is connected with their statutory functions. The Council has adopted a council wide policy on income generation which seeks to explore the greater use of its trading powers and opportunities.

The establishment of a company and adopting business models can facilitate this process in introducing innovative, efficient and sustainable forms of delivery with value for money for Council Tax payers. In essence, the establishment of a company will enable the flexibility and 'fleetness of foot' to take advantage of entrepreneurial opportunities not normally associated with a multi-statutorily regulated public body such as a Council.

The medium of the company is also normally essential if the Council wishes to trade to make a commercial profit (as distinct from simply covering its costs).

12.1.24.1

Directors must:

- a) seek approval from both the Assistant Director Governance and the Director Corporate Services (Chief Finance Officer) prior to the setting up or formal involvement in companies. This will involve consideration of whether the trading should be carried out by an existing Council-owned company, a subsidiary of an existing company or a newly incorporated company;
- b) include any clauses, within the company's Memorandum and Articles of Association to safeguard the Council's position as required by the Assistant Director Governance and the Director Corporate Services;
- c) obtain Executive approval before any negotiations are concluded;
- d) ensure all agreements and arrangement are properly documented;
- e) ensure that governance arrangements are in place including arrangements for exit, if necessary;

- f) ensure that risk management processes are in place to identify and assess all known risks;
- g) ensure that a satisfactory business case and business plan are prepared before trading by the company commences;
- h) ensure that any Council Officers who are to be Directors are aware of their responsibilities under company legislation and the company's articles and that appropriate indemnities and insurances are in place for the Council and the company;
- i) ensure that the accounting policies adopted and followed by the Council, [Rule 12.1.4.1](#), are adopted and followed by the company where the Council is the majority shareholder in the company;
- j) that the company has appropriate financial procedures in place to properly record and account for the income and expenditure, assets and liabilities of the company;
- k) that adequate supporting records of the income, expenditure, assets and liabilities of the company are held;
- l) that the company operates a financial year 1st April to 31st March and prepares its financial statements, as per [Rule 12.1.4.10](#), in accordance with the timetable set by the Council's Chief Finance Officer;
- m) that adequate information is provided to the Council in accordance with the timetable set out by Director Corporate Services (Chief Finance Officer) of the Council to enable the consolidation of the company's accounts with the accounts of the Council for group reporting purposes;
- n) that arrangements are made for the audit of the company's accounts in accordance with the requirements set out in the Companies Act 2006 and the Accounts and Audit (England) Regulations 2011;
- o) ensure that where the Council is not the majority shareholder in the company that the Council's procurement regulations, Chapter 13, are followed when contracting services between the Council and the company.

12.1.24.2

The Assistant Director Governance should advise the Executive on the following key elements:

- a) scheme appraisal for financial viability;
- b) risk appraisal;
- c) governance arrangements;
- d) resourcing, including taxation issues; and
- e) audit requirements.

GLOSSARY OF TERMS AND DEFINITIONS	
Chief Finance Officer (Section 151 Officer)	Wokingham Borough Council designated Chief Finance Officer (Section 151 Officer). The Head of Finance has been designated as the Deputy Chief Finance Officer (Section 151 Officer)
Commissioning Forum	A group of Officers to consider funding for individual packages of support.
Consultant	Any person or company commissioned to provide professional expert advice or services outside the Council's fixed establishment
Contract	Any commitment made for or on behalf of the Council with a contractor. The commitment may be made by official purchase order or other method as approved by Director Corporate Services (Chief Finance Officer), Section 151 Officer.
Contract Certificates	A formal certificate, issued in accordance with the terms of a contract, confirming the value of work, goods, and materials supplied at the time of valuation. Such certificates should only be signed by a qualified engineer or architect or consultant employed for the purpose of managing the contract or the responsible Director.
Contracts Register	Where all contracts valued over £5,000 must be recorded. The Register is located on the WBC staff network.
Contract Value	All values in this document relate to the total ascertainable value of a contract (i.e. annual value x length of contract + any extension period, if applicable, and any options if applicable).
EOI	Expressions of Interest.
OJEU Procurement Directive	The directive issued by EU Regulations for procurement by Public Authorities, the directive has been implemented in the UK by The Public Contracts Regulations 2015.
Material Decision	Any decision identified as such within the Financial and Contract Regulations. The template can be found on the WBC staff network.
Purchase Orders	For the purpose of these Regulations, a purchase order is defined as a type of contract raised through the Business World On System (or any replacement system) for the purpose of procuring goods or services and shall require authorisation by a Budget Manager.
PQQ	Pre-Qualification Questionnaire.
ITT	Invitation to Tender.
Services	The provision of goods, materials and services to be supplied or the execution of works that are specified as fundamental to the contract.
Social Care	Refers to Adult and Children's Services.
Standing List	A list of contractors maintained, as per Regulations, these contractors may be invited to quote for the supply of services in specified categories for which they have been approved.
Tender	A formal sealed offer for services submitted in response to an invitation issued by the responsible Director.
Term Contractor	A formal contract under which services are supplied over the period of the contract at previously agreed rates submitted under approved tendering procedures.
Variation	Alterations to the specifications, methods or materials originally tendered affecting the cost of a contract, or which may also change the level of service achieved.
Business World On	Wokingham Borough Council's Enterprise Resource Planning system.
Services	Includes for example, services such as maintenance of equipment,

	transportation, consultancy, technical service etc.
Supplies	Contracts are essentially those for the supply or hire of products. These are referred to as “Goods “in The Public Contracts Regulations 2015 and all associated procurement documentation.
Works	Defined as “the outcome of building or civil engineering, works taken as a whole that is sufficient of itself to fulfil an economic and technical function”.

**STATEMENT OF MATERIAL DECISIONS****APPENDIX A**

The relevant budget holder or corresponding Service Manager/Assistant Director is required to complete a Statement of Material Decision for all material decisions, i.e. any action that is contrary to, or specifically required by, any part of WBC's Constitution.

In particular:

- in accordance with Constitution 12.1.3, Virements;
- waiver of any part of the Procurement and Contracts Rules and Procedures (Constitution Section 13); and
- in accordance with Constitution 13.3.3.2, acceptance of tenders exceeding £500k.

Department Issuing the Material Decision

Department		
Officer Completing this Form	Name	
	Position	
Effective Date of the Decision		

Type of Decision

Please 'checkmark' the applicable box:

Procurement	<input type="checkbox"/>	<i>If yes, complete sections 1 and 3 only</i>
Finance	<input type="checkbox"/>	<i>If yes, complete sections 2 and 3 only</i>
Does this require a new/modified Equality Impact Assessment?	<input type="checkbox"/>	

Nature of the Decision

Please 'checkmark' the relevant box below and add a brief description of the reason(s) for the requested waiver in Decision Details

Virement	<input type="checkbox"/>	
Waive Procurement Rules	<i>Contracts with Total Ascertainable Value up to £50,000.</i>	<input type="checkbox"/>
	<i>Contracts with Total Ascertainable Value between £50,000 and the Relevant EU Threshold.</i>	<input type="checkbox"/>
Award Approval for Contract with Total Ascertainable Value greater than £500,000.	<input type="checkbox"/>	
Exclusion of a tenderer from a procurement process due to their involvement in pre-market engagement.	<input type="checkbox"/>	
Other – Briefly specify here:	<input type="checkbox"/>	

Section 1 – Material Decision Relating to the Application of the Procurement and Contracts Rules and Procedures

Nature of the Decision <i>Enter brief details of the type of decision (e.g. Waive Rule x.x / direct award to ...).</i>	
Nature of the Contract <i>Specify type of contract (goods, services or works), value and term</i>	
Background and Reasons for the Decision <i>Enter here any relevant information to explain the existing situation and why this decision is necessary.</i>	

Procurement Advice <i>State the name of the Procurement Specialist with whom you have discussed this matter and provide a short summary of their advice or attach/append any written advice you have obtained.</i>	
Appraisal of Options <i>List all alternative options considered and provide justification for their rejection.</i>	
Risk Assessment <i>State risks in order of severity – high, medium or low. Outline any identified risks and suggested risk management/mitigation approach.</i>	
Statutory Notices	There is a statutory obligation to publish award information in certain places, depending on the nature and the size of the procurement. Please tick the box to confirm that you understand your obligations. <input type="checkbox"/>

Section 2 – Material Decision Relating to the Application of the Finance Regulations

Nature of the Decision <i>Enter brief details of the type of decision (e.g. virement, write off of uneconomic debts etc.)</i>	
Background and Reasons for the Decision <i>Enter here any relevant information to explain the existing situation and why this decision is necessary.</i>	
Finance Advice <i>State the name of the Finance Specialist with whom you have discussed this matter and provide a short summary of their advice or attach/append any written advice you have obtained.</i>	
Cost Code / Centre	

Section 3 – Additional Specialist Advice Sought

Advice <i>State the name of the Specialist with whom you have discussed this matter and provide a short summary of their advice or attach/append any written advice you have obtained (e.g. HR, Legal, IMT).</i>	
--	--

Supporting documents <i>List all attached/appended documents.</i>	
---	--

Approval by Director

Signature	
Director Name	
Directorate	
Date of Approval	

When signed, email the named Finance/Procurement Specialist to file the document in the folder Z:\Finance\Material Decisions\.....

NB Filenames must be formatted [Director Name – yyyy mm dd - subject], e.g.:
Graham Ebers – 2007 08 01 – Virement for Commercial Property

Appendix B

MONETARY LIMITS

Reference / Rule	Description	Value £
12.1.5.3	Value of Stocks or Stores to be reported annually to Director Corporate Services (Chief Finance Officer).	5,000 or more
12.1.5.4(a)	A detailed inventory of furniture, fittings, plant and machinery and equipment with an individual purchase value in excess of:	1,000
12.1.5.4(b)	Unexplained differences of stores movements to be reported to the Business Assurance and Insurance Manager	1,000
12.1.5.5	Limit for write- off or disposal of surplus items other than land and buildings which a Director may authorise.	2,000
	Value at which items or groups of items to be referred to Director Corporate Services (Chief Finance Officer) prior to disposal.	2,000
	Value at which disposal of Capital Assets to be referred to Chief Finance Officer.	2,000 or more
12.1.5.6	Value at which the Service Manager, Strategic Assets shall maintain an Assets Register of all properties owned by the Council.	10,000
12.1.10.5	Value at which items to be included in Department inventories for inclusion in the Council's "All Risk" insurance policies.	1,000
	Value of items, not specifically insured, to be included in the Service's risk planning and agreement not to specifically insure to be formally obtained from the Assistant Director of Governance.	2,500
12.1.12.4	Level where countersigning of cheques is required.	10,000
12.1.15.9	Value above which withdrawals from Imprest accounts to be countersigned,	100
12.1.16.15	Limit for virements in total which can be approved in any financial year by a Director in consultation with Director Corporate Services (Chief Finance Officer).	150,000
	Limit for virements which can be approved in any financial year by the Chief Executive in consultation with Director Corporate Services (Chief Finance Officer).	300,000
12.1.19.17	Write- Offs and Waivers Debts may be written off where an account remains unpaid and further action to recover debt would evidently be uneconomic as set out below:	
a)	By Budget Managers subject to the agreement of Director Corporate Services (Chief Finance Officer). Such action to be fully recorded	Up to 1,000
b)	By Heads of Service subject to the agreement of the Director Corporate Services (Chief Finance Officer). Such action to be fully recorded	Up to 10,000
c)	By Director or the Assistant Director Governance subject to the agreement of the Director Corporate Services (Chief Finance Officer). Such action to be fully recorded.	Above 10,000 but less than 25,000
d)	Subject to the approval of the Executive.	Above 25,000

	Directors are required to supply a schedule of proposed debt write- offs for sums below £25,000 to the Director Corporate Services (Chief Finance Officer) on a quarterly basis.	
12.1.20.2(b)	Level at which a purchase order or series of Purchase Orders with one supplier must be supported by a Contract.	50,000
12.1.21.4	Each Budget Manager is responsible for the authenticity and coding of purchase orders or payments and shall approve up to:	50,000
	The Budget Manager may delegate authority to one or more nominated representatives subject to the agreement of the Director Corporate Services (Chief Finance Officer) to approve order or payments up to:	2,500
	Each Services Manager (within area of budget responsibility) is responsible for the authenticity and coding of Purchase Orders and can approve orders or payments up to:	100,000
	Each Head of Service (within their area of budget responsibility) is responsible for the authenticity and coding of Purchase Orders and can approve orders or payments up to:	250,000
12.1.21.5	Requests for purchase orders or payments between £250,000 and £1,000,000 shall be approved by a Director or the Deputy Chief Finance Officer	1,000,000
12.1.21.6	Requests for purchase orders or payments exceeding £1,000,000 shall be approved by a the Director Corporate Services, or the Chief Executive, or in their absence, the Deputy Chief Finance Officer	Exceeding 1,000,000
12.1.21.16	Limit above which any Payments in Advance need the approval of:	1,000

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SECTION 13
PROCUREMENT and CONTRACT RULES AND PROCEDURES

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CHAPTER 13 – PROCUREMENT AND CONTRACT RULES AND PROCEDURES

13.1 Purpose and Significance

13.1.1

These Procurement and Contract Rules and Procedures (“PCRPs”) provide a compliance framework for managing the Council’s expenditure on goods, services and works and are, in effect, the instructions of the Council to ALL officers for undertaking expenditure on behalf of the Council. For the avoidance of doubt: responsible individuals ([Rule 13.2.3.1](#)) must not commit to expenditure unless these PCRPs have been followed.

These procurement rules and procedures are made in accordance with section 135 of the Local Government Act 1972.

All references to GPA refer to the Government Procurement Agreement of the World Trade Organisation, of which the UK is now a member in its own independent right. All references to FTS refer to the Find a Tender Service, the UK’s procurement portal for international advertising of contract opportunities. equivalent of OJEU.

13.1.2

As money spent by the Council is public money, the purpose of these PCRPs is to ensure that the Council:

- a) purchases goods, services and works of the appropriate quality for its needs;
- b) uses resources efficiently and obtains value for money in its purchasing decisions
- c) furthers its corporate objectives, including collaboration with other authorities
- d) is open, fair, transparent and fully compliant with UK Law, as laid out in the Public Contracts Regulations 2015 (“PCR2015”) and associated policy notes
- e) helps to safeguard against fraud, bribery, corruption and dishonesty

13.1.3

Failure to follow these PCRPs for all procurement decisions and processes will undermine the achievement of the objectives in ([Rule 13.1.2](#)). Additionally, in an increasingly litigious and regulated environment, non-compliance is seen as an increased risk; including the likelihood of greater exposure to claims from suppliers, as well as heavy fines and non-financial penalties from regulatory authorities.

13.1.4

The PCRPs detailed here should guide users through the processes to follow for any procurement. However, they are not intended to be a ‘how to’ guide; they signpost relevant policies, guidance and legislation and whenever specific advice is needed, consult the:

- a) Procurement and Contracts Team for day-to-day advice in respect of the operation of these rules and procedures;
- b) Legal Services team for advice on issues of precedence and the law relating to Council contracts.

13.1.5

There is a series of policies which should be read in conjunction with these PCRPs. They may be updated from time to time but will always constitute a key component of the PCRPs. [See Appendix 2](#) for a list of applicable policies and [Rule 13.5](#) for an explanation of other associated documentation.

