

# **PART 1**

## **SUMMARY AND CONTENTS**

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### **The Council's Constitution**

The City Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Many of these processes are required by the law, while others are a matter for the Council to choose

The Constitution has been written to ensure the Council's values to:-

1. deliver the results that people want
2. operate as one Council
3. challenge each other to improve the organisation
4. empower individuals and teams to make accountable decisions

Are at the heart of all decision making.

### **What's in the Constitution?**

The Council's Constitution is divided into 20 parts as follows:

Section	Contents
Part 1	Summary and Contents
Part 2	Articles of the Constitution
Part 3	Responsibility for Functions
Part 4	Council Procedure Rules
Part 5	Committee Procedure Rules
Part 6	Access to Information Procedure Rules
Part 7	Budget and Policy Framework Procedure Rules
Part 8	Financial Regulations
Part 9	Procurement Code
Part 10	Employment Procedure Rules
Part 11	Members' Code of Conduct
Part 12	Planning Good Practice Protocol
Part 13	Protocol for Member Officer Relations
Part 14	Employees Code of Conduct
Part 15	Group Leaders Protocol
Part 16	Members' Allowances
Part 17	Management Structure
Part 18	Scheme of Delegation to Officers
Part 19	Councillor Duties
Part 20	Council Information

The Articles of the Constitution take precedence over all other parts of the Constitution and can only be changed by full Council. They describe the overall political and administrative structure of the Council. This includes a description of Councillors, the Council and Committees. It also describes the senior officers of the Council, how decisions are made particularly with respect to financial, contractual and legal matters. (Part 2).

The remainder of the Constitution (Parts 3- Part 20) contain more detailed rules about who takes decisions; how the Council and Committees operate; access to information; the

Budget and Policy Framework; finance, procurement and employment; various codes and protocols and the management structure.

### **How the Council operates**

The Council has 35 councillors elected for a four year term. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. (Part 11) The Standards Committee trains and advises them on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year, known as the budget and policy framework. The Council will elect the Leader of the Council, the Deputy Leader and the Chairs and Vice-chairs of Committees each year.

### **HOW DECISIONS ARE MADE**

The Council has a Committee form of governance which comprises Policy Committees and Regulatory Committees. The Policy Committees are responsible for implementing the budget and policy framework as agreed by full Council and decisions must be in line with the Council's overall policies and budget. All members of the Council are entitled to a seat on one of the Policy Committees. The Policy Committees are the part of the Council with responsibility for most day-to-day decisions. Meetings of the Policy Committees will generally be open for the public to attend except where personal or confidential matters are being discussed. If a Policy Committee wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

### **FINANCIAL AND PERFORMANCE MANAGEMENT AND SCRUTINY OF MATTERS OF LOCAL CONCERN**

Each of the Policy Committees has a role in monitoring the financial and performance of specific areas of Council business. In addition, the Policy Committees are able to undertake the scrutiny of matters of local concern outside of the functions of the Council.

The Regulatory Committees are responsible for specific functions of the Council, for example planning and licensing.

### **AUDIT COMMITTEE**

The Audit Committee is one of the Council's Regulatory Committees and it is a key component of the Council's corporate governance. It provides an independent and high level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. It is responsible for approving the Council's annual statement of accounts.

### **The Council's Staff**

The Council has employees working for it to give advice, implement decisions and manage the day-to-day delivery of its services. They are employed by, and responsible to the whole Council and not any political party. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between Officers and Members of the Council.

### **Rights for local people to engage in Council decision making**

Local people have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 of Part 2 of the Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. Local people are able to attend public meetings of the Council and the Council has rules of procedure which permit public participation. The local Citizens' Advice Bureau can advise on individuals' legal rights.

# **PART 2**

## **ARTICLES OF THE CONSTITUTION**

# **PART 2**

## **ARTICLE 1 - THE CONSTITUTION**

### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution and the Council's values to:

- deliver the results that people want
- operate as one Council
- challenge each other to improve the organisation
- empower individuals and teams to make accountable decisions

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which is in keeping with its values as stated above.

## **ARTICLE 2 - MEMBERS OF THE COUNCIL**

### **2.1 Composition and eligibility**

#### **(a) Composition**

The Council has 35 Members elected for 15 wards

#### **(b) Eligibility**

Only registered voters of the City of Worcester or those living or working there or owning or occupying land or other premises within the City are eligible to be elected as a Councillor.

### **2.2 Election and terms of Councillors**

The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the regular election in the year of retirement.

### **2.3 Roles and functions of all Councillors**

#### **(a) Key roles**

All Councillors will comply with the law, this Constitution, and promote the Council's values to:

- deliver the results that people want
- operate as one Council
- challenge each other to improve the organisation
- empower individuals and teams to make accountable decisions

and

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their ward and of individual constituents;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council; and
- (vi) maintain the highest standards of conduct and ethics.

**(b) Rights and duties**

- (i) Councillors will have rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.

**2.4 Conduct**

Councillors will at all times observe the local Members' Code of Conduct and the Protocol on Member/Officer Relations; the Code of Conduct on Planning Matters, the Council's Confidential Reporting Policy and all other protocols set out in this Constitution.

**2.5 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 16 of this Constitution.

**ARTICLE 3 - CITIZENS AND THE COUNCIL**

**3.1 Citizens' rights**

**(a) Voting and petitions**

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

**(b) Information**

Citizens have the right to:-

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) see reports and background papers, and any records of decisions made by the Council; and
- (iii) inspect the Council's accounts and make their views known to the Council's external auditor.

**(c) Participation**

Citizens have the right to participate in the public participation sessions of the Council and its committees.

**(d) Complaints**

Citizens have the right to complain to:-

- (i) the Council itself under its complaints scheme;
- (ii) the Local Government Ombudsman after using the Council's own complaints scheme;
- (iii) the Monitoring Officer and the Standards Committee about a breach of the local Councillor's Code of Conduct.

**3.2 Citizens' responsibilities**

Citizen's should be polite and respectful to Councillors and officers and treat with due care all property belonging to the Council

**ARTICLE 4 - THE COUNCIL**

**4.1 Meanings**

**(a) Policy Framework**

The policy framework means the following plans and strategies:-

- Plans and strategies which together comprise the Local Development Scheme
- Worcestershire Housing Strategy
- Plans and Strategies for Finance and Asset Management
- Corporate Plan
- Statement of Licensing Policy under the Licensing Act 2003

(b) **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.2 **Functions of the full Council**

Only the Council will exercise the following functions:-

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget
- (c) subject to the urgency procedure contained in the Scheme of Delegation to Officers, making decisions about any matter 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) electing the Mayor and Deputy Mayor;
- (e) appointing and removing the Leader of the Council;
- (f) appointing and removing the Deputy Leader of the Council;
- (g) establishing, agreeing and amending the terms of reference for committees, deciding on their composition, appointing and removing Members to and from them and appointing their chairs and vice-chairs unless the appointment and removal of members of committees has been delegated by the Council;
- (h) adopting an allowances scheme under Article 2.5;
- (i) changing the name of the City or of a parish within the City, conferring the title of honorary alderman or honorary alderwoman or freedom of the City;
- (j) confirming the appointment of the head of paid service, terminating such appointment and taking disciplinary action in respect of such post;
- (k) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all functions set out in Part 3 of this Constitution which the Council has reserved to itself;
- (m) appointing Independent Members to the Standards Committee;
- (n) all other matters which, by law, must be referred to Council.

4.3 **Council meetings**

There are three types of Council meeting:-

- (a) the annual meeting
- (b) ordinary meetings
- (c) extra-ordinary meetings

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

#### **4.4 Responsibility for functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are the responsibility of Committees of the Council.

#### **4.5 Rules of Political Balance**

Where the Council is comprised of more than one Political Group the rules of political balance set out in the Local Government and Housing Act 1989 and Regulations made under it shall apply to membership of all Committees appointed by the Council.

### **ARTICLE 5 - CHAIRING THE COUNCIL**

#### **TITLE OF THE PERSON CHAIRING COUNCIL MEETINGS**

##### **5.1 Role and function of the Mayor**

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:-

- (a) to uphold and promote the law, the purposes of the Constitution and the values of the Council.
- (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
- (d) to attend such civic and ceremonial functions as the Council and they determine appropriate.

### **ARTICLE 7 - THE LEADER AND DEPUTY LEADER OF THE COUNCIL**

#### **THE LEADER OF THE COUNCIL**

##### **6.1 Election of the Leader of the Council**

The Leader of the Council will be a Councillor elected to the position of Leader of the Council. The Council will elect a Leader of the Council on an annual basis at its Annual meeting.

## **6.2 Term of Office**

The Leader of the Council will hold office until:-

- (a) they resign from the office; or
- (b) they are suspended from being a Councillor or
- (c) they are no longer a Councillor; or
- (d) for one year from the date of election, save that they may be removed from office at an earlier date by resolution of the Council.

## **THE DEPUTY LEADER OF THE COUNCIL**

### **6.3 Election of the Deputy Leader of the Council**

The Deputy Leader of the Council will be a Councillor elected to the position of Deputy Leader of the Council. The Deputy Leader of the Council shall not be a member of the same political group as the Leader of the Council. The Council will elect a Deputy Leader of the Council on an annual basis at its Annual meeting.

### **6.4 Term of Office**

The Deputy Leader of the Council will hold office until:-

- (a) they resign from the office; or
- (b) they are suspended from being a Councillor or
- (c) they are no longer a Councillor; or
- (d) for one year from the date of election, save that they may be removed from office at an earlier date by resolution of the Council.

## **ARTICLE 7 – AUDIT COMMITTEE**

7.1 The purpose of the Audit Committee is to provide independent assurance to our members of the adequacy of the risk management framework and the internal control environment. The Audit Committee shall work in co-operation with the Council's statutory officers on corporate governance issues. The Audit Committee provides independent review of the Council's governance and is responsible for risk management and control frameworks and oversees the financial management and annual governance processes. It oversees internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.

7.2 All Councillors are eligible to be Members of the Audit Committee. The size of the Audit Committee shall be determined from time to time by the Council. The Audit Committee may recommend to Council the appointment of one other person with particular skills that will be useful to the committee as a non-voting co-optee.

## **ARTICLE 8 - REGULATORY AND OTHER COMMITTEES**

### **8.1 Regulatory and other committees**

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

## **ARTICLE 9 - THE STANDARDS COMMITTEE**

### **9.1 Membership and Composition**

- (i) The Standards Committee will be composed of at least:
- Six Councillors (other than the leaders of political groups).
  - Up to one person who is not a Councillor or Officer of the Council or who has not within the previous five years been a Member or Officer of the Council and who is not a relative or close friend of a Member or Officer of the Council (Independent Member).
  - Two Members from each of the Parish Councils within the City (Parish Members).

### **9.2 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 and Parish Councillors.
- (b) Advising the City Council and its Parish Councils on the adoption and amendment of local Codes of Conduct for Councillors, protocols for member officer relations, whistleblowing policies and complaints procedures collectively known as Local Codes.
- (c) Monitoring the operation of the Local Codes adopted by the City Council and its Parish Councils
- (d) Advising and training or arranging for the training of City Councillors, Parish Councillors, Co-opted Members and Officers on matters relating to the Local Codes
- (e) Granting dispensations in respect of Members' Interests in accordance with regulations made by the Secretary of State for Communities and Local Government.
- (f) Considering allegations of breaches of the Local Codes by members of the City Council or its Parishes and considering what sanctions, if any, to impose where allegations are found proven
- (g) Considering reports from the Monitoring Officer.
- (h) Considering any reports issued by the Local Government Ombudsman regarding the City Council, authorising any payments proposed by the Local Government Ombudsman and recommending any other action that may be appropriate.

- (i) Considering any reports issued by the Local Government Ombudsman regarding either of the City's Parish Councils and recommending any appropriate action to them.
- (j) Approving payments or the provision of other benefits to a person (or persons) where the Committee considers that maladministration has occurred on the part of the City Council and that the person or persons has or have been adversely affected by it.
- (k) Considering and taking any appropriate action in respect of any alleged breaches of the Council's Local Codes

**ARTICLE 10 - JOINT ARRANGEMENTS**

**10.1 Joint arrangements**

- (a) The Council may establish joint arrangements with other local authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.

**ARTICLE 11 - OFFICERS**

**11.1 Management Structure**

**(a) Senior Management**

The full Council will engage persons for the following posts who will be designated the senior management of the Council.

- Managing Director
- Corporate Director (Resources and Governance)
- Corporate Director (Commissioning and Delivery)
- Corporate Director (Place)

They are collectively responsible for ensuring that the Council exercises all its powers and duties in accordance with the law and this Constitution and the Council's values to:

- deliver the results that people want
- operate as one Council
- challenge each other to improve the organisation
- empower individuals and teams to make accountable decisions

**(b) Head of Paid Service, Monitoring Officer, and Section 151 Officer**

The Council will designate the following statutory posts:-

<b>Post</b>	<b>Designation</b>
Managing Director	Head of Paid Service
Corporate Director (Resources and Governance)	Section 151 Officer
Deputy Director - Governance	Monitoring Officer

## 11.2 **Functions of the Head of Paid Service**

### (a) **Discharge of functions by the Council**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

### (b) **Overall Management Responsibilities**

The Head of Paid Service is responsible for the corporate and operational management of the Council

### (c) **Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

## 11.3 **Functions of the Monitoring Officer**

### (a) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council if they 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.

### (b) **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 and conducting investigations on their behalf.

### (c) **Record keeping**

The Monitoring Officer is responsible for ensuring that all decisions made by or on behalf of the Council are properly recorded

### (d) **Proper Officer for Access to Information**

The Monitoring Officer will ensure that Committee decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

### (e) **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.

(f) **Restrictions on posts**

The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

**11.4 Functions of the Section 151 Officer**

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, Section 151 Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Providing advice**

The Section 151 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 respect roles.

**11.5 Conduct**

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

**11.6 Employment**

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

**ARTICLE 12 - DECISION MAKING**

**12.1 Responsibility for decision making**

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

**12.2 Principles of decision making**

Decisions of the Council will be made in accordance the law, the Constitution and the Council's values to:

- deliver the results that people want
- operate as one Council
- challenge each other to improve the organisation
- empower individuals and teams to make accountable decisions

and in accordance with the following principles:-

- (a) proportionally (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from Officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) consideration of alternative options; and
- (g) recording reasons for the decision including details of any alternative options considered and rejected.

### **12.3 Types of decision**

#### **(a) Decisions reserved to full Council**

Decisions relating to the functions listed in Article 4.2 will be made by the full Council unless delegated by the Council.

#### **(b) Decisions falling within the functions of more than one Committee of the Council**

Decisions which fall within the functions of more than one Committee of the Council shall be determined by the Policy and Resources Committee.

## **ARTICLE 13 - FINANCE, CONTRACTS AND LEGAL MATTERS**

### **13.1 Financial Management**

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

### **13.2 Contracts**

Every contract made by the Council will comply with the Procurement Code set out in this Constitution.

### **13.3 Legal proceedings**

The Deputy Director - Governance is authorised to institute, defend or participate in any legal proceedings involving the Council

### **13.4 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 Deputy Director - Governance or other person authorised by them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

All contracts exceeding the value specified in the Procurement Code shall be made in writing. Such contracts must either be signed by two Officers of the authority or made under the common seal of the Council attested by at least one Officer in accordance with the Procurement Code.

### **13.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Deputy Director - Governance. A decision of the Council, or 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 Deputy Director - Governance or the Monitoring Officer (or their deputy) or the Managing Director should be sealed. The affixing of the Common Seal will be attested by the Deputy Director - Governance or the Monitoring Officer (or their deputy) or the Managing Director or some other person authorised by them.

## **ARTICLE 14 - REVIEW AND REVISION OF THE CONSTITUTION**

### **14.1 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.

### **14.2 Changes to the Constitution**

#### **(a) Approval**

Changes to Part 2 (Articles), Part 3 (Responsibility for Functions) and Part 15 (Group Leaders' Protocol) shall only be approved by a two-thirds majority of full Council. Changes to all other parts of the Constitution may be approved by a simple majority of the full Council, except the Monitoring Officer may make revisions by replacing references to any repealed or amended, consolidated or replacement legislation, or secondary legislation with current references and other minor amendment that they consider appropriate.

#### **(b) Change from a Committee form of governance 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.

## **ARTICLE 15 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **15.1 Suspension of the Constitution**

#### **(a) Limit to suspension**

The Articles of this Constitution may not be suspended.

#### **(b) Rules capable of suspension**

The following Rules may be suspended:

- (i) Council Procedure Rules
- (ii) Committee Procedure Rules

At a meeting by a majority of those attending and voting

## 15.2 **Interpretation**

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

## 15.3 **Publication**

- (a) The Monitoring Officer will provide a printed copy of this Constitution to each Member of the Authority upon delivery to them of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Monitoring Officer will ensure that the Constitution and a summary are available on the Council's website and copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

# **PART 3**

## **RESPONSIBILITY FOR FUNCTIONS**

## Responsibility for Council Functions

Committee	Functions	Delegation of Functions
Council	<p>In addition to the functions set out elsewhere in the Constitution</p> <ul style="list-style-type: none"> <li>• Exercise of the Council’s functions in relating to parishes and parish councils under Part II of the Local Government &amp; Rating Act 1997</li> <li>• Exercise of powers on the following electoral matters:-               <ul style="list-style-type: none"> <li>○ Division of parliamentary constituencies and local government wards or electoral divisions into polling districts</li> <li>○ Approval of pilot schemes for local elections</li> <li>○ Making recommendations to the Electoral Commission in ward boundary reviews, electoral division reviews and parliamentary constituency reviews</li> </ul> </li> </ul>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
	<ul style="list-style-type: none"> <li>• Any other matters relating to the administration of elections and electoral registration</li> </ul>	Returning Officer
	<ul style="list-style-type: none"> <li>• Making and amending Standing Orders, Standing Orders Relating to Contracts and Financial Regulations.</li> </ul>	None
	<ul style="list-style-type: none"> <li>• Appointment of Staff</li> </ul>	<p>Appointment of Head of Paid Service, the Monitoring Officer and the Section 151 Officer are reserved to full Council on the recommendation of the Personnel and General Purposes Committee.</p> <p>Appointment of Corporate Directors is delegated to the Personnel and General Purposes Committee unless the post includes the duties of either the Monitoring Officer or the Section 151 Officer in which case it is reserved to Council.</p> <p>Appointment of Deputy Directors/Heads of Service is delegated to the Head of Paid Service, however any appointment panel must include at least one member of the Policy and Resources Committee</p>

		Appointment of other staff delegated to Head of Paid Service as set out in Part 18 and the Employment Procedures Rules in Part 4.
	<ul style="list-style-type: none"> <li>• Designation of officers as the Monitoring Officer and Section 151 Officer</li> </ul>	None
	<ul style="list-style-type: none"> <li>• Appointment of officers for particular purposes (“proper officers”)</li> <li>• Appointment of Electoral Registration Officer and Returning Officer for Local Government Elections</li> <li>• Determining the scheme for the Mayor’s and Deputy Mayor’s Allowance</li> <li>• Determining the scheme for travelling and subsistence allowances, conference attendance allowances and members scheme of expenses</li> <li>•</li> </ul>	<p>Managing Director</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
	<ul style="list-style-type: none"> <li>• Appointments to the Hopmarket Charity and non-voting co-optees to the Conservation Areas Advisory Committee</li> </ul>	None

Policy and Resources Committee	To determine all matters falling within the remit of the Committee which are within the Council's Policy Framework and Budget other than those reserved by this Constitution to the Council	Delegation to officers set out at Part 18.
	<p>The following functions:</p> <ul style="list-style-type: none"> <li>• Macro-level policy making and resource allocation (i.e. ICT, property, HR, media/comms)</li> <li>• Preparation of a draft budget and recommendation to Full Council</li> <li>• Strategic level budget monitoring</li> <li>• Strategic level performance monitoring</li> <li>• Oversight of relevant shared services/outsourced contracts, i.e. Civica (Revs and Bens/HUB contracts)</li> <li>• Oversight of City Plan</li> <li>• Oversight of Transformation Programme</li> </ul>	Delegation to officers set out at Part 18.
	Discharge of any function under the Worcester City Council Act 1985 other than matters delegated to the Licensing Committee (see later in Part 3 of this Constitution)	None
	Appointments to Outside Bodies and revocation of such appointments (other than to the Hopmarket Charity and non-voting co-optees to the Conservation Areas Advisory Committee)	None
	The making of agreements with other local authorities for the placing of staff at the disposal of those authorities.	None
	<ul style="list-style-type: none"> <li>• An externally focussed scrutiny function on matters relevant to the functions of the committee, provided that the areas of scrutiny shall be City Plan priorities and the committee shall not undertake more than two scrutiny reviews per annum</li> <li>• The ability to establish member-led task and finish groups on matters relevant to the functions of the committee</li> </ul>	None

Economic Development and Place Sub-Committee	To determine all matters falling within the remit of the Committee which are within the Council's Policy Framework and Budget other than those reserved by this Constitution to the Council	Delegation to officers set out at Part 18.
	The following functions: <ul style="list-style-type: none"> <li>• Place shaping</li> <li>• Economic Development</li> <li>• Planning Policy (i.e. approval of SPDs)</li> <li>• Tourism</li> <li>• Service level financial and performance monitoring</li> <li>• Oversight of relevant shared services/outsourced contracts, i.e. Tourist Information Centre Contract</li> </ul>	Delegation to officers set out at Part 18.
	<ul style="list-style-type: none"> <li>• An externally focussed scrutiny function on matters relevant to the functions of the committee, provided that the areas of scrutiny shall be City Plan priorities and the committee shall not undertake more than two scrutiny reviews per annum</li> <li>• The ability to establish member-led task and finish groups on matters relevant to the functions of the committee</li> </ul>	None

Income Generation Sub-Committee	To determine all matters falling within the remit of the Committee which are within the Council's Policy Framework and Budget other than those reserved by this Constitution to the Council	Delegation to officers set out at Part 18.
	The following functions: <ul style="list-style-type: none"> <li>• Oversight of asset reviews (i.e. One Town Review)</li> <li>• Development of income generation proposals</li> <li>• Feasibility work for income generation</li> <li>• Approval and oversight of projects under the Small Development Fund</li> <li>• Reviewing Fees and Charges</li> </ul>	Delegation to officers set out at Part 18.
	<ul style="list-style-type: none"> <li>• An externally focussed scrutiny function on matters relevant to the functions of the committee, provided that the areas of scrutiny shall be City Plan priorities and the committee shall not undertake more than two scrutiny reviews per annum</li> <li>• The ability to establish member-led task and finish groups on matters relevant to the functions of the committee</li> </ul>	None

Personnel and General Purposes Sub-Committee	Responsible for all matters relating to the appointment of a Managing Director including making recommendations to the Council on the person to be appointed and salary and terms and conditions of employment.	None
	Responsible to Council for making any recommendations regarding the termination of employment of the Managing Director or in relation to disciplinary action in respect of the Managing Director.	None
	Responsible for making appointments to all Corporate Director and Service Manager posts, including deciding the salary and the terms and conditions of employment of such posts and in relation to disciplinary action in respect of such posts in accordance with the Employment Procedure Rules.	None
	Determining the terms and conditions of employment of employees including procedures for dismissal and approving revised structures within a department for which budget provision has been made but which fall outside officer delegations, provided that any restructuring across departments shall be referred to Council for approval.	Delegations to officers in accordance with the delegations set out in Part 8.
	Functions relating to Local Government Pensions etc., for all employees under Regulations made under Sections 7, 12 or 24 of the Superannuation Act 1972.	None
	Making recommendations to Council on the various electoral matters reserved to full Council.	None
	Designating polling places (including changing the description of polling places) for the polling districts approved by the Council.	None
	Exercising the Council's powers relating to Parish Council elections.	None

Environment Committee	To determine all matters falling within the remit of the Committee which are within the Council's Policy Framework and Budget other than those reserved by this Constitution to the Council	Delegation to officers set out at Part 18.
	<p>The following functions:</p> <ul style="list-style-type: none"> <li>• Parks and open spaces</li> <li>• Play areas</li> <li>• Cemeteries and Crematorium</li> <li>• Allotments</li> <li>• Domestic refuse collection</li> <li>• Trade Waste</li> <li>• Garden Waste</li> <li>• Street Cleansing</li> <li>• Car parking</li> <li>• Service level financial and performance management</li> <li>• An externally focussed scrutiny function on matters relevant to the functions of the committee</li> <li>• Oversight of relevant shared services/outsourced contracts, i.e. Regulatory Services</li> </ul>	Delegation to officers set out at Part 18.
	<ul style="list-style-type: none"> <li>• An externally focussed scrutiny function on matters relevant to the functions of the committee, provided that the areas of scrutiny shall be City Plan priorities and the committee shall not undertake more than two scrutiny reviews per annum</li> <li>• The ability to establish member-led task and finish groups on matters relevant to the functions of the committee</li> </ul>	None

Communities Committee	To determine all matters falling within the remit of the Committee which are within the Council's Policy Framework and Budget other than those reserved by this Constitution to the Council	Delegation to officers set out at Part 18.
	<p>The following functions:</p> <ul style="list-style-type: none"> <li>• Housing and homelessness</li> <li>• Sport and Leisure</li> <li>• Museums, Heritage and Culture</li> <li>• Community safety</li> <li>• Health and Well-being</li> <li>• CCTV</li> <li>• Service level financial and performance management</li> <li>• Oversight of relevant shared services/outsourced contracts, i.e. Museums and Freedom Leisure contract</li> </ul>	
	<ul style="list-style-type: none"> <li>• An externally focussed scrutiny function on matters relevant to the functions of the committee, provided that the areas of scrutiny shall be City Plan priorities and the committee shall not undertake more than two scrutiny reviews per annum</li> <li>• The ability to establish member-led task and finish groups on matters relevant to the functions of the committee</li> </ul>	None

Planning Committee	Functions relating to town and country planning and development control as.	Delegations to officers set out in Part 18
	Imposing such conditions, limitations, restrictions or other terms as it considers appropriate on any approval, consent, licence, permission or registration granted in the exercise of the functions set out above.	Delegations to officers set out in Part 18
	In respect of the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, consent, licence, permission or registration granted by the Committee (or by an officer acting under delegated powers) or any failure to comply with a condition, limitation or terms to which any such approval, consent, licence, permission or registration is subject	Delegations to officers set out in Part 18
	Powers relating to the protection of important hedgerows and the preservation of trees	Delegations to officers set out in Part 18
	Functions relating to high hedges under the Anti-social Behaviour Act 2003.	Delegations to officers out in Part 18
	The creation, stopping up or diversion of footpaths and bridleways	Delegations to officers set out in Part 18
	Preparation of Planning Briefs	None
	To be consulted by and advise the Policy and Resources Committee on:- <ul style="list-style-type: none"> <li>• The emerging Local Plan</li> <li>• Response to neighbouring and other districts on their emerging Local Plans</li> <li>• Preparation of Supplementary Planning Documents and Planning Briefs</li> <li>• Designation of Conservation Areas, areas of archaeological interest and nature reserves</li> <li>• Removal of permitted development rights through Article 4 Directions</li> <li>• Compulsory Purchase Orders</li> <li>• Response to the DCLG on proposed changes to planning legislation and guidance</li> <li>• Response to consultation from neighbouring districts on planning applications in their area</li> </ul>	None None None None None None None Delegation to Officers in accordance with delegations set out in Part 18.

Licensing and Environmental Health Committee	Functions relating to the licensing and registration of taxis, gaming, entertainment, food, licensing activities under the Licensing Act 2003	Delegations to officers set out in Part 18
	Functions relating to the control of pollution or the management of air quality	Delegations to officers set out in Part 18
Licensing Sub-Committee (Taxis)	Functions relating to statutory nuisance	Delegations to officers set out in Part 18
		Delegations to officers set out in Part 18
Licensing Sub-Committee (Licensing Act 2003)	Functions relating to health and safety under any "relevant statutory provisions" within the meaning of Part I of the Health and Safety at Work etc., Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer.	Delegations to officers set out in Part 18
Licensing Sub-Committee (Sexual Entertainment Venues)	Functions relating to the licensing of various activities under the Worcester City Council Act 1985 – Moorings (Section 15), Dealers in Second-hand Goods (Section 20), Hairdressers and Barbers (Section 33), eating houses (Section 35), establishments for massage, chiropody etc., (Section 37)	Delegations to officers set out in Part 18
Licensing Sub-Committee (Street Trading)	Determining the amount of any charge to be made for any approval, consent, licence, permit or registration within the terms of reference of the Committee.	None
	In relation to the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, licence, permission or registration granted by the Committee (or an officer acting under delegated powers) or any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.	Delegations to officers set out in Part 18.