13.2 General Principles

13.2.1 Application and Scope

13.2.1.1

The PCRPs apply to all Council expenditures on goods, services and works. For the avoidance of doubt, 'services' includes:

- a) services of external consultants or temporary workers through external agencies;
- b) the purchasing of services for individuals, including social care and children's services, (e.g: a package of care or a foster placement);
- c) when we increase volume on a spot contract or go beyond a block contract and for extensions, i.e: existing arrangements ([Rule 13.2.2](#) Estimating Contract Value);
- d) Service Level Agreements ("SLAs"); Memorandums of Understanding ("MoUs"); Grants which are awarded by the Council with certain conditions or outcomes attached.

13.2.1.2

The PCRPs do not apply to contracts for:

- a) the appointment of permanent or fixed-term employees
- b) the purchase/rental or sale of any interest in land, existing buildings or other immovable property; these are covered in the Finance Regulations Rule 12.1.5.13
- c) MoUs and Grants which are awarded by the Council without particular conditions or outcomes attached.

13.2.1.3

Maintained schools are required by Section 48 of the School Standards and Framework Act 1998 to comply with the LEA's Financial Scheme; which, in turn, refers to the Council's Finance Regulations and PCRPs. Schools also need to have regard to the current School Governance Regulations.

13.2.1.4

Council owned trading companies are required to use these PCRPs for all procurement activities undertaken; adapting them as required (with advice from Procurement where appropriate) to meet their own governance arrangements. Teckal arrangements have now been codified into PCR2015 but the interpretation can be complex; contact Procurement for advice

13.2.1.5

The potential solutions to events/changes not in the normal course of business, whether during the procurement process or after the contract is underway, can be complex and will depend on the nature of the contract and the specific changes required. In any instance where action outside of the normal contractual terms and conditions is necessary, contact Procurement for detailed advice.

13.2.1.6

Wherever Public Contracts Regulations 2015 (UK Law) allows for exemptions from the normal processes for above threshold procurements, the analogous exemptions are allowed from the normal PCRPs processes for below threshold procurements. This does not remove the obligation on Officers to demonstrate Value for Money and to meet the fundamental need for transparency. A business case needs to be developed for each application of an exemption and Rule 13.3.1.1 – Procurement Business Case (including options appraisal) applied. Accordingly, regardless of the process followed, every contract with a total ascertainable value exceeding £5,000 must be recorded in Wokingham Borough Council's contracts register. Contact Procurement for advice about each individual case.

13.2.2 Estimating Contract Value

All contract opportunities are required to state a total ascertainable value (or a value range) so that potential suppliers can assess their suitability for the opportunity and the appropriate procurement process can be utilised. The estimate includes both revenue and capital elements of any contract. There are several requirements in PCR2015 (Regulation 6) that specify how the value of the opportunity should be calculated.

Refer to the Estimate of Value document and contact Procurement for advice.

Where no definition of total value is possible, the estimated contract value shall be calculated as 48 x the monthly value.

Where service contracts are regular in nature (multiple contracts of similar type – aggregation) the calculation of the estimated contract value shall be based on the total actual value of the successive contracts of the same type awarded during the preceding 12 months. The calculation must take account of the changes in quantity and value that would occur during the 12 months following award of the initial contract.

13.2.3 Responsibilities and Compliance

13.2.3.1

The PCRPs apply to every officer of the Council and anyone acting on its behalf. It is the responsibility of Directors to ensure that the Rules and Procedures are adhered to. The use of e-Procurement became a statutory requirement for qualifying tenders from 18 October 2018; WBC Officers should therefore manage all relevant procurements using the Council's e-Procurement system.

13.2.3.2

Failure to comply with these Rules and Procedures may result in disciplinary action.

13.2.3.3

Breaches of these Rules and Procedures should be reported to the Monitoring Officer; Section 151 Officer and the Assistant Director Governance.

13.2.3.4

Any officer or member of staff who suspects any fraud, corruption or misconduct in relation to any procurement or contract must immediately report that suspicion to the Monitoring Officer, Section 151 Officer and the Assistant Director Governance.

13.2.4 Conflicts of Interest

13.2.4.1

Where a tenderer has provided advice during a preliminary market consultation or has had any involvement in the preparation of a tender document ("Prior Involvement") the following measures must be taken to ensure that competition is not distorted by the participation of that tenderer in the subsequent procurement process:

- a) Details of the Prior Involvement of a tenderer in a particular procurement process must be communicated to all tenderers taking part in that procurement process; including details of relevant information exchanged between the Council and the tenderer as part of the Prior Involvement
- b) The time limit for the receipt of tenders must be adequate (so that the tenderers who have not benefitted from Prior Involvement have sufficient time to properly formulate their responses)

What is considered "relevant information" and "adequate" timescales will vary case-by-case. It is the responsibility of the Officer involved to make a considered judgement of what these mean for their particular instance.

13.2.4.2

Any tenderer who has had Prior Involvement in a particular procurement can only be excluded from the procurement process where the Council has documented a decision (Material Decision) that there are no means available to prevent distortion of competition. The Council shall give the excluded tenderer an opportunity to prove how the Prior Involvement will not distort competition before it makes that decision.

13.2.4.3

Any Council Officer or other person acting on the Council's behalf who has, directly or indirectly, a financial, economic or other personal interest, which might be perceived to compromise their impartiality and independence in the context of any procurement process, shall disclose such interest and shall not take part in that procurement process. Disclosure of the interest should be made via the standard, annual self-declaration procedure.

13.2.4.4

The Localism Act includes rules covering any disclosable pecuniary interest in a procurement activity by Members. The Local Government Association has produced an informative guide: "A Councillor's Guide to Procurement".

13.3 The Procurement and Contract Rules

13.3.1 Pre-Procurement Approvals

The Pre-Procurement Approval steps indicated below must be completed before a formal procurement procedure is started; that is, before the publication of any Prior Information Notice or advertisement requesting Expression of Interest, Request for Quotation, Invitation to Tender or similar. From May 2018, all WBC procurements with a value exceeding £5k must be processed using the e-Procurement system, which requires that the Responsible Officer sets up a new project in the system to manage the process. If you require assistance, please speak to the key/super user in your Service area.

13.3.1.1 Procurement Business Case (including options appraisal)

A formal business case is required for the procurement of individual contracts with a total value above £50k ([Rule 13.2.2](#) for estimating value) with the varying levels of approval shown in the table below. For the purposes of this rule, dynamic purchasing system and framework agreements are not considered contracts and have their own requirements (outlined below).

	No formal business case required	Assistant Director and Director Approval	Executive Approval (see note 1 below)	Full Council Approval (Rule 5.1.9.4)
Goods and Services	< £50k	£50k - £500k	> £500k	Annual Value >£5m or TAV >£25m (if Capital >£15m)
Schedule 3 Services	< £50k	£50k – £663k*	> £663k*	
Works	< £50k	£50k – £4,733k*	> £4,733k*	
DPS/FA set up only	N/A	< £500k	> £500k	N/A

*These figures are aligned to the GPA Threshold Values (as set out in Appendix One) and will be amended as and when the Threshold Values change.

Note 1 The default option is Executive approval.

In exceptional circumstances, where this is not practical and delay will have negative financial consequences, approval by two Executive Members is allowed. This will usually be the Executive Member for the relevant service area and the Executive Member with responsibility for Finance, unless the relevant service is Finance, in which case approval must be carried out in conjunction with the Deputy Leader of the Council, or if the Deputy Leader is the Executive Member with responsibility for Finance, or is unavailable, in which case the approval must be carried out in conjunction with the Leader of the Council (Rule 5.5.1 g). An explanation of the exceptional circumstances must be included within the Individual Executive Member Decision report.

In the case of the procurement of a dynamic purchasing system or framework agreement, Officers are required to develop a business case outlining the overall procurement strategy, providing justification of the selected procurement method and highlighting the main benefits and risks associated with this method of procurement. All business cases for DPS and FA with estimated value up to and including £500K require Director's approval; Executive approval is required if the total ascertainable value of the DPS or FA is estimated to be greater than £500K. Rule 13.3.1.1 will apply to procurement of call-off contracts from either an internal or third party DPS/FA, unless a different governance mechanism has been proposed and approved in the DPS/FA business case or via a separate business case at the relevant level of authority.

All Business cases should include the following elements in an appropriate form:

- a) a brief justification linked to service or corporate objectives;
- b) vision and description of objectives to be achieved / specific need to be addressed;
- c) appraisal of options;
- d) statement of benefits and justification of expenditure, including financial costs and benefits, where relevant over the life of the contract. (Works business cases should include a financial feasibility assessment in terms of investment payback, return on investment or discounted cash flow value);
- e) timetable;
- f) procurement approach and commentary;
- g) source and approval of funding and whether it is revenue or capital;
- h) overall approvals as indicated in table above.
- i) any specialist opinion/sign off, as appropriate (e.g. IMT and/or Business Change for any purchase of software, Finance, Procurement etc.)

The value of a Business Case shall not be distorted or split with the aim of avoiding any threshold. The exact nature of any Business Case will vary depending on the requirements of the services being procured but all should consider the elements listed above to an appropriate degree. In consultation with Procurement, Directorates may design their own templates and requirements for Business Cases, in particular where regularly recurring or rapid procurements are required.

Further guidance on the production of a Business Case is available from Procurement.

13.3.1.2 Budget Approvals

In addition to an approved business case, where required, for the procurement, there must be budget available before procurement can commence.

The approval of the Director is sufficient for any budget approval within their Service remit. The Director may choose to consult more widely as appropriate to the nature of the particular procurement.

13.3.1.3 Legal Approval

As soon as the Business Case and Budget have been approved, the likely nature of the contractual Terms & Conditions (“T&Cs”) should be determined ([Rule 13.3.3.1](#)) and, as appropriate, SLS should be engaged prior to the commencement of the procurement.

SLS needs to be formally instructed to engage in the procurement process; but, in specific circumstances, a waiver may be in place that allows the use of pre-approved documentation. Check with your Assistant Director to verify if any such waiver exists.

13.3.2 Overview of Required Procurement Procedures

ALL procedures in the PCR2015 (including Schedule 3 Services) are subject to “the principles of transparency and equal treatment of economic operators [*tenderers*]”. Accordingly, there is no mechanism for negotiation with any individual tenderer, at any stage of a procurement procedure.

Procedures are available to allow for negotiation, dialogue and innovation but they may only be used in specific circumstances and involving all parties equally. These procedures are difficult to manage effectively and should generally be avoided.

For procurements exceeding £50k, the default procedures are the Open or Restricted procedures only; or the use of existing frameworks from other central procurement bodies; in order to use another procedure, officers need to consult with Procurement For Services that need to manage urgent requirements (e.g.: emergency placements), a blanket waiver (clearly specifying the circumstances in which such a procedure is appropriate) may be available.

Check with your Assistant Director to verify if any such waiver exists.

13.3.2.1

The following table gives an overview of the Procurement and Contract requirements for expenditure on **Goods** and **Services** (excluding Schedule 3 Services - see below) at various contract values:

Goods & Services Contract Value	Below GPA Threshold			Above GPA
	< £5k	£5k - £50k	>£50k - £189k	> £189k
Approved business case for the procurement at the appropriate level			✓	✓
Fully compliant PCR process. Any applicable process may be utilised.				✓
Pre-qualification questionnaire (SQ) (Restricted Process)	prohibited	prohibited	prohibited	✓
Invitation to Tender (ITT) Open (single step) process			✓	
Quick Quotes process ¹ , with credit check & references		✓ (min 3 quotes)		
Simple quotation and Purchase Order	✓			
Support teams to be notified before start of procurement undertaking			If >£100k SLS	SLS & Procurement
Formal specification & evaluation criteria			✓	✓
Simplified specification & evaluation	(if necessary)	✓		
All documents available on the date of publication of notice or advertisement		if advertised	✓	✓
Publish in FTS ²				✓
Advertise in Contracts Finder ² (within 24 hrs of 1 st advert anywhere else)		>£25k if advertised anywhere	✓	✓
Formal tender evaluation process			✓	✓
Award notified in FTS ² /OJEU ³				✓
Award notified in Contracts Finder ²		if >£25k	✓	✓
Signed contracts lodged with SLS			✓	✓

¹ If you wish to advertise your Quick Quote, use the 'Create Project' 'Advertised Quotation (<50K)' process

² Handled automatically by the e-Procurement system

³ Any procurement that was advertised on OJEU prior to 31 December 2020 23:00 must have its award notice and all subsequent notices of amendment etc. also published in OJEU, despite formal transition from the EU being completed

Standstill period			recommended	✓
Complete Reg84 Report				✓

13.3.2.2 Schedule 3

The following table gives an overview of the Procurement and Contract requirements for expenditure on Schedule 3 services at various contract values. These are for specific services such as health, social care, education, cultural and certain other service contracts as defined by Common Procurement Vocabulary (CPV) codes:

Schedule 3 Services Contract Value	Below GPA			Above GPA
	< £5k	£5k - £50k	> £50k - £663k	> £633k
Light Touch Regime (“LTR”)				✓
Any appropriate process may be used			✓	✓
Quick Quotes Process ⁴ with credit check and references for selected supplier		Min 3 Quotes		
Formal specification and evaluation criteria		✓	✓	✓
Simple quotation and Purchase Order	✓			
Support teams to be notified before start of procurement undertaking			If >£100k SLS	SLS and Procurement
All documents available on the date of publication of notice or advertisement		if advertised	✓	✓
Advertise in FTS – contract notice or PIN ⁵				✓
Advertise in Contracts Finder ⁴ (within 24 hrs of 1st advert anywhere else)		> £25k, if advertised anywhere	✓	✓
Pre-qualification questionnaire (SQ) (Restricted Procedure)	prohibited	prohibited	Optional (but prohibited below £189k)	✓
Invitation to Tender (ITT)			✓	
Formal tender evaluation process			✓	✓
Publish contract award notices ⁴ (can publish notices grouped quarterly)		If > £25k	✓	✓
Standstill period			recommended	✓
Complete Reg84 Report				✓

For ALL procurements, any appropriate process may be used and there is flexibility in the types of award criteria that can be defined but any procedure used must ensure equal treatment of tenderers and transparency. There are no prescribed timescales for procedures but they must be “reasonable and proportionate”.

⁴ If you wish to advertise your Quick Quote, use the ‘Create Project’ ‘Advertised Quotation (<50K)’ process

⁵ Handled automatically by the e-Procurement system

The procedure can deviate from the LTR as long as there is no breach of equal treatment and transparency and the reasons are documented & communicated.

13.3.2.3

The following table gives an overview of the Procurement and Contract requirements for expenditure on Works at various contract values:

Works Contract Value	Below GPA			Above GPA
	< £5k	£5k - £50k	> £50k - £4,733k	> £4,733k
Approved business case for the procurement at the appropriate level			✓	✓
Full PCR process				✓
Invitation to Tender (ITT)			✓ (if not Construction Line)	✓
Optional Construction Line "Tender"		✓	✓ (if no ITT)	n/a
Pre-qualification questionnaire (SQ) (Restricted Process)		prohibited	Optional (but prohibited below £189k)	✓
Quick Quotes process ³ , with credit check and references for selected supplier		✓ (min 3 quotes)		
Simple quotation and Purchase Order	✓			
Support teams to be notified before start of procurement undertaking			If >£100k SLS	SLS and Procurement
Formal specification & evaluation criteria			✓	✓
Simplified specification & evaluation	(if necessary)	✓		
All documents available on the date of publication of notice or advertisement		if advertised	✓	✓
Publish in FTS ⁶				✓
Advertise in Contracts Finder ⁵		> £25k, if advertised anywhere	✓	✓
Formal tender evaluation process			✓	✓
Award notified in FTS ⁷ /OJEU ⁸				✓

⁶ Handled automatically by the e-Procurement system

⁷ Handled automatically by the e-Procurement system

⁸ Any procurement that was advertised on OJEU prior to 31 December 2020 23:00 must have its award notice and all subsequent notices of amendment etc. also published in OJEU, despite formal transition from the EU being completed

Award notified in Contracts Finder ⁷		If > £25k	✓	✓
Signed contracts lodged with SLS			✓	✓
Standstill period			recommended	✓
Complete Reg84 Report				✓

13.3.2.4 Abnormally Low Tenders

The Council has a duty to investigate any tenders that appear to be abnormally low. We are obliged to require tenderers to explain the price or costs proposed in the tender and assess the information provided in consultation with the tenderer. The situation can be complex since PCR2015 regulations lay out specific elements to be considered, conditions to limit when the Council may reject a tender and obligations for when it must reject a tender. Contact Procurement for help in interpreting the specific rules.