Standards Committee	As set out in Article 9 of the Constitution.	Delegations to the Monitoring Officer set out in Part 18.
Audit and Governance Committee	Sampling a proportion of all invoices paid in the previous quarter.	None
	Seeking an explanation from the relevant Head of Service of expenditure incurred and where appropriate referring the matter for further investigation.	None
	Approval of the Annual Accounts	None
Joint Consultative and Safety Committee	See Appendix A attached	None

**JOINT CONSULTATIVE AND SAFETY COMMITTEE**

**1.1 Representation**

The Committee shall consist of five members of the Council at least two of whom shall be Members of the Personnel and General Purposes Committee, the Managing Director, the Directors and the Head of Service with responsibility for human resources and 3 employees of the Council to be appointed by trade unions as follows:-

UNISON - 2 Members  
GMB - 1 Members

**1.2 Chair**

The meeting will be chaired by the Managing Director. A vice-chair shall be appointed from among the Councillors appointed to the Committee.

**1.3 Officers**

Full time Trade Union Officials may attend meetings in an advisory capacity. Other persons may attend meetings of the Committee by invitation of the Committee.

**2. Functions**

The functions of the Committee shall be:-

- 2.1 to establish regular methods of negotiation and consultation between the Council and its employees;
- 2.2 to consider any relevant matter referred to it by the Council, or by any of the employee organisations;
- 2.3 to make recommendations to the Council on the terms and conditions of service and the education and training of employees;
- 2.4 to consider problems and developments of mutual concern to the Council and its employees;
- 2.5 to act as the Council's Safety Committee as required by the Health and Safety at Work Etc. Act 1974 and in particular:-
  - (i) to keep under review the measures taken to ensure the health, safety and welfare at work of employees;
  - (ii) the study of accidents and notifiable diseases, statistics and trends to identify unsafe and unhealthy conditions and practices and recommend corrective action;
  - (iii) to consider any matters referred to the Committee by Departmental Safety Representatives.

3. The Committee shall meet four times per year but the Chair may call further meetings as required. A meeting shall be called within seven days of the receipt of a requisition signed by not less than any two members of either side. The matters to be discussed at any meeting of the Committee shall be stated in the notice summoning the meeting, provided that any other business may be considered if agreed by a majority vote of those present and voting at such meeting. The notice summoning the meeting shall identify a part of the meeting as specifically reserved for the discussion of health and safety matters.
4. The quorum of the Committee shall be three Council representatives and two union representatives.
5. No resolution shall be regarded as carried unless it has been approved by a majority of the members present and voting on each side of the Committee.
6. Any recommendations shall be reported to the Personnel and General Purposes Committee.
7. The employee organisations may appoint substitute members to attend any meeting in place of members who find that they will be unable for any reason to attend any particular meeting of the Committee.

# **PART 4**

## **COUNCIL PROCEDURE RULES**

## **THE COUNCIL PROCEDURE RULES**

### **1. SCOPE**

These rules apply to meetings of the Council.

### **2. MEETINGS OF THE COUNCIL**

2.1 The annual meeting of the Council shall be held:-

2.1.1 In a year of the ordinary election of Councillors within 21 days immediately following the day of retirement as the Council may fix.

2.1.2 In any other year on such day in the month of May as the Council may fix.

2.2 The Council shall hold other ordinary meetings in each year on such dates as may be fixed by the Council.

2.3 If the Mayor considers that the day fixed for a Council meeting is no longer suitable for that purpose or there is insufficient business to justify the holding of that Council meeting, they shall, after consultation with the Leaders of Political Groups and the Managing Director cancel the holding of that Council meeting and, if appropriate, fix an alternative day for the holding of that Council meeting.

2.3.1 The Mayor may call an extra-ordinary meeting of the Council at any time.

2.3.2 If the Mayor does not call an extra-ordinary meeting of the Council after a requisition for that purpose, signed by at least five Members of the Council, has been presented to them then the five Members of the Council, may forthwith require the Managing Director to summon an extra-ordinary meeting to discuss the matters referred to in the requisition to the Mayor.

2.3.4 Unless otherwise specified by the Council or by the Mayor, all meetings of the Council shall be held at the Guildhall, Worcester commencing at 7.00 p.m.

### **3. MAYOR AND DEPUTY MAYOR OF THE COUNCIL**

3.1 The Mayor and Deputy Mayor shall respectively be the Chair and Vice-Chair of the Council.

3.2 The Mayor shall preside over meetings of the Council

3.3 Any powers and duties assigned to the Mayor under these Council Procedure Rules shall, in the absence of the Mayor, be undertaken by the Deputy Mayor.

3.4 Where both the Mayor and Deputy Mayor are absent from a meeting of the Council, the Council shall as the first item of business at that meeting appoint another Member of the Council to act as Chair for that meeting and that person shall, for the duration of that meeting, be entitled to exercise all the powers and duties of the Mayor under these Council Procedure Rules in relation to that meeting.

3.5 Neither the Mayor nor the Deputy Mayor shall be the Chair or the Vice-chair of any other committee of the Council.

4. **QUORUM**

4.1 No business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Members of the Council are present.

5. **SUMMONS AND AGENDA FOR MEETINGS OF THE COUNCIL**

5.1 Not less than five clear working days before the date of a meeting of the Council the Proper Officer shall send to all Members of the Council a summons and agenda for the meeting.

5.2 No business other than that specified in the summons and the agenda shall be transacted at a meeting of the Council except urgent items

5.3 No business shall be conducted at the Annual Council meeting other than

- (i) the election of the Mayor and Deputy Mayor;
- (ii) the election of the Leader of the Council;
- (iii) the election of the Deputy Leader of the Council
- (iv) the appointment of committees and the election of Chairs and Vice-chairs of committees;
- (iv) any other civic matter;
- (v) any urgent item of business.

6. **MINUTES OF MEETINGS OF THE COUNCIL**

6.1 At a meeting of a Council the Mayor shall put the question that the Minutes submitted to the meeting be approved as a correct record of that meeting.

6.2 Following approval of the Minutes the Chair will sign the minutes and shall allow discussion of any matters arising from the Minutes.

7. **VOTING**

7.1 Any question at any meeting of the Council shall be determined by show of hands by a majority of the Councillors and co-opted Members (where they are entitled to vote) present and voting.

7.2 On the requisition of any Member of the Council made before the vote is taken and supported by at least four other Members who signify their support by rising in their places, the voting on any question shall be by roll call (in which case the vote shall be taken by the Democratic and Civic Services Manager calling the names of Members) and shall be recorded to show how each Member voted.

7.3 Where immediately after a vote is taken any Councillor requires, there shall be recorded in the Minutes whether that person cast their vote for the question or against the question or whether they abstained from voting.

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

8. **NOTICES OF MOTION**

- 8.1 Motions must be about matters for which the Council has a responsibility or which affect the City of Worcester. Any Member of the Council who is considering proposing a notice of motion may obtain information from a relevant officer of the Council to assist the Member of the Council in the preparation of their notice of motion.
- 8.2 Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the Democratic and Civic Services Manager at least five clear working days before the meeting.
- 8.3 The Monitoring Officer shall determine whether a notice of motion is valid and whether a notice of motion requires any officer advice. Any officer advice shall be provided as soon as is reasonably practicable and in any event no later than the time of the meeting.
- 8.4 The Proper Officer shall insert in the agenda for every meeting of the Council all notices of motion received. The Proper Officer shall determine where in the agenda for every meeting of the Council each notice of motion shall be inserted.
- 8.5 When a motion is reached on the agenda, in the absence of the proposer, it may be moved by any other Member of the Council, failing which it shall be treated as abandoned, and shall not be moved without fresh notice.
- 8.6 Any notice of motion relating to any matter ordinarily dealt with by a committee may be referred to the relevant committee by the Monitoring Officer. Where a notice of motion is referred the mover of the motion shall have a right to attend the meeting to which it has been referred in order to move the motion and have a right of reply.
- 8.7 The following motions and amendments may be moved without notice:-
  - 8.7.1 Appointment of a Chair of the meeting
  - 8.7.2 Motions relating to the accuracy of the minutes.
  - 8.7.3 That an item of business specified in the Agenda has precedence.
  - 8.7.4 Reference or reference back to a Committee.
  - 8.7.5 That the Council resolve itself into Committee.
  - 8.7.6 Appointment of a Committee or Members thereof or of representatives or nominees occasioned by an item mentioned in the Summons to the meeting.
  - 8.7.7 Adoption of reports and recommendations of Committees or Officers and any consequent resolutions.
  - 8.7.8 That leave be given to withdraw a motion.
  - 8.7.9 Amendment of motions.

- 8.7.10 Extending the time limit for speeches.
- 8.7.11 That the Council proceed to the next business.
- 8.7.12 That the question be now put.
- 8.7.13 That the debate be now adjourned.
- 8.7.14 That the Council do now adjourn.
- 8.7.15 That the period of public participation at the meeting be extended.
- 8.7.16 Authorising the sealing of documents.
- 8.7.17 Suspending Council Procedure Rules, in any case of urgency
- 8.7.18 Motion to exclude the public and press.
- 8.7.19 That a Member named under Council Procedure Rule *12.1* be not further heard and leave the meeting.
- 8.7.20 Requesting a Member to leave the Meeting in accordance with the Council's Code of Conduct.
- 8.7.21 Giving consent of the Council where the consent of the Council is required by these Council Procedure Rules.

9. **QUESTIONS BY MEMBERS OF THE COUNCIL**

- 9.1 Any Member may, without prior notice, ask any question of the Leader of the Council, the Deputy Leader of the Council or Chair of a Committee in relation to any matter which is the subject of a report by that person to the Council.
- 9.2 Any Member of the Council may ask the Leader of the Council, the Deputy Leader of the Council or the Chair of any Committee or Sub-Committee any questions on any matters in relation to which the Council have powers or which affects the area of the Council provided that either:-
  - 9.2.1 written notice of the question has been given to the Democratic and Civic Services Manager not later than 12 Noon on the day previous to the meeting of the Council; or
  - 9.2.2 the Mayor has decided that the question relates to any matter which is of sufficient urgency to warrant consideration and a copy of the question has been given to the Democratic and Civic Services Manager no later than 10 o'clock on the morning of the meeting.
- 9.3 Every question under Council Procedure Rule 9.2 shall be put and answered without discussion. When an answer to a question has been given the Member asking the question may ask one further question arising out of the original question or the reply and shall receive a reply.

- 9.4 An answer may take the form of:-
- (i) A direct oral answer; or
  - (ii) Where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (iii) Where the reply to the question cannot conveniently be given orally, a written answer circulated to the Members of the Council.
- 9.5 A record of questions and answers under Council Procedure Rule 9.2 shall be included within the Minutes of the meeting.

## 10. **PUBLIC PARTICIPATION AT MEETINGS OF THE COUNCIL**

- 10.1 Provision shall be made on the agenda of each meeting of the Council (other than the Annual Meeting) for members of the public to participate. The provisions of this Council Procedure Rule shall not apply to the consideration by the Council of applications under Town and Country Planning legislation for planning permission and/or listed building consent, or to consideration by the Council of the minutes of the Planning Committee. It shall also not apply to the consideration by the Council of matters relating to the grant, refusal, variation or revocation of any licence, permit or approval falling within the terms of reference of the Licensing and Environmental Health Committee or to consideration of the minutes of the Licensing and Environmental Health Committee.
- 10.2 A member of the public for the purposes of this Council Procedure Rule shall include a member of a body or organisation representing that body or organisation but shall not include any employee of the Council in relation to any matter connected with his employment; any representative of an employee or group of such employees; any person in a contractual relationship with the Council in relation to any matter connected with that contract; any elected member of any local authority on a matter concerning that local authority, or (unless the Mayor determines otherwise) any person appointed or engaged to speak on behalf of another.
- 10.3 Unless the Council (or in the circumstances of a particular case the Mayor at their discretion) determines otherwise:-
- 10.3.1 a member of the public in each case speaking for no more than five minutes may
- (i) present a petition on any matter relating to the functions of the Council or which affects the area of the Council and explain its contents or purpose;
  - (ii) ask a question on any matter relating to the functions of the Council or which affects the area of the Council;
  - (iii) make a comment on any matter on the agenda of the Council
- 10.3.2 The total period available for public representations shall not exceed fifteen minutes.

- 10.3.3 Any member of the public wishing to participate at a Council meeting shall notify the Democratic and Civic Services Manager no later than 12 noon on the working day before the date of the meeting and indicate the nature and content of their participation.
- 10.3.4 Any petition shall be received by the Mayor without response.
- 10.3.5 Any question shall be directed at the Leader of the Council, the Deputy Leader of the Council or the chair of the relevant committee who may reply orally at the meeting, or in writing following the meeting or who may decline to reply; or who may ask another Member of the Council or or an Officer so to reply on their behalf.
- 10.3.6 No response shall be made to comments at the time but Members of the Council may allude to them in the course of the consideration of the relevant item.
- 10.3.7 The Mayor shall have the right to decide whether (because of the availability of time, or for any other reason) a member of the public is invited to participate in pursuance of Council Procedure Rule A10.4.1 above, notwithstanding that the member of the public in question has complied with the requirements of this Council Procedure Rule.

## 11. **RULES OF DEBATE FOR COUNCIL MEETINGS**

### 11.1 **Speaking at Council Meetings**

A Member wishing to speak will raise their hand. A Member when speaking shall stand and address the Mayor. If two or more Members rise, the Mayor shall call them in turn to speak. Whilst a Member is speaking the other Members shall remain seated, unless rising to a point of order or personal explanation. When the Mayor rises during a debate any Member then standing must immediately stop speaking and sit down.

### 11.2 **Content of Speeches**

A Member shall speak on the question under discussion or a personal explanation or to a point of order.

### 11.3 **Motions and Amendments**

A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Council Procedure Rule A8 it shall, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the meeting.

### 11.4 **Secunder's Speech**

A Member when seconding a motion or amendment may reserve their speech until a later period of the debate.

### 11.5 **Recommendations from other committees**

A motion to adopt a recommendation from other Committees, details of which appear on the agenda for the meeting, shall normally be moved without further notice by the Chair of that Committee

#### 11.6 **Length of Speeches**

No Member shall, except with the consent of the Mayor or the Council, be allowed to speak for more than the following times:-

- |       |  |           |
|-------|--|-----------|
| (i)   | the speech of a Member moving a motion       | 15minutes |
| (ii)  | the reply of a mover of a motion             | 10minutes |
| (iii) | the speech of the Member moving an amendment | 10minutes |
| (iv)  | every other speech                           | 5 minutes |

#### 11.7 **When a Member May Speak Again**

A Member who has spoken on any motion shall not speak again while it is the subject of a debate, except:-

- (i) to speak once on an amendment moved by another Member
- (ii) in exercise of a right of reply
- (iii) on a point of order; or
- (iv) by way of personal explanation.

#### 11.8 **Amendments to Motions**

Every amendment shall be relevant to the motion on which it is moved and shall be:-

- (i) to leave out words; or
- (ii) to leave out words and insert or add others; or
- (iii) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

#### 11.9 **Two or More Amendments**

Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

#### 11.10 **Reference Back or Non-Confirmation**

If an amendment is carried referring a matter back for reconsideration no further amendments shall be moved on that matter.

#### 11.11 **Position if an Amendment is Lost or Carried**

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

#### 11.12 **Withdrawal of Motion**

A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no Member may speak upon it after it has been withdrawn.

#### 11.13 **Right of Reply**

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote or before the motion "that the meeting proceed to the next business", "that the question now be put" or "that the debate be adjourned or that the meeting do now adjourn" is put.

If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment.

The mover of the amendment shall have a right of reply at the close of the debate on the amendment, immediately before the mover of the original motion exercises their right of reply.

If an amendment is carried and there is a further amendment moved upon that particular matter in which event the right of reply becomes that of the mover of the original amendment in place of the mover of the original motion.

After a right of reply has been exercised the matter shall be put to the vote without further discussion.

#### 11.14 **Content of Reply**

A Member exercising a right of reply shall not introduce new matters.

#### 11.15 **Alteration of Motion**

A Member may, with the consent of their seconder, alter a motion or amendment which they proposed or of which notice has been given, if the alteration is one which could have been moved as an amendment thereto.

#### 11.16 **Motions Which May be Moved During Debate**

When a motion is under debate no other motion shall be moved except the following:-

- (i) To amend the motion;
- (ii) A closure motion under the next paragraph;
- (iii) That a Member be not further heard;
- (iv) By the Mayor that a Member do leave the meeting;
- (v) A motion to exclude the public and press.

#### 11.17 **Closure Motions**

A Member who has not spoken on the subject under discussion may without comment at the conclusion of a speech of another Member move one of the following closure motions

- (i) **"that the meeting proceed to next business"**

- (ii) **"that the question be now put"**
- (iii) **"that the debate be now adjourned" and**
- (iv) **"that the meeting do now adjourn"**

Closure motions take precedence over other business, other than points of order, and shall, if seconded be put to the vote immediately without discussion. If a closure motion is carried the mover of the motion, and if appropriate the mover of the amendment, have a right of reply and the motion or amendment is then to be put.

#### 11.18 **Resumption After Adjournment**

On resumption of an adjourned debate the Member who moved the adjournment is entitled to speak first.

#### 11.19 **Points of Order or Personal Explanations**

A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall only call attention to an alleged breach of a Council Procedure Rule or statutory provision and the Member shall briefly refer in the form of a question to the Mayor to the relevant Council Procedure Rule or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some part of a speech by them which may appear to have been misunderstood.

#### 11.20 **Ruling on Points of Order**

The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

#### 11.21 **Irrelevance, repetition and limitation on speakers**

In speaking to any motion or amendment members are to confine their remarks strictly to such motion or amendment and shall not introduce irrelevant matters or indulge in needless repetition. The Mayor's ruling on this is final.

If three speakers have spoken consecutively in support of, or in opposition to a motion, the Mayor may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had a right of reply, the motion must be put. Members speaking must, if called upon to do so by the Mayor, announce whether they are speaking in support of, or against the motion or amendment being debated.

#### 11.22 **Officers of the Council**

Officers of the Council may speak during a debate at the Council meeting on being asked to do so by the Mayor.

#### 11.23 **Written Reports**

When a written report presented for the information of the Council is circulated with or referred to in the Summons for the meeting and contains no recommendations, such report shall be introduced by the Leader of the Council or relevant Committee Chair and discussion may take place thereon. No motion may be moved, but the Member presenting the report shall have a right to reply to the discussion.

#### 11.24 **Oral Reports**

With the consent of the Mayor, the Leader of the Council or a Chair or other Member of a Committee acting on their behalf may make an oral report on a matter of importance and urgency, and no discussion shall take place thereon.

### 12. **DISORDERLY CONDUCT**

12.1 If at a meeting any Member of the Council, in the opinion of the Mayor misconducts themselves by persistently disregarding the ruling of the chair, or behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other Member may move "that the Member named be not further heard" or "that the Member named do forthwith leave the meeting", and the motion if seconded shall be put and determined without discussion.

#### 12.2 **Use of electronic media by members**

Social or electronic communications media may not be used in meetings dealing with regulatory matters and in Personnel and General Purposes Committee or when confidential items are being debated.

In other cases, there is no restriction on use of social or electronic communications media unless otherwise indicated by the Chair of the Committee or the Monitoring Officer. Where members use social or electronic communications media, they should not do so in such a manner as to give rise to the impression that they are not concentrating on the debate in question. Use of such media should not identify by name officers below service manager level and any comments made should show respect for members and officers present at the meeting. Breach of this rule is a breach of the Code of Conduct.

#### 12.3 **Continuing Misconduct by a Named Member**

If the Member so named continues such misconduct after a motion that they be not further heard and in the opinion of the Mayor such continued misconduct renders the due and orderly despatch of the Council's business impossible, the Mayor shall

**EITHER** move "that the Member named do forthwith leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

**OR** without question adjourn the meeting of the Council for such period as they consider expedient.

#### 12.4 **General Disturbance**

In the event of general disturbance which in the opinion of the Mayor renders the due and orderly despatch of business impossible, the Mayor in addition to any other power vested in them may, without question, adjourn the meeting of the Council for such period as they consider expedient.

A Member or Members of the Council so named in a motion carried under this Council Procedure Rule shall comply with such motion.

13. **DISTURBANCE BY MEMBERS OF THE PUBLIC**

If a member of the public interrupts the proceedings at any meeting the Mayor shall warn them if they continue the interruption the Mayor shall order their removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Mayor shall order that part to be cleared.

14. **AUDIO RECORDING, FILMING, VIDEO RECORDING, PHOTOGRAPHY ETC.**

The taking of photographs, films, video or sound recording at any meeting shall not be prohibited. Any person wishing to record the proceedings of a Council meeting shall contact the Democratic and Civic Services Manager in advance of the relevant meeting to make suitable arrangements for the recording.

15. **RESCISSION OR AMENDMENT OF PREVIOUS RESOLUTION**

No resolution or decision of the Council shall be rescinded or varied during the period of six months after it was passed, except that the Council may rescind or vary the composition or duties of any Committee or Sub-Committee of the Council.

16. **VOTING ON APPOINTMENTS**

When there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

17. **RECORD OF ATTENDANCES**

17.1 Every Member of the Council attending a meeting of the Council shall sign their name in the attendance book or sheet provided

18. **INTERPRETATION OF COUNCIL PROCEDURE RULES**

The ruling of the Mayor as to the construction or application of any of these Council Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

# **PART 5**

## **COMMITTEE PROCEDURE RULES**

## **COMMITTEE PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all Committees and Sub Committees appointed by the Council.

### **2. MEETINGS OF COMMITTEES**

2.1 The meetings of Committees shall be held on the dates set out in the calendar of meetings approved by the Council.

2.2 If the Chair of a Committee considers that the day fixed for a Committee meeting is no longer suitable for that purpose or there is insufficient business to justify the holding of that meeting, they shall, after consultation with the Leaders of Political Groups and the Managing Director cancel the holding of that meeting and, if appropriate, fix an alternative day for the holding of that meeting.

2.3 The Chair of a Committee may call an extra-ordinary meeting of their Committee at any time.

2.4 If the Chair does not call an extra-ordinary meeting of the Committee after a requisition for that purpose, signed by at least three Members of the Committee, has been presented to them then the three Members of the Committee, may forthwith require the Managing Director to summon an extra-ordinary meeting to discuss the matters referred to in the requisition to the Chairman.

2.5 Unless otherwise specified by a Committee or by the Chair of the Committee meetings shall be held at the Guildhall, Worcester commencing at 7.00 p.m.

### **3. THE CHAIR AND VICE CHAIR OF COMMITTEES**

3.1 The Chair of a Committee shall preside over meetings of that Committee.

3.2 Any powers and duties assigned to the Chair of a Committee under these Committee Procedure Rules shall, in the absence of the Chair, be undertaken by the Vice Chair.

3.3 Where both the Chair and Vice Chair are absent from a meeting the Committee shall as the first item of business at that meeting appoint another Member of the Committee to act as Chair for that meeting and that person shall, for the duration of that meeting, be entitled to exercise all the powers and duties of the Chair under these Committee Procedure Rules in relation to that meeting.

### **4. QUORUM**

4.1 No business shall be transacted at a meeting of a Committee unless at least one third of the whole number of Members of the Committee or three, whichever is the greater are present.

### **5. SUMMONS AND AGENDA FOR MEETINGS OF COMMITTEES**

5.1 Not less than five clear working days before the date of a meeting of a Committee the Democratic and Civic Services Manager shall send to all Members of the Committee a summons and agenda for the meeting.

5.2 No business other than that specified in the summons and the agenda shall be transacted at meeting of the Committee except urgent items

## 6. **MINUTES**

6.1 At any meeting of a Committee the Chair shall put the question that the Minutes submitted to the meeting be approved as a correct record of that meeting.

6.2 Following approval of the Minutes the Chair will sign the minutes and shall allow discussion of any matters arising from the Minutes.

## 7. **VOTING**

7.1 Any question at any meeting of any Committee shall be determined by show of hands by a majority of the Councillors and co-opted Members (where they are entitled to vote) present and voting.

7.2 Where immediately after a vote is taken any Councillor requires, there shall be recorded in the Minutes whether that person cast their vote for the question or against the question or whether they abstained from voting.

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

## 8. **SUBSTITUTES**

8.1 Any Councillor who is a Member of a Political Group may nominate a Councillor who is a member of the same Political Group and who is not a member of that Committee or other body, to attend in their place any particular meeting of that Committee or other body. In the absence of a Councillor this right to nominate a substitute may be exercised by the Group Leader and any such substitute Member shall be deemed to be a Member of that Committee or other body with full voting rights for the duration of the meeting at which they are acting as substitute.

8.2 Any Councillor who is not a member of a Political Group may nominate a Councillor who is not a member of a Political Group and who is not a member of that Committee or other body to attend in their place any particular meeting of that Committee or other body and any such substitute member shall be deemed to be a member of that Committee or other body with full voting rights for the duration of the meeting at which they are acting as substitute.

8.3 Substitution will only be effective if, before the meeting, the Democratic and Civic Services Manager has received a written notice signed by the Councillor appointing the substitute (or the leader of their political group), of the meeting to which it relates and the substitute member.

## 9 **ATTENDANCE OF COUNCILLORS AT MEETINGS**

- 9.1 Any Councillor shall be entitled to attend any meeting of a Committee but shall not be able to vote unless they are a member of that Committee or acting as a substitute.
- 9.2 Any Councillor attending such a meeting who is unable to vote shall be entitled to speak on any matter on the Agenda for the meeting which affects their Ward and may speak on any other matter at the discretion of the Chair.
- 9.3 Any Councillor may request the Monitoring Officer in writing to have considered by any Committee any matter relevant to the terms of reference of that Committee and the Monitoring shall place an appropriate item on the agenda of the first available meeting of that Committee and the Councillor shall be entitled to speak on that item. The Chair of the Committee shall be advised of the request from a Councillor to place an item on the Agenda.

## 10. **PUBLIC PARTICIPATION**

- 10.1 Provision shall be made on the agenda of each meeting of the Committees for members of the public to participate. The provisions of this Committee Procedure Rule shall not apply to the consideration by the Planning Committee of applications under Town and Country Planning legislation for planning permission or listed building consent or to the consideration by the Licensing Committee of applications relating to the grant, refusal, variation or revocation of any licence, permit or approval falling within its terms of reference.
- 10.2 A member of the public for the purposes of this Committee Procedure Rule shall include a member of a body or organisation representing that body or organisation but shall not include any employee of the Council in relation to any matter connected with his employment; any representative of an employee or group of such employees; any person in a contractual relationship with the Council in relation to any matter connected with that contract; any elected member of any local authority on a matter concerning that local authority, or (unless the Chair determines otherwise) any person appointed or engaged to speak on behalf of another.
- 10.3 Unless the body to whom the representations are made (or in the circumstances of a particular case the Chair of that body at their discretion) determines otherwise:-
- 10.3.1 member of the public (or their representative) in each case speaking for no more than five minutes may
- (i) present a petition on any matter relating to the functions of the Committee
  - (ii) ask a question on any matter relating to the functions of the Committee
  - (iii) make a comment on any matter on the agenda of the Committee .
- 10.3.2 The total period available for public representations shall not exceed fifteen minutes.
- 10.4.1 Any member of the public wishing to participate at a Committee meeting shall notify the Democratic and Civic Services Manager no later than 4.30 p.m. on the

working day before the date of the meeting and indicate the nature and content of their participation.

- 10.4.2 Any petition shall be received by the Chair without response.
- 10.4.3 Any question shall be directed at the Chair who may reply orally at the meeting, or in writing following the meeting or who may decline to reply; or who may ask an Officer so to reply on his or her behalf.
- 10.4.4 No response shall be made to comments at the time but members of the Committee may allude to them in the course of the consideration of the relevant item.
- 10.4.5 The Chair shall have the right to decide whether (because of the availability of time, or for any other reason) a member of the public is invited to participate in pursuance of this Committee Procedure Rule, notwithstanding that the member of the public in question has complied with the requirements of this Committee Procedure Rule.
- 10.4.6 This Committee Procedure Rule shall not apply in any case where Committee Procedure Rule 6 or 7 apply.

## 11. **PUBLIC REPRESENTATIONS - PLANNING COMMITTEE**

- 11.1 The provisions of this Committee Procedure Rule shall only apply to the consideration by the Planning Committee of applications under Town and Country Planning legislation for planning permission, listed building consent, Prior Approval Applications or conservation area consent
- 11.2 Any interested person, body or organisation or their representative ('an interested person') shall be entitled to speak during the consideration of planning applications in accordance with the following provisions:-
  - 11.3.1 Applicants or their agents are only permitted to speak at the Planning Committee meeting if one or more person wishes to speak to object to the application being granted.
  - 11.3.2 An interested person wishing to speak shall notify the Democratic and Civic Services Manager no later than 4.30 p.m. on the working day before the date of the meeting at which the planning application is to be considered. Any written or pictorial material, which an interested person making oral representations wishes to be considered, must be lodged with the Democratic and Civic Services Manager by the deadline for registering to make representations. An interested person making representations shall not be permitted to present to the Committee any written or pictorial material which has not been lodged with the Democratic and Civic Services Manager by the deadline.
  - 11.3.3 The following procedure shall apply in respect of each planning application in respect of which an interested person has registered a wish to speak in accordance with Committee Procedure Rule 11.3.2:-
    - (i) introduction of item by Officers;
    - (ii) representations by Objectors;

- (iii) representations by Applicant and any supporters; and
  - (iv) consideration of application by Councillors, including report by Officers on any points raised and the clarification by the Chair of any points made in the public representations.
- 11.3.4 No more than five minutes will be allowed for speeches in support and speeches against each application provided that:
- (i) where more than one objector to or supporter of an application wishes to speak the Chair may if they consider it convenient and conducive to the despatch of the business of the meeting require that a spokesperson be appointed to represent the voices of the objectors or supporters as the case may be
  - (ii) the Chair may vary the order of representation if they consider that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties concerned.
- 11.3.5 The Chair may suspend the operation of this Committee Procedure Rule during the consideration of any application or for the remainder of the meeting if they consider it necessary so to do for the purpose of maintaining order at the meeting.
- 11.3.6 All persons who make planning applications and all objectors to those applications shall be provided with information regarding the scheme of public representation contained in this Committee Procedure Rule including a statement advising such persons that Applicants and/or their agents are only permitted to speak at the Committee meeting if one or more person wishes to speak to object to the application being granted.
- 11.3.7 Neither Applicants nor objectors shall have any rights to make representations at site visits carried out by the Planning Committee.
- 11.3.8 Where a planning application is deferred from one meeting of the Planning Committee to another and the Planning Committee has already considered representations from an interested person in accordance with this Committee Procedure Rule, then neither Applicants nor Objectors shall have any right to make representations at the further consideration of the planning application at a subsequent meeting, unless the Chair of that meeting considers that there have been significant amendments to the application.

## 12. **PUBLIC REPRESENTATIONS - LICENSING COMMITTEE**

- 12.1 The provisions of this Committee Procedure Rule shall only apply to consideration by the Licensing Committee of any matters relating to the grant, refusal, variation or revocation of any licence, permit or approval falling within its terms of reference including the terms and conditions to be attached to the same.
- 12.2 The applicant (or any representative on their behalf) shall be given an opportunity to make representations to the Committee and call any witnesses. The following persons shall also be permitted to make representations to the Committee:-

- (i) members of the public;
- (ii) Councillors who are not members of the Committee or acting as substitutes;
- (iii) representatives of the Police or Fire Authority;
- (iv) Council Officers.

12.3 All persons who make representations to the Committee may be asked questions by members of the committee or by other persons making representations.

12.4 After everyone else has made representations and answered questions, the applicant shall be permitted to make a final statement to the Committee, after which everyone shall withdraw except the members of the Committee and the representatives of the Monitoring Officer while the Committee considers its decision. The decision will be announced to the applicant and the other persons who have made representations and confirmed in writing by the Proper Officer to the applicant.

12.5 The Monitoring Officer shall be authorised to produce detailed Procedure Notes for the different types of applications considered by the Licensing Committee incorporating the principles set out in this Committee Procedure Rule.

### 13. **RULES OF DEBATE**

13.1 The rules of debate in this Committee Procedure Rule shall apply to all meetings of Committees and the references in the Committee Procedure Rule to "Member" shall also include co-opted Members.

### 14. **RULES OF DEBATE FOR COMMITTEE MEETINGS**

#### 14.1 **Speaking at Committee Meetings**

A Member wishing to speak will raise their hand. If two or more Members indicate that they wish to speak, the Chair will call them in turn to speak.

#### 14.2 **Content of Speeches**

A Member shall speak on the question under discussion or a personal explanation or to a point of order.

#### 14.3 **Motions and Amendments**

A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Committee Procedure Rules it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.

#### 14.4 **Secunder's Speech**

A Member when seconding a motion or amendment may reserve their speech until a later period of the debate.

#### 14.5 **Amendments to Motions**

Every amendment shall be relevant to the motion on which it is moved and shall be:-

- (i) to leave out words; or
- (ii) to leave out words and insert or add others; or
- (iii) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Committee

#### 14.6 **Two or More Amendments**

Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

#### 14.7 **Position if an Amendment is Lost or Carried**

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

#### 14.8 **Withdrawal of Motion**

A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no Member may speak upon it after it has been withdrawn.

#### 14.9 **Alteration of Motion**

A Member may, with the consent of their seconder, alter a motion or amendment which they proposed or of which notice has been given, if the alteration is one which could have been moved as an amendment thereto.

#### 14.10 **Motions Which May be Moved During Debate**

When a motion is under debate no other motion shall be moved except the following:-

- (i) To amend the motion
- (ii) A closure motion under the next paragraph
- (iii) That a Member be not further heard;
- (vi) By the Chair that a Member do leave the meeting;
- (v) A motion to exclude the public and press.

#### 14.11 **Closure Motions**

A Member who has not spoken on the subject under discussion may without comment at the conclusion of a speech of another Member move one of the following closure motions

- (i) **"that the meeting proceed to next business"**

(ii) **"that the question be now put"**

(iii) **"that the debate be now adjourned" and**

(iv) **"that the meeting do now adjourn"**

Closure motions take precedence over other business, other than points of order, and shall, if seconded be put to the vote immediately without discussion. If a closure motion is carried the mover of the motion, and if appropriate the mover of the amendment, have a right of reply and the motion or amendment is then to be put.

#### 14.12 **Resumption After Adjournment**

On resumption of an adjourned debate the Member who moved the adjournment is entitled to speak first.

#### 14.13 **Points of Order or Personal Explanations**

A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall only call attention to an alleged breach of a Council Procedure Rule or statutory provision and the Member shall briefly refer in the form of a question to the Mayor to the relevant Council Procedure Rule or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some part of a speech by them which may appear to have been misunderstood

#### 14.13 **Ruling on Points of Order**

The ruling of the Chair or on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

#### 14.14 **Irrelevance, repetition and limitation on speakers**

In speaking to any motion or amendment members are to confine their remarks strictly to such motion or amendment and shall not introduce irrelevant matters or indulge in needless repetition. The Chair's ruling on this is final.

If three speakers have spoken consecutively in support of, or in opposition to a motion, the Chair may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had a right of reply, the motion must be put. Members speaking must, if called upon to do so by the Chair, announce whether they are speaking in support of, or against the motion or amendment being debated. .

#### 14.15 **Officers of the Council**

Officers of the Council may speak during a debate at the Committee meetings

#### 14.16 **Oral Reports**

With the consent of the Chair Officers may make an oral report on a matter of importance and urgency.

#### 15. **DISORDERLY CONDUCT**

15.1 If at a meeting any Member of the Council or co-opted Member, misconducts themselves by persistently disregarding the ruling of the chair, or behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the meeting, the Chair or any other Member may move "that the Member named be not further heard" or "that the Member named do forthwith leave the meeting", and the motion if seconded shall be put and determined without discussion.

15.2 **Use of electronic media by members**

Social or electronic communications media may not be used in meetings dealing with regulatory matters and in Personnel and General Purposes Committee or when confidential items are being debated.

In other cases, there is no restriction on use of social or electronic communications media unless otherwise indicated by the Chair of the Committee or the Monitoring Officer. Where members use social or electronic communications media, they should not do so in such a manner as to give rise to the impression that they are not concentrating on the debate in question. Use of such media should not identify by name officers below service manager level and any comments made should show respect for members and officers present at the meeting. Breach of this rule is a breach of the Code of Conduct.

15.3 **Continuing Misconduct by a Named Member**

If the Member or co-opted Member so named continues such misconduct after a motion that they be not further heard under the foregoing paragraph has been carried and in the opinion of the Chair such continued misconduct renders the due and orderly despatch of the meeting's business impossible, the Chair shall

**EITHER** move "that the Member named do forthwith leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

**OR** without question adjourn the meeting for such period as they consider expedient.

16 **GENERAL DISTURBANCE**

In the event of general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair in addition to any other power vested in them may adjourn the meeting for such period as they consider expedient.

16.1 A Member or Members of the Council or co-opted Member so named in a motion carried under this Committee Procedure Rule shall comply with such motion.

17. **DISTURBANCE BY MEMBERS OF THE PUBLIC**

If a member of the public interrupts the proceedings at any meeting the Chair shall warn them. If they continue the interruption the Chair shall order their removal from the room in which the meeting is being held. In case of general

disturbance in any part of the room in which the meeting is being held open to the public the Chair shall order that part to be cleared.

18. **AUDIO RECORDING, FILMING, VIDEO RECORDING PHOTOGRAPHY ETC**

The taking of photographs, films, video or sound recording at any meeting shall not be prohibited. Any person wishing to record the proceedings of a Council meeting shall contact the Democratic and Civic Services Manager in advance of the relevant meeting to make suitable arrangements for the recording.

19 **VOTING ON APPOINTMENTS**

When there are more than two persons nominated for any position to be filled by a body acting on behalf of the Council and of the votes given there is not a majority in favour of one person the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

20 **RESCISSION OF RESOLUTIONS**

20.1 No resolution taken at a previous meeting of Committee shall be rescinded or varied within the same Municipal Year unless notice has been given on the agenda for the meeting of the intention of the body to reconsider the matter.

21 **RECORD OF ATTENDANCES**

21.1 Every Member of the Council and co-opted Member attending a meeting of a Committee shall sign their name in the attendance book or sheet

22 **VACANCIES OWING TO NON-ATTENDANCE OF MEMBERS**

Any Member or co-opted Member of a Committee (excluding substitute Members) who shall be absent from the meetings of such Committee for a period of six calendar months, shall be deemed to have vacated their seat on that Committee, and the vacancy shall be filled in the like manner as the original appointment was made; provided, nevertheless, that such Member or co-opted Member shall be eligible for re-election.

Any vacancies arising under this Committee Procedure Rule shall be immediately notified to the Committee concerned by the Democratic and Civic Services Manager.

# **PART 6**

## **ACCESS TO INFORMATION PROCEDURE RULES**

## **ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council and its committees.

### **2. ADDITIONAL RIGHTS TO INFORMATION**

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

### **3. RIGHTS TO ATTEND MEETINGS**

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

### **4. NOTICES OF MEETING**

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Guildhall, Worcester, WR1 2EY (designated office).

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

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

### **6. SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item contained in the public part of the agenda for any meeting which the public may attend

to any person on payment of a charge for postage and any other costs.

### **7. ACCESS TO MINUTES ETC AFTER THE MEETING**

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

- (a) the minutes of the meeting or records of decisions taken (together with reasons for all meetings of the Cabinet), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to public.

## **8. BACKGROUND PAPERS**

### **8.1 List of Background Papers**

The Managing Director, Corporate Director or Head of Service, as appropriate, will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their 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.

The list will not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political advisor.

### **8.2. Public Inspection of Background Papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Guildhall, Worcester WR1 2EY and these Access to Information Rules contained within the Constitution constitute that written summary.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **10.1 Exempt Information – Discretion to Exclude Public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998

establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### 10.2 **Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### 10.3 **Meaning of Exempt Information**

Exempt information means information falling within the following 7 categories (subject to any condition):

<b>Category</b>	<b>Condition</b>
1. Information relating to any individual.	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 is exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	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 Regulations 1992.  Information is exempt information if and so long, as in all the circumstances of the case, the public interest outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	"Financial or business affairs" includes contemplated, as well as past or current, activities.

	<p>Information falling within paragraph 3 is not exempt by virtue of that paragraph if it is required to be registered under:</p> <ul style="list-style-type: none"> <li>a) the Companies Act 1985</li> <li>b) the Friendly Societies Act 1974</li> <li>c) the Friendly Societies Act 1992</li> <li>d) the Industrial and Provident Societies Acts 1965 to 1978</li> <li>e) the Building Societies Act 1986</li> <li>f) the Charities Act 1993</li> </ul> <p>“Registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p> <p>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.</p> <p>Information is exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>“Employee” means a person employed under a contract of service.</p> <p>“Labour relations matter” means:-</p> <ul style="list-style-type: none"> <li>a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour</li> </ul>

	<p>Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>b) any dispute about a matter falling within paragraph (a) above;</p> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.</p> <p>“office holder” in relation to the authority means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds such office or is an employee of the authority.</p> <p>Information 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.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission in pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information 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</p>

	in disclosing the information.
<p>6. Information which reveals that the authority proposes:-</p> <p>a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>b) to make an order or direction under any enactment</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission in pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information 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.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information 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.</p>

10.4 Where a resolution is passed excluding the public from a meeting, that exclusion shall not be deemed to apply to any Member of the Council but all Members will be expected to observe the confidentiality conventions.

#### 11. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the proper Officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

# **PART 7**

## **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

## **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **1. THE FRAMEWORK FOR DECISIONS**

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the relevant committee to implement it.

### **2. PROCESS FOR DEVELOPING THE FRAMEWORK**

The development of the Budget and Policy Framework is based on the principle that the Policy and Resources Committee will develop the Budget and Policy Framework in consultation with the relevant committees in accordance with their terms of reference.

### **3. BUDGET FRAMEWORK**

- 3.1 The Policy and Resources Committee will publicise a timetable for making proposals to the Council for the adoption of the Council's Budget together with the procedure for making comments on the proposals, after their initial publication. All Members of the Council will also be notified. The consultation period shall in each instance be not less than 6 weeks.
- 3.2 At the end of that period, the Policy and Resources Committee will then draw up firm proposals having regard to the responses to that consultation. If the Council's Policy Committees (namely Environment Committee, Communities Committee and Economic Development and Place Sub-committee) wish to respond to the Policy and Resources Committee in that consultation process then they may do so. It is open to the Council's Policy Committees to investigate, research or report in detail with budget recommendations before the end of the consultation period. The Policy and Resources Committee will take any response from the Policy Committees into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Policy and Resources Committee's response.
- 3.3 Once the Policy and Resources Committee has approved the firm proposals, it will refer them at the earliest opportunity to the Council for decision.
- 3.4 In reaching a decision, the Council may adopt or amend the Policy and Resources Committee's proposals.
- 3.5 Any Councillor who is considering proposing an amendment to the Policy and Resources Committee's proposals must obtain information from a relevant officer of the Council to assist the Councillor in the preparation of their amendment.
- 3.6 A Councillor wishing to move an amendment to the Policy and Resources Committee's proposals shall give written notice setting out details of the amendment and putting forward alternative proposals to ensure a balanced budget to the Democratic and Civic Services Manager at least 55 hours (excluding Saturday and Sunday) before the Council meeting at which the proposals are being considered (e.g. for a Council meeting taking place at 7.00 pm on Tuesday, notice would have to be given by 12 noon on the previous Friday).

3.7 Any amendments made under paragraph 3.5 will be sent to all members of the Council in advance of the Council meeting, together with advice from the Section 151 Officer and the Monitoring Officer on the financial and legal implications for the Council's Budget. This information will also be published on the Council's website in advance of the Council meeting.

4. **MATTERS RELATING TO THE POLICY FRAMEWORK**

- (a) This paragraph applies only to the plans and strategies in the Policy Framework.
- (b) Before the Council amends approves or adopts the draft plan or strategy it must inform the Leader and Deputy Leader of the Council of any objections which it has to the draft plan or strategy or the Budget and must give to them instructions requiring the Policy and Resources Committee to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- (c) When the draft plan or strategy has been reconsidered by the Policy and Resources Committee in accordance with paragraph (b), the Council must, when amending, approving or adopting the draft plan or strategy take into account the views of the Policy and Resources Committee.

5. **DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) Subject to the provisions of paragraph 7 (virement) the Committees of the Council, individual Members of the Council and any Officers, area committees or joint arrangements discharging functions on behalf of the Council may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken by the Council, unless it is urgent
- (b) If any Committee of the Council, individual Members of the Council or any Officers, area committees or joint arrangements discharging functions on behalf of the Council want to make such a decision, they shall take advice from the Monitoring Officer and the Section 151 Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those Officers is that the decision would not be in line with the existing Budget and Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is urgent

6. **URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) The Committee of the Council, an individual Member of the Council or Officers, area committees or joint arrangements discharging functions of the Council may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (i) if it is not practical to convene a quorate meeting of the full Council;

and

- (ii) if the Leader of the Council, the Deputy Leader of the Council and the Chair of the Policy and Resources Committee agree that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the consent to the decision being taken as a matter of urgency referred to in paragraph 6(a)(ii) above must be noted on the record of the decision.

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

## 7. **VIREMENT**

- (a) The Council shall have budget heads which are set by full Council when approving the Council's Budget in accordance with the Financial Regulations set out in Part 4 of the Constitution.
- (b) Steps taken by a Committee of the Council, an individual Member of the Council or Officers, area committees or joint arrangements discharging functions of the Council to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads in accordance with the Financial Regulations.
- (c) In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by the Policy and Resources Committee under these Rules (virement and in-year adjustments). Any other changes to the Policy and Budgetary Framework are reserved to the Council.

# **PART 8**

## **Financial Regulations**

# **WORCESTER CITY COUNCIL**

## **FINANCIAL REGULATIONS**

### **1. General**

- 1.1 The Policy and Resources Committee shall be responsible for the supervision and control of the Council's finances and for making recommendations for Council on any matters relating to the Council's finances which are reserved for decision by Council.
- 1.2 The Section 151 Officer shall be responsible for the overall supervision of financial arrangements and shall report to the Policy and Resources Committee on the level of financial resources available in each financial year and the state of the Council's finances.
- 1.3 The Section 151 Officer shall be the paymaster, receiver and accountant of the Council. He shall ensure that the administration of the Council's financial affairs is safe and efficient and kept under review and he/she shall report to the Policy and Resources Committee and the Council on financial matters independently or in conjunction with the Managing Director, Corporate Directors or Monitoring Officer.
- 1.4 The Section 151 Officer shall be entitled to receive a copy of any report to be submitted to the Council or one of its Committees, a copy of any minute of the Council or any of its Committees and a copy of any Government circular, order, regulation or instruction affecting the Council's financial affairs.
- 1.5 The Managing Director and each Corporate Director/Head of Service shall consult with the Head of Finance before reporting to the any of the Committees of the Council on any matter which may affect the finances of the Council.
- 1.6 Each Committee and any of its Sub-committees and the Managing Director, each Corporate Director and each Head of Service shall be responsible for the observance of these Financial Regulations in all their respective activities.
- 1.7 The Head of Finance shall be responsible for bringing to the attention of the Managing Director, Corporate Directors and Heads of Service any case of non-compliance with these Regulations and, in cases where he considers it necessary, may report the matter to the Policy and Resources Committee.

### **2. The Budget and Financial Planning**

- 2.1 The Budget is defined in Article 4.1 of the Constitution. The detailed form of Revenue Estimates and Capital Programme shall be as determined by the Section 151 Officer.
- 2.2 Estimates of income and expenditure on Revenue Account and the Capital Programme shall be prepared by the Managing Director, Corporate Directors and Heads of Service in consultation with the Head of Finance.

2.3 The Head of Finance shall present a report on the Budget to the Policy and Resources Committee prior to its approval by Council, including a report updating the compliance with the Medium Term Financial Plan previously approved by the Council and other financial implications. The Policy and Resources Committee will consult with the Council's Policy Committees on the Budget as set out in the Budget and Policy Framework Rules.

2.4 Upon the approval by the Council of a programme of capital expenditure the Managing Director, the Corporate Director or the relevant Head of Service shall, following consultation with the Head of Finance, be authorised, subject to paragraph 2.9 below, to prepare a business case and options appraisal including associated expenditure for approval by the appropriate committee/officer. All proposed expenditure on capital shall be approved before any commitment is given to incur such expenditure.

#### 2.5 Budget Control

The Head of Finance shall furnish each delegated budget holder with periodical management accounts and such other relevant information as he/she has, and it shall be the duty of each delegated budget holder to control the revenue expenditure and income for which he/she is responsible.

2.6 Where it appears to a delegated budget holder that the amount of any estimate of approved expenditure may be exceeded or the amount of any estimate of income may not be reached, it shall be the duty of the delegated budget holder concerned to consult with the Head of Finance and, if so required by the Head of Finance, to report this to the Policy and Resources Committee .

2.7 In this Regulation the term "variation" shall include any reduction in income or increase in expenditure. There shall be no variation of an approved service budget except as provided below:-

(a) at the request of any Head of Service, the Section 151 Officer may agree virement between budget heads of a Head of Service in any estimate period provided that the overall budget for the Service Team shall not be exceeded; and the expenditure does not recur in future financial years; and for a maximum of £100,000 per event

(b) at the request of the relevant Corporate Director(s), the Section 151 Officer may agree virement between Service Team budgets in any estimate period provided that the overall budget for the Council shall not be exceeded; and the expenditure does not recur in future financial years; and for a maximum of £100,000 per event

For events greater than £100,000 then the virement should be approved by Policy and Resources Committee.

2.8 Where during the course of capital works it becomes apparent that payments are likely to exceed the approved cost by more than 2.5 per cent or £5,000, whichever is the greater, the Managing Director, Corporate Director or Head of Service concerned shall submit a report of the circumstances to the Section 151 Officer who may approve the increased expenditure if the increase does not exceed £50,000.

Any material change in the terms of the contract or a change which will result in increased expenditure of £50,000 or more must be approved by the Policy and Resources Committee or Council as appropriate.

- 2.9 The inclusion of items in the Capital Programme shall be for the purpose of enabling the Council to control total capital payments and shall not commit the Council nor authorise the expenditure to be incurred.

2.10 Authorisation of Expenditure

Where specific provision has been included in the revenue Budget, the relevant delegated budget holder may approve expenditure of up to the limits set out in the Procurement Code and subject to any procedures to be agreed with the Section 151 Officer.

Authorisation of expenditure on capital schemes shall be subject to approval of a detailed business case by the Section 151 Officer.

2.11 Supplementary Estimates

Where no specific provision has been made in the Budget and the matter cannot be managed within the existing virement rules or through the Earmarked Reserves policy, then a supplementary estimate may be approved by the Policy and Resources Committee. Any matter outside of the Budget must be approved by Council.

**3. Accounting**

- 3.1 All accounting procedures and records of the Council and its Officers shall be as determined by the Head of Finance. Where such procedures and records are maintained in a service area other than that of the Head of Finance, he/she shall, before making any determination, consult the Head of Service of the service area concerned.
- 3.2 All accounts and accounting records of the Council shall be compiled by the Head of Finance or under his/her direction.
- 3.3 The following principles shall be observed in the allocation of accounting duties:-
- (a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them; and
  - (b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

**4. Banking arrangements and cheques**

- 4.1 The Policy and Resources Committee shall be responsible for the choice of the Council's bankers.

- 4.2 All arrangements with the Council's bankers shall be made by or under arrangements approved by the Head of Finance who shall be authorised to operate such banking accounts, as he/she may consider necessary. All such accounts shall be in the name of the City Council.
- 4.3 All cheques shall be ordered on the authority of the Head of Finance who shall make proper arrangements for their safe custody.
- 4.4 Cheques on the Council's banking accounts shall bear the signature of the Head of Finance or be signed by other Officers authorised by him/her.
- 4.5 All BACS/CHAPS payments must be approved by the Head of Finance or an officer authorised by him/her.

## **5. Audit**

### **5.1 Internal Audit**

- 5.1.1 The function, responsibilities, authority and reporting lines of the Council's Internal Audit function are contained in the Council's Audit Charter. All Members and Officers of the Council should ensure they have read, understood and will act in accordance with the Audit Charter wherever it affects them in the course of performing their duties.

### **5.2 External Audit**

- 5.2.1 The Council's finances are subject to audit by external auditors appointed by Public Sector Audit Appointments Limited (PSAA). They propose guidelines which the external auditors follow when auditing the Council's Annual Statement of Accounts. The external auditors are under a duty to satisfy themselves that:-

- The accounts are prepared in accordance with the current CIPFA/LASAAC Code of practice on Local Authority Accounting in Great Britain.
- Proper practice has been observed in the completion of accounts.
- The Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

- 5.2.2 The Head of Finance and the Corporate Directors/ Heads of Service shall ensure that the external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

- 5.2.3 The Section 151 Officer shall ensure that there is effective liaison between external and internal audit.

- 5.2.4 The Section 151 Officer shall report to the Audit Committee on the external auditor's plan, their Annual Management Letter and on any other reports prepared by the external auditors on specific matters and the Audit Committee shall decide how these reports are to be considered.

## **6. Insurance**

- 6.1 Each Corporate Director/ Head of Service shall give prompt notification to the Head of Finance of all new risks, property or vehicles which require to be insured and of any alteration affecting existing insurances. The Head of Finance shall effect all necessary insurance cover and shall be informed by the Corporate Director/Head of Service concerned of all substantial claims made on behalf of or against the Council and their progress.
- 6.2 Each Corporate Director/Head of Service shall give prompt notification of any loss, liability or damage or any event likely to lead to an insurance claim.
- 6.3 All appropriate posts of the Council shall be included in a suitable Fidelity guarantee insurance as determined by the Section 151 Officer.
- 6.4 The Head of Finance shall keep under review all insurances in consultation with the Corporate Directors/Heads of Service as appropriate.
- 6.5 Each Corporate Director/Head of Service shall consult the Head of Finance and the Monitoring Officer on the terms of any indemnity which the Council is requested to give.

## **7. Investments, Borrowings and Trust Funds**

- 7.1 All investments of money under the control of the Council shall be made in the name of the Council or in the name of its nominees approved by the Policy and Resources Committee.
- 7.2 The Head of Finance shall be responsible for borrowing such money, within the approved borrowing limits, as is required pending the receipt of revenue or to finance capital expenditure which has been approved by the Council and to the extent that loan sanction has been given.
- 7.3 All borrowings shall be effected in the name of the Council.
- 7.4 The Head of Finance shall be the Council's Registrar of stocks, bonds and mortgages and shall maintain records of all borrowings of money by the Council.
- 7.5.1 The Council has adopted the key recommendations of CIPFA's "Treasury Management in the Public Services: Code of Practice" (the Code) as described in Section 4 of that Code.
- 7.5.2 Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:-
  - a treasury management policy statement, stating the policies and objectives of its treasury management activities;
  - a suitable treasury management priorities (TMPs) setting out the manner in which the organisation will seek to achieve these policies and objectives and prescribing how it will manage and control these activities.

The content of the policy statement and TMPs will follow the recommendations contained in Section 6 and 7 of the Code, subject to

amendment where necessary to reflect the particular circumstances of the Council. Such amendments will not result in the Council materially deviating from the Code's key recommendations.

- 7.5.3 The Policy and Resources Committee will receive reports on the Council's treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close, in the form prescribed in its TMPs.
- 7.5.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Policy and Resources Committee and for the execution and administration of treasury management decisions to the Head of Finance who will act in accordance with the Council's policy statement and TMPs and CIPFA's Statement of Professional Practice on Treasury Management.
- 7.6 All trust funds shall wherever possible name the Council as its trustee.
- 7.7 Where officers or members are required by virtue of their official position to act as a trustee, they shall deposit all securities etc., relating to the trust with the Head of Finance unless the deed otherwise provides.

## **8. Leasing**

- 8.1 The financial limits provided for in these Regulations and in the Procurement Code shall apply to the capital value of any vehicle or item of equipment or plant to be leased.
- 8.2 The Head of Finance shall maintain a register showing details of all vehicles or items of equipment or plant leased by the Council.

## **9. Contracts for building, construction or engineering work**

- 9.1 No contracts shall be entered into until all necessary approvals have been received. Tenders may be conditionally accepted subject to any outstanding approvals.
- 9.2 Where a contract provides for interim payments, the Head of Finance shall arrange for the keeping of a contract register to show the state of account of the contract, together with other payments and the related professional fees. The Corporate Director/Head of Service shall notify the Head of Finance immediately a formal contract is completed and make the contract and accepted tender available to him for inspection as and when required.
- 9.3 Interim payments to a contractor shall be made only on a certificate signed by the appropriate Corporate Director/Head of Service in a form approved by the Head of Finance and as appropriate to the form of contract in use as recommended by the appropriate professional body.
- 9.4 Every variation, addition to or omission from a contract shall be authorised in writing at the appropriate time by the Corporate Director/Head of Service responsible or his/her authorised representative, in accordance with the provisions of the form of contract in use where applicable.

- 9.5 The final certificate for a contract shall not be issued until the Corporate Director/Head of Service concerned has produced to the Head of Finance a detailed statement of account and all relevant documents if required.
- 9.6 The Head of Finance shall, to the extent he considers necessary, examine final accounts for contracts and he/she shall be entitled to make all such enquiries and receive such information and explanations as he/she may require in order to satisfy himself/herself as to the accuracy of the accounts.
- 9.7 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Monitoring Officer for consideration of the Authority's legal liability and, where necessary, to the Head of Finance for financial consideration before a settlement is reached.
- 9.8 If completion of a contract is delayed it shall be the duty of the Corporate Director/Head of Service concerned, subject to consultation with the Monitoring Officer on legal matters, to take appropriate action to safeguard the Council's position and to report his/her action to the Policy and Resources Committee as appropriate.
- 9.9 In any case where the total cost of any work carried out under a contract exceeds by more than 2.5 per cent of the approved contract sum or £5,000 whichever is the greater, a report of such cost shall, after agreement of the final account, be prepared in accordance with Financial Regulation 2.8.