13.3.3 Contracting Requirements

13.3.3.1 Overview of Contract Terms and Conditions

Having selected an appropriate supplier, the following sources of T&Cs may be appropriate for various contract values. These represent the minimum requirements for any given contract value; for low value contracts, more stringent T&Cs (e.g. simplified Contract Terms instead of a standard PO) may be relevant in some circumstances:

Contract Value	Duration	Corporate Credit Cards	Standard Purchase Order Terms	Template Contract	Formal Contract Terms (via SLS)	Suppliers' Terms
< £50k	<12mth	✓	✓	if necessary		By exception and only with input of Legal Services
	>12mth	n/a	✓	if necessary		
£50k – £100k	any	n/a	n/a	✓		
>£100k	any	n/a	n/a	n/a	✓	

Note

Services may have Corporate Credit Cards, which can be utilised for low value, low risk, one-off transactions, subject to the individual spending limit on the card. All ongoing / recurring requirements should be procured under a purchase order and/or an appropriate contract.

If you have any questions or concerns around contracts that may be high risk, consult Legal Services and/or Procurement. For example: relatively low value contracts may have risks around sensitive data associated with them, which make the inclusion of a Confidentiality Agreement appropriate in that particular case.

13.3.3.2 Acceptance of Tenders and Signing of Contracts:

Activity	Up to £100,000	£100,000 - £500,000	Greater than £500,000
Acceptance of Tenders (prior to contract award)	Assistant Director	Director	Director by Material Decision
Contract Signature	None if PO or Purchasing Card. Otherwise 1 Officer named on "List of Authorised Officers" for the relevant service area.	Either: Sealed as a deed. or Two Officers: 1. Any Solicitor or Barrister employed by WBC 2. One officer from the "List of Authorised Officers" for the relevant Service area	Sealed as deed
Sealing is facilitated by Legal Services			

These levels apply as long as the tender does not exceed the overall approved budget by the lesser of 10% or a maximum of £20,000, providing sufficient budget can be secured, and the tender is the most advantageous, as measured against the previously set criteria.

Directors may only accept a tender which falls outside these criteria subject to consultation with the Deputy Chief Executive (Chief Finance Officer/Section 151 Officer) or nominated Deputy, if delegated to, and if applicable, the Head of Human Resources and Organisation Development with regard to Transfer of Undertakings (Protection of Employment) Regulations [TUPE], as a Material Decision.

13.3.3.3 Supplier Details

It is the responsibility of the Responsible Officer to ensure that all Suppliers to the Council are entered into the Council Purchase-to-Pay (P2P) system (or any replacement system) and that a purchase order is created to allow for the payment of invoices, prior to the start of the contract.

13.3.3.4 Modification of Contracts During Their Term (including extensions)

Subject always to the availability of an approved budget for the total amount to be committed, the ability to demonstrate ongoing value-for-money and that the modification does not alter the overall nature of the original procurement a contract may be modified within certain, defined limits; contact Procurement for advice.

The primary concern of PCR2015 is to ensure that the scale of the contract opportunity (i.e. its overall value) is not significantly changed. Many contracts (especially Works) will allow for changes to requirements and specifications within their terms, as long as the overall nature and scale of the contract is not substantially altered.

There is no means to extend a contract beyond the term/s defined within the original contract documents (which may include one or more defined extension periods). A Material Decision has no legal basis in this respect; once the maximum allowable term is complete, a new contract must be awarded. This will usually be awarded through a new procurement procedure with a suitable level of competition, as described above. The regulations allow some mechanisms that may be useful in these circumstances but they are specific and quite restrictive; contact Procurement for advice.

13.3.4 Contract Management During the Contract Duration

Good contract management relies on planning, starting with the creation of the contract documents during the initial procurement.

For any particular service requirement we should develop a clear idea of what success looks like – what would we ideally want from the contractor that would deliver a first class service with a minimum of input from ourselves. Clauses and requirements, KPIs, regular reporting of metrics and contract reviews can all be built into the tender pack; setting expectations with potential contractors at the outset. Mechanisms that incentivise good performance and behaviours and the potential to share any benefits that the partnership approach generates can all be valuable approaches.

13.3.4.1 Recording of Contract / Tender Information

For transparency reporting and audit requirements, as well as to enable effective Council-wide contract management activity, all contract details are automatically recorded by the e-Procurement system and held in a central register. All contracts awarded by other means

and exceeding £5,000 must be entered into the e-Procurement system following award. It is the responsibility of the relevant Assistant Director to ensure that contract information is recorded and kept up-to-date.

The details will be made directly available to the public, via the WBC external website, as required by Transparency Regulations. Legal Services shall retain original copies of contracts valued over £50,000 during the term of the contract. These contracts will be archived for a period of 6 years from the contract end date or for 12 years if under seal.

Directors (or a delegated Responsible Officer) shall retain copies of contracts under £50,000 which should be archived at the contract end date, as a guide, for a period of 5 years.

13.3.4.2 Key Performance Indicators

Contracts entered into by the Council should contain KPIs, which are agreed with the supplier at the contracting stage of the procurement process. These ensure that both the Council and the supplier can regularly monitor and manage the supplier's performance against the contract, to ensure that what has been contracted for is delivered. KPIs should be a combination of quantitative and qualitative measures which can be readily collected and measured. Procurement has produced a separate brief guide, for typical KPIs to include in a contract.

Having agreed KPIs with suppliers, it is up to the responsible contract manager to agree the process for capturing and reviewing these measures on a regular basis and capturing any deviations to ensure remedial action is taken.

13.3.4.3 Performance Reviews

Good contract management practice requires the establishment of routine and regular contract performance reviews over the lifetime of the contract. The Council's contract managers and suppliers review KPIs, work plans and other performance tools so that deviations from contract can be rectified quickly. It is the responsibility of Directors to ensure that officers, or staff, with contract management responsibilities in their Directorate, undertake such regular performance review activity, as appropriate.

13.3.4.4 Contract end planning

It is also good practice to prepare for the end of a contract well before the contract end date is reached. The responsible contract manager should start planning for contract end, renewal or re-letting 24 months, and no less than 12 months, before contract end. This will be assisted by the alerts from the e-Procurement system.

13.4 Overview of Procurement Process Selection

This section details the processes to be followed for any procurement. The precise process will depend on type and value of procurement as well as any corporately mandated or optional approaches that may be available.

To direct users to the appropriate process for their procurement, a 'process wizard' is set out below. It works by asking some key sequential questions about the nature of the proposed procurement to arrive at which process should be used.

1	2	3	4	5		
Type	Above/ below GPA	Procurement Size	Available Corporate Contract	Available Framework Agreement	Default Process	Optional Processes available
Goods & Services	Above	> £189k	Yes	n/a	Corporate Contract	
			No	Yes	Framework Contract	
				No	Full PCR Process	① ② [③ ④]
	Below	£50k – £189k	Yes	n/a	Corporate Contract	
			No	Yes	Framework Contract	
				No	Above £50k Process	① ⑤ [③ ④]
		£5k - £50k	Yes	n/a	Corporate Contract	
			No	Yes	Framework Contract	
				No	Above £5k Process	Table 3.2.1
		£0k - £5k	Yes	n/a	Corporate Contract	
			No	Yes	Framework Contract	
				No	< £5k Process	⑥

1	2	3	4	5		
Type	Above/ below GPA	Procurement Size	Available Corporate Contract	Available Framework Agreement	Default Process	Optional Processes available
Schedule 3 Services	Above	> £663k	Yes	n/a	Corporate Contract	
			No	Yes	Framework Contract	
				No	Light Touch Regime	
	Below	< £663k	Yes	n/a	Corporate Contract	
			No	Yes	Framework Contract	
				No	Tender Process	① ② ③ ④ ⑤
					Approved Supplier List	⑥

1	2	3	4	5			
Type	Above/ below GPA	Procurement Size	Available Corporate Contract	Available Framework Agreement	Default Process	Optional Processes available	
Works	Above	> £4,733k	No	Yes	Framework Contract		
				No	Full PCR Process	① ② [③ ④]	
	Below	£5k –£4,733k	Yes	No	n/a	Corporate Contract	
					Yes	Framework Contract or > £50k Process	① ② ③ ④ ⑤
			No	> £50k Process	Table 3.2.3		
				£5k - £50k Process			
		< £5k	Yes	n/a	Corporate Contract		
			No	n/a	Purchase Order	⑥	

No.	Optional Processes
①	Open Procedure
②	Restricted Procedure (above £189k only)
③	Competitive Procedure with Negotiation (by exception only)
④	Competitive Dialogue (by exception only)
⑤	Framework or Dynamic Purchasing System (DPS)
⑥	Approved Supplier / Provider List

13.5 Related Policies and Obligations

There is a range of policies and additional obligations that support and expand on these PCRPs but they are typically specific and / or are subject to update from time to time.

As such, they do not form part of the core PCRPs and are supplied as appendices, as indicated below. Ensure that you always access a fresh copy of any particular document you need to refer to.

Appendices sit outside of these Regulations and may be updated from time to time without the need for formal approval.

13.5.1 Related Policies and Processes ([Appendix 2](#))

This appendix lists all the Council policies which are relevant to the PCRPs and should be read in conjunction with the information above.

13.5.2 Additional Obligations

The previous Procurement & Contract Rules had been appended over a number of years with obligations that addressed particular issues and experiences. Some are now incorporated in the overall rules but those that are still relevant and require specific mention are referenced below. The detailed description for each clause can be found in the appendices.

Statutory Obligations ([Appendix 3](#))

WBC Specific Obligations ([Appendix 4](#))

Appendix One

Threshold Values

Threshold	GBP (2020 conversion)	Display Value	Bookmark name
Goods & Services	£ 189,330	£189k	GSthold
Schedule 3	£ 663,540	£663k	S3thold
Works (Schedule 2)	£ 4,733,252	£4,733k	WORKSthold
Concessions	£ 4,733,252	£4,733k	Cthold

The GPA procurement thresholds for application of the Public Contracts Regulations 2015 are fixed for a 2 year period (1st January – 31st December); the values are subject to change on the 1st January of every even year (i.e. 2020, 2022, 2024...).

Public Concession contracts occur very rarely in WBC but when they do, they are subject to a separate set of regulations; the Concession Contracts Regulations 2016. If you believe your procurement may fall into this category, contact Procurement for further information.

Note: these thresholds apply to the [total ascertainable value](#) of the contract / business opportunity (excluding VAT) and not the annual cost or budget.

NOTE: -

When updating the reference figures in the table above, reassign the correct bookmark name to the newly entered figure. You achieve this by:

- Type in the new figure that you require.
- Highlight the new figure (remember to include the '£' symbol) by holding your left mouse button and dragging the cursor across it.
- From the menu bar select [Insert], then [Bookmark]. A 'Bookmark' dialogue box will pop up.
- Select the correct 'Bookmark name' from the list in the dialogue box and click [Add].
- When you close the document, a dialogue box will open to ask if you wish to save your changes; ALWAYS click [SAVE], even if you have already saved the document beforehand. This will run a macro, which automatically updates all the fields in the document that are linked to your changes.

Related Council Policies & Processes

Appendix Two signposts general Council policies and specific processes that are relevant to procurement activities undertaken by Council Officers.

All such general policies are available to the public through the Council Website.

These documents are subject to regular review and update. In order to avoid an excessive rate of change to the Constitution, the specific details are not included here.

The working copy of this Appendix Two is available through the intranet – providing Officers with direct links to all the relevant information, including the specific processes.

Alternatively, details about what is included may be obtained from Procurement.

Additional Obligations, Statutory

Index

- i. The Social Value Act / Localism
 - ii. Safeguarding – DBS (Disclosure & Barring Service)
 - iii. Supported Organisations
 - iv. Social Enterprises (VCSE)
 - v. Contracts involving Council Assets
 - vi. TUPE (Transfer of Undertakings (Protection of Employment))
-

i The Social Value Act / Localism

For all:

- a) Service contracts with a value in excess of the EU threshold and
- b) all works contracts over £1m;

the contractor and its supply chain will be required to actively participate in the achievement of social objectives relating to the participation in skills development, employment and training programmes in accordance with Wokingham Borough Council's Employment and Skills Guidance for Tenders, which can be found on the Council's website.

ii. Safeguarding – DBS (Disclosure & Barring Service)

Wherever a contract or tender involves working regularly with children or vulnerable adults, or wherever required as appropriate to the nature of the contract, DBS checks must be included as a requirement at the outset within the tender specification and the terms and conditions document.

These must also clearly state that all costs relating to DBS checks shall be borne by the contractor.

DBS checks should be repeated at 3-yearly intervals for those who remain in post. Contractors should be asked to provide evidence that DBS checks are monitored and kept up to date.

Contractors should be asked to confirm that they are aware that:

- a) An organisation which knowingly employs, in a relevant role, someone who is barred to work with children or vulnerable adults is breaking the law.
- b) They must inform the Independent Safeguarding Authority if they dismiss or remove a member of staff because they have harmed a child or vulnerable adult, or they would have dismissed or removed them had they not left.

iii. Supported Organisations

In the case of a supported business, supported employment programme or sheltered workshops as defined in Regulation 20 of the PCR2015 (essentially establishments where more than 30% of the workers are disabled or disadvantaged); the Council may restrict the scope of invitations to tender to those types of organisations. This is termed a “Reserved Contract” and the call for competition shall make reference to Article 20 of the Public Contracts Directive. Other relevant procurement rules and procedures continue to apply.

This should not be confused with the completely separate arrangement (Regulation 77) for reserved contracts to support mutual and social enterprises, [See iv](#) below. – Social Enterprises VCSE

iv. Social Enterprises (VCSE)

PCR2015 includes a significant alteration in the treatment of Social Enterprises, mutuals, charities and other similar organisations (or VCSEs).

Covered under the Schedule 3 regulations (specifically Regulation 77); contracts may be reserved for qualifying organisations ONLY if they are exclusively for one or more services covered by a specific sub-set of the Schedule 3 CPV codes.

The relevant codes are highlighted in yellow in the list of Schedule 3 CPV codes.

A “qualifying organisation” is one that fulfils all of the following conditions: -

- a) its objective is the pursuit of a public service mission linked to the delivery of those services;
- b) profits are reinvested with a view to achieving the organisation’s objective, and any distribution of profits is based on participatory considerations;
- c) the structures of management or ownership of the organisation are (or will be, if and when it performs the contract):
 - i) based on employee ownership or participatory principles, or
 - ii) require the active participation of employees, users or stakeholders;
- d) the organisation has not been awarded, pursuant to this regulation, a contract for the services concerned, by the contracting authority concerned, within the past 3 years.

The contract may only be awarded for a maximum of 3 years.

The call for competition shall make reference to Article 77 of the Public Contracts Directive.

This regulation is designed to promote opportunities to qualifying social enterprises by protecting them from full EU competition for the first 3-years of a particular type of contract. They are expected to be able to develop their services during that initial period and will then be subject to full competition.