## **10. Income**

- 10.1 The Head of Finance shall ensure that adequate arrangements are made for -
  - (a) the prompt recording, collection and deposit of all sums due to the Council; and
  - (b) the custody, control and recording of cash received in all divisions
- 10.2 Each Corporate Director/Head of Service shall ensure that the Head of Finance is notified promptly of all money due to the Council and of Contracts, Leases and other Agreements and arrangements entered into which involve the receipt of money by the Council and the Head of Finance shall have the right to inspect any documents or other evidence in this connection as he/she may decide.
- 10.3 All monies received by an Officer on behalf of the Council shall without delay be paid to the Head of Finance, or as he/she may direct, to the Council's bank account. No deduction may be made from such money save to the extent that the Head of Finance may specifically authorise.
- 10.4 Personal cheques shall not be cashed out of the money held on behalf of the Council.
- 10.5 No locally determined scale of charges or fees shall be varied except following a report to the Policy and Resources Committee by the Head of Finance in conjunction with the Corporate Director/Head of Service concerned other than where the variation is not estimated to result in an

increase or decrease in income of more or less than £5,000.

- 10.6 No sum due to the Council shall be written off in the books of account except by the Head of Finance after following the due recovery process and if the sum involved does not exceed £10,000 (£15,000 in respect of the Revenues and Benefits Service) and in any other case with the approval of the Policy and Resources Committee.
- 10.7 Each Corporate Director/Head of Service shall, as soon as possible after 31<sup>st</sup> March and not later than a date specified by the Head of Finance in each year, notify him/her of all outstanding income due to the Council and relating to the previous financial year.

## **11. Payment of Accounts**

- 11.1 Payment of money due from the Council shall be made by BACS, CHAPS, cheque or other instrument drawn on the Council's banking account by the Head of Finance.
- 11.2 Each Corporate Director/Head of Service shall ensure that all orders originating in his division and all payments, vouchers and accounts are examined and certified for payment only by authorised Officer(s).

The names of Officers authorised to sign such documents shall be sent to the Head of Finance by each Corporate Director/Head of Service, together with specimen signatures as they arise.

- 11.3 Every account submitted to the Head of Finance for payment shall have thereon:-
- (a) the head of expenditure to be charged;
  - (b) reference to the purchase order number and authority where necessary; and
  - (c) the certification by an authorised Officer which shall mean that:-
    - (i) the work, goods or service to which the account relates have been satisfactorily carried out;
    - (ii) the prices, extensions, calculations, discounts, other allowances, credits and tax are correct and in accordance with any quotation or contract;
    - (iii) the expenditure has been properly incurred and is within the relevant estimate provision;
    - (iv) appropriate entries have been made in inventory stores, records or stock books required; and
    - (v) the account has not been previously passed for payment and is a proper liability of the Council.

- 11.4 Certified accounts shall be passed without delay to the Head of Finance who shall examine them to the extent he/she considers necessary, before making payment, for which purpose he shall be entitled to make such enquiries and to receive such information and explanations as he/she may require.
- 11.5 Any amendment to an account shall only be made by the Head of Finance or an Officer authorised by him/her, stating briefly the reasons where they are not self-evident.
- 11.6 Each Corporate Director/Head of Service shall, as soon as possible after 31st March and not later than a date specified by the Head of Finance in each year, notify him/her of all outstanding expenditure relating to the previous financial year.

## **12. Travelling, Subsistence and Attendance Allowances**

- 12.1 All claims by employees for payment of subsistence allowances, travelling and incidental expenses shall be certified by an authorised Officer and be supported by appropriate receipts including the supplier's VAT number.
- 12.2 The certification of the authorised Officer shall be taken to mean that he/she is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 12.3 Claims submitted more than two months after the expenses were incurred will be paid only with the approval of the Head of Finance.
- 12.4 Payments to Members of the Council who are entitled to claim travelling, subsistence or other allowances will be authorised by the Democratic and Civic Services Manager upon receipt of the prescribed form duly completed.
- 12.5 All claims for a financial year are to be submitted within one month of 31st March.

## **13. Salaries and Wages**

- 13.1 The payment of salaries, wages, compensation and other emoluments to all employees of the Council shall be made by the Head of Finance or under arrangements approved and controlled by him.
- 13.2 The Head of People Services shall be notified as soon as possible and in the form prescribed by him of all matters affecting the payment of such emoluments and, in particular -
  - (a) appointments, resignations, dismissals, suspensions, secondments and transfers;
  - (b) absences from duty for sickness or other reason apart from approved leave;
  - (c) changes in remuneration, other than normal increments and pay awards and agreements of general application; and

(d) information necessary to maintain records for pension, income tax, national insurance and the like purposes.

13.3 Appointments of all employees shall be made within approved establishment, grades and rates of pay agreed by the Council and in accordance with any regulations of the Council.

13.4 Salaries and wages shall be paid at such time as shall be determined by the Head of Finance.

13.5 All time records or other pay documents shall be in a form approved by the Head of People Services and shall be certified by an authorised Officer. The names of Officers authorised to sign such records shall be sent by each Corporate Director/Head of Service to the Head of People Services together with specimen signatures. Details of any changes shall be notified to the Head of People Services as they arise.

#### **14. Security**

14.1 Each Corporate Director/Head of Service shall be responsible for maintaining proper security at all times for all buildings, assets, stock, furniture, equipment, cash, records and documents under his control.

14.2 The Corporate Director (Resources) shall be responsible for maintaining proper security and privacy as regards information held in the computer system or for its use.

14.3 Keys to safes and similar receptacles are to be carried on the person of those responsible at all times; the loss of any such keys must be reported to the Head of Finance forthwith.

#### **15. Stocks and Stores**

15.1 Each Corporate Director/Head of Service shall be responsible for the care and custody of the stocks and stores in his/her service area and for ensuring that stocks are not in excess of normal requirements except in special circumstances approved by the Head of Finance.

15.2 Each Corporate Director/Head of Service shall arrange for periodical test checks of stocks at intervals approved by the Head of Finance. Such checks shall be carried out by persons other than the storekeepers who have day to day control of such stocks.

15.3 Surpluses or deficiencies revealed by stock taking shall be reported to the Corporate Director/Head of Service concerned who shall if he/she is satisfied that no malpractice is involved, make the necessary adjustments in the financial records. If the Corporate Director/Head of Service concerned suspects malpractice he/she shall report the matter forthwith to the Head of Finance.

15.4 No stock of value up to £500 shall be written off except with the approval of the Head of Finance.

15.5 No stock of value over £500 shall be written off except with the approval of

the Policy and Resources Committee.

- 15.6 The Head of Finance shall be entitled to receive from each Corporate Director/Head of Service such information as he/she requires in relation to stores for preparing and maintaining accounting, costing and financial records. Surplus materials, stores or equipment shall be disposed of by competitive tender or public auction or otherwise in a manner previously approved by the Head of Finance in order to achieve best value.

## **16. Land and Buildings**

- 16.1 The Corporate Director (Resources) shall make arrangements for the preparation and maintenance of a record of all land (including buildings) (excluding dwellings provided under the Housing Acts) owned, leased or occupied by the Council containing the following details:-

- (a) the nature of the interest and the terms of purchase;
- (b) the location and extent and plan reference (if any) of the land;
- (c) the purpose for which the land is held;
- (d) any tenancies or other interests granted to or by the Council and any rents payable or receivable in respect of the land.

- 16.2 The Corporate Director (Resources) shall be responsible for the safe custody of all title deeds.

## **17. Fixed Assets**

- 17.1 The Head of Finance shall maintain a fixed asset register.

- 17.2 The Head of Finance shall undertake a periodic check of the fixed assets register.

- 17.3 Disposal of fixed assets should comply with the Procurement code and if above the EU limit require the approval of the Policy and Resources Committee.

## **18. Inventories**

- 18.1 Each Corporate Director/Head of Service shall be responsible for the safe custody and control of Council property within his/her service area.

- 18.2 Up-to-date inventories shall be prepared and maintained by each Corporate Director in a form agreed between the Corporate Director/Head of Service and the Head of Finance.

- 18.3 Each Corporate Director/Head of Service shall be responsible for maintaining an annual check of all items on the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly.

- 18.4 No Council property shall be removed from stores or used otherwise than in the ordinary course of the Council's business except in accordance with

specific instructions issued by the Corporate Director/Head of Service concerned.

## POLICY ON EARMARKED RESERVES

### 1. Definition

Earmarked reserves are amounts set aside for specific policy purposes or for general contingencies and cash flow management. For each reserve established, the purpose, usage and the basis of transactions needs to be clearly defined.

Provisions are required for any liability that exists or will probably fall on the Council but the timing of payment or the amount of the liability is uncertain.

### 2. Use of Reserves

2.1 Reserves enable the Council to:

- Create a working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing. This forms a part of general reserves.
- Create a contingency to cushion the impact of unexpected events or emergencies. This also forms part of general reserves.
- Creates a means of building up funds, often referred to as earmarked reserves, as defined above, to meet known or predicted liabilities.

2.2 There are other reserves that can only be used for specific statutory purposes. These include the usable capital receipts and pensions reserve. These are not considered part of this policy.

### 3. Establishing a New Reserve

3.1 The creation of a new reserve has to be in compliance with the Code of Practice on Local Authority Accounting and, in particular, the need to distinguish between reserves and provisions.

3.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) publish an annual Statement of Recommended Practice (SoRP), which governs the information contained within a local authority's statement of accounts. The SoRP states that for each reserve established, the purpose, usage and the basis of transaction should be clearly identified.

3.3 New reserves may be created at any time and need to be approved by Policy and Resources Committee at the point of set-up. The approval should include the following:

- Purpose – the reason for creating the reserve should be clearly stated.
- Usage – there should be a clear statement of how and when the reserve can be used.

(Without a clearly defined purpose and clearly defined usage there will be ambiguity over the application of reserves.)

- Basis of transactions – delegated authority for approval of expenditure from the reserve.
- Management and control – a Corporate Director or Head of Service must have responsibility for the reserve, although day to day management of the reserve may be delegated to a specific officer.

#### **4. REPORTING RESERVES**

- 4.1 The Section 151 Officer has a fiduciary duty to local tax payers and must be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.
- 4.2 The overall level of balances will be reported to the Policy and Resources Committee on a quarterly basis as part of the Performance Monitoring report.
- 4.3 Heads of Service will receive a monthly report on reserves.
- 4.4 The budget report to Council will include:
  - a statement of movements in reserves for the year ahead and the following two years;
  - a statement of the adequacy of general reserves and provisions in the forthcoming year and in the Medium Term Financial Plan; and
  - a statement on the annual review of earmarked reserves.

#### **5. MEDIUM TERM FINANCIAL PLAN**

- 5.1 The level of general and earmarked reserves for the next three years will be reviewed at least annually as part of the Medium Term Financial Planning process. The Corporate Leadership Team, together with other responsible officers, will review the Council's earmarked reserves for relevance of purpose and adequacy. A profile of income to and expenditure from the reserves will be produced for inclusion within the Medium Term Financial Plan (MTFP).

#### **6. LIFE OF A RESERVE/REVIEW**

1. Once a reserve has fulfilled the purpose for which it was established, any balance should be reallocated to another similar purpose earmarked reserve, allocated to Council Priorities Reserve or surrendered to the General Fund Working Balance.
2. An annual review of the purpose and adequacy of earmarked reserves will be carried out as part of the Medium Term Financial Plan process. Any amendments to earmarked reserves will be reported to the Policy and Resources Committee for approval.

#### **7. GOVERNANCE ISSUES**

7.1 Sections 32 and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.

7.2 It is important, therefore, that councillors take responsibility for ensuring the adequacy of reserves and provisions when they set the budget.

### **SECTION 151 OFFICER RESPONSIBILITIES**

1. It is the responsibility of the Section 151 Officer to advise local authorities about the level of reserves that they should hold and to ensure that there are clear protocols for their establishment and use.
2. Section 25 of the Local Government Act 2003 places a specific personal duty on the Section 151 Officer to report on the adequacy of reserves and the robustness of the budget.

### **EXTERNAL AUDITOR RESPONSIBILITIES**

1. External auditors have a responsibility to review the arrangements in place to ensure that financial standing is soundly based. In the course of their duties external auditors review and report on the level of reserves taking into account their local knowledge of the authority's financial performance over a period of time. However, it is not the responsibility of auditors to prescribe the optimum or minimum level of reserves.

### **LEVEL OF BALANCES**

1. Over the life of the current Medium Term Financial Plan, the Council intends to maintain the level of the General Fund Working Balances at or above £1,400,000. The level of earmarked reserves is set out in the Medium Term Financial Plan and is tied into individual service delivery plans.

### **DELEGATED AUTHORITY**

1. Where specific delegated authority to commit expenditure from a reserve has not been established, responsibility falls to the Policy and Resources Committee upon advice from the Section 151 Officer.
2. All Heads of Service are authorised to commit expenditure from their respective reserves up to £50,000 provided that the expenditure is in line with the purpose and usage of the reserve. They may delegate this authority to the relevant Cost Centre Manager. Delegation of this nature must be put in writing and sent to the Finance Team.
3. Any commitments of £50,000 and above need approval from the Policy and Resources Committee.

# **PART 9**

**PROCUREMENT CODE**

# **WORCESTER CITY COUNCIL**

## **PROCUREMENT CODE**

### **INDEX**

1. Introduction
2. Compliance and Conduct of Officers and Members
3. Procurement Overview
4. Contract / Purchase Value and Aggregation
5. Roles and Responsibilities
6. Procurement Value up to £4,999
7. Procurement Value from £5,000 to £49,999
8. Procurement Value from £50,000 to EU Threshold
9. Procurement Value over EU Threshold
10. Exceptions - Internal
11. Exceptions - External
12. Exemptions
13. Prevention of Corruption
14. Interpretation

## **1. INTRODUCTION**

- 1.1 The purpose of the Procurement Code is to set clear rules for the procurement of goods, works and services for the Council. This will ensure a system of openness, integrity and accountability where the probity and transparency of the process will be beyond reproach. In turn this will lead to better value for money and give confidence to all concerned that the Council is fulfilling its fiduciary responsibilities.
- 1.2 This Procurement Code shall be interpreted in the context of the Council's Sustainable Procurement Strategy, of which it forms a part.
- 1.3 Any dispute or difference as to the interpretation of the Procurement Code and/or any related Guidance shall be resolved by the Monitoring Officer.
- 1.4 This Procurement Code constitutes the Council's Standing Orders relating to Contracts required by Section 135 of the Local Government Act 1972.
- 1.5 The Procurement Code applies to all procurement activity undertaken by Worcester City Council staff or parties acting on behalf of the Council (other than in relation to a Shared Service) and to such procurement from all types of Supplier.
- 1.6 Procurement guidance and frequently asked questions are also available on the intranet and from the Procurement team.

## **2. COMPLIANCE, CONFIDENTIALITY AND CONDUCT OF OFFICERS AND MEMBERS**

### **2.1 Compliance**

- 2.1.1 Every Purchase and Contract made by or on behalf of the Council must comply with this Procurement Code and the Council's Financial Regulations.
- 2.1.2 All Council employees and firms engaged to act in any capacity to manage a procurement exercise or supervise a Contract must comply with this Procurement Code and the Council's Financial Regulations, and each Head of Service must ensure such compliance.

Failure to comply with this Procurement Code or the associated Guidance may result in disciplinary action against the officers concerned.

All Council employees and firms engaged on the Council's behalf must ensure that any conflicts of interest are avoided.

- 2.1.3 No exemption from this Procurement Code can be made other than in accordance with section 12 of the Procurement Code.
- 2.1.4 National or European Union law overrides this Procurement Code.

### **2.2 Conduct**

- 2.2.1 In all their dealings, members and officers of the Council shall present the highest standards of honesty, integrity, impartiality and objectivity. This includes compliance with the Members' Code of Conduct, the Employees' Code of Conduct, the

Procurement Code of Ethics and the Protocol for Member/Officer Relations as appropriate.

2.2.2 The Monitoring Officer shall record in a book to be kept for the purposes particulars of any notice given by an Officer of the Council under Section 117 of the Local Government Act 1972 of a pecuniary interest in a Contract and the book shall be open during office hours for inspection by any member of the Council.

2.2.3 Any officer, member or agent of the Council, whilst acting on the Council’s behalf in relation to any contractual matter directly or indirectly concerning the Council, shall conduct themselves in such a manner that the independence and integrity of the Council’s procedures are at all times maintained and are seen to be maintained.

2.2.4 Officers must declare to their Head of Service any interests which could bring about conflict with the Council’s interests.

### 2.3 Confidentiality

2.3.1 Apart from the debriefing required to bidders after the result of the selection exercise or contract award, the confidentiality of quotations, tenders and the identity of tenderers must be preserved at all times and information about one tenderer’s response must not be given to another tenderer.

## 3. PROCUREMENT OVERVIEW

3.1 The method of the procurement process to be undertaken will depend on the estimated Total Value and complexity of the contract.

3.2 Where the estimated Total Value of the proposed contract is within the values of the first column, the procedure in the second column must be followed unless it falls under an internal or external exception or an exemption is obtained.

3.3 Purchases / Contracts **must not** be divided in order to avoid the application of the thresholds in this Code. It should be noted that it is unlawful to deliberately disaggregate purchases so as to avoid the application of the Procurement Code and Public Contracts Regulations 2015.

**Table 1**

<b>TOTAL VALUE (excludes VAT, staff costs &amp; fees)</b>	<b>PROCUREMENT PROCEDURE  MINIMUM ACTION REQUIRED</b>
Below £5,000	<ul style="list-style-type: none"> <li>○ Use an existing Corporate Contract if there is one or use an existing Framework Agreement provided costs are competitive.</li> <li>○ Check that there is not an aggregation of contracts beyond this value.</li> <li>○ <b>Either</b> select a supplier that offers <b>Best Value</b> or must seek at least <b>two or more</b> written quotes.</li> <li>○ Complete the Demonstrate Best Value Form and return to the Procurement Team.</li> </ul>

	<ul style="list-style-type: none"> <li>○ The Lead Officer must approve if sufficient specific budget available.</li> <li>○ The Head of Service must approve if insufficient specific budget available.</li> <li>○ Consider using the E Procurement Portal Quick Quote process. Please contact the Procurement team for further information.</li> <li>○ Raise an official Purchase Order.</li> </ul> <p><b>Please contact the Procurement team for further information and templates.</b></p>
<p>From £5,000 to £49,999</p>	<ul style="list-style-type: none"> <li>○ Consult the Procurement Team.</li> <li>○ Check that there is not an aggregation of contracts beyond this value.</li> <li>○ Use an existing Corporate Contract if there is one or consider using an existing Framework Agreement provided costs are competitive.</li> <li>○ Must seek <b>at least three</b> written quotes.</li> <li>○ The Head of Service must provide written approval before an official Purchase Order is placed.</li> <li>○ The Head of Service must approve if insufficient service budget available.</li> <li>○ Use the E Procurement Portal. Please contact the Procurement team for further information.</li> <li>○ Use the Invitation to Quote template as a starting point. This will need to be individually tailored to your requirements.</li> <li>○ Ensure you have appropriate terms and conditions for your contract. Please contact the legal team for guidance.</li> <li>○ Raise an official Purchase Order.</li> <li>○ Forward a signed copy of the contract to the Legal team to archive.</li> <li>○ Maintain appropriate records for all purchases.</li> </ul> <p>Complete the contracts register and forward to the Procurement Team to include on the Council Register of Contracts in order to comply with the Transparency Code 2015.</p> <p><b>further information and templates</b></p>

From £50,000 to EU Threshold	<ul style="list-style-type: none"> <li>○ Seek advice and guidance from Procurement and Legal teams at planning stage.</li> <li>○ Consider using an existing Framework Agreement.</li> <li>○ A Full Tender process must be undertaken in accordance with the Procurement Code.</li> <li>○ The Head of Service must seek <b>at least three written Tenders</b> and will advertise the opportunity appropriately to ensure adequate competition.</li> <li>○ Corporate Director must provide written approval if sufficient budget available or written approval from CLT if insufficient budget available.</li> <li>○ Advertise contract in accordance with the Procurement Code using the E Procurement Portal. Please contact the Procurement team for further information.</li> <li>○ Use Council’s formal Invitation to Tender template as a starting point. This will need to be individually tailored to your requirements.</li> <li>○ Ensure you have appropriate terms and conditions for your contract. Please contact the legal team for guidance.</li> <li>○ Raise an official Purchase Order.</li> <li>○ Forward a signed copy of the contract to the Legal team to archive.</li> <li>○ Complete the contracts register and forward to the Procurement Team to include on the Council Register of Contracts in order to comply with the Transparency Code 2015.</li> </ul> <p><b>Please contact the Procurement team for further information and templates</b></p>
Over EU Threshold	<p>Seek advice and guidance from the Procurement and Legal teams at planning stage.</p> <ul style="list-style-type: none"> <li>○ Ensure the appropriate approvals have been obtained.</li> <li>○ Advertise contract in accordance with the Public Contract Regulations 2015 (‘the Regulations’) and make documentation available on the E Procurement Portal.</li> <li>○ Ensure you have appropriate terms and conditions for your contract. Please contact the legal team for guidance.</li> <li>○ Forward a signed copy of the contract to the Legal team to archive.</li> </ul>

- Raise an official Purchase Order.
- Complete the contracts register and forward to the Procurement Team to include on the Council Register of Contracts in order to comply with the Transparency Code 2015.

**Please contact the Procurement team for further information and templates.**

#### **4. CONTRACT/PURCHASE VALUE AND AGGREGATION**

- 4.1 It is important to properly estimate the total value of a Purchase / Contract on the basis that different rules apply depending on the nature and value of a Purchase / Contract.
- 4.2 The estimated total value of a Purchase / Contract shall be the total value of the Purchase / Contract net of VAT. This is the total consideration estimated to be payable over the full term of the Contract by the Council to the Supplier, including any extensions.
- 4.3 Purchases of the same or similar nature must be aggregated wherever practicable; and it is unlawful to deliberately disaggregate purchases so as to avoid the application of the Procurement Code and Public Contracts Regulations 2015.
- 4.4 In the case of Supply/Goods Purchases / Contracts which are regular in nature (i.e. a series of similar individual purchases throughout the year), there is a requirement to aggregate these and assess their value on the basis of spend over the preceding 12 months or, where such data is unavailable, the estimated value over the 12 months following the first order and this calculation is to be used as the relevant Purchase / Contract value for the purposes of the application of this Procurement Code
- 4.5 Where, in relation to Contracts for Services, the Contract period or total value of the Contract is indefinite or uncertain, the estimated value shall be calculated on the basis that the Contract will be of four years' duration.
- 4.6 Where the Purchase / Contract is one where the benefit to the Supplier is made up entirely or in part from benefits *other* than simple monetary payments from the Council (e.g. concession contract), a best estimate of the total financial value should nonetheless be ascertained and this should be treated at the relevant Purchase / Contract value.
- 4.7 Where the Contract has an option to extend, then the proposed extension period must be included in determining the Contract value.
- 4.8 The estimated value of a Framework Agreement is the total value of all the Contracts which could be entered into by the Council (and other Contracting Authorities if appropriate) over the duration of the Framework Agreement.
- 4.9 For Contracts above EU Threshold under the Regulations purchase requirements should be divided into lots where appropriate so as to attract the interest of SME and

VCFS organisations. Where this is not practicable the justification for the decision must be recorded on any associated report and/or Procurement Initiative Plan.

4.10 Where purchase requirements are divided into lots, the estimated value of Contracts should be the estimated value of all lots envisaged for the total term.

## **5. ROLES AND RESPONSIBILITIES**

### **5.1 Agents / Consultants**

5.1.1 Any Agent or Consultant appointed to act for the Council in a procurement exercise must be required to comply with these Rules.

### **5.2 Committee**

5.2.1 Committee approval is required:

- To advertise a contract;
- To approve the evaluation model; and
- To award a contract

for purchases **over EU threshold**. The appropriate Committee may decide to delegate the award of contract to officers provided the approved evaluation model is followed.

Please contact Democratic Services for information on Decision Making Processes and Procedures.

5.2.2 Any exception request for a contract over the value over EU threshold shall be made to the relevant Committee.

### **5.3 Corporate Leadership Team (CLT)**

5.3.1 The appropriate CLT member shall consult with the Lead Officer on any procurement over the value between £50,000 and EU Threshold prior to advertisement.

5.3.2 Approval must be signed by the appropriate CLT member if insufficient budget is available.

5.3.3 The appropriate CLT member shall consider any exemption request for contracts valued between £5,000 and £50,000.

### **5.4 Lead Officer**

5.4.1 Each Procurement exercise shall have a Lead Officer allocated to it.

The Lead Officer;

5.4.2 shall be responsible for ensuring that the Procurement Code is followed and that the purchase is made successfully;

5.4.3 shall liaise with the Procurement Team at the outset of the procurement exercise;

5.4.4 shall liaise with the Legal Team to collate the contract terms and conditions;

- 5.4.5 is responsible for ensuring that the Specification is sufficiently detailed and accurate to cover all aspects of the supplies, works or services required;
- 5.4.6 with the assistance of the Procurement Team, is also responsible for evaluating the Quotations/Tenders received;
- 5.4.7 shall liaise with the Legal Team to finalise the contract before the contract start date.

## **5.5 Legal Team**

The Legal Team:

- 5.5.1 shall be responsible for providing and approving the terms and conditions of all contracts with a value above £50,000 and shall provide standard terms and conditions to apply where appropriate;
- 5.5.2 shall assist the Lead Officer with the finalisation of contracts.
- 5.5.3 shall advise on procurement law and the application of this Code.

## **5.6 Managing Director**

The Managing Director;

- 5.6.1 shall consider exemption requests for contracts valued between £50,000 and EU threshold.

## **5.7 Monitoring Officer**

The Monitoring Officer

- 5.7.1 has the delegated authority to sign and to arrange to seal all contracts; and
- 5.7.2 shall be final arbiter on the interpretation and application of this Code.

## **5.8 Procurement Team**

The Procurement Team:

- 5.8.1 shall be a key advisor for high value procurements;
- 5.8.2 shall act in an advisory capacity for lower value procurements;
- 5.8.3 shall prepare and maintain standard tender and evaluation document templates;
- 5.8.4 shall receive copies of all exemptions and exceptions granted;
- 5.8.5 shall maintain the Register of Contracts;
- 5.8.6 shall provide procurement training to officers involved in procurement;

## **5.8 Project Team**

5.8.1 Where the estimated Total Value is over £49,999, the Lead Officer shall consider whether a multi-discipline project team should be formed at the outset of the procurement exercise.

5.8.2 A project team should include a Procurement Officer, a member of the Legal team and officers directly involved with the Supplies, Works or Services to be procured. It may also be appropriate for a member of Finance to be part of the project team.

## **5.9 Heads of Service/Deputy Directors and Corporate Management Team (CMT)**

5.9.1 Each Head of Service (which, for the purposes of this Code shall include Deputy Directors) is able to procure supplies, works and services up to EU Threshold provided that they are satisfied that their team's Lead Officer has consulted with the Relevant Corporate Director on any procurement over the value of £50,000. Please refer to paragraph below for purchases over EU Threshold.

5.9.2 Heads of Service, delegating as necessary, must take all reasonable measures to ensure that procurement carried out complies with these Rules and that adequate training in these Rules, provided or approved by the Procurement Team is given to all potential Lead Officers.

5.9.3 The level of training to be given will depend on the Lead Officer's responsibility for and involvement in procurement.

5.9.4 Heads of Service shall maintain appropriate records for all purchases worth over £4,999 and shall forward to the Procurement Team to include on the Register of Contracts in order to comply with the Local Government Transparency Code 2015 Local Government Transparency Code 2015.

## **6. PROCUREMENT CONTRACT VALUE UP TO £4,999**

This section refers to low value procurement, for which Lead Officers will use the most expedient method of procurement to achieve Best Value.

### **6.1 Preparation**

Before approaching the market the Lead Officer must establish if there is a Corporate Contract or a Framework Agreement which could be used. Please see section 10 of this Procurement Code.

The Lead Officer will ensure the following:

#### **6.1.1 Approvals**

Any approvals required by the Council's Constitution have been obtained, together with any necessary consents, permissions or other approvals.

#### **6.1.2 Estimate**

An estimate of the total cost of the goods or services is prepared and sufficient budget is available to meet the total cost.

#### **6.1.3 Specification**

A description of the goods or services required is produced, that is sufficiently detailed to support the selected procurement process.

#### 6.1.4 Procurement Procedure

- a. A procurement procedure is selected that complies with the Procurement Code and is the most expedient means of obtaining Best Value.
- b. Use an existing Corporate Contract if there is one or consider using an existing Framework Agreement provided costs are competitive.
- c. Consider using the E procurement portal quick quote process. Please contact the Procurement team for further information.
- d. Ensure you have appropriate terms and conditions for your contract. Please contact the legal team for guidance.

## 6.2 Inviting and Receiving Quotations

The Lead Officer is required to ensure Best Value is achieved by one of the following two options:

### 6.2.1 Either: ensure a Supplier is selected that is known to offer Best Value without requesting quotations.

In this case, the Lead Officer will be required to demonstrate that Best Value has been achieved by completing the Demonstration of Best Value form and returning it to the Procurement team.

### 6.2.2 Or, ensure: a Supplier is selected by seeking at least two or more quotations.

In this case, the Lead Officer must ensure that:

- a. quotations are submitted In Writing, by the stated deadline and that quotations include the total price for the goods or services required.
- b. quotations are evaluated after the stated deadline, recorded and kept for at least 12 months from the deadline for the receipt of quotations.
- c. The Supplier can be selected on price alone; however if the chosen Supplier is not the lowest quote, a Most Economically Advantageous quote based on both a price and quality evaluation should be used to justify choice.

## 6.3 Evaluation, Contract Approval and Award

### 6.3.1 Evaluation

Before completing the transaction or awarding the Contract to the Supplier, the Lead Officer will ensure that:

- a. the Supplier has the appropriate experience, technical and financial capability to deliver against the specification, particularly in terms of the required quantity, quality and safety of any goods, services or works.

- b. the Supplier represents Best Value.

### 6.3.2 Approval

The Lead Officer will ensure approval for completing the transaction or awarding the Contract is obtained as follows:

- a. The Lead Officer may approve the transaction or Contract if there is sufficient budget available that is specifically designated for the goods or services being procured.
- b. The Head of Service may approve the transaction or Contract if there is insufficient specific budget available, but there is sufficient Service Team budget available to meet the cost of the goods or services.
- c. The Corporate Director may approve the transaction or Contract if there is insufficient Service Team budget available, but there is sufficient Directorate budget available to meet the cost of the goods or services, in which case a virement may be required.
- d. The Corporate Management Team may approve the transaction or Contract if there is insufficient Directorate budget available, but there is sufficient Council budget available to meet the cost of the goods or services, in which case a virement will be required.

### 6.3.3 Award

- a. For the provision of goods or services to be delivered at one time to the Council, the Lead Officer will ensure that a written record of the transaction, in the form of an official Purchase Order or a Purchasing Card Statement, will be retained for at least six years from the date of delivery of the goods or services.
- b. For the provision of goods or services to be delivered over a period of time to the Council, the Lead Officer will ensure that a Contract is produced that:
  - i. details the goods or services to be provided and the total cost of the goods or services.
  - ii. is checked and signed by the Lead Officer and the Supplier.
  - iii. is retained for a period of no less than six years from the date of the last delivery of the goods or services.

The Lead Officer will be required to complete relevant Supplier checks and register the Supplier if the Supplier of goods or services has not previously been used by the Council.

### 6.3.4 Contract Management

All contracts must have a named Council Contract Manager for the entirety of the contract. This will normally be the appropriate Head of Service or a named deputy.

All Contract Managers will comply with this Procurement Code and any associated Council guidance.

#### 6.3.5 Post Contract Review

The Lead Officer will ensure that a post Contract review is conducted and that recommendations inform the subsequent procurement of similar goods, services or works.

### **7. PROCUREMENT CONTRACT VALUE FROM £5,000 TO £49,999**

This section refers to mid value procurement for which Heads of Service will require written quotations from a minimum of three Suppliers.

#### **7.1 Preparation**

Before approaching the market the Head of Service must establish if there is a Corporate Contract or a Framework Agreement which could be used. Please see section 10 of this Procurement Code.

Before commencing any procurement process, the Head of Service will ensure that;

##### 7.1.1 Approvals

Any approvals required by the Council's Constitution have been obtained, together with any necessary consents, permissions or other approvals.

##### 7.1.2 Estimate

A written estimate will be produced, detailing the total cost of providing and maintaining the goods, services or works for the duration of the Contract, ensuring that the estimate:

- a. is realistic and accurate.
- b. includes the maximum costs, assuming all options are exercised.
- c. is not subdivided to avoid exceeding higher Contract Value thresholds.
- d. is compiled independently of individuals or companies that may subsequently be submitting quotations.

##### 7.1.3 Specification

An accurate specification will be produced to form the basis of the invitations to quote and for the subsequent Contract.

##### 7.1.4 Evaluation Criteria

- a. Evaluation criteria will be produced on the basis of Best Value and should include the price and quality of goods, services or works.
- b. The Supplier can be selected on price alone; however if the chosen Supplier is not the lowest quote, a Most Economically Advantageous quote based on both a price and quality evaluation should be used to justify the selection.

### 7.1.5 Procurement Procedure

- a. A procurement procedure will be selected that complies with the Procurement Code and includes the collation and evaluation of written quotations from no less than three Suppliers.
- b. The E procurement portal should be used for all quotes valued over £4,999. Please contact the Procurement team for further information.
- c. The Procurement team shall be consulted at the start of the procurement process to ensure the Procurement Code and appropriate timescales are being complied with.
- d. The Legal team shall be consulted early on in the procurement process with regard to the Contract terms and conditions.

## **7.2 Inviting and Receiving Quotations**

The Head of Service will seek at least written quotations as follows:

### 7.2.1 Inviting Quotations

Suppliers invited to submit quotations must do so In Writing, by the stated deadline. Quotations must include the total price for the goods, services or works required.

### 7.2.2 Receiving Quotations

- a. All written quotations will be evaluated after the stated deadline, recorded and kept by the relevant Head of Service for at least 12 months from the deadline for the receipt of quotations.
- b. The Supplier can be selected on price alone; however if the chosen Supplier is not the lowest quote, a Most Economically Advantageous quote based on both a price and quality evaluation should be used to justify choice.

## **7.3 Evaluation, Contract Approval and Award**

### 7.3.1 Evaluation

Before completing a transaction or awarding a Contract to any Supplier, the Head of Service will ensure that:

- a. the Supplier represents Best Value according to a fair evaluation using the pre-determined evaluation criteria.
- b. the Supplier has the appropriate experience, technical and financial capability to deliver against the specification, particularly in terms of the required quantity, quality and safety of any goods, services or works.

### 7.3.2 Approval

The Head of Service will ensure approval for completing the transaction or awarding the Contract is obtained as follows;

- a. the Head of Service may approve the transaction or Contract if there is sufficient Service Team budget available to meet the cost of the goods, services or works.
- b. the Corporate Director may approve the transaction or Contract if there is insufficient Service Team budget available, but there is sufficient Directorate budget available to meet the cost of the goods, services or works, in which case a virement may be required.
- c. The Corporate Management Team may approve the transaction or Contract if there is insufficient Directorate budget available, but there is sufficient Council budget available to meet the cost of the goods, services or works, in which case a virement will be required.

### 7.3.3 Award

- a. For the provision of goods, services or works to be delivered at one time to the Council, the Head of Service will ensure that a written record of the transaction, in the form of the Purchase Order or the Purchasing Card Statement, will be retained for a period of at least six years from the date of delivery of the goods, services or works.
- b. For the provision of goods, services works to be delivered over a period of time to the Council, the Head of Service will ensure that a Contract is produced that:
  - i. details the goods, services or works to be provided and the total cost of the goods, services or works.
  - ii. is checked and signed by the Head of Service and the Supplier.
  - iii. is retained for a period of at least six years from the date of the last delivery of the goods, services or works.
  - iv. is authorised by the legal team and a copy forwarded the team for archiving.
- c. A record of each Contract executed in accordance with this section 7. of the Procurement Code shall be entered in a Register of Contracts and forwarded to the Procurement team in order to comply with the Transparency Code 2015.
- d. The Head of Service will ensure that relevant Supplier checks and registration of the Supplier according to New Supplier Registration procedures is completed, if the Supplier of goods, services or works has not previously been used by the Council.

### 7.3.4 Contract Management

All contracts must have a named Council *Contract Manager* for the entirety of the contract. This will normally be the appropriate Head of *Service* or a named deputy.

All Contract Managers will comply with this Procurement Code and any associated Council guidance.

### 7.3.5 Post Contract Review

The Head of Service will ensure that a post Contract review is conducted and that recommendations inform the subsequent procurement of similar goods, services or works.

## **8. PROCUREMENT CONTRACT VALUE FROM £50,000 TO EU Threshold**

This section refers to high value procurement for which Head of Service will seek written Tenders from a minimum of three Suppliers.

The Procurement team shall be consulted at the start of the procurement process to ensure the Procurement Code and Public Contracts Regulations 2015 are complied with.

The Legal team shall be consulted early on in the procurement process in order to advise and assist with the production of the Contract terms and conditions.

The Head of Service should make reasonable endeavours to consider Social Value at the pre-procurement stage for contracts valued from £50,000 to EU Threshold to ensure good procurement practice as follows:

- i. consider how the proposed procurement may improve the economic, social and environmental well-being of their areas and how those improvements can be secured through the procurement process;
- ii. consider whether to undertake any community consultation on the above matters.

### **8.1 Preparation**

Before approaching the market the Head of Service must establish if there is a Corporate Contract or a Framework Agreement which could be used. Please see Section 10 of this Procurement Code.

Before commencing any procurement process, the Head of Service will ensure that;

#### 8.1.1 Approvals

All approvals required by the Council's Constitution have been obtained, together with any necessary consents, permissions or other approvals.

#### 8.1.2 Estimate

A written estimate will be produced, detailing the total cost of providing and maintaining the goods, services or works for the duration of the Contract, ensuring that the estimate:

- a. is realistic and accurate.
- b. includes the maximum costs, assuming all options are exercised.
- c. is not subdivided to avoid exceeding higher Contract Value thresholds.

- d. is compiled independently of individuals or companies that may subsequently be submitting Tenders.

### 8.1.3 Specification

An accurate specification will be produced to form the basis of the invitations to Tender and for the subsequent Contract.

### 8.1.4 Evaluation Criteria

- a. Evaluation criteria will be produced on the basis of Best Value and will include the price and quality of goods, services or works.
- b. The Supplier can be selected on price alone; however if the chosen Supplier is not the lowest quote, a Most Economically Advantageous quote based on both a price and quality evaluation should be used to justify the selection.

### 8.1.5 Procurement Procedure

A procurement procedure will be selected that:

- a. complies with the Procurement Code and includes the collation and evaluation of written Tenders from no less than three Suppliers.
- b. includes the invitation of a number of Tenders that :
  - i. is most appropriate to the nature and size of the Contract.
  - ii. is determined with a view to obtaining Best Value for the Council.
  - iii. ensures that no less than three Tenders are obtained.
- c. the E procurement portal should be used for all Tenders valued over £49,999. Please contact the Procurement team for further information.

## **8.2 Inviting and Receiving Tenders**

The Head of Service will seek at least three written Tenders as follows:

### 8.2.1 Advertising Tenders

All tenders shall be advertised on the E procurement portal, Contracts Finder, the Council Website, the Find it in Worcestershire Website and in relevant trade/local press.

### 8.2.2 Inviting Tenders

- a. Every Invitation to Tender shall state:
  - i. the latest date and time for the delivery of Tenders.
  - ii. the address to which Tenders will be sent (if applicable).

- b. The majority of Tenders should be submitted via the E procurement portal. Please contact the Procurement Team for further information.

Tenders shall;

- i. include the price(s) requested for the goods, services or works and all other information requested in the invitation to Tender.
  - ii. be sent to arrive via the E procurement portal by the stated deadline.
- c. Should the E procurement portal not be used Tenders should be submitted as follows;
    - i. be addressed to the Monitoring Officer or a designated Officer of the Council.
    - ii. be sent in a sealed envelope endorsed with the word "Tender" followed by the subject to which it relates, but bearing no other name or mark indicating the sender.
    - iii. include the price(s) requested for the goods, services or works and all other information requested in the invitation to Tender.
    - iv. be sent to arrive via the E procurement portal by the stated deadline.

Any Tender submitted that does not comply with the above instructions shall be disqualified from the procurement process.

### 8.2.3 Receiving Tenders

8.2.3.1 All Tenders received via the E procurement portal shall be;

- a. opened at one time after the deadline in the presence of two Authorised Officers of the Council.
- b. recorded in the Register of Tenders.

8.2.3.2 Should the E procurement portal not be used Tenders should be received as follows;

All Tenders will be:

- a. received and safely stored unopened by the Monitoring Officer or a designated Officer of the Council.
- b. opened at one time after the deadline in the presence of a Member of the Council and the Monitoring Officer or a designated Officer of the Council.
- c. immediately initialled and dated by the person opening them and a note of the time of opening kept.
- d. recorded in the Register of Tenders.

## **8.3 Evaluation, Contract Approval and Award**

### 8.3.1 Evaluation

Before completing the transaction or awarding the Contract to any supplier, the Head of Service will ensure that:-

- a. the Tender is compliant with the invitation to Tender and, in particular, meets any specification, requirements and Contract terms set out in the invitation to Tender.
- b. the Supplier represents Best Value according to a fair evaluation using the pre-determined evaluation criteria.
- c. the Supplier has the appropriate experience, technical and financial capability to deliver against the specification, particularly in terms of the required quantity, quality and safety of any goods, services or works.

### 8.3.2 Approval

The Head of Service will ensure approval for the transaction or Contract is obtained as follows:

- a. The Corporate Director may approve the transaction or Contract if there is sufficient Service Team or Directorate budget available to meet the cost of the goods, services or works. If there is insufficient Service Team budget available, a virement may be required.
- b. The Corporate Management Team may approve the transaction or Contract if there is insufficient Directorate budget available, but there is sufficient Council budget available to meet the cost of the goods, services or works, in which case a virement will be required.

### 8.3.3 Award

The Head of Service will ensure that:

- a. For the provision of goods, services or works to be delivered at one time to the Council, the Head of Service will ensure that a written record of the transaction, in the form of the Purchase Order or the Purchasing Card Statement, will be retained for a period of at least six years from the date of delivery of the goods, services or works.
- b. For the provision of goods, services works to be delivered over a period of time to the Council, the Head of Service will ensure that a Contract is produced that:
  - i. includes details of the goods, services or works, terms and conditions, service level agreements and agreed prices.
  - ii. is in writing and has the Common Seal of the Council affixed and attested by the Managing Director, Monitoring Officer or Legal Team Manager.
  - iii. is retained for a period of at least twelve years from the date of the last delivery of the goods, services or works.
  - iv. is authorised by the legal team and a copy forwarded the

team for archiving.

- c. a record of each Contract executed in accordance with this section 8 of the Procurement Code shall be entered in a Register of Contracts and forwarded to the Procurement team or a designated Officer of the Council in order to comply with the Local Government Transparency Code 2015.
- d. any relevant Supplier checks and registration of the Supplier is completed, if the Supplier of goods, services or works has not previously been used by the Council.

#### 8.3.4 Contract Management

All contracts must have a named Council Contract Manager for the entirety of the contract. This will normally be the appropriate Head of Service or a named deputy.

All Contract Managers will comply with this Procurement Code and any associated Council guidance.

#### 8.3.5 Post Contract Review

The Head of Service will ensure that a post Contract review is conducted and that recommendations inform the subsequent procurement of similar goods, services or works.

### **9. PROCUREMENT CONTRACT VALUE OVER EU Threshold**

This section refers to very high value procurement that will require a Key Decision by Committee to approve the resulting transaction or Contract.

Heads of Service are required to comply with Public Contracts Regulations 2015 (or equivalent legislation) and all other associated procurement law and will seek advice from the Procurement Team, the Legal Team and the Monitoring Officer.

[The Public Services \(Social Value\) Act 2012](#) requires contracting authorities to consider at the pre-procurement stage of **any** services contract and services framework agreement (including goods and works contracts procured in combination with services) to which the Public Contracts Regulations 2015) apply (i.e. over EU threshold contracts) the following:

- ii. consider how the proposed procurement may improve the economic, social and environmental well-being of their areas and how those improvements can be secured through the procurement process;
- ii. consider whether to undertake any community consultation on the above matters.

#### **9.1 Preparation**

Before approaching the market the Head of Service must establish if there is a Corporate Contract or a Framework Agreement which could be used. Please see section 10 of the Procurement Code.

Before commencing any procurement process, the Head of Service will ensure that:

##### 9.1.1 Approvals

All approvals required by the Council's Constitution have been obtained, together with any necessary consents, permissions or other approvals.

#### 9.1.2 Estimate

A written estimate has been produced, detailing the total cost of providing and maintaining the goods, services or works for the duration of the Contract, ensuring that the estimate:

- a. is realistic and accurate.
- b. includes the maximum costs, assuming all options are exercised.
- c. is not subdivided to avoid exceeding higher Contract Value thresholds.
- d. is compiled independently of individuals or companies that may subsequently be submitting tenders.

#### 9.1.3 Specification

An accurate specification has been produced to form the basis of the invitations to Tender and for the subsequent Contract.

#### 9.1.4 Evaluation Criteria

- a. Evaluation criteria have been produced on the basis of Best Value and include the price and quality of goods, services or works.
- b. The Supplier can be selected on price alone; however if the chosen Supplier is not the lowest quote, a Most Economically Advantageous quote based on both a price and quality evaluation should be used to justify choice.

#### 9.1.5 Procurement Procedure

A procurement procedure will be selected that:

- a. either complies with the Public Contracts Regulations 2015 (or equivalent legislation) and all other associated procurement law.
- b. or uses an existing legally compliant contract or framework agreement.
- c. the E procurement portal should be used for all EU Tenders. Please contact the Procurement team for further information.

### **9.2 Inviting and Receiving Tenders**

The Head of Service will ensure that Tenders are invited and received in accordance with the Public Contracts Regulations 2015 and all other associated procurement law.

The Head of Service will also ensure that Tenders are invited and received as follows:

#### 9.2.1 Advertising Tenders

All Tenders shall be advertised in the Official Journal of the European Union, on Contracts Finder, the Council Website, and in relevant trade press.

## 9.2.2 Inviting Tenders

- a. Every Invitation to Tender shall state:
  - i. the latest date and time for the delivery of Tenders.
  - ii. the address to which Tenders will be sent.
- b. Every Tender submitted in pursuance of this Procurement Code shall:
  - i. be addressed to the Monitoring Officer or a designated Officer of the Council.
  - ii. be sent in a sealed envelope endorsed with the word "Tender" followed by the subject to which it relates, but bearing no other name or mark indicating the sender.
  - iii. include the price(s) requested for the goods, services or works and all other information requested in the invitation to Tender.
  - iv. be sent to arrive at the designated address by the stated deadline.

Any Tender submitted that does not comply with the above instructions shall be disqualified from the procurement process.

## 9.2.3 Receiving Tenders

9.2.3.1 All Tenders received via the E procurement portal shall be;

- a. opened at one time after the deadline in the presence of two Authorised Officers of the Council;
- b. recorded in the Register of Tenders.

9.2.3.2 Should the E procurement portal not be used Tenders should be received as follows;

All Tenders will be:

- a. received and safely stored unopened by the Monitoring Officer or a designated Officer of the Council;
- b. opened at one time after the deadline in the presence of a Member of the Council and the Monitoring Officer or a designated Officer of the Council;
- c. immediately initialled and dated by the person opening them and a note of the time of opening kept;
- d. recorded in the Register of Tenders.

## 9.3 Evaluation, Contract Approval and Award

The Head of Service will ensure that Tenders are evaluated and transactions or Contracts are approved and awarded in accordance with the Public Contracts Regulations 2015 (or equivalent legislation) and all other associated procurement law.

The Head of Service will also ensure that Tenders are evaluated and transactions or Contracts are approved and awarded as follows:

#### 9.3.1 Evaluation

Before completing a transaction or awarding a Contract to any Supplier the Head of Service will ensure that:-

- a. the Tender is compliant with the invitation to Tender and, in particular, meets any specification, requirements and Contract terms set out in the Invitation to Tender.
- b. the Supplier represents Best Value according to a fair evaluation using the pre-determined evaluation criteria.
- c. the Supplier has the technical capability to deliver against the specification, particularly in terms of the required quantity, quality and safety of any goods, services or works.

#### 9.3.2 Approval

The Head of Service will ensure approval for the transaction or Contract is obtained as follows:

- a. The relevant Committee may approve the transaction or Contract if there is sufficient Service Team or Directorate budget available to meet the cost of the goods, services or works. If there is insufficient Service Team budget available, a virement may be required.
- b. The Council may approve the transaction or Contract if there is insufficient Directorate budget available, but there is sufficient Council budget available to meet the cost of the goods, services or works, in which case a virement will be required.

#### 9.3.3 Award

The Head of Service will ensure that:

- a. For the provision of goods, services or works to be delivered at one time to the Council, the Head of Service will ensure that a written record of the transaction, in the form of the Purchase Order or the Purchasing Card Statement, will be retained for a period of at least six years from the date of delivery of the goods, services or works.
- b. For the provision of goods, services works to be delivered over a period of time to the Council, the Head of Service will ensure that
  - i. a Contract Manager (on both sides) is identified with responsibility for ensuring the contract is delivered as intended.
  - ii. include details of the goods, services or works, terms and conditions, service level agreements and agreed prices.

- iii. Contracts are in writing and have the Common Seal of the Council affixed and attested by the Managing Director, Monitoring Officer or Legal Team Manager, or an officer authorised by them for that purpose.
- c. a record of each Contract executed in accordance with this section 9 of the Procurement Code shall be entered in a Register of Contracts and forwarded to the Procurement team or a designated Officer of the Council in order to comply with the Transparency Code 2015.
- d. relevant Supplier checks and registration of the Supplier according to New Supplier Registration procedures is completed, if the Supplier of goods, services or works has not previously been used by the Council.

#### 9.3.4 Contract Management

All contracts must have a named Council Contract Manager for the entirety of the contract. This will normally be the appropriate Head of Service or a named deputy.

All Contract Managers will comply with this Procurement Code and any associated Council guidance.

#### 9.3.5 Post Contract Review

The Head of Service will ensure that a post Contract review is conducted and that recommendations inform the subsequent procurement of similar goods, services or works.

### **10. EXCEPTIONS - INTERNAL**

This section refers to internal procurement exceptions. Heads of Service will be required to ensure the following procedures in this section are followed in conjunction with the relevant procedures detailed in sections 6 to 9 of the Procurement Code.

#### **10.1 Corporate Contracts**

- 10.1.1 The Council has Corporate Contracts which cover items required on a daily basis such as stationery.
- 10.1.2 The majority of details relating to the products and prices within Corporate Contracts are held on the intranet. Further details can be obtained from the Procurement Team.
- 10.1.3 Corporate Contracts must be set up in accordance with these Rules but once established a product or service included in one can be ordered from the approved supplier, using the Council's order system, without any need for Quotes or Tenders.
- 10.1.4 Where there are multiple suppliers of a product on a Corporate Contract, the officer ordering the product must compare prices and choose the cheapest unless there are compelling reasons why not and these are recorded.

#### **10.2 About Framework Agreements**

A framework agreement is a general term for agreements with suppliers that set out terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement. In most cases a framework agreement itself is not a contract, but the procurement exercise to establish a framework agreement is subject to the public procurement rules.

Framework Agreements are required to be competitively tendered in the same manner as other contracts. Once the Framework is set up, organisations can usually either order directly from a supplier on the framework or are required to seek 'mini-competitions' from all the Framework suppliers capable of meeting a specific requirement. The duration of Framework Agreements is limited to four years, except in exceptional circumstances e.g. where a large, upfront investment is required. Once a Framework Agreement has been established for that period of time, further suppliers cannot be added to it.

### **Using an existing Framework Agreement**

- 10.2.1 In addition to conventional contracts, (where one supplier has been appointed to provide a specific good or service), Framework Agreements procured by other local authorities, public bodies or purchasing consortiums, for example the Office of Government Commerce (OGC), Buying Solutions and ESPO may also be used. These are normally used where there are likely to be a large number of lower value requirements over a period of time, as they may reduce the timescales required for commissioning such requirements. They may also be used to ensure that better value for money is obtained through economies of scale or to improve supplier relationship management.
- 10.2.2 Framework Agreements may be used if the Procurement and Legal Teams have approved their use on being satisfied that the Council can lawfully use them and that it is in the Council's interest to do so.
- 10.2.3 Officers intending to use a Framework Agreement shall consult with the Procurement Team prior to doing so.
- 10.2.4 Terms and conditions of any Framework Agreement must be approved by the Legal Team prior to use.
- 10.2.5 The use of Framework Agreements is subject to the financial levels set out in these Rules and an order shall only be placed if the necessary authority exists. For example, use of a Framework Agreement for a purchase between £50,000 and EU Threshold would need budget approval and Corporate Director approval whereas purchases over EU Threshold would require specific Committee approval.
- 10.2.6 Where purchasing Supplies, Works or Services on a price alone basis the call off procedure under the Framework Agreement shall be used.
- 10.2.7 Where quality criteria are to be applied or where it is not clear which supplier offers Best Value, a mini-competition shall be carried out and all participants in the Framework Agreement must be invited to Tender.

### **Setting up a Framework Agreement**

- 10.2.8 A Framework Agreement may be set up for Supplies, Works or Services that are needed on a regular basis.

- 10.2.9 Before advertising the setting up of a Framework Agreement the Procurement and Legal teams must be consulted and approval be obtained in accordance with the thresholds set out in this Procurement Code
- 10.2.10 Once approval has been given an advertisement for inclusion in the Framework must be advertised in accordance with the relevant Threshold rules as set out in this Procurement Code
- 10.2.11 Selection of organisations onto the Framework Agreement must follow a Tender process and be in accordance with these Rules.
- 10.2.12 A Framework Agreement must not exceed four years except in exceptional circumstances (to be advised by the Procurement and Legal Teams).

### **10.3 Fixed Price Procurement**

#### 10.3.1 Definition

- a. For the purposes of this Procurement Code, Fixed Price Procurement will be defined as the procurement of goods, services or works by the Council where suppliers will be invited to quote or Tender to describe the extent to which they can deliver against the specification for a predetermined fixed price.

#### 10.3.2 Procedures

- a. The procuring officer will ensure that appropriate Procurement Code procedures are followed, with the following exception:
  - i. The evaluation criteria will be based on the quantity and quality of goods, services or works provided only, with no reference to price.

### **10.4 Civil Emergency Procurement**

#### 10.4.1 Definition

- a. For the purposes of this Procurement Code, Civil Emergency Procurement will be defined as the procurement of goods, services or works by the Council during the period of a Civil Emergency, that are required to address circumstances caused by the Civil Emergency.

#### 10.4.2 Procedures

- a. The Head of Service will ensure that for procurement under a Contract Value of the EU Threshold the Emergency Planning Group may approve exemptions from the Procurement Code and may approve procurement decisions, subject to:
  - i. The relevant Heads of Service and the Section 151 Officer are members of the Emergency Planning Group that approve the procurement decision.
  - ii. Details of the procurement decision, including reasons for the exemption, are recorded in the minutes of the Emergency Planning Group meeting at which the decision is made.

- iii. Sufficient budget is made available by the Emergency Planning Group to cover the incremental cost of the procurement decision.
- b. The Head of Service will ensure that for Procurement over the EU Threshold, the procedures in section 9 of the Procurement Code are followed.

## **10.5 Delegated Authority**

### 10.5.1 Definition

- a. For the purposes of this Procurement Code, Delegated Authority will be defined as the delegation of authority to take responsibility for procurement activity and /or to approve procurement decisions.

### 10.5.2 Procedures

- a. Authority to take responsibility for procurement activity and /or to approve procurement decisions may be delegated in the following circumstances:
  - absence due to sickness, authorised leave or working off site for more than one week
  - unavailability caused by a civil emergency
  - vacancy of a post with procurement responsibilities
- b. Authority to take responsibility for procurement activity and /or to approve procurement decisions may be delegated to and by the following:
  - to a Head of Service by a Corporate Director
  - to a Corporate Director by the relevant committee
- c. Delegated authority will be recorded in the minutes of the meeting at which the decision is made and will be for a fixed period of time. Delegated authority may be extended at the end of the fixed period of time if required, subject to the rules in this section 10.5.2.

## **10.6 Disposals**

### 10.6.1 Definition

- a. For the purposes of this Procurement Code, Disposals will be defined as the act of the Council selling goods, vehicles, equipment, plant or other fixed assets.

### 10.6.2 Procedures

- a. In the case of disposals, the Head of Service will ensure that the following procedures are followed:
  - i. A detailed description of the disposal item(s) is produced.
  - ii. A minimum accepted value of the disposal item(s) is agreed with the Section 151 Officer.

- iii. Payment terms for the disposal item(s) are agreed with the Section 151 Officer.
- iv. Bid evaluation criteria are agreed with the Section 151 Officer.
- v. A disposal plan is produced to include advertising channels, bid receipt and evaluation arrangements and transaction arrangements.
- vi. Disposal item(s) will be advertised for sale on local and regional government websites and may be advertised through other appropriate advertising channels.
- vii. A minimum of three bids will be sought by the stated deadline and will be kept safely by the Head of Service.
- viii. Bids will be opened and evaluated by the Head of Service.
- ix. The sale of the disposal item(s) will be awarded to the buyer with the highest bid, subject to the highest bid being equal to or greater than the minimum accepted value.
- x. The transaction will be completed when payment is received and the item is delivered / collected.