This should not be confused with the completely separate arrangement (Regulation 20) for reserved contracts for Supported Organisations – [Appendix Three iii](#).

v. Contracts involving Council Assets

In order to comply with the International Finance Reporting Standard (IFRS), wherever a contract is proposed which includes use of a defined asset (i.e. an item of property, plant or equipment) or conveys the right to use a specific asset, prior to the agreement of such a contract the permission of the Chief Financial Officer should be sought.

The contract agreement should split the payment between those elements applicable for the asset and those elements applicable for the service.

vi. TUPE (Transfer of Undertakings (Protection of Employment))

If existing employees are associated with the contract opportunity (either internally or externally) the Transfer of Undertakings (Protection of Employment) Regulations 2006 must be observed. For example: a contract for services is retendered as it has come to the end of its term and the existing supplier employs staff specifically to provide us with those services. Those staff would be covered by TUPE regulations should the new contract be awarded to a different supplier.

If in any doubt, the Contract must be checked with the Head of Legal Services or the Service Manager, Human Resources.

A Confidentiality Undertaking form must be used as part of the tender process where TUPE applies

Additional Obligations, WBC SPECIFIC

Index

- i. Assets & Security
 - ii. Loans, Leases & Guarantees
 - iii. Sponsorship & Grant Monies
 - iv. Mitigation of Risk (including Performance Bonds)
 - v. Insurance
-

i. Assets & Security

For guidance on assets & security, see Finance Regulations 12.1.5 – Assets and Security.

ii. Loans, Leases & Guarantees

For general guidance, see Finance Regulations 12.1.13 – Investments, Borrowing, Treasury Management, Leasing and Trust Funds.

Clauses that are directly relevant to loans, leases & guarantees may be found in Finance Regulations 12.1.13.7 – Loans, Leases and Guarantees and the subsequent sections.

iii. Sponsorship & Grant Monies

Council income from sponsorship or grants is covered by the Financial Regulations: 12.1.14 – External Funding.

Grants should be assessed on a case by case basis. The Glossary contains a definition

- a) Where the money is given simply to carry out works or services from which the Council derives no direct benefit this is probably satisfactory and can be considered a grant.
- b) Grants given to benefit the local community and to achieve better financial outcomes should be considered in line with Council priorities, although, where money is given and the Council receives a benefit intended to be enforceable in return then this is a contract and must follow Procurement rules.
- c) Where the Council gives an organisation money which then enables the organisation to bid/tender for a business opportunity, the Council would be acting anti-competitively and if the contravention affected trade between member states of the EU it would also contravene state aid rules. A procurement process must be followed in line with UK Law and potentially European Regulations. Any such money actually paid by the Council must be returned to the Council prior to the commencement of the tendering process.

iv. Mitigation of Risk (including Performance Bonds)

An appropriate level of security for the due performance of a contract should be considered in every case. For low value contracts no specific steps may be necessary but as contract value increases, so should the level of safeguards that are put in place.

For all contracts, appropriate performance safeguards should be agreed and formally recorded in the contract documents.

Continuity is critical for many of the services that the Council provides. It is therefore essential that appropriate steps are taken to ensure that we can continue to deliver the service, even if the current contractor runs into difficulties or defaults on their deliverables. To that end, suitable clauses should be included in the contractual terms and conditions in order to mitigate the risk of any default.

There are many different ways of achieving the required safeguards; the method (or methods) selected depend on the nature and value of the specific contract and the state of the market. The following lists the typical key factors to consider: -

- a) **Maturity of the market**
Where there are many capable suppliers available (especially if several are locally based), who could potentially step in to cover any urgent issues, the need for other forms of protection is diminished.
- b) **Length of contract/Payment Schedule**
A long-term contract with regular monthly payments, in arrears, should be quite stable and can, in practice, supply immediate funds by withholding payment for the most recent period/s, if necessary.
- c) **Nature of contract**
If the service can tolerate a short lapse in provision without major difficulties the Council will have time to secure alternatives, should the incumbent contractor fail. Statutory service provision, with significant immediate consequences of failure, will need a much more secure approach.
- d) **Nature of Risk**
Are the real risks in the contract focussed around potential default or are localised failures and issues more likely, where appropriate insurance may be more effective. Clearly, multiple risk factors are present in all contracts and combined safeguards may be required. A balanced assessment of the likelihood and consequences of each risk factor is needed to establish the right controls and mitigation.
- e) **Financial Standing**
If the contractor is large and financially stable, especially when compared to the contract value, there may be no need for additional safeguards. Alternatively, the Contractor may be a subsidiary of a larger parent company/group, which is a real entity (as opposed to a holding company name) that can draw on real resources. In these cases, a parent company guarantee can be an effective, generally cost free, safeguard. The Council has a standard Form of Parent Company Guarantee.
- f) **Contract Management**
The effective use of Performance Measures and Key Performance Indicators as part of an active contract management scheme can be the best safeguard. This is most effective when implemented as an integral part of the contract tender with planned development throughout the contract term.

Not only can well planned and executed contract management provide advanced warning but it can also prevent potential issues from developing into major concerns, through early intervention and a stronger relationship between Council and Contractor.

g) Performance Bond

A performance bond (or other suitable security) may be an appropriate safeguard for the specific circumstances of the contract opportunity. This will be provided by the contractor, through a Bank or leading Insurance Company.

You need to consider the practicality of a bond to secure the contract. Whilst it is designed to provide a fund for alternative provision, the likelihood of being able to release those funds quickly is low. In addition, the contractual details surrounding a Performance Bond are becoming increasingly complex and any release of funds is typically subject to Legal scrutiny.

The cost of the bond may be relatively high in relation to the level of benefit it secures. The contractor may be willing to set aside funds directly with us to cover the same liability; a pragmatic and low cost alternative.

The amount of the bond shall not normally exceed 10% of the contract sum (or 15% of the annual value of a contract exceeding 12 months duration), unless otherwise agreed with Director of Finance & Resources (Chief Finance Officer) (Section 151 Officer). Where a bond is used, the following documents must be included (as Appendices) and referred to in the tender pack: -

- i. Council's Form of Guarantee Bond
- ii. Bond Letter

The cost of a Performance Bond, where provided, shall be clearly itemised in the tender submission.

v. Insurance

Insurance is necessary to help protect the Council against the financial consequences of claims arising from the activities of contractors. It is essential that 'relevant' and adequate insurance details of everyone who enters into a contract with the Council are obtained before the contract commences.

'Relevant' generally refers to Public Liability cover and Employer's Liability cover, but might include Professional Indemnity insurance, and possibly others (e.g. Products Liability or Motor). Reference should be made to the Insurance summary document for more details of what is required and the procedures that are to be followed. Questions regarding the insurance requirements for a contract may be referred to the Head of Governance and Improvement Services.

It is the responsibility of the contractor to maintain adequate insurance and, where applicable, for adequate insurance to be in place for any subcontractor they have instructed to work on their behalf. This requirement must be stated within the terms and conditions of the contract.

Where Professional Indemnity insurance is required, it must be stated within the conditions of the contract that cover remains in place for a reasonable period after the expiry of the contract.

The Officer, or team, entering into the contract on behalf of the Council, must carry out the monitoring of the insurance during the contract period.

Further details and a suggested template letter are available.

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Wokingham Borough Council – Structure and responsibilities

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The Health Overview and Scrutiny Committee

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Regulatory and Other Committees

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Procurement and Contract Rules and Procedure

REVISIONS

Section 1

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4	New Management Structure	1.3	November 2006
1, 2	Borough Status	Many	March 2007
Index	Health Select Committee to Health Overview and Scrutiny	Many	May 2007
3	New Committee Structure	1.2	May 2007
6 & 9	Health Select Committee to Health Overview and Scrutiny	Many	May 2007
1-5	Amount from 500,000 to 300,000	1.4.4.d	May 2007
4	New Management Structure	1.3	August 2007
4	New Management Structure	1.3	November 2007
3	New Committee Structure	1.2	June 2008
4	New Management Structure	1.3	June 2008
	Corporate Heads to General Managers and Associated Formatting	Many	July 2008
3	New Committee Structure	1.2	October 2008
4	New Management Structure	1.3	October 2008
6, 9 & 10	Scrutiny Committee to Overview and Scrutiny Management Committee and associated formatting	Many	October 2008
4	New Management Structure	1.3	July 2009
3	New Committee Structure	1.2	May 2010
4	New Management Structure	1.3	May 2010
3	New Committee Structure	1.2	February 2011
4	New Management Structure	1.3	February 2011
4	New Management Structure	1.3	January 2012
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4	New Management Structure	1.3	February 2013
3	New Committee Structure	1.2	May 2013
4	New Management Structure	1.3	May 2013
4	New Management Structure	1.3	November 2013
6	Overview & Scrutiny Panels to Overview and Scrutiny Committees	1.4.8	November 2013

12	Title Change Head of Governance and Democratic Services to Borough Solicitor	1.6	February 2014
4	Updated Management Structure	1.3	July 2014
3	Updated Committee Structure	1.2	July 2015
2	Publication of the Constitution – Electronic or printed copies	1.1.10	September 2015
6	Removal of word Management and ref to Chapter 7.2	1.4.8	November 2015
10	Replace Strategic Leadership Board with Corporate Leadership Team	1.5.8	November 2015
4	Updated Management Structure	1.3	November 2016
4	Updated Management Structure	1.3	May 2017
4	Updated Management Structure	1.3	November 2017
3	Committee Structure	1.2	May 2018
4	Updated Management Structure	1.3	July 2018
2	Removal of Para c)	1.1.10 c	November 2018
3	Updated Committee Structure	1.2	November 2018
4	Updated Management Structure	1.3	November 2018
6	Removal of Health O & S committee as now reports to Overview and Scrutiny	1.4.8	November 2018
8	Update of Legislation	1.5.3.1	November 2018
9	New 1.5.3.4 and associated formatting	1.5.3.4	November 2018
12	Change Chapter 12.2 to Chapter 13	1.6.2	November 2018
4	Updated Management Structure	1.3	February 2019
4	Updated Management Structure	1.3	May 2019
4	Updated Management Structure	1.3	July 2021
5	Updated Key Decision definitions to reflect changes made to 5.1.9.2 in 2020	1.3	July 2021
1 & 2	Changes to the Constitution – review and approval	1.1.6	February 2022
12	Signing or Sealing on behalf of the Council	1.6.6	February 2022
5	Management Structure	1.3	March 2023
5	Management Structure	1.3	March 2024

Section 2

Page	Change Made	Reference	Date
1, 3, 7, 8, 9, 10	Borough Status	Many	March 2007
4-11	Members Allowances Scheme	2.2	May 2007
All	Members Allowances Scheme	2.2	October 2008
3-11	Members Allowances Scheme	2.2	July 2009
5	Update Names of O & S Panels	2.2.5.2	September 2010
3	Increase membership of Independent remuneration panel to 5 people	2.2.3	November 2010
8	Change Car Mileage Rates	2.2.6.1	November 2010
11	Change of General Manager to Strategic Director	2.2.11	February 2011
6	Additional Text Childcare Form	2.2.5.3	March 2011
13-15	Updated Claim Form and Childcare Form	2.2.17	March 2011
3	Change Legal and Democratic Services to Democratic Services	2.2.1	May 2011
4	Change of Dates	2.2.4	May 2011
4	2 nd Paragraph changed - Re Para C	2.2.5.1. c)	May 2011
6	Change in amount of hours	2.2.5.3.	May 2011
8	1 st Class Travel to Standard Class Travel	2.2.6	May 2011
8	Mileage Rates	2.2.6.1	May 2011
10	Changes to Table - mileage paid on production of claim	2.2.8	May 2011
10	2 nd Paragraph - Democratic Services replaced by Group Offices	2.2.8	May 2011
Index	Updated		September 2011
2	Additional Text - also available on the Councils Website	2.1.6	September 2011
6	Additional Text re Car Parking at Shute End	2.2.5.4	September 2011
15	Updated Childcare Form	2.2.17	January 2012
8	Additional Approved Duty	2.2.5.4	July 2012
12	Supporting Documents - Addition of dates	2.2.16	July 2012
Index and 3	Appointing IRP Members and associated formatting	2.2.3	November 2012

Appx A	New Appx A, Process, Application Form, Role and Terms of Reference for IRP Members	Appx A	November 2012
5	Update Overview and Scrutiny Panels to Overview and Scrutiny Committees	2.2.5.2	May 2013
Index and 3-12	Changes to the Allowances Scheme and associated formatting	2.2	September 2014
4	Change of Effective date	2.2.4	September 2015
4	Change of Basic Allowance	2.2.5.1	September 2015
11	Change to Pension Rules	2.2.13	September 2015
12	Additional dates	2.2.16	September 2015
22	Additional Para 8 – Review of Council Owned Companies	Terms of Reference	September 2015
1	Replace 2009 with 2017	2.1.2	November 2015
3	Replace Office of Deputy Prime Minister with Department for Communities and Local Government	2.2.1	November 2015
5	Removal of Community Partnerships and Corporate Services and replaced with Community and Corporate	2.2.5.2	May 2016
20	Change to period of appointment	Role of IRP Member	September 2016
4, 5, 6, 12	Changes to the Allowances Scheme, incl Basic allowance, SRA, Minimum Wage.	2.2.4, 2.2.5.1, 2.2.5.2. 2.2.16	November 2016
16	Additional wording – Advert on web site etc	Appendix A	February 2017
3	Independent Remuneration Panel and associated formatting	2.2.3	July 2017
4, 5, 6, 12	Changes to the Allowances Scheme, incl Basic allowance, out of pocket expenses, Childcare.	2.2.4, 2.2.5.1, 2.2.5.2. 2.2.16	November 2017
4	Change of effective date	2.2.4	November 2018
5	Remove sentence –Only 1 person to receive SRA	2.2.5.2	November 2018
12	Add Date IRP report November 2018	2.2.16	November 2018
22	New 3, Delete 6 and renumber	Terms of Ref	November 2018
3-6, 20	Changes associated with the IRP meeting biennially	2.2.3 2.2.5.2 2.2.5.4 App A	July 2019

10	Changes to Benefits Entitlement and Tax Liability table	2.2.8	July 2019
4	Paragraph relating to deduction of £40 for registration as data controllers deleted as no longer applicable	2.2.5.1	January 2020
6	Minor correction to typo (2.25 to 2.75) on formula for the Leader if Council in the event of a hung Council	2.2.5.2	January 2020
11	Deletion of person's name as no longer applicable	2.2.15	January 2020
4	Change of effective date Requirement to have adequate equipment and connections to enable participation in virtual meetings	2.2.4 2.2.5.1	January 2021
6	Changes to Childcare and Dependents Carers Allowance	2.2.5.3	January 2021
12	Date of IRP report and resolution of Council added	2.2.16	January 2021

Section 3

Page	Change Made	Reference	Date
10	Update of Escalation Procedure	3.5.3	November 2006
2, 6	Borough Status	Many	March 2007
1, 2, 10	Health Select Committee to Health Overview and Scrutiny	Many	May 2007
Many	Corporate Heads to General Managers and associated formatting	Many	July 2008
1 & 10	Scrutiny Committee to Overview and Scrutiny Management Committee and associated formatting	Many	October 2008
Index and 10-11	Changes to the Petition Scheme	3.5	May 2010
6 & 8	General Manager to Strategic Director	3.3.3 & 3.3.4	February 2011
11	Delete Borough – replaced with more than one ward	3.5.1.3	January 2011
11	Delete – E Petition currently not available	3.5.2	January 2011
12	2 nd Para Petitions changed to Matters	3.5.4	January 2011
12	Democratic Services replaced with the recipient service dept.	3.5.4.1	January 2011
13	Delete – E Petition currently not available	3.5.5	January 2011
14	Delete - The acknowledgement and response will also be published on the website. General Manager to Strategic Director	3.5.5	January 2011
Index and 12	Debating a Petition at a Council Meeting	3.5.4.2	January 2012
2	Customer Care - additional info re Wokingham Direct	3.1.6	November 2012
Index and 3	New Para 3.2.5 and 3.2.6 re access to information rules and associated formatting	3.2.5 & 3.2.6	November 2012
14 & 15	Update Overview and Scrutiny Panels to Overview and Scrutiny Committees	3.5.4.3	May 2013
1	Update Overview and Scrutiny Panels to Overview and Scrutiny Committees	3.1.4 & 3.1.4 a) b) c)	November 2013
7	Change Strategic Director to Director	3.3.3	November 2013
9	Change Strategic Director to Director	3.4.4 & 3.4.4.1	November 2013

10	Change Head of Governance and Democratic Services to Head of Governance and Improvement Services	3.4.7	November 2013
15	Change Strategic Director to Director	3.5.5	November 2013
13	Addition – Inform Town/Parish about Petition received and associated formatting.	3.5.3	February 2014
17-19	Revised Filming and Recording Protocol	3.6	November 2014
2	Change Wokingham Direct to Customer Services	3.1.6	November 2015
7	Change Wokingham Direct to Customer Services	3.3.3	November 2015
14	Change option to opinion	3.5.4.2g	November 2015
15	Change Wokingham Direct to Customer Services	3.5.5	November 2015
17, 18 & 19	Filming available at all public meetings	3.6	September 2016
1	Add Audit and Wokingham Borough Wellbeing Board to list for Questions	3.1.4 a)	November 2018
2	Remove Local Development Framework and Best Value Performance Indicators	3.1.5	November 2018
5	Updated Legislation	3.2.12.4 3)	November 2018
7	Add wording The internal review undertaken by Shared Legal Solutions	3.3.4	November 2018
7	Remove wording from The Councils archivist..... to the end of the paragraph	3.3.6	November 2018
8	Remove “and resubmitted for the ICO approval”	3.3.7	November 2018
8	Remove wording from “It has therefore and insert new wording	3.3.8	November 2018
8	New Rule – Environmental Info Regs 2004	3.3.10	November 2018
9	Add in GDPR	3.4.1	November 2018
9	Add in GDPR and response time from 40 days to of a month	3.4.2	November 2018
9	Various changes relating to Data Protection Officer	3.4.4	November 2018
9	Add or delegated officer after Director	3.4.4.1	November 2018
9	7 th data protection principle changed to 6th	3.4.5	November 2018
9	Deleted	3.4.6	November 2018
10	Renumbered as 3.4.6 and removed Head of	3.4.7	November 2018

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11	Remove current 3.5.1 and replaced by new	3.5.1	November 2018
11	New	3.5.1.1	November 2018
12	Removal of “provided they are created..... council website” add new electronic and paper petition.....	3.5.2	November 2018
13	Add and relevant Executive Members	3.5.3	November 2018
14	Add next available	3.5.4.2	November 2018
15	Remove must be created and submitted through Council website Add those petitions created outside of the Council website to be printed off	3.5.5	November 2018
15	Remove 1 st Paragraph – petition on front page of website.	3.5.5.1	November 2018
Various	Updated name of service / job titles	various	November 2018
14	Update Petition Process adding petition motion and associated formatting.	3.5.4.2	February 2019
11 12 16	Additional wording relating to people who are not residents specifying if the work or study in the Borough	3.5.1.1 3.5.2.2 3.5.5.1	September 2020
12 15	Once a petition has been submitted no further signatures can be added	3.5.2 3.5.5	September 2020
12 15	Deletion of d). No longer a requirement to include a date of completion	3.5.2.2 3.5.5	September 2020
15	Information on submission of e-petitions created outside of the Council’s website	3.5.5	September 2020
7	Change from Shared Legal Solutions to Legal Services	3.3.4	May 2022

Section 4

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4	Public questions, petitions & Motions at Annual Council.	4.2.1.1	February 2007
5	Clarification – Leader not Council appoint to Executive	4.2.1.11	February 2007
6	Champions to make statement to Council		February 2007
13	Written answers to questions	4.2.10.9	February 2007
22	Addition of Champions	4.2.24	February 2007
2, 4-17 inc, 19-29inc,	Borough Status	Many	March 2007
2	Functions of the Council	4.1. 3e	July 2007
5	Rule Deleted	4.2.1.2	July 2007
10	Health Select Committee to Health Overview and Scrutiny	4.2.9.10	July 2007
22	Amended Title	4.2.2.4	July 2007
25	5 to 6 Members	4.4.1	July 2007
	Corporate Heads to General Managers and Associated Formatting		July 2008
2 & 3	Additional Paragraph Q & R	4.1.3	July 2008
8	Duration of Meeting re Motions	4.2.8	July 2008
25	Terms of Reference	4.4.3	July 2008
25	Extraordinary Council Executive to Special Council Executive	4.4	October 2008
25	Scrutiny Committee to Overview and Scrutiny Management Committee and associated formatting	Many	October 2008
27	Extraordinary Council Executive to Special Council Executive	4.4.13	October 2008
4 & 5	Addition of Public Questions and Petitions at Annual Council	4.2.1	January 2009
3	Remove (o) – approve Statement of Accounts	4.1.3	May 2009
26	Review Annual Statement of Accounts to Agree Annual Statement of Accounts	4.4.3	May 2009
1	Revised list of Plans and Policies	4.1.1	July 2009
13	Committee Minutes at Council Meetings	4.2.10.9	July 2009
16	Remove “them” after the word excluded	4.2.12. p	Sept 2009

2	Additional text re Treasury Management	4.1.2	February 2010
26-29	Additional text re Treasury Management and associated formatting	4.4.3 j & k	February 2010
7	Addition of Debating a Petition	4.2.2.1(q)	May 2010
1	Remove Transformation Strategy re number list	4.1.1 (d)	July 2010
2	Addition of Housing Revenue Account	4.1.2. (a)	July 2010
26	Addition of Paragraph re Specialist Advisors	4.4.1	July 2010
26	Delete "eg limited assurance"	4.4.3.1.(b)	July 2010
27	Additional Paragraph Re Risk Management & associated formatting	4.4.3.2. (d)	July 2010
29	Replace Standing Deputies with Substitutes	4.4.1.3	July 2010
7	Replace (q) with (r)	4.2.2.1 h	February 2011
7	Amended to include Budget Council Process and associated formatting	4.2.2.1	February 2011
8	New Para c) – Budget Council and Associated Formatting	4.2.2.2	February 2011
22, 26, 27	General Manager to Strategic Director and associated formatting	4.2.20.3, 4.4.3.1, 4.4.3.2c	February 2011
Index and 2	Additional text – and removing the leader	4.1.3 (d)	February 2011
5	Additional text – motion of no confidence in leader	4.2.1.1	February 2011
6	Additional text – appointments to the Executive	4.2.1.1 (n)	February 2011
6	Remove Executive	4.2.1.1 (q)	February 2011
7	Additional text - motion of no confidence in leader	4.2.2.1	February 2011
15	New 4.2.11.2 Motion of no Confidence – renumber current 4.2.11.2 and 4.2.11.3 and associated formatting.	4.2.11.2 4.2.11.3	February 2011
16	New item (u) to nominate a new leader	4.2.12	February 2011
20	Additional text – motion to remove leader and associated formatting	4.2.15.2	February 2011
Index	Updated		May 2011
8	Deletion of para c) and associated formatting	4.2.2.2	May 2011
18	Addition of new para c) and associated formatting	4.2.13.4	May 2011

3	Add new r) - Sale and Purchase of Shares	4.1.3.	July 2011
21	Deletion of wording related to State of the Borough Debate - associated formatting and renumber rest of the Chapter	4.2.14.1	September 2011
29	Additional delegation to Audit e) - associated formatting and renumber rest of the Chapter	4.4.32 e)	September 2011
Index and 1	Changes to Plans and Policies	4.1.1	January 2012
7	Debating a Petition - move to 4.2.2.1h and renumber.	4.2.2.1.q	January 2012
9	Change of he/she to Mayor/Chairman	4.2.8	January 2012
18	Additional text 'including the proposers actual speech' New paragraph and associated formatting	4.2.13.1	January 2012
18	Delete 'again' in the title	4.2.13.5	January 2012
19	Amendments to Motions. Renumber to 4.2.13.7 and changes to text	4.2.13.6	January 2012
19	Alteration of Motion. Renumber to 4.2.13.8 and changes to text	4.2.13.7	January 2012
19	Withdrawal of Motion. Renumber to 4.2.13.9	4.2.13.8	January 2012
19	Renumber to 4.2.13.10 and changes to text	4.2.13.9	January 2012
20	Right of Reply. Move and renumber as 4.2.13.6 changes to text and associated formatting	4.2.13.10	January 2012
5	Amendment to order of Business for Annual Council meeting	4.2.1.	February 2012
9	Additional sentence Re Annual Council Conclusion time	4.2.8	February 2012
6	Deletion of i) Petitions at Annual Council	4.2.1.1 i)	May 2012
6	Deletion of wording re Non urgent reports	4.2.1.1.m) and 4.2.1.1.n)	May 2012
Index and 1	Addition of Joint Health and Wellbeing Strategy	4.1.1 n	March 2013
28	Addition of Health and Wellbeing Board in Heading	4.4	March 2013
33-40	Addition of Health and Wellbeing Board	4.4.22 to 4.4.46	March 2013
3	Change of Regulation	4.1.3.q)	May 2013
28	Update Overview and Scrutiny Panels to	4.2.2	May 2013

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8	Public Questions at Extraordinary Meetings and associated formatting	4.2.3.2	November 2013
10	Public Questions at Extraordinary Meetings and associated formatting	4.2.9.1	November 2013
23	Strategic Director to Director	4.2.19.3	November 2013
28	Director Business Assurance and Democratic Services to Head of Governance and Improvement Services	4.4.3.1a	November 2013
28	Strategic Director to Director	4.4.3.1d	November 2013
29	Strategic Director to Director	4.4.3.2.c	November 2013
Index 7	Add – Non Executive Directors of Council Owned Companies	4.2.2.1n	February 2014
38	Add – Extraordinary meetings of Health and Wellbeing Board	4.4.36	February 2014
33-34	Increase Membership to 3 for Wokingham CCG to the Health and Wellbeing Board	4.4.23g and 4.4.25	November 2014
7 & 8	Add – to receive statements form the Council Owned Companies and associated formatting.	4.2.2.1o) and 4.2.2.1n)	February 2015
28	To reflect changes to internal audit	4.4.3.1	February 2015
29	Change High Ethical Standards to Good Governance and change covering to reviewing	4.4.3.2b) & 4.4.3.2d)ii)	February 2015
30	Change Business Assurance Manager to Head of Governance Improvement	4.4.5	February 2015
Index &16	Renumber link from 4.2.24 to 4.2.25	4.2.1.2.n	May 2015
20	Renumber link from 2.2.24 to 4.2.25	4.2.13.11 h	May 2015
22	Additional information - recorded vote & associated formatting	4.2.15	May 2015
25	New 4.2.24 Statements from Council Owned Companies & associated formatting	4.2.24	May 2015
39	Delete– Adult Strategic Partnership & renumber remaining items. Change 6 partnership groups to 5	4.4.44 b	May 2015
40	New 4.4.45 Health and Wellbeing Board Sub Committee and associated formatting	4.4 &4.5	May 2015
Index & 33	Addition of I) Voluntary Sector and associated formatting	4.4.23	September 2015

28	Change word Can to May	4.4.1	November 2015
28	Additional Wording – Audit Activity	4.4.3.1.a	November 2015
30	Change word Tell to Notify	4.4.9	November 2015
31	Delete first word – Such	4.4.14.1	November 2015
37	Delete words – for compliance with their responsibilities	4.4.31 i	November 2015
22	Removal of para....amendments proposed to any of these items of business.	4.2.15.5	March 2016
9	Change to proposal to extend a meeting	4.2.8	May 2016
29	Change of wording from Annual basis to when changes occur	4.4.3.2. d iii	February 2017
38	Quorum for Health and Wellbeing Board	4.4.3.5	July 2017
8	Additional wording Extraordinary meeting of the Council	4.2.3.2	November 2017
23	Increase 1 to 3 minutes for presenting a petition	4.2.19.2	March 2018
14	Increase time for Council questions to 30mins	4.2.10.8	July 2018
39	Change of name Integrated Health to Integrated Partnership	4.4.44 d)	July 2108
6	New 4.2.1.1 i) and associated formatting	4.2.1.1	November 2018
7	Add “receipt of” before petitions	4.2.2.1	November 2018
7	Move j) to f) and reorder	4.2.2.1	November 2018
8	Move q) to r) and reorder	4.2.2.1	November 2018
10	Change days before meeting to working days before meeting	4.2.9.3	November 2018
11	Add No person asking a supplementary.....	4.2.9.8	November 2018
13	Change days before meeting to working days before meeting	4.2.10.4	November 2018
14	Add No person asking a supplementary.....	4.2.10.7	November 2018
22	Error on links to 14.2.14.1 and 14.2.14.2	4.2.14.3, 4.2.14.4	November 2018
Various	Name change Health and Wellbeing Board to Wokingham Borough Wellbeing Board	Various	November 2018
11	Asking a question – nominate a person	4.2.9.7	February 2019
15	Motions containing more than 350 words	4.2.11.1	February 2019
6	Changing the order of business to ensure that public questions are asked of new	4.2.1.1	July 2019

	Executive Members		
33	Deletion of (the Wokingham Needs Assessment) and change of “Joint Health and Wellbeing Strategy” to “Health and Wellbeing Strategy”	4.4.22	July 2019
33 36	Addition of Deputy Chief Executive and representatives from Thames Valley Police and Royal Berkshire Fire and Rescue Service as Board Members	4.4.23 4.4.30	July 2019
34	Clarification of when you cease to become a member of the Board	4.4.25	July 2019
34	Changing to one vote per Board Member	4.4.26	July 2019
35	New process for the appointment of substitutes and allowing Members to have substitutes	4.4.27	July 2019
35	Deletion of Changing Substitutes paragraph and renumbering of paragraphs thereafter	4.4.28	July 2019
35	Addition of b) and reorder remaining sub-paras	4.4.29	July 2019
36	Renaming “Wokingham Needs Assessment” to “Joint Strategic Needs Assessment” Renaming “Wokingham Clinical Commissioning Plan” to “NHS Berkshire West Clinical Commissioning Plan”	4.4.30	July 2019
38	Changing “will meet” to “shall schedule a minimum of 6 meetings a year”.	4.4.35	July 2019
39	Speaking rights	4.4.39	July 2019
39	Where minutes of meetings can be found	4.4.41	July 2019
33 39	Deleting mention of The Place and Community Partnership	4.4.23 4.4.43	September 2019
9	Motions cannot be moved 15 minutes prior to the conclusion of the meeting	4.2.8.1	January 2020
10 13	Public and Member questions cannot contain more than 200 words	4.2.9.1 4.2.10.4	January 2020
11 14	Response time for supplementary questions	4.2.9.9 4.2.10.6	January 2020
16 18 19 20	Clarification for when motions can be amended and how they can be amended	4.2.12h) 4.2.13.1 4.2.13.7& 7d)	January 2020