## **11. EXCEPTIONS - EXTERNAL**

This section refers to external procurement exceptions. Sections 6 to 9 of this Procurement Code will not apply in the following circumstances, unless otherwise stated.

### **11.1 Collaborative Procurement and Partnerships**

#### 11.1.1 Definition

- a. For the purposes of this Procurement Code, Collaborative Procurement will be defined as the procurement of goods, services or works by two or more public authorities including the Council.
- b. Goods, services or works procured for the Council will be paid for by the Council.

11.1.2 The Council are increasingly working in partnership with other Councils and Government bodies in order to secure Value for Money. Nothing in these Rules shall prevent the Council entering collaborative procurement arrangements provided the requirements of this Rule 11.1 are met.

11.1.3 Before using collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium, the Lead Officer must consult the Procurement and Legal teams.

11.1.4 Purchases made through a local authority purchasing consortium which have a value of less than the EU Threshold are deemed to comply with this Procurement Code and associated Rules. If the value of the contract is over the EU Threshold the Procurement and the Legal teams must be satisfied that the consortium has complied with the EU Procedure and that the contract has been let on behalf of the Council and other consortium members.

11.1.5 Where a competitive process has been followed by the Lead Authority to a collaborative procurement arrangement that complies with the Procurement Code

of that Lead Authority, that process will be deemed to have complied with this Procurement Code.

11.1.6 The use of collaborative procurement arrangements is subject to the financial levels set out in these Rules and an order shall only be placed if the necessary approval exists.

#### 11.1.7 Procedures

- a. One of the participating local authorities will accept the role of lead authority.
- b. If the Council is the lead authority, the procuring officer will follow the relevant Procurement Code procedures.
- c. If another local authority is the lead authority, their procuring officer will conduct the procurement exercise according to their Procurement Code or Standing Orders.
  - i. The Council may contribute to the production of the estimate, specification and evaluation criteria. The Council may also support the evaluation process and the production of the Contract.
  - ii. The Council will also require the awarding of the Contract to be approved according to the Council's relevant Procurement Code procedures.

### **11.2 Procurement by a Shared Service**

#### 11.2.1 Definition

- a. For the purposes of this Procurement Code, Procurement by a Shared Service will be defined as the procurement of goods, services or works for the Council by the host authority of a Shared Service that provides services to the Council.
- b. Goods, services or works procured by the Shared Service will be paid for by the host authority on behalf of the Council and other Shared Service partners.

#### 11.2.2 Procedures

- a. The host authority will conduct the procurement exercise according to its Procurement Code, Constitution or Standing Orders.

### **11.3 Local Authority Open Contract Procurement**

#### 11.3.1 Definition

- a. For the purposes of this Procurement Code, Local Authority Open Contract Procurement will be defined as the procurement of goods, services or works by the Council from another local authority's Contract that names Worcester City Council as a participant of that Contract.

- b. Goods, services or works will be procured and paid for by the Council and according to the terms and conditions of the procuring local authority's open Contract.

### 11.3.2 Procedures

- a. The Head of Service will check that the open Contract is compliant and offers Best Value by ensuring that all of the following criteria are met, before ordering goods, services or works from the open Contract :-
  - i. The procurement procedures used and resulting open Contract comply with the Public Contracts Regulations 2015 and other Procurement law.
  - ii. A minimum of three Tenders were submitted and evaluated, including suppliers known to offer Best Value.
  - iii. The specification and evaluation criteria used sufficiently reflected the Council's requirements.
  - iv. The Contract and any associated terms, conditions and service level agreements sufficiently reflect the Council's requirements.
  - v. For fixed price open Contracts, market prices have not decreased since the open Contract was established.
  - vi. For variable price open Contracts, either the open Contract is less than six months old, or market prices have not increased significantly since the open Contract was established.

If any of the above criteria are not met, the open Contract shall not be used and a procurement exercise will be conducted by the Council in accordance with the Procurement Code to select a Supplier for the provision of the goods, services or works.

- b. The Head of Service will ensure that use of the open Contract is approved according to the relevant section of the Procurement Code.

## 12. EXEMPTIONS

Without prejudice to the Council's obligations under the Public Contracts Regulations 2015 and other related procurement law, exemption from any of the provisions of this Procurement Code may be made according to the procedures set out in sections 12.1, 12.2 and 12.3 below.

- 12.1 Where the estimated Contract Value is less than £50,000, exemption from any provision of the Procurement Code may be authorised by a CLT member on submission of a report from the relevant Head of Service and the Head of Procurement justifying the reasons for the exemption.
- 12.2 Where the estimated Contract Value is more than £50,000 but less than the EU Threshold, exemption from any provision of the Procurement Code may be authorised by the Managing Director on submission of a report from the relevant Head of Service and the Head of Procurement justifying the reasons for the exemption.

12.3 Where the estimated Contract Value is more than the EU Threshold, exemption from any provision of the Procurement Code may be authorised by the relevant committee with responsibility for that service team on submission of a report from the relevant Head of Service and the Head of Procurement justifying the reasons for the exemption.

12.4 Copies of any authorised exemptions should be forwarded on to the Procurement team for audit purposes.

## **13. PREVENTION OF CORRUPTION**

### **13.1 Conflicts of Interest**

Conflicts of interest can lead to allegations of corruption. Therefore when an officer is directly involved in the award or management of a contract to a particular organisation he/she must, whenever possible avoid any personal dealings with that organisation. Where that is not possible the officer must act in accordance with Rule 13.2

### **13.2 Declarations of Interest by Officer**

**13.2.1** Any officer who has a material interest, financial or otherwise, which may affect the Contract process at any stage must immediately he/she becomes aware of it declare it in writing to the Solicitor to the Council and take no further part in the procurement process unless the Solicitor to the Council gives her written approval to the officer's continued involvement in the procurement exercise.

**13.2.2** The Monitoring Officer shall maintain a register of Interests, declared by Officers under Rule 13.1 which must include;

- i. the name and grade of the officer
- ii. the nature of the declaration

### **13.3 Gifts and Rewards**

No officer must accept any gift, fee or other material reward from any organisation in return for giving them more favourable treatment in a procurement exercise.

### **13.4 Failure to Comply**

A failure to comply with Rule 14 could be a criminal offence as well as being a disciplinary matter.

## **14. INTERPRETATION**

The interpretation of the terms that are used throughout this Procurement Code is as follows:-

14.1 'Agent'

A person or organisation acting on behalf of the Council or on behalf of another organisation.

#### 14.2 'Best Value'

Best Value is the optimum combination of whole life cost and quality (or fitness for purpose) to meet the user's requirements assessed in accordance with the Procurement Code and Guidance.

Local Authorities are under a general Duty of Best Value to "*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.*"

Under the Duty of Best Value, therefore, authorities should consider overall value, including economic, environmental and social value, when reviewing service provision.

#### 14.3 'Committee'

A Committee of the Council as defined in the Articles of the Constitution.

#### 14.4 'Civil Emergency'

A Civil Emergency is an event which triggers the implementation of the Council's Civil Emergency Plan.

#### 14.5 'CLT'

The Corporate Leadership Team.

#### 14.6 'CMT'

The Corporate Management Team.

#### 14.7 'Consultant'

Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role.

#### 14.8 'Contract'

A Contract for the purposes of this Procurement Code shall be any agreement In Writing between the Council and one or more other parties in respect of:-

- a. the acquisition of goods, works and services as such are defined in EU procurement law;
- b. the disposal of goods so defined; and includes an agreement with the financier, or any insurer of or trustees for the financier of a kind described in Section 1(2) of the Local Government (Contracts) Act 1997.

#### 14.9 'Contract Management'

The proactive monitoring, control and management of all activities necessary to ensure a Supplier delivers the goods, works and / or services required by the Council as defined in the contract.

#### 14.10 'Contract Manager'

The named Council Officer who is responsible for managing a contract from inception to completion.

#### 14.11 'Contract Value'

For the purposes of the Procurement Code, Contract Value means the total Contract Value, or total estimated Contract Value including all payments of any kind and all options to extend the Contract. The Contract Value will determine the procurement procedures that shall be applied.

- a. The Contract Value shall not be reduced by disaggregating the goods, services or works into smaller Contract lots to avoid application of the appropriate Procurement procedures.
- b. Where goods, services or works are procured over a period of time by separate transactions from the same Supplier where there is no Contract, the estimated value of 12 months supply of goods, services or works shall be regarded as the total Contract Value and shall determine the procurement procedures that shall be applied.
- c. Where an extension of an existing Contract is required but is not provided for in the original Contract, the total Contract Value shall be the total estimated value of goods, services or works for the period of the original Contract plus the required Contract extension period.

#### 14.12 'Council'

The 'Council' means Worcester City Council.

#### 14.13 'EC Rules'

The Agreement on Government Procurement (GPA) entered into under the auspices of the World Trade Organisation; the European Community Treaty (EC Treaty) and any relevant regulations, directives or decisions of the European Community; any Acts of Parliament or statutory instruments implementing the aforementioned for the time being in force in the United Kingdom; and any relevant judgements of the European Court of Justice or the UK courts.

#### 14.14 'E Procurement Portal'

A public sector electronic procurement system which is fully auditable.

#### 14.15 'EU Threshold'

This is the procurement threshold values that determine the application of the EC Rules pursuant to the application of this Procurement Code.

#### 14.16 'Guidance'

Guidance includes any procurement training materials, reference guides or templates that may be issued by the Head of Procurement.

#### 14.17 'In Writing'

The expression 'in writing' in relation to any communication includes an electronic communication as defined in the Electronic Communications Act 2000, and in relation to the conclusion of a Contract may include conclusion by electronic means provided that the Section 151 Officer and the Monitoring Officer have approved the means of conclusion and the conclusion of the contract or class of contracts in question by such means.

Where reference is made to 'records' and 'registers' these may be electronic in form provided that approval has been given in the same way.

#### 14.18 'Most Economically Advantageous' [MEA]

The criteria for selecting a Supplier being equivalent to "[Best Value](#) for money".

#### 14.19 'Monitoring Officer'

The Monitoring Officer is the Council's officer responsible for legal and democratic matters according to relevant local government law.

#### 14.20 'Procurement'

For the purpose of the Procurement Code, Procurement means the act of selecting a Supplier for the provision of goods, services or works to the Council for an agreed sum of money.

#### 14.21 'Purchase Order'

A Purchase Order is a document sent by the Council to a supplier indicating types, quantities, and agreed prices for products or services. Acceptance of a purchase order forms a contract between the parties.

#### 14.22 'Quote'

For the purposes of this Procurement Code Quote means an offer with a Contract value less than £50,000 submitted in response to an invitation to quote issued in accordance with this Procurement Code.

#### 14.23 'Register of Contracts'

The register of contracts entered into by the Council maintained in pursuance of this Procurement Code.

#### 14.24 'Register of Tenders'

The register of Tenders received by the Council maintained in pursuance of this Procurement Code.

#### 14.25 'Section 151 Officer'

The Section 151 Officer is the Council's officer responsible for financial matters according to relevant local government law.

#### 14.26 'Shared Service'

For the purposes of this Procurement Code, a Shared Service is a service hosted by a local authority that is governed by a joint committee or by an administrative collaborative agreement under Section 101 of the Local Government Act 1972 and that is responsible for providing services to one or more local authorities including the Council.

#### 14.27 'Supplier'

Supplier means a provider of goods, services or works to the Council for an agreed sum of money. Types of supplier include an individual, a partnership, a contractor, a company, a limited company, a charity, a club, an association or a local authority. This list is not exhaustive and may also include any other individual, organisation or legal entity that provides goods, services or works.

#### 14.28 'Tender'

For the purposes of this Procurement Code Tender means an offer with a Contract Value equal to or in excess of £50,000 submitted in response to an invitation to tender issued in accordance with this Procurement Code.

# **PART 10**

## **EMPLOYMENT PROCEDURE RULES**

## **EMPLOYMENT PROCEDURE RULES**

### **1. Meaning of Senior Officer**

For the purpose of the Employment Procedure Rules, "Senior Officer" means Head of Paid Service and Corporate Directors.

### **2. Canvassing for Candidates for Employment**

2.1 Canvassing of Members of the Council or any Committee of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The purport of this paragraph shall be included in every advertisement inviting applications for appointments or in the form of application.

2.2 A Member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude any Member from giving a written testimonial of the candidate's ability, experience or character, for submission to the Council with an application for appointment.

2.3 A candidate for any appointment under the Council who knows that he is related to any Member or Senior Officer of the Council shall, when making application, disclose that relationship to the Head of People Services. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and Senior Officer of the Council shall disclose to the Council any relationship known to him or her to exist between himself or herself and a candidate for an appointment of which he or she is aware. It shall be the duty of the Managing Director to report to the Council or to the appropriate Committee any such disclosure made to him.

2.4 The purport of paragraph 2.3 shall be stated either in the advertisement inviting applications for appointment or in any form of application supplied for use by candidates.

### **3. Appointment of Senior Officer**

Where the Council or the Personnel and General Purposes Committee propose to appoint a Senior Officer and it is not proposed that the appointment is made from the Council's existing employees the Head of People Services will:-

- (a) Draw up a statement specifying:
  - i) The duties of the post concerned; and
  - ii) Any qualifications or qualities to be sought in the person to be appointed.
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

### **4. Appointment of Head of Paid Service**

4.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Personnel and General Purposes Committee.

4.2 The full Council may only approve the appointment of the Head of Paid Service where they are satisfied that no well-founded objection has been made by the leader of any political group in accordance with the procedure set out in paragraph 8 below.

#### **5. Appointment of Monitoring Officer and Section 151 Officer**

5.1 The full Council will approve the appointment of one of the Council's officers as the Monitoring Officer and the Section 151 Officer following the recommendation of such an appointment by the Head of Paid Service.

#### **6. Appointment of Corporate Directors**

6.1 The Personnel and General Purposes Committee will appoint the Corporate Directors.

6.2 An offer of employment as a Corporate Director shall only be made where the Committee is satisfied no well-founded objection from the leader of any political group has been received in accordance with the procedure set out in paragraph 8 below.

#### **7. Appointment of Deputy Directors and Heads of Service**

7.1 The appointment of Deputy Directors and Heads of Service shall be the responsibility of the Head of Paid Service, however any appointment panel must include at least three members of the Personnel and General Purposes Committee drawn from more than one political group.

#### **8. Procedure for objection to the appointment of Senior Officers**

8.1 Where the Council propose to approve the appointment of a Head of Paid Service or the Personnel and General Purposes Committee propose to appoint a Corporate Director, the Monitoring Officer shall notify all Group Leaders in writing of the name of the proposed appointee and any other particulars relevant to the appointment.

8.2 Within five working days of such notification, all Group Leaders shall notify the Monitoring Officer in writing either that they have no objection to the proposed appointment or, that they have an objection to the proposed appointment, and setting out the grounds for it.

8.3 If any Group Leader notifies the Monitoring Officer that there is no objection to the proposed appointment or does not reply within the period set out in paragraph 8.2, the proposed appointment shall become immediately effective.

8.4 If any Group Leader notifies the Monitoring Officer of such an objection, the Personnel and General Purposes Committee (or the Council in the case of the Head of Paid Service) shall consider the grounds for the objection and decide what action to take.

#### **9. Disciplinary Action in respect of Senior Officers**

- 9.1 Subject to paragraph 10 below, no disciplinary action shall be taken against a Senior Officer except with the agreement of the Personnel and General Purposes Committee.
- 9.2 Subject to paragraph 8 below, no action shall be taken to dismiss the Head of Paid Service other than by the Council and no action shall be taken to dismiss any other Senior Officer other than by the Personnel and General Purposes Committee.
- 9.3 Where any such dismissal is proposed by the Council or the Personnel and General Purposes Committee, the notification procedure set out in paragraph 8 must be undertaken before any notice of dismissal is given with the substitution of "dismissal" for "appointment" wherever the term occurs.
10. **Disciplinary Action Against Head of Paid Service, Monitoring Officer and Section 151 Officer**
- 10.1 Other than as set out in paragraph 10.2, no disciplinary action may be taken against the Head of Paid Service, Monitoring Officer or Section 151 Officer except in accordance with the procedures set out in Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- 10.2 The Personnel and General Purposes Committee may suspend the Monitoring Officer or Section 151 Officer on full pay for a period not exceeding two months for the purpose of investigating alleged misconduct or recommend the Council to suspend the Head of Paid Service on full pay for a period not exceeding two months for the purpose of investigating alleged misconduct.
11. **Other Appointments**
- 11.1 **Employees below Head of Service** – Appointments of employees below Service Manager (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and **may not be made by Councillors**.
- 11.2 **Assistants to political groups** – Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
12. **Disciplinary Action and Dismissal of Officers below Corporate Director**
- 12.1 Disciplinary action and dismissal of employees below Corporate Director is the responsibility of the Head of Paid Service or his/her nominee and **may not be undertaken by Councillors**.

# **PART 11**

## **MEMBERS' CODE OF CONDUCT**

**Worcester City Council**  
**Code of Conduct for Members**

**Index**

<i>The Ten Principles of Public Life</i>	3
<i>Part 1 – the Code of Conduct</i>	5
<i>Part 2 – Interests</i>	9
<i>Appendix 1 – The Localism Act Definition of Disclosable Pecuniary Interests Regulations</i>	12
<i>Appendix 2 – General Provisions and Glossary</i>	14

## **TEN PRINCIPLES OF PUBLIC LIFE**

### **SELFLESSNESS**

Members and other Holders of Public Office should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### **HONESTY AND INTEGRITY**

Members and other Holders of Public Office 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 and other Holders of Public Office should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### **ACCOUNTABILITY**

Members and other Holders of Public Office should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### **OPENNESS**

Members and other Holders of Public Office should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

### **PERSONAL JUDGEMENT**

Members and other Holders of Public Office may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### **RESPECT FOR OTHERS**

Members and other Holders of Public Office 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 authority's statutory officers and its other employees.

### **DUTY TO UPHOLD THE LAW**

Members and other Holders of Public Office 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 and other Holders of Public Office should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

## **LEADERSHIP**

Members and other Holders of Public Office should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

As defined in the Nolan Report on Conduct in Public Life

# WORCESTER CITY COUNCIL

## CODE OF CONDUCT

### Part 1

#### General provisions

##### **Introduction and interpretation**

1. (1) This Code applies to **you** as a member or co-opted member of Worcester City Council.
- (2) You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles).
- (3) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as Member.
- (4) It is your responsibility to comply with the provisions of this Code.
- (5) In this Code—  
"meeting" means any meeting of
  - (a) the authority or its committees;
  - (b) any of the authority's sub-committees, joint committees, joint sub-committees, or area committees.

"Monitoring Officer" means the Monitoring Officer for the principal council which is Worcester City Council.

Attached as **Appendix 2** to this Code is a Glossary of relevant Terms.

##### **Scope**

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member, or as a representative of this authority in the circumstances described in paragraph 2(b) below.
- (2) Where you act as a representative of the authority:-
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts

with any other lawful obligations to which that other body may be subject.

### **General obligations**

- 3.** (1) You must treat others with respect.
- (2) You must not:-
- (a) do anything which may cause your authority to breach any of the equality enactments;
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:-
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
- 4.** You must not:-
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is:-
      - (aa) reasonable and in the public interest; and
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.

- 5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6.** You:-
  - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:-
    - (i) act in accordance with the authority's reasonable requirements;
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity.
- 7.** You must:-
  - (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
  - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority
- 8.** You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

## **Part 2**

### **Interests**

#### **Disclosable Pecuniary Interests (DPI)**

- 9.** (1) You will have a "DPI" under this Code if:-
- (a) such interest meets the definition prescribed by regulations as amended from time to time and set out in **Appendix 1** to this Code; and
  - (b) it is either an interest of yourself; or it is an interest of:-
    - (i) your spouse or civil partner; or
    - (ii) a person with whom you are living as husband and wife: or
    - (iii) a person with whom you are living as if you were civil partners;
- and you are aware that the other person has the interest.

#### **Registration of DPIs**

- 10.** (1) You must within 28 days of becoming a Member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given.
- (2) You must within 28 days of becoming aware of any new DPI or changes to existing DPI's notify the Monitoring Officer in writing.

#### **Other Disclosable Interests**

- 11.** (1) You will have a Disclosable Interest in any matter if you or a member of your family or person or organisation with whom you are associated have:-
- (a) a pecuniary interest in the matter under discussion which is not de minimis; or
  - (b) a close connection with the matter under discussion
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

#### **Disclosure of Interests**

##### **12 (1) DPIs: formal meetings**

If you are present at a meeting of the Council and you have a DPI then you must:-

- (a) Disclose the nature and existence of the interest; and
- (b) Leave the meeting (including the meeting room and public gallery) and take no part in the discussion; and
- (c) If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

**(2) DPIs: informal meetings**

If you have a DPI you must not participate in informal meetings/briefings and site visits and must disclose the DPI in any correspondence with the Council.

**(3) Single Member Decisions**

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided under alternative arrangements.

**(4) Other Disclosable Interests**

If you are present at a meeting of the Council and you have an Other Disclosable Interest then you must:-

- (a) Disclose the nature and existence of the interest; and
- (b) If the interest;
  - (i) affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
  - (ii) is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

**(5) Dispensations**

You may take part in the discussion of and vote on a matter in respect of which you have been granted a dispensation.

**Sensitive Information**

**13.** (1)An interest will be a sensitive interest if the two following conditions apply:-

- (a) that you have an interest (whether or not a DPI); and
- (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

- (2) Where it is decided that an interest is a "sensitive interest" it will be excluded from the published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure of that interest will apply save that the member will not be required to disclose the nature of the interest but merely the fact that they hold a DPI in the matter concerned.

## **APPENDIX 1**

### The Localism Act Definition of Disclosable Pecuniary Interests (DPI) Regulations

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified below.

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land, which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge) –</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where-</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either –</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the</p>

total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **Appendix 2**

### Glossary of Terms

- a. **“Member of your family”** this should be given a very wide meaning and include a partner, a parent, a parent in law, a son or daughter, a step-son or daughter, child of a partner, a brother or sister, a brother or sister of your partner, grandparent, grandchild, an uncle or aunt, a nephew or niece and a partner to any of these people. A partner includes someone you are married to, your civil partner, or someone you live with in a similar capacity.
  
- b. **“Person with whom you have a close association”** this is someone that you are either in regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.

## **WORCESTER CITY COUNCIL**

### **REGISTER OF INTERESTS OF MEMBERS AND CO-OPTED MEMBERS**

1. Under Section 81 of the Local Government Act 2000 the Council's Monitoring Officer is required to maintain a register of the interests of Members and Co-opted Members.
2. The interests which Members and Co-opted Members are required to register are set out in paragraphs 13 and 14 of the Members' Code of Conduct and the format of the registration forms attached.
3. The register is available for public inspection at the offices of the Monitoring Officer at the Guildhall, Worcester WR1 2EY.
4. Under the Members' Code of Conduct, Members are required to advise the Monitoring Officer of any changes to their registered interests within 28 days of those changes occurring.
5. In addition, the Monitoring Officer will review a random sample of the entries on a six monthly basis to check their accuracy and report as necessary to the Standards Committee. Each Councillor and Co-opted Member will be requested to review and amend, if necessary, their entries in May of each year.

**WORCESTER CITY COUNCIL**

**REGISTER OF MEMBERS' INTERESTS**

**GENERAL NOTICE OF DISCLOSABLE PECUNIARY INTERESTS**

*Please note that under section 29 of the Localism Act 2011, there is a legal requirement for the register of Members' Interests to be published on the internet. After you have completed and signed this form, it should be sent to Committee Administration at Worcester City Council, e-mail: [committeeadministration@worcester.gov.uk](mailto:committeeadministration@worcester.gov.uk), Guildhall, High Street, Worcester. WR1 2EY.*

I,

A member of Worcester City Council, set out below under the appropriate headings my interests, which I am required to declare under the Localism Act 2011 and the Council's Code of Conduct and I have put "none " where I have no such interests under any heading.

<b><u>Disclosable Pecuniary Interests</u></b>		
<b>Members are required to register not only their own interests but also those of their husband or wife, civil partner or of any person with whom they are living as if husband and wife or as civil partners when such interests are known by them</b>		
	<u>MEMBER</u>	<u>HUSBAND/WIFE</u> <u>CIVIL PARTNER</u> <u>ETC.</u>
1. Your employment, office, trade, profession or vocation carried on by you or those persons referred to above for profit or gain.		
	<u>MEMBER</u>	<u>HUSBAND/WIFE</u> <u>CIVIL PARTNER</u> <u>ETC.</u>

<p>2. Any payment or provision of any other financial benefit (other than from your authority) made or provided within the last 12 months in respect of expenses you have incurred in carrying out your duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992</p>		
	<p><u>MEMBER</u></p>	<p><u>HUSBAND/WIFE</u> <u>CIVIL PARTNER</u> <u>ETC.</u></p>
<p>3. The name of any person or body in which you or a person referred to above has a beneficial interest in securities of that body where:</p> <p>(a) that body to your knowledge has a place of business or land in the area of your authority; 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 you or a person referred to above has a beneficial interest exceeds one hundredth of the total issued share capital of that class</p>		
	<p><u>MEMBER</u></p>	<p><u>HUSBAND/WIFE</u> <u>CIVIL PARTNER</u> <u>ETC.</u></p>
<p>4. A description of any contract for goods, services or works made between your authority and you or the persons referred to above (or a body in which you or they have a beneficial interest) and which has not been fully discharged</p>		

	<u>MEMBER</u>	<u>HUSBAND/WIFE</u> <u>CIVIL PARTNER</u> <u>ETC.</u>
5. Any land in your authority's area in which you have a beneficial interest N.B. You need to specify any property including your home or any land or buildings from which you receive rent		
	<u>MEMBER</u>	<u>HUSBAND/WIFE</u> <u>CIVIL PARTNER</u> <u>ETC.</u>
6. Any tenancy where to your knowledge the landlord is your authority and the tenant is a body in which you or a person referred to above has a beneficial interest		
	<u>MEMBER</u>	<u>HUSBAND/WIFE</u> <u>CIVIL PARTNER</u> <u>ETC.</u>
7. Any land in your authority's area for which you or the persons referred to above have a licence (alone or jointly with others) to occupy for a month or longer		

I recognise that it may be an offence under the Localism Act 2011 to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices, in order to bring up to date, information given in this notice after my re-election or reappointment or to fail to declare a disclosable pecuniary interest that I acquire after the date of this notice and have to declare under the provisions of s. 31 (2) Localism Act 2011.

I also acknowledge that it may be a breach of the Code of Conduct to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to provide written notification to the authority's Monitoring Officer of any change in my interests contained in this notice within 28 days of my becoming aware of such change of circumstances

Signed :

Date:

RECEIVED

Signed:

Monitoring Officer – Worcester City Council

Date:

# **PART 12**

**GOOD PRACTICE PROTOCOL FOR  
COUNCILLORS AND EMPLOYEES  
DEALING WITH PLANNING MATTERS**

## **GOOD PRACTICE PROTOCOL FOR COUNCILLORS AND EMPLOYEES DEALING WITH PLANNING MATTERS**

### **1. PURPOSE OF THIS PROTOCOL**

- 1.1 This Protocol has been prepared as local guidance to Worcester City Council Members and Employees in dealing with planning matters. It has been formulated having regard to the Third Report of the Committee for Standards in Public Life (the Nolan Committee) and *Guidance* published by the Local Government Association. However, it reflects local circumstances in the City of Worcester.
- 1.2 Failure to follow the recommendations of this Protocol, without good reason, may be regarded by the Local Government Ombudsman as incompatible with good administration or have implications for the standing of councillors and professional employees. Failure to follow the recommendations of this Protocol may result in the matter being considered by Worcester City Council's Standards Committee. **In some circumstances, failure by councillors to comply with this Protocol may also amount to a breach of the Members' Code of Conduct and be liable to investigation by the Standards Committee. This includes not just matters relating to Members' interests but also matters such as bringing the Authority into disrepute, compromising the Authority, disclosing information etc.**
- 1.3 This Protocol covers the conduct of both councillors and employees. Its advice is not restricted only to councillors because they sit on a planning committee, or to professional planning officers only. It relates to the planning process (including policy formulation and development control) and all councillors and employees from Worcester City Council who come into contact with it. It is hoped that this Protocol will foster greater mutual support and understanding between employees and members to the benefit of all involved in the planning process. It should also give the public greater confidence that this Council wishes to carry out its planning responsibilities fairly and openly. This Protocol is separate from and additional to the Members Code of Conduct.
- 1.4 This Protocol covers all committees and sub-committees of the City Council which are entitled to make decisions on planning policies, applications and planning matters. In the main this will be the Planning Committee but may also on rare occasions involve full Council or the Economic Development and Place Sub-committee and references in this Protocol to the Planning Committee should be taken to include reference to these other decision making bodies.