		4.2.13.11b	
18	Changing the time proposers of motions have to speak to 3 minutes	4.2.13.4	January 2020
28	Deletion of “comprise 6 Members”. Due to changes in political balance the composition of the Audit Committee was changed in May 2019.	4.4.1	January 2020
33	Deletion of Thames Valley Police from membership of the Board	4.4.22	January 2020
App	Protocol for Holding Virtual Meetings		July 2020
7	Addition of 30 time limit for items j)-m)	4.2.2.1	September 2020
17	Addition of 9.00pm for Annual Council	4.2.12m)	September 2020
22	Limiting of Members’ response during a recorded vote	4.2.15.5	September 2020
34	Addition of the Chief Executive to the membership of Wokingham Borough Wellbeing Board	4.4.23p)	September 2020
1	Revised Policy Framework	4.1.1	November 2020
23	Changes in the recording of Members’ attendance at meetings	4.2.17	November 2020
45	Changes to public speaking rights at virtual Planning Committee meetings	App para 6	November 2020
47	Rules around voting twice at meetings	App para 7.7	November 2020
5	Deletion of sentence relating to the Chairmen and Vice Chairmen of Committees being appointed by each Committee following Annual Council	4.2.1.1r)	July 2021
11 & 13	Rule relating to not being allowed to ask a Member or public question which has been submitted or asked within the last 6 months	4.2.9.5 4.2.10.5	July 2021
9	Consideration of Motions	4.2.8.1	February 2022
12 & 13	Deadline for Public and Member Questions	4.2.9.9 4.2.10.4	February 2022
16	Motions running out of time but not at the end of the meeting	4.2.11.3	February 2022
18	Motions running out of time simultaneously with the end of the meeting.	4.2.13.1	February 2022
21	Motions on Expenditure and associated amendments	4.2.13.13	February 2022

6	Application of Rules of Procedure to Committees and Sub-Committees	4.2	July 2022
32, index	Removal of Rules of Debate (Audit Committee)	4.4.11	July 2022
33	Rules of Debate (Special Council Executive)	4.4.18	July 2022
5	Timing and order of business – amend reference	4.2.1.1	October 2022
16	Motion set out in agenda – Chief Finance Officer statement	4.2.11.3	October 2022
21	Removal of 4.2.13.13 Motions on Expenditure and Revenue and subsequent renumbering	4.2.13.13	October 2022
7	Timing and Order of Business – to note items 10 minute debate limit	4.2.2.1	October 2022
11 and 14	Scope of Questions Public and Member	4.2.9.5	October 2022
9	Duration of meeting	4.2.8	October 2022
9	Consideration of motions	4.2.8.1	October 2022
17	Motions without Notice	4.2.12	October 2022
29-33	Audit Committee terms of reference	4.4	March 2023
36-42	Wokingham Borough Health and Wellbeing Board Terms of Reference	4.4.21- 4.4.42	November 2023

Section 5

Page	Change Made	Reference	Date
Index & 36	Add disturbance by the Public	5.4.44	November 2006
32 & 36	Limit time for public & member questions	5.4.25, 5.4.26, 5.4.28, 5.4.33, 5.4.40	February 2007
7, 15, 16, 22, 24, 29, 32, 33, 35	Borough Status	Many	March 2007
4	Health Select Committee to Health Overview and Scrutiny	5.1.10	May 2007
5-21	New Chapter	5.2	May 2007
22, 23	New Chapter	5.3	May 2007
25	Health Select Committee to Health Overview and Scrutiny	5.4.4.b	May 2007
37	Health Select Committee to Health Overview and Scrutiny	5.4.43	May 2007
39	Health Select Committee to Health Overview and Scrutiny	5.5.6	May 2007
24	Health Select Committee to Health Overview and Scrutiny	5.4.1.c	May 2007
31	Question Time at Extraordinary Meetings	5.4.19	July 2007
33	Question Time at Extraordinary Meetings	5.4.25	July 2007
35	Question Time at Extraordinary Meetings	5.4.36	July 2007
38	Items delegated to Executive Members	5.5.1	July 2007
5	Executive Member	5.2.1	January 2008
23	Champion to the Executive	5.3.5	January 2008
Many	Corporate Heads to General Managers and Associated Formatting	Many	July 2008
2 & 3	Champions to Deputy Executive Members	5.1.5	July 2008
5-21	Chapter updated	5.2	July 2008
37-39	Chapter updated	5.5	July 2008
Many	Scrutiny Committee to Overview and Scrutiny Management Committee and associated formatting	Many	October 2008

5	Leaders Responsibilities, Responsibilities to the Executive Member for Corporate Services and Deletion of Philip Mirfin as Deputy Executive Member for Corporate Services	5.2.1	October 2008
6	Responsibilities to the Executive Member for Community Regeneration, and removal of “and Safety” from the title	5.2.1	October 2008
7	Deletion of Norman Gould as Deputy Executive Member for Highways and Transport	5.2.1	October 2008
15	Insert New 5.2.7.4.9 and renumber following paragraphs	5.2.7.4.9	October 2008
18 & 19	Deletion of 5.2.10.1 and renumber following paragraphs	5.2.10.1	October 2008
5, 6, 14, 15, 16, 17	Responsibilities to the Executive Members for Children’s Services and Corporate Services	various	January 2009
Index & Chapter 5.2	Executive Members	5.2	May 2009
32	Extend Time of Public Questions	5.4.25	July 2009
32	Order of Questions	5.4.26	July 2009
35	Time allotted to Member Questions	5.4.40	July 2009
35	Format error	5.4.36	September 2009
38-41	Addition of l) and m) and associated formatting	5.5.1	September 2009
3	Additional Paragraph (f) re Treasury Management and associated formatting	5.1.9	February 2010
5-8	Change of Executive Membership	5.2.1.	March 2010
Index and 5-22	Change of Executive Membership	5.2	May 2010
38	Add Joint Committees and Various Bodies	5.5.1. b	July 2010
44	Addition New Sub Committee of the Executive (Trading and Enterprises Sub Committee)	5.7	July 2010
Index & 3	Change Limit on Executive Authority to Incur Expenditure and assoc formatting	5.1.8.2.	November 2010
42	Change Limit on Executive Authority to take key decisions and assoc formatting	5.6.3	November 2010
44	Increase Membership of TESC from 3 to 4	5.7.2.	November 2010

Index and 1	Insert text re Changes to Leaders Responsibility	5.1.1	February 2011
1	Insert text – Leader appointed for 4 years	5.1.3	February 2011
1	Change of Leaders Term of Office to 4 years	5.1.3.d	February 2011
1	Change of paragraph e)	5.1.3.e	February 2011
1	New 5.1.4 – Deputy Leader and Executive Members, renumber rest of chapter and associated formatting	5.1.4	February 2011
2	Change of Responsibility for Functions and additional paragraph.	5.1.7	February 2011
12	Executive changed to Leader	5.2.5.1	February 2011
24	Executive changed to leader and addition of paragraphs d, e & f, and associated formatting	5.4.1	February 2011
24	Change to Leader Delegation	5.4.2	February 2011
25	Executive changed to Leader	5.4.3	February 2011
25	New paragraph c)	5.4.3	February 2011
Index	Updated		September 2011
5-22	New Chapter 5.2 - Executive Members and associated formatting	5.2	May 2011
44	New Chapter 5.7	5.7	July 2011
46	Amendment to Membership of TESC, re Substitutes	5.7.2	February 2012
Index and 5-23	New Chapter 5.2 - Executive Members and associated formatting.	5.2	May 2012
48	Change to Allow Public and Member Questions at Trading and Enterprises Sub Committee	5.7.7	July 2012
Index and 3	Additional information relating to Key Decisions and associated formatting	5.1.9.1.	November 2012
3	Additional information relating to Key Decisions and associated formatting	5.1.9.2	November 2012
3	Additional information relating to Key Decisions and associated formatting	5.1.9.3	November 2012
3	Additional information relating to Key Decisions and associated formatting	5.1.9.4	November 2012
3	Additional information relating to Key Decisions and associated formatting	5.1.9.5	November 2012

3	Additional information relating to Key Decisions and associated formatting	5.1.9.6	November 2012
25	Addition of Audit Committee	5.4.1.F	November 2012
26	Change to decisions by Individual Members of the Executive	5.4.4.a & c	November 2012
27	New 5.4.5, Executive Decisions by Officers and associated formatting	5.4.5	November 2012
40	Changes re Access to Information Rules and associated formatting	5.5.2	November 2012
41	Changes re Access to Information Rules and associated formatting	5.5.10	November 2012
43 & 44	Chapter deleted information now included into Rule 5.1.9	5.6	November 2012
45	Chapter deleted - Trading and Enterprises Sub Committee disbanded	5.7	November 2012
Index	Updated		May 2013
6-24	New Chapter 5.2 - Executive Members and associated formatting	5.2	May 2013
25	Changes to Deputy Executive Members and associated formatting	5.3	May 2013
5	Overview and Scrutiny Panel to Committees	5.1.11f	November 2013
10	Strategic Director to Director	5.2.2.1	November 2013
10	Overview and Scrutiny Panel to Committees	5.2.3	November 2013
13	Strategic Director to Director	5.2.4.4	November 2013
14	Strategic Director to Director	5.2.5.4	November 2013
31	Overview and Scrutiny Panel to Committees	5.4.1.f	November 2013
33	Strategic Director to Director	5.4.4.c	November 2013
33	Strategic Director to Director	5.4.6a	November 2013
37	Overview and Scrutiny Panel to Committees	5.4.19g	November 2013
37	Overview and Scrutiny Panel to Committees	5.4.19h	November 2013
45	Change Head of Operational Property to Head of Support Services	5.5.1f	November 2013
45	Change Exec Member Council Budgets to Exec Member Finance	5.5.1l	November 2013
45	Change Exec Member Council Budgets to Exec Member Finance	5.5.1m	November 2013
46	General Member to Director	5.5.3	November 2013
46	Strategic Director to Director	5.5.4	November 2013

46	Change title Sect 151 Officer	5.5.5 a	November 2013
46	Change title Monitoring Officer	5.5.5 b	November 2013
47	Overview and Scrutiny Panel to Committees	5.5.6	November 2013
47	Strategic Director to Director	5.5.7	November 2013
47	General Manager to Director	5.5.7	November 2013
47	Strategic Director to Director	5.5.10	November 2013
48	Strategic Director to Director	5.5.11	November 2013
Index and Section 5	Updated Section 5.2 and associated formatting	5.2	July 2014
20	Deputy Executive Member change – Chris Singleton to Malcolm Richards Planning and Highways	5.3.1.1	November 2014
36 and 37	Updated Numbering.	5.4.10 to 5.4.16	November 2014
43	Change Mayor to Leader	5.4.37	February 2015
Index and 6-25	Updated Section 5.2 and 5.3 and associated formatting	5.2 & 5.3	May 2015
46	New Paragraph n) Designation of neighbourhood area	5.5.1	May 2015
15	Additional text – after Responsible for – insert Tenant Services including	5.2.11.4	November 2015
19	Add new 5.2.14.17 and renumber	5.2.14.17	November 2015
20	Remove John Halsall as Deputy Exec Member	5.3.1.1	November 2015
2	Add sentence - ...Leader remove Deputy Executive Member....	5.1.6	March 2016
Index and all Pages	Updated Section 5.2 and 5.3 and associated formatting	5.2 & 5.3	May 2016
Index and all pages	Updated Section 5.2 and 5.3 and associated formatting	5.2 & 5.3	May 2017
Index and all pages	Updated Section 5.2 and 5.3 and associated formatting	5.2 & 5.3	May 2018
6	Change of Executive Member	5.2.1	July 2018

22	Update Finance Portfolio title	5.2.12.24	July 2018
28	Change of Deputy Executive Member	5.3.1.1	July 2018
44	Increase of amounts to £25,000	5.5.1 d)	July 2018
3	Delete 'best value'	5.1.9.2 h)	November 2018
6	Change of Executive Member	5.2.1	November 2018
28	Change of Deputy Executive Member	5.3.1.1	November 2018
39	Change day before meeting to Working day	5.4.27	November 2018
40	Add –'no person asking a supplementary question should speak for longer than one minute.	5.4.32	November 2018
41	Change day before meeting to Working day	5.4.36	November 2018
42	Add –'no person asking a supplementary question should speak for longer than one minute.	5.4.39	November 2018
45	Add text relating to approval by Executive member and footnote, and associated formatting	5.5.1 g)	November 2018
Index 16-20	New Executive Member for Housing	5.2.12	February 2019
41	Nominate a person to ask your question	5.4.3.1	February 2019
Index 6-30	Updated Section 5.2 and 5.3 and associated formatting	5.2 & 5.3	May 2019
45	Correcting an error in the wording from the amendment that was made in Nov 2018	5.5.1g)	September 2019
47	If the relevant Executive Member is not present at the meeting 30 minutes after the published start time it will be declared null and void	5.5.7	September 2019
39 42	Public and Member questions cannot contain more than 200 words	5.4.25 5.4.36	January 2020
41 43	Response time for supplementary questions	5.4.34 5.4.38	January 2020
45	Tightening up the process of approving Procurement business cases with a total ascertainable value of £500k or more	5.5.1g)	January 2020
46	Addition of item related to the My Journey travel programme	5.5.1o)	January 2020
11	Additional responsibilities for the Leader of Council	5.2.6.21	June 2020

29	Deletion of Deputy Executive Member posts	5.3.1.1	June 2020
6 & 15	Change of title to Executive Member for Resident Services, Communications and Emissions	5.2.1 & 5.2.10	July 2020
3	All supplementary estimates to be agreed by Executive	5.1.9.2	November 2020
Index 6-30	Updated Section 5.2 and 5.3 and associated formatting	5.2 & 5.3	July 2021
46 & 49	Rule relating to not being allowed to ask a Member or public question which has been submitted or asked within the last 6 months	5.4.29 5.4.37	July 2021
46 & 48	Public and Member Question deadline	5.4.27 5.4.36	February 2022
51-54	List of Items Delegated to Individual Executive Members	5.5.1	May 2022
13	Change from Shared Legal Solutions to Legal Services	5.2.7.15	May 2022
Index 6-35	Updated Section 5.2 and 5.3 and associated formatting	5.2 & 5.3	May 2022
44	Scope of Questions	5.4.29	October 2022
14	Additional delegation Deputy Leader and Executive Member for Housing	5.2.7.17	October 2022
8	Policy Formulation and Development	5.2.4.2a)	March 2023
22	Executive Member Responsibility	5.2.10.24	March 2023
6-34	List of Items Delegated to Individual Executive Members	5.2-5.3	May 2023
3	Key Decision	5.1.9.1	March 2024
25-26	Executive Member Planning and Local Plan	5.2.13, 5.2.13.4	March 2024
50-53	Shareholder Committee	5.7	March 2024

Section 6

Page	Change Made	Reference	Date
Index, 1 and 2	Terms of Reference & New Procedure Rules		November 2006
10	Overview & Scrutiny to Scrutiny	Many	February 2007
11	Borough Status	Many	March 2007
10	Name Change Health Select Committee to Health Overview and Scrutiny	6.2.30	May 2007
11	Highways Consultative Board abolished.	6.2.31 f	July 2007
All	Whole Chapter updated	Many	October 2008
2	Councillor Call for Action	6.1.4 f	July 2009
3	Police & Justice Act	6.1.4.o	July 2009
3	Local Gov and Public Involvement in Health Act 2007	6.1.5.b	July 2009
3	Refer to Health Overview and Scrutiny Committee	6.1.5.h	July 2009
4	Councillor Call for Action	6.2.2.e	July 2009
5	Police & Justice Act	6.2.2.h & i	July 2009
5	Councillor Call for Action	6.2.3.e	July 2009
5	Police & Justice Act	6.2.3.h & i	July 2009
6	Councillor Call for Action	6.2.4.e	July 2009
6	Police & Justice Act	6.2.4. h & i	July 2009
7	Joint Meeting with Health Overview and Scrutiny Committee	6.3.2.	July 2009
8	Councillor Call for Action	6.3.6.b ii	July 2009
10	Councillor Call for Action	6.3.13	July 2009
11	Councillor Call for Action	6.3.19	July 2009
12	Entitlement to Speak at Meeting	6.3.21	July 2009
12	Addition – Attendance at Executive to Present a Report	6.3.23	July 2009
20	Addition – Overview and Scrutiny Committee or Panels	6.3.33 g	July 2009
1	Addition of Substitutes and associated formatting	6.1.2.1	November 2009
5	Addition of Substitutes and associated formatting	6.2.1.1	November 2009
All	Changes to Overview and Scrutiny MC and Panels Arrangements	All	May 2010

4	Additional Text – Special Advisors and associated formatting	6.1.5 c	January 2011
22	Additional Text – Call in Process and associated formatting	6.3.33	January 2011
8, 9, 11, 16	Change Strategic Leadership Board to Legacy Operations Board	6.2.2.2h, 6.2.3.2f, 6.2.4.2h, 6.3.1.8c	February 2011
17	Change General Manager to Strategic Director	6.3.21	February 2011
2	Change to Terms of Reference. Re Membership of O & S Panels	6.1.4	February 2012
6	Change to Arrangements to Appoint to Panels	6.2.1	February 2012
19	Changes in relation to Access to Information and associated formatting	6.3.24	November 2012
19	Changes in relation to Access to Information and associated formatting	6.3.25	November 2012
19	Changes in relation to Access to Information and associated formatting	6.3.26	November 2012
21	Changes in relation to Access to Information and associated formatting	6.3.30a	November 2012
Whole Chapter	To incorporate Health Overview and Scrutiny into this chapter and associated formatting	Whole Chapter	May 2013
20	Strategic Director to Director	6.3.21	November 2013
21	Strategic Director to Director	6.3.21	November 2013
25	Formatting – remove “	6.3.29	November 2013
22	Additional text - response within 28 days of request and associated formatting.	6.2.23.1	February 2014
6	New Chapter 6.2	6.2	September 2015
28	Change of Statutory Scrutiny Officer and change wording from Economic Development and Construction etc to Localism Act 2011, the Council is required	6.3.37	November 2015
10	Add the Localism Act	6.2.3.2. j)	November 2018
11	Add the Localism Act	6.2.4.1. d)	November 2018
15	Remove Health Overview and Scrutiny	6.3.4	November 2018
16	Add Relevant Committee	6.3.7.iv)	November 2018
Various	Change of Name Health and Wellbeing to Wokingham Borough Wellbeing	Various	November 2018

26	Change of Working days and associated formatting	6.3.30	February 2019
27	Requests for information	6.3.31	February 2019
1	Changes to the number of substitutes allowed	6.1.2.1	November 2020
1	Addition of Climate Emergency Overview and Scrutiny Committee	6.1.2, 6.1.2.1	October 2022
6	Appointment of Overview and Scrutiny Committees and update substitute arrangements	6.2.1, 6.2.1.1	October 2022
13	Climate Emergency Overview and Scrutiny Committee terms of reference	6.2.5	October 2022

Section 7

Page	Change Made	Reference	Date
Index 1 and 2	Terms of Reference & New Procedure Rules		November 2006
1, 2	Borough Status	Many	March 2007
All Pages	Health Select Committee to Health Overview and Scrutiny	Many	May 2007
Many	Corporate Heads to General Managers and Associated Formatting	Many	July 2008
1-2	Terms of Reference and Procedure Rules	7.1	July 2008
5-10	Addition of paragraph e) and associated formatting	7.2.14	July 2008
5, 9 & 10	Scrutiny Committee to Overview and Scrutiny Management Committee and associated formatting	Many	October 2008
2	Joint Meeting with Overview and Scrutiny Management Committee	7.1.3. j	July 2009
4	Joint Meeting with Overview and Scrutiny Management Committee and associated formatting	7.1.6	July 2009
1	Addition of Substitutes and associated formatting	7.1.1.1	November 2009
5	Public/Member Questions at Extraordinary meetings	7.2.2	July 2010
3	Additional Text – Special Advisors	7.1.3.c	January 2011
7	Change Strategic Leadership Board to Legacy Operations Board	7.2.14	February 2011
11	Change General Manager to Strategic Director	7.2.27	February 2011
2	Additional Paragraph vii) - Quality Accounts	7.1.2 a)	May 2012
2	Additional Paragraph vii) - Care Quality Commission	7.1.2 c)	May 2012
2	Change of Paragraph f) - Care Quality Commission	7.1.2 f)	May 2012
6	Questions after presentations and associated formatting	7.2.5	November 2012
10	Access to Information - Key Decisions	7.2.23	November 2012
10	Access to Information - Key Decisions	7.2.24	November 2010
Chapter deleted May 2013 – incorporated into Chapter 6			

Section 8

Page	Change Made	Reference	Date
17	Remove last sentence	8.5.1	September 2006
1, 22	Borough Status	Many	March 2007
1	Additional text, duties of Highways Consultative Board to Planning	8.1.1	July 2007
14	Addition of new para C in relation to the Gambling Act, and number of members appointed to the Licensing and Appeals committee.	8.4.1	July 2007
17	Disbanded Highways Consultative Board	8.5	July 2007
18	Substitute Members on the Personnel Board	8.6.1	July 2007
19	Wording re 1 st and 2 nd Tier Officers	8.6.7	July 2007
6	Member Participation	8.3.4.1	October 2007
8	Last sentence re-worded	8.3.6.1	October 2007
13	New Declaration Flowchart	Appx A	October 2007
Many	Corporate Heads to General Managers and Associated Formatting	Many	July 2008
2	Cycle 3 to 4 weekly meetings	8.2.1	July 2008
14	Deletion of some Panels	8.4.1	July 2009
16	e & f to f and g	8.4.11	July 2009
1	Deletion of 'for an extension to their own property'	8 1 1 (k)	July 2010
3	Change Members to Member	8.2.8. (b)	July 2010
3	Change Members to Member	8.2.8. (c)	July 2010
3 & 4	Change Members to Member, add new paragraph	8.2.8 (d)	July 2010
14	Addition 'Street Trading'	8.4.1. (g)	July 2010
16	Change 8.4.1 e) & f) to 8.4.1. f) & g)	8.4.11.4	July 2010
16	New – Premises Licence and Club Premises Certificate, and associated formatting.	8.4.12	July 2010
1	Change – Amount of Days of Notification	8.1.1 li	September 2010
19	Change – Personnel Board Function and Composition	8.6.1.	November 2010
20	Removal of Deputy Chief Executive	8.6.7	November 2010
21-23	Remove Chapter – Forum no longer exists	8.7	November 2010
Index	Remove Council Wide Forum from Index	Index	February 2011

19, 20	Change General Manager to Strategic Director	8.6.1, 8.6.7	February 2011
14	Home to School Transport Removed from List	8.4.1 g)	May 2012
Index and 21	New Chapter 8.7 - School Transport Appeals	8.7	May 2012
1	Change General Manager to Strategic Director	8.1.1 j)	May 2013
1	Change Strategic Leadership Board to Corporate Leadership Team	8.1.1 k)	May 2013
6	Title Change of Monitoring Officer	8.3.4.1 e)	May 2013
Index	Strategic Director to Director (8.6.7)	Index	November 2013
1	Add text – a net increase in -	8.1.1i	September 2013
1	Change title Strategic Director Development and Regeneration & Head of Development	8.1.1j	November 2013
6	Change Title of Monitoring Officer and associated formatting	8.3.4.1 e	November 2013
6	Change Development Control Committee to Planning Committee	8.3.5.1	November 2013
8	Change Title Head of Development	8.3.6.1	November 2013
9	Change Title Head of Development	8.3.7.3	November 2013
19	Strategic Director to Director	8.6.1	November 2013
20	Strategic Director to Director	8.6.7	November 2013
Index & New Pages 22-29	New Chapter 8.8 Commons Registration Committee	8.8	November 2013
14	Change six meetings per year to at least four per year.	8.4.2	February 2015
2	Change to Public Speaking at Planning and associated formatting	8.25	November 2016
3	Speaking by Members who are not Committee Members	8.27	November 2016
22-29	Change Head of Governance & Improvement Services to – Commons Registration Officer	8.8	November 2016
2	Remove wording every four weeks	8.2.1	February 2017
1	New 8.1.1 m) procedure for appeals Building of Traditional Local	8.1.1m)	July 2017

New page 14	New appendix document –Character procedure for appeals Building of Traditional Local	Appx A	July 2017
16	Licensing and Appeals Meeting schedule	8.4.2	November 2017
4	Changes re Members other than Planning members speaking and associated formatting	8.2.7	March 2018
1	Time limit members wanting to list an item.	8.1.1 li)	July 2018
1	Add Wildlife and Countryside Act 1981	8.1.1	November 2018
4	Registered Relevant Ward Members to share 3 minutes and new para – Members must register to speak	8.2.7	November 2018
16	Removal of grievance of disciplinary procedures	8.4.1g	February 2019
17	Delete 2 nd Paragraph & new paragraph re Speaking and associated formatting	8.4.6.	February 2019
18	Replace current and add new paragraph	8.4.11	February 2019
19	Remove Paragraph	8.4.12.2	February 2019
18	No requirement for Sub-Committees to be politically balanced	8.4.10	July 2019
1	Change of Officer titles	8.1.1j)	July 2021
5	Further clarification of rules of debate	8.2.8	July 2021
2	Addition to Terms of Reference	8.1.1n)	February 2022
23	Change of Membership of School Transport Appeal Panels	8.7.1& 8.7.2	February 2022
21	Adding the appointment of permanent Assistant Directors to the functions of Personnel Board and setting out the procedure	8.6.1 8.6.7	March 2022
17, index	Removing Rules of Debate (Licensing and Appeals)	8.4.8	July 2022
4	Rules of Debate (Planning Committee	8.2.8	October 2022
12	Decision Making (Planning Committee)	8.3.12.2	October 2022
1-2	Planning Committee terms of reference	8.1.1	March 2024

Section 9

Page	Change Made	Reference	Date
4, 12, 14, 21, 30, 32, 41	Borough Status	Many	March 2007
	New Chapter 9.2 Code of Conduct	9.2	July 2007
	New Chapter 9.3 Member Officer Protocol	9.3	July 2007
	New Chapter 9.5 Whistleblowing Policy	9.5	July 2007
Index and 30 - 38	New Chapter 9.4 Anti Fraud and Corruption	9.4	October 2007
1-3	Standards Terms of Reference	9.1.5, 9.1.1 & 9.1.13	January 2008
	Corporate Heads to General Managers and Associated Formatting	Many	July 2008
1-12	Addition of Referrals, Review & Hearings Sub Committee	9.1	July 2008
39-46	Chapter Updated	9.4	July 2008
47-52	Chapter Updated	9.5	July 2008
23-37	Scrutiny Committee to Overview and Scrutiny Management Committee and associated formatting	Many	October 2008
1	Independent Members on another Standards Committee	9.1.1. b	July 2009
47	Telephone nos.	9.5.2.c & d	July 2009
17	Change "carried on by you" to "carried out by you"	9.2.5.1. a) iii)	September 2009
Many	Change of Name Change and Terms of Reference of Sub Committees and Associated formatting	9.1	September 2009
21	Change of Name Standards Board for England	n/a	September 2009
10	Change of name Referrals Sub Committee and deletion of paragraph b)	9.1.39.1a 9.1.39.1b	September 2009
2	Parish/Town Councils Question Time & associated formatting	9.1.7	May 2010
46	Change name of Business Assurance Auditor to Principal Investigations Officer	9.4.13.3	July 2010

21, 23, 27- 36	Change General Manager to Strategic Director	9.3.2, 9.3.17, 9.3.19, 9.3.22, 9.3.26, 9.3.30, 9.3.32, 9.3.34, 9.3.35, Appx1, & 2	February 2011
Index & 39	Chapter Updated – Anti Fraud & Corruption	9.4	February 2011
47	Chapter Updated – Whistleblowing Policy	9.5	February 2011
Index	Updated		September 2011
55	New Chapter - Anti Bribery Policy	9.6	September 2011
62	New Chapter - Money Laundering Policy	9.7	September 2011
66	New Chapter - Prosecution and Sanction Policy	9.8	September 2011
Index and 71	New Chapter - Councillor Representation on Outside Bodies Protocol and Appx A-E	9.9	January 2012
Index and 1-21	Replace Chapters 9.1 Standards Committee and 9.2 Members Code of Conduct	9.1 and 9.2	July 2012
Index and 1-22	Replace Chapters 9.1 Standards Committee and 9.2 Members Code of Conduct	9.1 and 9.2	February 2013
23	Update Overview and Scrutiny Panels to Overview and Scrutiny Committees	9.3.26- 9.3.28	May 2013
30	Update Overview and Scrutiny Panels to Overview and Scrutiny Committees	9.3.2	May 2013
49	Update name of Strategic Director	9.5.3. d)	May 2013
49	Update name of Strategic Director	9.5.3. e)	May 2013
48	New Chapter 9.5	9.5	September 2013
Index 2-8	New Sections and associated formatting	9.1.12 to 9.1.20	November 2013
Various	Change Strategic Director to Director	Many	November 2013
Various	Change Title for the Monitoring Officer	Many	November 2013
Various	Change Title for the Section 151 Officer	Many	November 2013
62	SOCA to NCA	9.7.2.1	November 2013
64	SOCA to NCA	9.7.7.1	November 2013
66	New Chapter 9.8	9.8	November 2013

16	Add Text – of which you are a member	9.2.14a.ii	February 2014
All	New Chapters, 9.4, 9.5, 9.6, 9.7, and 9.8 and associated formatting	All	February 2015
All	New Chapter 9.2 and associated formatting	All	May 2015
Index and 3-8	Updated process for Considering Code of Conduct Complaints and associated formatting	9.1.13 – 9.1.16	September 2015
21-36	New Chapter 9.3 Member Officer Protocol and associated formatting	9.3	September 2015
12	Wording relating to & Addition of Appx C	9.2.8.2	March 2016
Index and all pages	New Chapters	9.4 – 9.8	March 2016
3	Monitoring Officer decision regarding a complaint and associated formatting	9.1.13.4	July 2017
36, 37, 39, 40, 41, 42, 44, 48, 55, 57, 60,	Change job titles and associated formatting	9.4.6, 9.4.8, 9.4.9, 9.4.16, 9.4.20, 9.4.21, 9.5.3, 9.5.7.1, 9.6.16.1, 9.6.19.2, 9.7.6	March 2018
45	Remove Director of Health and Wellbeing	9.5.3.e	March 2018
49	Add new a) Chairman of Audit	9.5.8 a	March 2018
63-80	New Chapter 9.9 RIPA, renumber current 9.9 and associated formatting.	9.9	March 2018
10	Name change of Organisation	9.2.1	November 2018
39	Clarification of process and updated legislation	9.4.13 a), g), i) & l)	November 2018
56	Updated Legislation	9.6.17	November 2018
58	Updated and New Legislation	9.7.1	November 2018
Various	Change of Job titles and Service Areas	Various	November 2018
34	Updated Chapter 9.4 – Anti Fraud and Corruption Strategy	9.4	September 2020
42	Updated Chapter 9.5 Whistleblowing Policy and Guidance	9.5	September 2020
51	Updated Chapter 9.6 Anti Bribery Policy	9.6	September 2020