### **2. THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND EMPLOYEES**

- 2.1 Councillors and employees have different but complementary roles. Both serve the public but councillors are responsible to the electorate while employees are responsible to the Council as a whole.
- 2.2 Both councillors and employees are guided by codes of conduct. The Members Code of Conduct provides guidance and standards for councillors and the Employee's Code of Conduct performs a similar role for employees. Employees who are Chartered Town Planners are guided by the Royal Town Planning Institute's Code of Professional Conduct. Employees dealing with planning matters should, in particular, and whether or not they are members of the Royal Town Planning

Institute, not make or subscribe to any standards or reports which are contrary to their bona fide professional opinions.

- 2.3 The basis of the planning system is the consideration of private proposals against the wider public interest so that in circumstances prescribed by legislation the local planning authority can control development where this is in the wider public interest. Councillors involved in the planning process should consider the views expressed by both sides but they should not favour any person, group or locality nor put themselves in a position where they appear to do so. Councillors who do not feel that they can act in this way should consider whether they are best suited to serving on the Planning Committee.
- 2.4 No Councillor may be a member of Planning Committee (or act as substitute) unless he or she has first attended a training course on planning legislation, guidance and practices approved by the Deputy Director – Economic Development and Planning. A Councillor who has already attended such a training course must attend a refresher course at intervals of not more than 4 years after their initial training course or at such shorter interval as the Deputy Director – Economic Development and Planning considers appropriate where there are major changes in planning legislation.
- 2.5 A Councillor who fails to complete a refresher course as required by paragraph 2.4 should immediately vacate his/her seat(s) on the Planning Committee and shall not be eligible to act as a substitute at that meeting or to be appointed to a seat on the Planning Committee until he/she has completed an appropriate refresher training course. **Such a Councillor shall not participate in any discussion on planning matters (whether determining planning applications or formulating policy) at full Council or any other committee of the Council.**

### 3. **HOSPITALITY AND GIFTS**

- 3.1 The Members' Code of Conduct and the Employees' Code of Conduct have requirements relating to the registration of gifts and hospitality. Councillors and employees should be very careful about accepting gifts and hospitality in any way related to the planning process and the presumption should be that any gift is refused.
- 3.2 During the course of carrying out their duties, employees may be offered hospitality from people with an interest in a planning proposal. If possible, such offers should be declined politely. If receipt of hospitality is inevitable employees should ensure that it is of the minimum level. All hospitality received (beyond a simple cup of tea or coffee) should be immediately notified in writing to the Council's Monitoring Officer who will keep a record of such hospitality.
- 3.3 Gifts (other than purely token and/or trade items such as calendars and diaries) delivered to Council offices in person or by post should be politely returned or given to Charity as the Corporate Director may decide is most appropriate.

### 4. **DECLARATION AND REGISTRATION OF INTERESTS**

- 4.1 The Members' Code of Conduct contains extensive provisions relating to Members' personal and prejudicial interests and Councillors are referred to this for guidance.

- 4.2 The responsibility for declaring an interest rests with the individual Councillor. If in any doubt the interest should be declared. Further guidance on declaration of interests can be obtained from the Monitoring Officer.
- 4.3 In May of each year, the Monitoring Officer will hold a seminar to assist councillors with the complex subject of Members' Interests and the implications of this Protocol.
- 4.4 Councillors who have substantial property interests or other interests which would prevent them from voting on a regular basis should avoid serving on the Planning Committee. The Council's Monitoring Officer will keep Members' declarations of interest under review and report to the Standards Committee if he considers that their attention should be drawn to the suitability of individual councillors to sit on Planning Committee, having regard to the extent and nature of their interests.

#### 4.5 **Interests of Employees**

Any employee of the Council who has a direct or indirect pecuniary interest in relation to any contract which the Council has or proposes to enter into must declare the fact in writing to the Monitoring Officer, in accordance with Section 117 of the Local Government Act 1972. Employees should follow the following principles:-

- care should always be taken to avoid any suspicion that an employee recommendation may have been influenced by improper motives
- any employee who has a private or personal interest which, in the case of an elected member ought properly to be declared under the Members' Code of Conduct, should immediately inform their Head of Service who, in consultation with Monitoring Officer, will determine whether the employee should take any further role in relation to that matter.

#### 5. **CIRCUMSTANCES IN WHICH COUNCILLORS SHOULD NOT PARTICIPATE IN THE DETERMINATION OF A PLANNING APPLICATION**

- 5.1 There are a number of situations where although a Councillor has either no personal interest to declare under the Members' Code of Conduct or the personal interest is not prejudicial under that Code so that the Councillor would be entitled under that Code to speak and vote, yet it would not be advisable for the Councillor to participate in the determination of a planning application because he or she could reasonably be regarded as having pre-judged the application before attending the meeting. Such pre-judging could leave the Council at risk of an application for judicial review or an ombudsman finding for maladministration.
- 5.2 Therefore, Councillors should not in the following circumstances participate in the determination of planning applications:-
- 5.2.1 where the Councillor is a member of another public body e.g. the County Council or a Parish Council and has expressed a view on the planning application at meetings of that body or otherwise publicly associated himself or herself with the application;
- 5.2.2 where the Councillor has been appointed by the City Council to the body which is applying for planning permission and the Councillor has either participated in the decision to apply for planning permission or publicly associated himself or herself with the application;

- 5.2.3 where the application is by the City Council and the Councillor is a Member of a Committee which has approved the scheme in respect of which the application is made
- 5.2.4 where the Councillor has publicly supported a particular outcome or become involved in high profile active lobbying for a particular outcome; and
- 5.2.5 where the Councillor has been involved in pre-application discussions, other than in accordance with the provisions of this Protocol.
- 5.3 In the circumstances set out in paragraph 5.2, the Councillor should declare their reason for not participating in the decision and leave the meeting for the duration of the discussion on the item. In the circumstances set out in paragraph 5.2.3, a Councillor may, if he or she considers it appropriate, remain in the meeting and speak on the planning application but shall not vote on the planning application.

## 6. **DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND EMPLOYEES AND COUNCIL DEVELOPMENT**

- 6.1 The advice in this Section applies to both planning applications and Development Plan policy matters.
- 6.2 Serving councillors and employees should never act as agents for people pursuing a planning matter with their authority. It is also advisable for them not to act in this capacity in respect of proposals in adjacent local authority areas especially if the developers involved may also have involvement in proposals in the City from time to time.
- 6.3 Should Councillors or employees submit their own proposals to the authority they serve, they should declare the interest to the Monitoring Officer and take no part in its processing; such proposals and the fact that a declaration of interest has been lodged should be identified on the relevant planning files.
- 6.4 Proposals of this nature should be reported to Committee and not dealt with under delegated power.
- 6.5 Development proposals by the Council are to be treated in the same way as those by private developers, particularly in relation to employees' advice. Such proposals will not be delegated to the Deputy Director – Economic Development and Planning for decision, however small or non-contentious and must always be reported to Committee for determination.

## 7. **LOBBYING**

- 7.1 Although lobbying is a normal and perfectly proper part of the political process, it can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a councillor being called into question. Councillors who are members of the Planning Committee need to take account of the public expectation that a planning application will be processed and determined in a transparently open and fair manner in which members taking the decision will take account of all the evidence presented before arriving at a decision and that to commit themselves one way or the other before hearing all the arguments makes them vulnerable to an accusation of partiality. Councillors who are appointed by the

Council as non-voting observers to the Conservation Areas Advisory Committee may attend those meetings to inform themselves of the views of that Committee, but should take care to comply with paragraphs 7.2.1 and 7.2.2 of this Protocol.

- 7.2 **Councillors who are Members of the Planning Committee determining any particular planning application or will act as substitute for such Members** should act in accordance with the following principles in relation to lobbying:-
- 7.2.1 Care should be taken in expressing an opinion on any planning proposal; councillors should always indicate that they will keep an open mind until all the facts are known and that they have heard both sides of the argument. Before this stage it is better to restrict themselves to giving procedural advice, directing those who are lobbying to planning officers, so that their representations can be included in the officer's report.
- 7.2.2 Councillors who find themselves in a situation which is developing into lobbying should always explain that whilst they can listen to what is said, they are required to keep an open mind and are constrained from expressing a firm point of view or an intention to vote one way or another, otherwise they will have to state their position at the Committee meeting and not take part in the subsequent decision. (A standard letter to send in response to approaches of this nature is available to Members).
- 7.2.3 Any discussions with lobbyists should make clear that a member's comments are personal rather than those of the Council and provisional pending other evidence, consultations and officer advice.
- 7.2.4 If members choose to visit sites prior to Committee they must have regard to the principles outlined above and, in order to ensure openness and fairness, they should consider whether to visit a neighbouring objector's property also. It may be better not to accept invitations to view sites if Councillors believe that this could be used as an opportunity to exert undue pressure by an agent or applicant.
- 7.2.5 If a councillor responds to lobbying by deciding to go public in support of a particular outcome - or even campaign actively for it - it will be very difficult for that councillor to argue convincingly when the committee comes to take its decision that he/she has carefully weighed the evidence and arguments presented to the committee. The proper course of action for such a member would be to make an open declaration and not vote. **A Ward Councillor who seeks to represent the views of his or her electorate is in a less restricted position than other Members of the relevant committee provided that he or she has not been involved in high profile active lobbying for a particular outcome.** It should be possible for such a Ward Councillor to present the views to a particular body of local opinion whilst waiting until the meeting of the Planning Committee and having all the evidence presented before making a final decision. Councillors who are unsure whether an interest should be declared should seek the advice of the Monitoring Officer **in advance of** the meeting, although the final decision rests with the individual councillor.
- 7.3 **Councillors who are not Members of the Planning Committee determining a particular planning application and do not intend to act as substitutes for Members of that Committee in respect of the particular planning applications** are in a less restricted position with regard to lobbying. Nevertheless, they should comply with the following guidelines:-

- 7.3.1 Councillors should not act as an advocate or agent for planning applications or planning policy matters to be determined by the City Council.
- 7.3.2 Councillors should not put pressure on planning officers for a particular recommendation.
- 7.3.3 Political group meetings should not be used to decide how councillors will vote on individual planning applications. Requests for Officers to attend Group meetings to explain any planning proposals will be dealt with in accordance with the Council's Protocol for Member/Officer relations. Senior employees may accept invitations to explain complex proposals to a political group meeting on the understanding that a similar opportunity is offered to the other groups.
- 7.3.4 Without authorisation, councillors should not negotiate detailed planning matters with lobbyists.
- 7.3.5 It is perfectly acceptable for a ward councillor, or a councillor who in an official capacity has expert or detailed knowledge of a relevant matter to address the Planning Committee, but it is inappropriate for a councillor who is not a Ward Member to organise support or opposition, or lobby other councillors informally.

## **8. PRE-APPLICATION DISCUSSIONS**

- 8.1 In view of the Council's scheme for allowing applicants and objectors to make representations to the Planning Committee and the Council, councillors should not normally be involved in pre-application discussions and should not in any event be involved in such discussions with applicants once a planning application has been submitted.
- 8.2 Pre-application discussions with planning officers will comply with the following guidelines:-
  - 8.2.1 It should always be made clear at the outset that any discussions are on a without prejudice basis, and where councillors are involved any views expressed by them are personal and provisional.
  - 8.2.2 In the case of advice given by planning officers it should always be made clear that it is always subject to review at a more senior level and the final recommendation lies with the Head of Service and not at case officer level.
  - 8.2.3 Advice given should be consistent; and based upon the development plan, government planning policy guidance and any relevant material considerations.
  - 8.2.4 A written note should be made of any meetings and placed upon the relevant file - 2 or more officers are to attend potentially contentious meetings and a follow up letter is advisable, at least where documentary material has been left with the Council.
  - 8.2.5 Care must be taken to ensure advice is not partial and for the avoidance of doubt should be confirmed in writing.
- 8.3 If Councillors who are Members of the Planning Committee, or will act as substitute at the Committee in relation to the particular planning application are involved in pre-application discussions, the principles set out in paragraph 8.2 should also be

applied. In addition, councillor participation should be authorised **in advance** by the Planning Committee; the councillors should be accompanied by appropriate professional officers (always to include a senior planning officer); and the involvement of councillors in such discussions should be recorded in any subsequent committee report.

- 8.4 Wherever possible, such meetings should be held on City Council premises during normal office hours. Meetings on site may sometimes be helpful, but regard should be had to the guidance on lobbying and hospitality. Invitations to meet in hotels or private offices, especially those relating to developers themselves should nearly always be avoided.
- 8.5 The principles set out in paragraph 8.4 apply equally to meetings between developers and Ward Members whether before or after an application has been made and even if the Ward Member/Members is/are not a Member of the Planning Committee which will determine the application.

## 9. **OFFICER REPORTS TO COMMITTEES**

- 9.1 All applications considered by the Planning Committee will be the subject of written reports making a firm written recommendation from planning officers incorporating lists of technical consultees and planning constraints and the basis on which the recommendation is made. The report will be accompanied by an oral officer presentation covering the development plan, site or related history and any other material considerations.

The officer presentation will refer to displayed plans and photographic slides of both site and submitted drawings. Full written reports will be prepared on all major or contentious applications and all applications considered by the Council.

- 9.2 Copies of all written representations received in respect of each application will be sent to all members of Planning Committee at the time the agenda is circulated and any late representations received will be circulated at the meeting. All such representations will be made available for inspection by the public on request.
- 9.3 Contentious applications and all applications containing recommendations contrary to the provisions of the Development Plan will be subject to full written reports. Such reports must be accurate and cover, amongst other things, the substance of objections and the views of people who have been consulted, a clear explanation of the development plan, site or related history and any other material considerations, a technical appraisal which justifies the recommendation and where a departure from the Development Plan is recommended, the material considerations which justify this.
- 9.4 Reports to the Council on planning applications will comply with paragraph 9.3 and include copies of all written representations received in accordance with paragraph 9.2.
- 9.5 Proposed heads of terms for Section 106 Agreements must always be reported openly and in writing to the Planning Committee if and when they are considering such planning applications.

## 10. **PUBLIC SPEAKING AT THE PLANNING COMMITTEE**

- 10.1 The Council operates a scheme for allowing applicants and members of the public to make representations to the Planning Committee on planning applications. Details of these are set out in the Committee Procedure Rules and the Council Procedure Rules.
- 10.2 This can lead to considerable numbers of applicants and members of the public attending Planning Committee meetings. Councillors and Officers should be careful to avoid undue informal conversation between themselves and applicants or members of the public as this could give an impression of over familiarity and bias in favour of either applicants or objectors.
- 10.3 In considering public representations made at Planning Committee meetings, Councillors should ensure that they concentrate on those matters raised which reveal material planning considerations in relation to the particular application. Councillors must not regard public opposition of itself as grounds for refusing a planning application as to do so would be illegal.

11. **DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN**

- 11.1 From time to time the Planning Committee will make decisions which are contrary to officer advice. It is important that on these occasions the Committee makes clear the reasons for making its decision, that clear reasons are given in the case of a refusal and that these reasons can be supported by sufficient evidence to justify them (although the precise wording of reasons for refusal may be deferred to a future meeting in accordance with paragraph 11.4) and clear conditions imposed in the case of the approval of an application.
- 11.2 Before overturning an officer recommendation, the Planning Committee should give the officer concerned an opportunity to explain the implications of a contrary decision, including liability to an appeal being lodged and/or costs being awarded against the Council.
- 11.3 The Minutes of the Planning Committee should always include a detailed minute explaining why an officer recommendation was rejected and a copy of this should be placed on the planning application file.
- 11.4 If either any objector or the applicant has not addressed the Planning Committee to express their views on the application, or it is not possible to agree the wording of the grounds for refusal or the conditions to be imposed at the meeting, the application must be deferred to the next meeting. This is to allow an opportunity for any objector and consequently the applicant also to address the Planning Committee and/or allow the officers to draft appropriate wording to be considered by the Planning Committee.
- 11.5 All meetings of the Planning Committee and Chairmen's briefings for such meeting will be attended by a suitably qualified legal officer.

12. **COMMITTEE SITE VISITS**

- 12.1 At each meeting the Planning Committee shall decide whether or not to carry out site inspections in respect of any of the applications to be determined by that Committee. Requests for site inspections from members of the Committee should

be made to the Deputy Director – Economic Development and Planning no later than 5.00 p.m. on the second day before the meeting of Committee.

12.2 Where the Planning Committee decides to make a site inspection in accordance with paragraph 12.1, the Committee meeting shall adjourn to enable the Committee members to visit the site along with appropriate officers. So far as possible, the site visit shall be by Members of the Committee and Officers only and neither the applicant nor objectors shall make representations to the Committee at a site visit.

12.3 Site visits may be held in the following circumstances:-

12.3.1 the impact of the proposed development is difficult to visualise from the plans and any supporting material including photographs taken by officers;

12.3.2 it is difficult for the comments of the applicant and/or objectors to be understood solely in writing;

12.3.3 the proposal is particularly contentious;

12.3.4 where a site visit will materially assist the Committee's consideration of the issue;

12.4 The Minutes of the Planning Committee will record the reasons why particular site inspections were held and the vote taken.

12.5 The procedure for site visits will be as follows:-

- Members of the Planning Committee together with relevant officers travel to the site by mini-bus.
- On arrival at the site, the designated planning officer explains the main planning issues to the Committee.
- Inspections will be undertaken in a formal and professional manner. The Committee should stay together as a group.
- There will be no inter-action between Members and applicants or objectors at the site visit beyond the common courtesies to be expected when visiting someone else's property.
- Members may ask questions of the officers and draw attention to issues relevant to the site visit.
- Members will not debate the merits of the proposal on the site visit or on the way to or from the site visit.
- Members who have declared a prejudicial interest or who, for any other reasons, do not intend to participate in the planning decision, will not participate in the site visit.
- The Chairman will close the site visit and all Members will leave the site at the same time.
- The Chairman may alter or terminate any visit at his/her discretion.

### 13. **REGULAR REVIEW OF DECISIONS**

13.1 The Audit Commission's Report "Building on Quality" recommends that councillors should visit a sample of implemented planning decisions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision making, through strengthening public confidence and can help with reviews of planning policy.

13.2 Once a year, the Deputy Director – Economic Development and Planning will report to the Planning Committee on a sample of implemented planning permissions in a wide range of categories - major and minor developments, permitted departures, upheld appeals, listed building works and enforcement cases. Arrangements will be made for the Committee to visit the developments contained in the report. At the next meeting of the Planning Committee following the visits, the Committee will be requested to review each development and consider whether it gives rise to the need to review any policies or practices.

14. **COMPLIMENTS, COMPLAINTS AND RECORD KEEPING**

14.1 Regular monitoring of planning files will be undertaken to ensure complete and accurate record keeping.

14.2 Complaints in relation to planning matters and regarding compliance with this Code of Conduct will be investigated in accordance with the Council's Complaints Procedure. An annual report will be made to Planning Committee on formal compliments and complaints made under the Council's complaints procedure and on any cases where the Local Ombudsman has decided to investigate.

# **PART 13**

## **PROTOCOL FOR MEMBER/OFFICER RELATIONS**

## **WORCESTER CITY COUNCIL**

### **PROTOCOL FOR MEMBER/OFFICER RELATIONS**

#### **1. Introduction**

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.
- 1.4 A relevant extract from the Members' Code of Conduct for members is reproduced below:-
  - "2. A member must –
    - (a) promote equality by not discriminating unlawfully against any person;
    - (b) treat others with respect; and
    - (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority."
- 1.5 In line with the Members' Code's reference to "treat others with respect", it is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.6 In this Protocol, references to "Corporate Director" and "Corporate Directors" include reference to the Managing Director.

#### **2. Members' Access to Information and to Council Documents**

- 2.1 Members are free to approach any Council Department to provide them with such information, explanation and advice (about that Department's functions) as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a Department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Corporate Director or another senior officer of the Department concerned although on local issues, local Members are encouraged to contact the appropriate officer direct.
- 2.2 As regards the legal rights of members to inspect Council documents, these are covered partly by statute and partly by the common law.

- 2.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting. This right applies irrespective of whether the member is a member of the the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items which may appear on the private (pink) agenda for meetings. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 2.4 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.
- 2.5 The exercise of this common law right depends therefore upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect a member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Corporate Director whose Department holds the document in question (with advice from the Monitoring Officer). In the event of dispute, the question falls to be determined by the Standards Committee.
- 2.6 In some circumstances (e.g. a Committee member wishing to inspect documents relating to the functions of that Committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.
- 2.7 Whilst the term "Council document" is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a "need to know", and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 2.8 Agendas and Minutes of the Council and of all Committees and Sub-Committees will be circulated to all Members of the Council.
- 2.9 Officers will deal with Members' requests for information within seven working days of receipt or otherwise as agreed with the Member.
- 2.10 Members visiting Officers at their work places should respect their working environment and the confidentiality of any documentation in that office.
- 2.11 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties as a member of the Council. This point is emphasised in the Members' Code of Conduct in the following terms.

"5. A member –

- (a) must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage;”

2.12 Where Members have in mind to table motions (or amendments) at any meeting of the full Council, they are encouraged to discuss their proposed wording with the Monitoring Officer. The discussion and advice given will be in complete confidence.

### 3. **Correspondence**

3.1 Members should address correspondence dealing with corporate or policy matters to the Managing Director or the appropriate Corporate Director. Correspondence concerning local issues may be addressed either to the responsible senior manager or to the particular officer who is dealing with the matter.

3.2 Correspondence between an individual Member and an officer should not normally be copied by the officer to any other Member unless:-

- it is a response to correspondence which has itself been copied to other members in which case the same circulation for the response would usually be appropriate
- the member in question has specifically requested that copies of the response be sent to other members
- the correspondence is in response to a question at a formal meeting (i.e. Council, Committee, or Sub-Committee) or in connection with such a meeting, in which case the normal practice would be for the written answer from an officer to be copied to the relevant Committee Chairman

3.3 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of a member, but this should be the exception rather than the norm and should only happen following discussion with and a Corporate Director and/or Monitoring Officer.

Letters which for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

### 4. **Support Services to Members**

The only basis on which the Council can lawfully provide support services to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used for private purposes nor for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

### 5. **Officer Advice to Party Groups**

5.1 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making

body. Officers may properly be called upon to support and contribute to such deliberations by party groups.

5.2 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular:-

- (a) officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed;
- (b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
- (c) similarly, where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.

5.3 Officers should only attend Group meetings following a written request from the Leader of that Group to the Managing Director, who will advise all other Group Leaders of the request and the Officers who will attend (who should normally be Corporate Directors) and offer the other Groups a similar opportunity to have Officer advice on the same subject at their Group meeting. Officers should not be invited to Group meetings to provide information and advice relating to planning applications. Officers should attend Group meetings only to provide information and answer questions and leave before any discussion of a political nature takes place.

5.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a member only meeting.

5.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

## 6. **Involvement of Ward Members**

6.1 In all cases where a matter relates to a particular Ward, reports to meetings should clearly specify the Ward affected.

6.2 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultation exercise on a local issue (excluding statutory consultations on

planning applications), the Ward Members should be notified at the outset of the exercise.

- 6.3 Officers will endeavour to keep Ward members fully informed with regard to all other significant issues affecting their Wards and to provide any relevant background information that may be requested as soon as practically possible. Ward members shall always be informed where a Key Decision as defined in the Constitution is to be considered in respect of their Ward(s) and where sensitive or potentially public issues might arise on which Ward members might reasonably be expected by the public to comment.
- 6.4 Where a Councillor distributes a leaflet within his or her Ward about particular issues within that Ward, he or she should give their own name as the contact point for queries rather than the name of a Council Officer unless the leaflet is a formal Council document whose distribution has been authorised by the Council, a Committee or Sub-Committee.

## **7. Public Meetings called by Individual Members or Political Groups**

- 7.1 If an individual member or a political group convenes a public meeting, publicity for the meeting must clearly state the basis on which it is being held and should not state or imply it is a Council meeting.
- 7.2 Any request for an officer to attend such a meeting must be made through the Managing Director or other Corporate Director and an officer may only attend with the prior express consent of the Managing Director or other Corporate Director.
- 7.3 It must be made clear to those attending such a meeting that any officer is there in his or her official capacity, is politically neutral and that his or her presence does not signify support for a particular political proposals or initiative. This is essential because of the need for officers to act, and to be seen to act, impartially and to comply with any political restrictions under which they operate.

## **8. Complaints**

- 8.1 Should a Member have cause to complain about the actions or failings of any officer of the Council (including any Corporate Director), the Member should in the first instance discuss the matter with the officer concerned unless the Member feels unable to do so. If such discussion does not resolve the problem or the Member concerned does not feel able to raise the issue with the officer, then, in the case of an officer other than a Corporate Director, the Member should lodge his or her complaint, preferably in writing, with the Corporate Director in whose Department the officer concerned works.

If the complaint is against a Corporate Director, the complaint must be lodged in writing with the Managing Director.

If the complaint is against the Managing Director personally the complaint must be lodged in writing with the Monitoring Officer and also (in the case of a complaint about financial irregularity) the Section 151 Officer.

- 8.2 Should an officer have cause to complain about the actions or failings of any Member, the officer should lodge his complaint in writing with the Managing Director

who may then take the matter up with the Member's Group Leader or Deputy Leader if the Group Leader is the subject of the complaint.

#### Repeated or serious complaints

- 8.3 In the event of any repeated or serious complaints relating to a particular employee, the Corporate Director with responsibility for the service in which the employee works will consult with the Managing Director about the action to be taken. If the repeated or serious complaints relate to a Corporate Director (other than the Managing Director or the Monitoring Officer) or a Member of the Council, the Managing Director will confer with the Monitoring Officer (provided that he or she is not the subject of the complaints) and the Section 151 Officer if appropriate as to what further action (if any) might be taken. The Monitoring Officer shall consider in conjunction with the Managing Director and the Section 151 Officer (if appropriate) whether or not a matter should be referred to the Standards Committee for consideration. If a serious or repeated complaint is made about the Managing Director, the Monitoring Officer shall consult with all Group Leaders as to the action to be taken. If a serious or repeated complaint is made about the Monitoring Officer, the Managing Director shall consult with all Group Leaders as to the action to be taken. The Standards Committee shall be advised of all repeated or serious complaints relating to the Managing Director, the Monitoring Officer and the Section 151 Officer.

# **PART 14**

## **EMPLOYEES' CODE OF CONDUCT**

**WORCESTER CITY COUNCIL**  
**EMPLOYEES' CODE OF CONDUCT**

**INTRODUCTION**

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist the City Council and its employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment.

**STATUS OF THE CODE**

The aim of the Code is to lay down guidelines for local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism.

**WHO THE CODE IS AIMED AT**

The Code applies to all employees of Worcester City Council. Employees must ensure that they are aware of its contents.

1. **STANDARDS**

1.1 Local government employees are expected to display the highest possible standard of service, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.

2. **DISCLOSURE**

2.1 It is generally accepted that open government is best. The law requires that some information is, by its nature, available to members, auditors, government departments, service users and the public, e.g. tourist information. All other information is normally confidential and must not be disclosed without the consent of senior management.

2.2 Employees should not use any information obtained in the course of their employment for financial gain, nor should they pass it on to others who might use it in such a way.

3. **POLITICAL NEUTRALITY**

3.1 Employees serve the authority as a whole. It follows they should serve all councillors and not just those of the controlling group, and ensure that the individual rights of all councillors are respected.

3.2 The Managing Director and Corporate Directors may, if requested, attend meetings of any political group provided that a similar facility is afforded to all political groups. Other employees should not be required to advise political groups, or be required to attend meetings of any political group, but may if requested accompany the Managing Director or a Corporate Director attending the meeting.

3.3 Employees must follow every lawful expressed policy of the authority and must not

allow their own personal or political opinions to interfere with their work.

#### 4. **RELATIONSHIPS**

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government.

##### 4.2 **The Local Community and Service Users**

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community in accordance with the policies of the authority.

##### 4.3 **Contractors and Suppliers**

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

4.3.2 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

#### 5. **APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a personal relationship outside work with him or her.

5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

#### 6. **OUTSIDE COMMITMENTS**

6.1 No employee may do any private work or engage in other employment which might conflict with the Council's interests. Employees above OPS3/PTA must obtain formal approval to undertake any outside employment.

#### 7. **PERSONAL INTERESTS**

7.1 Employees employed by the Council on JNC Conditions of Employment or in politically restricted posts shall register with the Monitoring Officer details of any financial or non financial interests which they have in accordance with the Guidance Note on Interests produced by the Monitoring Officer.

7.2 Where an employee who is not required to register an interest in accordance with paragraph 7.1 finds that a situation has arisen where he or she could have a conflict of interest, they should at that stage register their interests as if 7.1 applied.

- 7.3 The Monitoring Officer shall maintain a register of all the interests declared in accordance with paragraph 7.1 and 7.2. The register shall be available for inspection only by the Managing Director, the Section 151 Officer, the Head of Finance, the Head of Internal Audit Shared Service, members of the Standards Committee and external regulatory bodies such as External Auditors and the Local Government Ombudsman .
- 7.4 Employees shall ensure that any changes to their details recorded in the Register are notified to the Monitoring Officer within 28 days of their occurring.