57	Updated Chapter 9.7 Anti Money Laundering Policy	9.7	September 2020
61	Updated Chapter 9.8 Case Disposal Policy (new title)	9.8	September 2020
63	Updated Chapter 9.9 Acquisition of Communications Data and Use of Covert Surveillance and Covert Human Intelligence Sources Policy	9.9	September 2020
84	Addition of Local Code of Corporate Governance	Appendix	November 2020
1	Changing the composition of the Standards Committee to allow all Executive Members to be appointed to the Committee	1	July 2021
Chapter 9.2	Revised Member Code of Conduct	10-	July 2021
3-10	Revised process for dealing with misconduct complaints	9.1.12-9.1.16	February 2022
101 and 104	Removal of reference to Public Protection Partnership	Principles B and E Local Code of Corporate Governance	May 2022
71-72	Updated Enforcement Sanctions Policy	9.8	May 2022
2	Removal of procedure at ordinary meeting	9.1.9	July 2022
45-77	Anti Fraud Policies	9.4-9.9	March 2024

Section 10

Page	Change Made	Reference	Date
6	Borough Status	Many	March 2007
	New Chapter 10.2	10.2	July 2007
	Corporate Heads to General Managers and Associated Formatting	Many	July 2008
3-46	New Chapter 10.2	10.2	July 2008
9, 10, 12, 14-16, 27, 29	Change General Manager to Strategic Director	10.2.11, 10.2.13, 10.2.14, 10.2.16, 10.2.19, 10.2.22, Appx 1	February 2011
26	Update List of Useful Contacts	10.2.50	May 2013
Various	Strategic Director to Director and some title changes.	Various	November 2013
8, 10, 34, 35, 40	Changes made to diagrams updating from WDC to WBC and updating titles.	Various	February 2014
47	Addition of Appendix 11 – Channel Panel	47	July 2021
26	Change from Shared Legal Solutions to Legal Services	10.2.50	May 2022

Section 11

Page	Change Made	Reference	Date
Index, 1-4, 9, 12, 15-44, 49, 52-55	Corporate Heads of Property and Childrens Services. Associated formatting	Many	November 2006
10	Functions of Authorising Officer – Regulation of Investigatory Powers Act 2000	11.3.3.2	February 2007
15	Paragraph deleted	11.3.5.14	February 2007
45	Paragraph deleted	11.3.16.4	February 2007
9, 11, 16, 24, 29, 30, 50, 51, 57	Borough Status	Many	March 2007
52	Change number of years for taking lease	11.3.18.10	March 2007
52	Increase amount for disposal of land	11.3.18.11	March 2007
7	Changes to Scheme of Delegation – deletion of Head of Procurement and re-named Head of Cultural Services to Knowledge Development	Many	May 2007
41	Delegation to Head of Finance	11.3.13.20	May 2007
44	Word change “formal” to “simple”	11.3.16	May 2007
5	Licensing Authority Fee Setting Gambling Act	11.2	July 2007
13	Approval of virements	11.3.4.5	July 2007
13	Interim Appointment of Deputy Chief Executive and Corporate Heads.	11.3.4.7	July 2007
14	Virement between budgets	11.3.5.2	July 2007
14	Section 106 Funds	11.3.5.10	July 2007
15	Disposal or Write Offs	11.3.5.24	July 2007
44	Further Delegation to make in year changes	11.3.15.23	July 2007
45	Addition of Animal Welfare Act 2006	11.3.16.5b	July 2007
46	Addition of Fraud Act 2006	11.3.16.5b	July 2007
46	Addition of Health Act 2006	11.3.16.5b	July 2007
48	Addition of Violent Crime Reduction Act 2006	11.3.16.5b	July 2007
61	New Chapter 11.5	11.5	July 2007

30	Corporate Head of Environment – delegation – Highways part XIV	11.3.10	October 2007
38-56	Corporate Head of Environment delegation and associated formatting	11.3.11.14 & 11.3.11.15	January 2008
	Corporate Heads to General Managers and Associated Formatting	Many	July 2008
1-47	New Chapters 11.1 to 11.3	11.1 - 11.3	July 2008
49	Increase of amount	11.4.9	July 2008
52	Appointment of Head of Paid Service	11.5.3	July 2008
53	Appointment of General Managers and Interim appointment of Head of Paid Service	11.5.4	July 2008
54-61	New Chapter 11.6	11.6	July 2008
Many	Deletion of Post – Deputy Chief Executive / General Manager Strategic Priorities and associated formatting	11.1 – 11.3	July 2009
16-19	New Paragraph re Treasury Management and associated re-numbering and formatting.	11.3.6.3	February 2010
50	Change of wording re Gifts and Hospitality	11.4.9	July 2010
50	Change ‘Department’ to ‘Service’	11.4.9.1	July 2010
55-63	Whole Chapter updated	11.6	July 2010
5-48	Updated Sections and Associated Formatting	11.2 & 11.3	Sept 2010
11	Addition of new paragraph d) & associated formatting	11.3.3.2	January 2011
2	Change Job Titles of Nominated Deputies	11.1.2.2	February 2011
2	Correct numbering – to 11.1.2.3	11.1.2.4	February 2011
12 & 13	Change General Manager to Strategic Director	11.3.3.2, 11.3.3.3, 11.3.4	February 2011
Index and 26	Additional Delegation to Strategic Director with Responsibility for Childrens Services and associated formatting	New 11.3.10.40	February 2011
Index and New page 49	Additional Strategic Director of Public Health and associated formatting	11.3.24	March 2013
34	Additional Paragraph – Joint Procurement through Director of Public Health and associated formatting	11.3.11.24	February 2014

Index 50-64	Updated Chapters and associated formatting	11.4, 11.5 & 11.6	May 2015
Index all pages	Updated Chapters and associated formatting	11.1, 11.2, &11.3,	November 2015
15	New Rule – approval of Community Asset Transfers and Assoc formatting	11.3.6.9 ii	March 2016
10	Addition e) Neighbourhood Planning (Referendums) Regulations 2012	11.3.3.2 e)	September 2016
Index & all pages	Change of Job Title of Directors Further Delegation to Borough Solicitor in relation to Commons Registration Committee	Various 11.3.10.1	November 2016
21	Access to Personal files act 1987 - repealed included in Data Protection act 1998	Appx A	May 2017
29	Personnel board decisions – exec members	11.5.3	November 2017
29-30	Personnel board decisions – exec members	11.5.4	November 2017
33-34	Personnel board decisions – exec members	11.6.5.3	November 2017
9	Removal of Other Legislation – this now contained in RIPA policy (9.9)	11.3.3.2	March 2018
Many	Updating Job titles and associated formatting	Many	July 2018
11	Data Protection Officer - - New	11.3.3.4	July 2018
26	Change of Policy name	11.4.1, 11.4.21	July 2018
28	Deletion of a-u (subject areas for Policy)	11.4.11.1	July 2018
29	Changes re Interim and Permanent	11.5.3, 11.5.4	July 2018
30	Add Assistant to Political Group	11.5.6	July 2018
31	Include Independent Investigator	11.5.8	July 2018
32	Removal of Head of Governance and Town Centre. They no longer report to the Chief Executive.	11.6.1	July 2018
33	Changes re Interim and Permanent	11.6.3	July 2018
34	New – suspension	11.6.5.5	July 2018
35	5 or less. Add Director. Removal HR Consultant	11.6.5.8	July 2018
36	Addition – Advice from HR Tier 1 &2 In consultation with Exec & Directors, Tier 3&4 Replace Member with Director. Remove Advice from HR	11.6.59, 11.6.5.10	July 2018

37	Remove Career Grade Progression	11.6.5.12	July 2018
39	Addition Flexible Working Arrangements	New 11.6.5.18	July 2018
8	Amendment to Legislation & associated formatting	11.3.3.1	November 2018
12	Remove on a quarterly basis	11.3.4.2	November 2018
12	Add who is not a statutory chief officer	11.3.4.6	November 2018
13	Add (and the GDPR)	11.3.5.15	November 2018
14	Add footnote	11.3.6 a)	November 2018
14	Replace Customer Services with insurance and settlement claims.	11.3.6.c)	November 2018
15	Delete e), h) and k) and reorder	11.3.6	November 2018
15	Add new i) Community Health and Wellbeing	11.3.6 i)	November 2018
15	Add new j) Economic Development	11.3.6 j)	November 2018
17	Remove b) f) & g) and reorder	11.3.8.1 b) f) and g)	November 2018
18	Add and asset management	11.3.9 c)	November 2018
18	Add road safety and Transport Regulation Orders and associated formatting	11.3.9 e)	November 2018
18	New o – v and associated formatting	11.3.9	November 2018
19	Update list of relevant acts	11.3.10.b)	November 2018
19	Remove including effecting of all	11.3.10 c)	November 2018
19	Remove d) & f) and reorder	11.3.10 d) & f)	November 2018
21-26	Various Changes to the Acts	Appx A	November 2018
Various	Changes to job title / service area	Various	November 2018
Various	Changes to job title / service area	Various	February 2019
16	Joint Procurement through Director Public Health	New 11.3.6.2	February 2019
17	Joint Procurement through Director Public Health	Remove 11.3.8.2	February 2019
19	Add Shared across Berkshire	11.3.12	February 2019
30	Remove Directors Adult Social Services and Childrens Services	11.5.3.	February 2019
31	Remove Chief Officers and Monitoring Officer	11.5.4	February 2019

31-42	Full review various changes	11.5.7 – 11.6.5.18	February 2019
1 & 17	Changes to job titles/management structure	11.1.2. 11.3.8	July 2019
24	Addition of Local Authorities Cemetery Order 1977	App A	February 2021
19	Assistant Director Governance delegations	11.3.10 b)	February 2022
30 & 31	Change in the process for the appointment of permanent Assistant Directors	11.5.2 11.5.4 11.5.6	March 2022
31	Change in the process for the appointment of Interim Directors	11.5.5	March 2022
35	Change in the process for the appointment of Interim Directors and the addition of a process for the appointment of Interim Assistant Directors	11.6.5.3	March 2022
Index, 1-20	Updated scheme of Officer delegation	Section 11 up to Appendix A	May 2022
18	Director Place and Growth		March 2024

Section 12

Page	Change Made	Reference	Date
3-6, 51, 52, 53, 60, 64, 68, 77	Tidy up of reference nos: as per Roger Jones and change of Name from Maggie Poole to Maggie Gibb.	Many	November 2006
1, 3, 7, 8, 40, 60, 67, 73, 74, 78	Borough Status	Many	March 2007
All	Updated Sections 12.1 and 12.2	12.1 & 12.2	July 2007
57, 58	Clarification of Rule	12.2.8	October 2007
61	Deletion of Paragraph	12.2.11.2	October 2007
63	Clarification of Paragraph	12.2.12.11	October 2007
64	Change of Wording – not compulsory	12.2.14 & 12.2.14.1	October 2007
64	Clarification of PPQ and Associated formatting	12.2.15	October 2007
71	Signing Contracts	12.2.22	January 2008
5	Typing error corrected	12.1.16.16	January 2008
77	European Contract Regulations	Appendix 1	January 2008
Many	Corporate Heads to General Managers and Associated Formatting	Many	July 2008
All	Updated Sections	12.1 and 12.2	July 2008
2	Scrutiny Committee to Overview and Scrutiny Management Committee and associated formatting	Many	October 2008
71	Value changed from £20,000 to £50,000	12.2.15.2	October 2008
95-116	Appx 5 – Consultancy – and associated formatting	Appx 5	January 2009
All pages	Updated Sections 12.1 and 12.2	12.1 & 12.2	Sept 2009
98	Change of Financial thresholds for European Contract Regulations as at 1 January 2010	Appx 1	December 2009
25-26	New Paragraph re Treasury Management and associated re-numbering and formatting.	12.1.13.2	February 2010

All	Updated Sections	12.1 & 12.2	July 2010
10	Typing/Formatting Error	12.1.5.9	Sept 2010
11	Clarification of Officer responsibility for entering into Property Agreements	12.1.5.13	Sept 2010
106	Updated Appx1 - Euro Contract Regulations	Appx	January 2012
Index and All pages	Whole Chapter updated	12.1 and 12.2	January 2012
Index and All pages	Whole Chapter updated	12.1 and 12.2	May 2013
65	Additional Paragraph – Service contracts in excess of EU threshold.	12.2.1.1	November 2014
Index and All pages	Whole Chapter updated and section 12.2 removed to become Chapter 13	12.1	November 2015
6	Update Table	12.1.3	November 2017
10	Disposal or acquisition land or buildings	12.1.5.9	November 2017
14	Community Infrastructure Levy	12.1.8.2	November 2017
32	Community Infrastructure Levy	12.1.17.3	November 2017
33	Disposal or acquisition land or buildings	12.1.17.5	November 2017
Various	Replace Wisser with BWO	Various	November 2018
Various	Job title / service area name changes	Various	November 2018
1	Delete Note the term director.....	12.1	November 2018
3	Update year audit regulations	12.1.2.3	November 2018
7	Date changed	12.1.4.11	November 2018
10	Remove last sentence – this will exclude	12.1.5.10	November 2018
14	To reflect the abolition of the Audit Commission	12.1.9	November 2018
30	Remove Thames Valley Strategic Group	12.1.16.14	November 2018
18	Requirement to regularly inspect plant and equipment	12.1.10.6i)	July 2019
Various	Changes to job titles/management structure	12.1.10	July 2019
33	Addition of wording relating to S106/CIL money that relates to the My Journey travel programme	12.1.17.3	January 2020
53	Revised Statement of Material Decisions	App A	February 2021

	Form		
32	Fees and Charges	12.1.16.24	May 2022

Section 13

Page	Change Made	Reference	Date
All pages	New Chapter 13		November 2015
6	Procurement procedures	13.3.2	November 2017
7	Standstill period and Reg84 report	13.3.2.1 13.3.2.2	November 2017
8	Standstill period and Reg84 report	13.3.2.3	November 2017
9	Standstill period and Reg84 report, plus additional wording re Procurement cards.	13.3.3.1	November 2017
14	Updating the OJEU Threshold Values	Appendix 1	January 2018
Index and all pages	Changes in relation to new e-procurement system and changes to job titles and associated formatting.		March 2018
3	Increase month to 48 from 24	13.2.2	November 2018
5	Change job title and add note	13.3.1.1	November 2018
5	Remove last paragraph A business case...	13.3.1.1	November 2018
6	Remove and raise a waiver	13.3.2	November 2018
10	Limits updated and change job title	13.3.3.2	November 2018
2	Addition of two new paragraphs relating to procurement advice that needs to be sought in extraordinary situations and associated formatting	13.2.1.5 13.2.1.6	September 2019
3	Additional wording to clarify the calculation for estimating contract values	13.2.2	January 2020
5	Changes to table and wording to provide clarification on when business cases are required	13.3.1.1	January 2020
7 9	Removal of references to Relationship Managers as no longer appropriate	13.3.2.1 13.3.2.3	January 2020
8	Clarification of Quick Quotes process and removal of reference to Relationship Managers	13.3.2.2	January 2020
5	Alignment of Procurement Business Case figures with OJEU Threshold Values	13.3.1.1	November 2020
Index and all pages	Removal of EU and related references. Changes relating to the application of exemptions under the Public Contracts Regs, the setting up of a dynamic purchasing		February 2021

	system or a framework agreement and the recording of contracts		
1, 12-14, 22	Change from Shared Legal Solutions to Legal Services	13.1.4, 13.3.3.1, 13.3.3.2, 13.3.4.1, Appendix 3 vi	May 2022