## 8. **EQUALITY ISSUES**

- 8.1 All employees should be aware of the Council's Equal Opportunities Policy and ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. The local community, customers and employees have a right to be treated with fairness and equity.

## 9. **SEPARATION OF ROLES DURING TENDERING**

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## 10. **GIFTS AND HOSPITALITY**

- 10.1 All employees shall act in accordance with the Guidance Note on Gifts and Hospitality for employees issued by the Monitoring Officer.
- 10.2 All employees shall, within 28 days of receiving or being offered gifts or hospitality with a value in excess of £25 or which cumulatively within any period of 30 days and from any source exceed £25, register such gifts or hospitality or the offer thereof with the Monitoring Officer.
- 10.3 The Monitoring Officer shall maintain a register of employees' gifts and hospitality which shall be available for inspection only by the Managing Director, the Section 151 Officer, the Head of Finance, the Head of Internal Audit Shared Service, members of the Standards Committee and external regulatory bodies such as External Auditors and the Local Government Ombudsman.

## 11. **USE OF FINANCIAL RESOURCES**

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

## 12. **SPONSORSHIP - GIVING AND RECEIVING**

12.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

12.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Monitoring Officer of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## 13. **BREACHES OF THE CODE**

Any breach of this Code of Conduct may be dealt with under the Council's Disciplinary Procedure.

Contacts:-

Mark Edwards, Head of People Services

Telephone 722042

# **PART 15**

## **GROUP LEADERS' PROTOCOL**

## **WORCESTER CITY COUNCIL**

### **GROUP LEADERS' PROTOCOL**

#### **1. Scope**

- 1.1 This protocol has been created at a time of No Overall Control in the political makeup of Worcester City Council. This protocol shall be used to provide political stability at Worcester City Council and to assist in the management of the corporate governance of the Council. These conventions reflect the agreement of the three Party Groups as to the general conduct of Council business with effect from the meeting of Annual Council on 16 May 2017.
- 1.2 This protocol forms part of the Council's Constitution and sets out agreed procedures based upon negotiations between the three Political Groups. It is intended that this protocol remains in force for a period of at least 12 months.
- 1.3 This protocol may be reviewed at any time at the request of any of the Political Groups. Specifically, it may be necessary to review and revise this protocol following any change in the political balance of the Council as a result of local elections.

#### **2. The Leader of the Council**

- 2.1 The Leader of the Council will be appointed annually by Full Council.
- 2.2 The Leader of the Council will share the responsibility for attendance at the Worcestershire Leaders' Board, the Local Enterprise Partnership and the City Plan Delivery Board with the Deputy Leader of the Council

#### **3. Deputy Leader of the Council**

- 3.1 The Deputy Leader of the Council will be appointed by Full Council.
- 3.2 The Deputy Leader of the Council will be a member of a different political group to the Leader of the Council.
- 3.3 The Deputy Leader of the Council will share the responsibility for attendance at the Worcestershire Leaders' Board, the Local Enterprise Partnership and the City Plan Delivery Board with the Leader of the Council.
- 3.4 In the event that the Leader of the Council is unable to attend or chair any external body as Leader, then the Deputy will chair or attend instead.

#### **4. Chairs and Vice Chairs of Committees**

- 4.1 The Chairs and Vice Chairs of Committees will be appointed by Annual Council in accordance with the following principles:
  - The Chair and the Vice-chair of any committee shall not be from the same political group;
  - The Chair of the Policy and Resources Committee shall be a member of the Green Political Group;
  - The Chairs of the Environment Committee and the Communities Committee shall be shared equally between the Conservative Political Group and the Labour Political Group;
  - The Vice-chairs of the Environment Committee and the Communities Committee shall be shared equally between the Conservative Political Group and the Labour Political Group;

- The Chairs of the Planning Committee and the Licensing and Environmental Health Committee shall be shared equally between the Conservative Political Group and the Labour Political Group;
- The Vice-chairs of the Planning Committee and the Licensing and Environmental Health Committee shall be shared equally between the Conservative Political Group and the Labour Political Group;
- The Chairs of the Audit and Governance Committee and the Standards Committee shall be shared equally between the Conservative Political Group and the Labour Political Group;
- The Vice-chairs of the Audit and Governance Committee and the Standards Committee shall be shared equally between the Conservative Political Group and the Labour Political Group
- The Chairs and Vice-chairs of all Committees shall be responsible for agenda setting for their committee; all other members of a committee may request that an item is included on the agenda of the committee; statutory officers have the right to put an item on the agenda of any committee.

## **5. The Mayor/Deputy Mayor**

5.1 The Mayor and Deputy Mayor shall be appointed by Annual Council in accordance with the following principles:

- The Mayoralty shall rotate on an annual basis between the Conservative Political Group and the Labour Political Group;
- The Mayor and the Deputy Mayor shall not be from the same political group;
- The Mayor should normally have served at least one full term of office as a councillor;
- The Mayor should normally have served as the Deputy Mayor in the preceding year;
- The Mayor and Deputy Mayor must be willing to undertake the duties of Mayor and Deputy Mayor;
- Where there is more than one potential candidate for appointment as Mayor or Deputy Mayor, the appointment will be based on seniority in terms of number of years served as a councillor.

## **6. Distribution of Seats on Committees and Sub-committees**

6.1 The Council's Committee structure currently consists of the following committees and all seats on these committees are allocated on a proportionate basis in accordance with the political balance calculations:

<b>Committee</b>	<b>Conservative</b>	<b>Labour</b>	<b>Green</b>
Policy and Resources	6	6	1
Environment	6	5	1
Communities	6	6	0
Audit and Governance	4	3	1
standards	3	3	0
Licensing and Environmental Health	5	5	0
Planning	5	5	1

6.2 Personnel and General Purposes Sub-committee, Economic Development and Place Sub-committee and Income Generation Sub-committee are sub-committees of the Policy and Resources Committee and the number of seats on these committees are also allocated in accordance with the political balance rules.

<b>Committee</b>	<b>Conservative</b>	<b>Labour</b>	<b>Green</b>
Personnel and General Purposes	3	3	1
Economic Development and Place	3	3	0
Income Generation Sub-committee	3	3	0

## **7. Shared Services Joint Committees**

7.1 Seats on the Joint Committees are allocated to constituent members on a pro-rata basis.

7.2 The seats on the Joint Committees shall be distributed as follows

<b>Joint Committee</b>	<b>No. of Seats</b>	<b>Seat 1</b>	<b>Seat 2</b>
Museums Shared Service	2		
Worcestershire Shared Services	2		

## **8. Political Group briefings with the Corporate Leadership Team (CLT)**

8.1 Political Groups/CLT briefings provide the opportunity for a regular update and discussion on key issues facing the Council, the early exchange of information on major projects, contentious or sensitive service delivery issues, matters that are the subject of media coverage or criticism and the sharing of management information.

8.2 Political Groups/CLT briefings are a non-decision making forum operating without delegated powers. Any formal decisions that are required will need to be referred to the relevant committee. Meetings are held on a fortnightly basis to a pre-agreed schedule.

8.3 Political Group/CLT briefings shall be attended by the Leaders of all political groups and their deputies and members of CLT. The meetings shall be chaired by the Managing Director.

8.4 Briefings to Political Groups/CLT are prepared by members of CLT or relevant officers within their service areas. Other officers may be invited to Political Groups/CLT briefings by the relevant CLT member.

8.5 It has been a long standing convention that Political Groups/CLT meetings are confidential and that agendas and reports from these briefings will not be available to anyone other than those attending the meeting. Furthermore, items on the agenda are not to be the subject of press comment without prior agreement of Political Groups/CLT.

## **9. Media, Communications, Accommodation and Administrative Support**

9.1 The Leader and the Deputy Leader have the authority to speak on behalf of the Council. Communication with the media on behalf of the Council shall be based on the following principles:

- Media briefings and press releases need to be prepared and agreed in a timely way;
- Media briefings and press releases will be shared on an equal and fair basis;
- Media briefings and press releases should, wherever possible, include a quotation from the Leader and the Deputy Leader;
- Broadcast media may only have an opportunity for one spokesperson on a particular matter. Such opportunities shall be offered by the Communications Team on a rotational basis.

9.2 Political Group/CLT briefings shall be used as a forum to agree the Council's position on major policy issues in advance of external meetings, i.e. the Leader's Board, Place Partnership and Joint Committees.

9.3 Press releases are to be prepared by the Council's Communications Team in consultation with the Chair and the Vice-chair of the relevant committee and the Leader and the Deputy Leader are to sign off to meet press deadlines. Where sign off cannot be obtained by the Leader and the

Deputy Leader within the requested time frame, the Managing Director shall be required to sign off the press release.

- 9.4 Where a member of a political group chooses to speak to the media in relation to Council business, the member must make it clear in which capacity they are speaking.
- 9.5 Communications from central government and other public sector partners, the Local Government Association and invitations to external events (i.e. LGA conference, SOLACE etc.) shall be shared with the Leader of the Council and the Deputy Leader of the Council.
- 9.6 The Leader and the Deputy Leader shall have an equal right to coverage in City Life Magazine. The Chairs of Committees shall, following consultation with the Leader and the Deputy Leader, be entitled to coverage in City Life Magazine.
- 9.7 The Leader and Deputy Leader shall have an equal right to the use of office accommodation at the Guildhall.
- 9.8 The Leader and Deputy Leader shall have an equal right to administrative support in the discharge of their duties.

**10. Corporate priorities and initiatives**

- 10.1 The three Political Groups shall work collaboratively on existing corporate priorities and initiatives where there is common ground.
- 10.2 The three Political Groups shall work together to identify and agree new initiatives and priorities where there is a common interest.

**11. Code of Conduct**

- 11.1 The Party Leaders have agreed that to re-emphasise the importance of high standards of Members Conduct that Party Leaders will personally support the enforcement of high standards of Member Conduct and this agreement is intended to emphasise the importance of the Member/Officer Protocol and the Local Code of Conduct for Members and the desire to see them rigorously upheld.

In recognition of the need to secure political stability at Worcester City Council and to assist in the management of the corporate governance of the Council, we the undersigned shall uphold these conventions.

Signed by	Signed by	Signed by
Marc Bayliss Conservative Party	Adrian Gregson Labour Party	Louis Stephen Green Party
Date	Date	Date

# **PART 16**

**MEMBERS' ALLOWANCES SCHEME  
(TO FOLLOW)**

# **PART 17**

**MANAGEMENT STRUCTURE**

**(TO FOLLOW)**

# **PART 18**

## **SCHEME OF DELEGATIONS TO OFFICERS**

## **WORCESTER CITY COUNCIL**

### **SCHEME OF DELEGATION TO OFFICERS**

1. The functions, powers and duties in this scheme are delegated to Officers as shown in the attached schedule. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions. This scheme operates under Sections 101, 111, 151 and 270 of the Local Government Act 1972 and all other enabling powers of the Council and should be read in conjunction with any scheme of delegation to elected member bodies approved by the Council from time to time.
2. When functions are delegated to an Officer, the Council or the elected member body to which it has delegated those functions will retain concurrent powers where this is legally permissible.
3. The Managing Director shall have the responsibility to ensure that the Council's policies, practices and procedures are carried out in a corporate, consistent and co-ordinated manner.
4. Subject to Paragraph 6, the Managing Director and each Corporate Director shall have the following general responsibilities powers and duties and where functions reside by law with the Managing Director as Head of Paid Service the Managing Director authorises the Corporate Directors to carry out these functions on behalf of the Head of Paid Service:-
  - (a) To implement and act within the approved policies, plans, practices and procedures of the Council including service of statutory notices in accordance with approved policies, plans, practices and procedures and making planning applications to implement approved policies and plans.
  - (b) To delegate further, in writing, all or any of their delegated functions to other Officers.
  - (c) In exercising delegated powers, to consult with such other Officers as appropriate and to have regard to any advice given and in particular to seek appropriate advice in relation to a professional judgement required in any area in which he/she is not professionally qualified.
  - (d) To advise on policy development and formulation.
  - (e) To act in accordance with the Rules of Procedure and any arrangements approved in pursuance of them.
  - (f) To carry out any functions assigned in pursuance of the Rules of Procedure and any approved policies, plans, practices and procedures of the Council.
  - (g) To appoint, discipline, suspend or dismiss any employee below Corporate Director who is employed in the delivery of services for which he/she is responsible, within the guidance issued by Managing Director/Corporate Director (Resources and Governance)

- (h) To be responsible for the performance of those employees carrying out the functions for which he/she is responsible.
- (i) In consultation with the Head of People Services, to make changes to the establishment of a department for which he/she is responsible subject to financial provision for the current and future years being available and the changes not amounting to a significant change to the structure of a department or service.
- (j) In accordance with guidance issued by the Managing Director/Corporate Director (Resources and Governance), to approve the grading of new posts for which financial provision has been made and the regrading of existing posts.
- (k) In consultation with the Head of People Services, to approve the temporary appointment of staff to cover absences of employees due to illness, maternity or other long term absence provided that the period of temporary employment does not exceed twelve months and the cost of doing so can be contained within existing departmental budgets.
- (l) To authorise the acquisition of equipment or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by the Council or elected member body for which a budget has been approved.
- (m) To manage any physical assets, including land and buildings (except for the acquisition, appropriation or disposal of land and buildings), IT, vehicles and equipment generally, allocated to the service for which he/she is responsible.
- (n) To enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of either body.
- (o) When any Deputy Director/Head of Service is unable to act or is absent, the powers delegated to him/her under this Scheme of Delegation or otherwise shall be exercised by the Managing Director or the Corporate Director who is their line manager.
- (p) To keep the relevant Councillor(s) informed as appropriate of matters affecting their wards.

5. The following functions are not delegated to any Officer:

- (a) any matters which the Council or an elected member body to which functions have been delegated has resolved shall be determined by itself
- (b) any function which by law may not be delegated to an Officer
- (c) the adoption of new policy or significant variations to existing policies
- (d) the appointment, terms and conditions, discipline, suspension or dismissal of the Managing Director/Corporate Director/Section 151 officer/Monitoring Officer.
- (e) any function specifically delegated to another Officer

- (f) any matter involving finance which cannot be met from within the Approved Budget;
  - (g) any matter which the Managing Director or a Corporate Director considers inappropriate to be dealt with under delegated powers or in which the Officer concerned has an interest.
6. Where it is a legally permissible an Officer may decide not to exercise any function in relation to a particular matter and to invite the Council, or the appropriate elected member body as appropriate to do so instead. It is open to an Officer to consult with appropriate Councillors on the exercise of delegated powers or in deciding whether or not to exercise such powers.
7. The Monitoring Officer is authorised to make any minor variations to this scheme of delegation to Officers at any time as needs and circumstances change; and shall be the final arbiter in relation to the interpretation and application of the scheme.

## SCHEDULE TO THE SCHEME OF DELEGATION TO OFFICERS

### MANAGING DIRECTOR

1. To be Head of the Paid Service.
2. To be the Electoral Registration Officer and Returning Officer for City Council Elections.
3. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters including those which have been delegated to any other Officer **PROVIDED THAT**
  - 3.1 the Managing Director may not exercise a power which is reserved by statute to another Officer;
  - 3.2 before exercising the power of another Officer, the Managing Director shall consult with that Officer if available;
  - 3.3 the Managing Director when exercising any powers may authorise the incurring of expenditure in an emergency even if there is no specific provision in the budget of the Council.
4. In consultation with the Chair and Vice Chair of the relevant Committee or in their absence with the Leader and the Deputy Leader of the Council to act in a case of urgency in respect of any matter affecting the Council, subject to a report on the circumstances being made to the next available meeting of the relevant Committee.
5. To keep under constant review the needs of the City and its community in relation to all those services provided by the Council and to take all such action which in his/her judgement is necessary to ensure that those needs are met within the framework of any policies agreed by the Council.
6. To lead on strategies for change whether from within the authority or externally influenced.
7. To make arrangements for dealing with any matter raised by the Government or local authority association calling for a view or decision by the Council.
8. To be responsible for the overall organisational structure of the Council.
9. To be responsible via the Corporate Director (Resources and Governance) for determining and issuing guidance to Officers for the management of human resources, including recruitment, training, conditions of service, staff development/appraisal, disciplinary matters, health and safety, employee welfare and any other matter concerning staff.
10. To ensure the provision of professional advice to all parties in the decision-making process.
11. Together with the Monitoring Officer to be responsible for a system of record-keeping for all local authority decisions

12. To represent the Council on partnership and other bodies.
13. To be responsible for the health and safety of all employees of the City Council.
14. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
15. In consultation with appropriate Members of the Council to make appointments to member bodies forming part of the Council's official structure and to fill casual vacancies on member bodies forming part of the Council's approved structure in accordance with Sections 15-17 of the Local Government and Housing Act 1989.
16. To be proper Officer of the Council, except where legislation or arrangements names another Officer.

### **CORPORATE DIRECTOR – RESOURCES AND GOVERNANCE**

1. To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and Regulation 5 of the Accounts and Audit Regulations 2003.
2. To implement national and local pay awards.
3. To manage any land or buildings belonging to the Council.
4. In consultation with the Deputy Director (Governance), to authorise the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings.
5. To maintain an adequate and effective system of internal audit in accordance with Financial Regulations.
6. To be responsible for the health and safety of employees.

### **CORPORATE DIRECTOR – COMMISSIONING AND DELIVERY**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to service delivery and commissioning functions unless that function has been specifically delegated to another officer.
2. To be responsible for the health and safety of employees.

### **CORPORATE DIRECTOR – PLACE**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Place and Economic Development unless that function has been specifically delegated to another officer.

2. To be responsible for the health and safety of employees.

### **DEPUTY DIRECTOR – GOVERNANCE**

1. To act as Solicitor to the Council and to settle on appropriate terms any litigation or claim taken by or against the Council.
2. To be the Monitoring Officer.
3. In consultation with the Managing Director/relevant Corporate Director to authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal (except in relation to prosecutions where the authorisation of prosecutions is expressly delegated to another Head of Service).
4. To authorise Officers of the Council to appear before Magistrates' Courts or County Courts.
5. To issue or serve statutory notices on behalf of the Council in relation to any of its functions.
6. In consultation with the Finance Services Manager, to authorise the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings.
7. In consultation with the Corporate Director – Resources and Governance, to take such action as is considered appropriate in relation to advance payments, blight notices, home loss payments under the Land Compensation Act 1973, notices to quit, purchase notices and other notices.
8. In conjunction with the Managing Director to be responsible for a system of record keeping for all the local authority decisions.
9. In consultation with the Chairman of the Standards Committee to approve maladministration payments of up to £250.

### **DEPUTY DIRECTOR - COMMISSIONING AND TRANSFORMATION**

1. To be responsible for corporate communication, including responsibility for media and public relations.
2. To manage administration of the Council's complaints including issues of maladministration.
3. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council in all matters relating to the discharge of the Council's, performance and efficiency functions.
4. To act as Data Protection Officer and to have overall responsibility for the Data Protection Register.

5. To have overall responsibility for the Council's Information Management Systems.

### **DEPUTY DIRECTOR – ECONOMIC DEVELOPMENT AND PLANNING**

1. To determine planning applications in accordance with the scheme of delegation of planning decisions set out in Appendix A attached.
2. To issue "Screening Opinions" and "Scoping Opinions" on the need for and content of Environmental Impact Assessments in connection with developments falling within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which may be subject to Environmental Impact Assessment procedures.
3. To accept and agree amendments to submitted planning applications.
4. To be responsible for consultation and negotiating with applicants for planning permission and to sign all decision notices relating to the determination of planning applications.
5. To approve grants of money for the repair of historic buildings and the enhancement of historic areas.
6. To authorise the making of Tree Preservation Orders.
7. To grant consent for the felling, lopping or topping of any tree subject to a tree preservation order in accordance with the provisions of the order and applicable statutory provisions.
8. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council in respect of the following Council functions:-  
  
building control, and naming of new streets.
9. To authorise prosecutions for contraventions of any legislation falling within the functions for which the Deputy Director - Economic Development and Planning is responsible.
10. To authorise the issue of Enforcement Notices, Listed Building Enforcement Notices and Breach of Condition Notices under the relevant Town and Country Planning legislation.
11. To determine complaints about high hedges and to authorise all necessary enforcement action in respect of such complaints under the Anti-social Behaviour Act 2003.
12. To authorise the issue of notices under Section 215 of the Town and Country Planning Act 1990.

13. To issue planning contravention notices and, where appropriate, give advice to the recipient(s) of any such notice.
14. To authorise the issue of any documentation necessary for the proper implementation and enforcement of the contaminated land provisions of the Environmental Protection Act 1990.
15. To authorise any urgent action necessary to preserve any building which he considers important and which appears to be in danger of alteration or demolition or collapse, pending a report to the next available meeting of the Planning Committee.
16. To respond to consultations on planning applications for neighbouring authorities and the County Council, in consultation with the Chairman of the Planning Committee, in cases where the application has been referred to the Planning Committee.
17. To authorise Developer Forums and Developer presentations to the Planning Committee in consultation with the Chairman of the Committee.
18. To be the Registrar of Local Land Charges.
19. To adopt on behalf of the Council, without alteration, the views of the Planning Committee on:-
  - (i) responses to County Council's strategic plan consultation;
  - (ii) responses to neighbouring districts on their emerging local plan;
  - (iii) proposals for Supplementary Planning Guidance and Planning Briefs
  - (iv) responses to the Office of the Deputy Prime Minister on proposed changes to Planning Legislation and Guidance; and
  - (v) responses to consultation from neighbouring districts on planning applications in their area.
20. Within the overall resources allocated by the Council and in direct support for the Council in respect of the Council's functions relating to economic development and re-generation.

**SCHEME OF DELEGATION OF PLANNING DECISIONS**

1. The powers delegated shall only be exercised after ensuring that all statutory requirements have been complied with and after considering all representations received.
2. The powers delegated shall be to determine all types of application submitted under planning and heritage legislation except where the proposed use:-
  - 2.1 is contrary to a specific land use allocation in an adopted development plan document
  - 2.2 does not conflict with any objection received from any Member of the Council within the consultation period referred to in paragraph 4 below
  - 2.3 except in the case of advertisement consents or householder applications, does not conflict with a representation from a consultee or a member of the public received within the specified consultation period, which is not outside the scope of planning law and has requested to make representation at the Planning Committee as provided for in Committee Procedure Rule 11.
  - 2.4 where a Section 106 Agreement is required and the development is either for more than five residential units, or in the case of non-residential applications, 500 square metres of floorspace.
  - 2.5 any other application with a net increase of ten or more residential units or, in the case of non-residential application, 1000 square metres of floorspace.
  - 2.6 if the Deputy Director - Economic Development and Planning does not consider it prudent to exercise his or her delegated authority, in which case he/she shall report the matter to the Planning Committee.
3. The Deputy Director - Economic Development and Planning shall prepare and circulate to Members of the Council each week a list of registered applications. Any Member of the Council may within 14 days from the date of issue of any weekly list by written notification to the Deputy Director - Economic Development and Planning require him/her to submit an application or matter to the Planning Committee for determination, and the Deputy Director - Economic Development and Planning shall not make a decision in respect of any such application or matter before the expiration of that period of 14 days.
4. The Deputy Director - Economic Development and Planning may bring before the Planning Committee any application, and request that it be delegated on a 'case by case' basis for determination by him/her. Any such delegation may be subject to the receipt and resolution of specified outstanding matters, including receipt of consultees views, expiry of statutory notices and expiry of consultation periods, and on the basis that the outstanding matters referred to, when resolved, did not give rise to any new issue or objection.

## **HEAD OF FINANCE**

1. To make finance leasing arrangements.
2. To manage the deployment of the Council's revenue and capital resources.
3. To determine arrangements for Treasury Management in accordance with the Treasury Policy Statement and any other arrangements approved by the Council.
4. To act as Registrar of bonds and mortgages and sign endorsements or extensions for the purposes of any regulation relating to Local Authority mortgages.
5. To sign cheques on behalf of the Council and to authorise other employees to do so.
6. To borrow in the name of the Council such money as is required pending the receipt of revenues or to financial capital expenditure which has been approved by the Council and in accordance with any policies approved by the Council.
7. To write off in appropriate circumstances debts not exceeding £2,500 (£5,000 in respect of revenues and Benefits) in any individual case.
8. To authorise payment of subscriptions to Local Government Associations and organisations in accordance with the Council's policy and subject to budgetary provision having been made.
9. To authorise employees of the Council to make determinations, notify determinations, notify determinations of overpayment, review a determination or extension of time for making representations or further review in relation to legislation relating to Housing Benefit and Council Tax Benefit.
10. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters relating to the discharge of the following functions of the Council:-
  - 10.1 administration of Council Tax
  - 10.2 administration of National Non-Domestic Rates
  - 10.3 administration of Housing Benefit and Council Tax Support
11. In consultation with the Portfolio Holder for Delivering Value for Money, to make decisions on the award of national non-domestic rate discretionary relief in accordance with the Council's policy.

## **HEAD OF SERVICE – OPERATIONS**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to domestic refuse collection, kerbside and other recycling arrangements, street cleaning, the provision of cleaning public conveniences, the cleaning of buildings and grounds maintenance.

## **HEAD OF SERVICE – COMMUNITIES**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to allotments, parks and open spaces, cemeteries and crematorium, abandoned vehicles, public health, health and safety at work, control of pollution, food safety and Sunday trading, road closures and off-street car parking, sports and leisure centres and facilities, community safety and community development.
2. To act on behalf of the Council in relation to its functions and responsibilities for registering Motor Salvage Operators including being the person appointed by the Council to hear oral representations, concerning the proposed refusal, refusal to renew or cancellation of a registration.
3. To act on behalf of the Council in relation to its functions and Responsibilities for the administration and enforcement of Part1, Chapter 1 of the Health Act 2006 as it applies to smoke free premises, places and vehicles, including all regulations made thereunder.

## **HEAD OF PEOPLE SERVICES**

1. To authorise payments to newly appointed employees in accordance with the Council's approved scheme of removal and disturbance allowances.
2. In consultation with the relevant Corporate Director to authorise the payment of honoraria to employees and payments in lieu of holiday entitlement foregone up to a maximum of £2,000 in any one case.
3. To authorise the appointment/extension of service of employees over age 65 subject to a review within one year.
4. To be responsible for determining and issuing guidance to Officers for the management of Human Resources, including recruitment, training, conditions of service, staff development/appraisal, disciplinary matters, employee welfare and any other matter concerning staff.
5. To be responsible for determining and issuing guidance to officers relating to health and safety.

## **DEMOCRATIC AND CIVIC SERVICES MANAGER**

1. To approve the use of the Council's coat of arms.
2. To be responsible for the provision of services to Members and to the Mayoralty.

## **HEAD OF COMMUNITY ACTIVITY AND STRATEGIC HOUSING**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council in all matters relating to the discharge of the Council's housing functions and emergency planning/business continuity.

### **HEAD OF INTERNAL AUDIT SHARED SERVICE**

1. Within The overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council in all matters relating to the discharge of the Council's Internal Audit functions.

### **HEAD OF WORCESTERSHIRE REGULATORY SERVICES**

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council in relation to the discharge of the Council's functions and responsibilities for issuing and ensuring compliance with licenses on whatsoever nature other than those licenses falling within the responsibility of another Service Manager provided that where there are objections to the granting of a licence or there is a proposal to refuse a licence or revoke or suspend an existing licence the matter shall be referred to the Licensing Committee or its Sub-Committees for determination.
2. In consultation with the Chairman of the Licensing Committee or his or her deputy to suspend a hackney carriage/private hire vehicle driver's licence with immediate effect under section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 subject to a Licensing Sub-Committee (Taxis) being convened if the circumstances of the case change in such a way as to require it.
3. To update and amend information of a minor nature or to correct typographical errors, or to reflect changes in legislation, to be included in the Hackney Carriage and Private Hire Handbook
3. To update and amend information of a minor nature or to correct typographical errors, or to reflect changes in legislation, to be included in the Hackney Carriage and Private Hire Handbook.
4. to grant an application for the renewal of a hackney carriage/private hire vehicle driver's licence which was initially granted by a Sub-Committee for a limited period, subject to no further recorded offences, cautions or matters of concern having arisen during the period of the current licence.
5. to grant exemptions on medical grounds to private hire and hackney carriage drivers from the list of designated vehicles requirement to carry wheelchair bound passengers.
6. authority to grant or refuse applications for hackney carriage and private hire vehicle licences where the vehicle does not comply with the Council's policy due to exceeding the age criteria.
7. to determine applications for minor variations to premises licences or club premises certificates under the Licensing Act 2003.

8. to suspend Premises Licences and Club Premises Certificates following non-payment of annual fees under sections 55A and 92A of the Licensing Act 2003 (as amended).
9. to be responsible for issuing and ensuring compliance with licences other than those relating to another service area except where such matters are specifically reserved to the Licensing Committee.
10. to approve applications under the Gambling Act 2005 in accordance with the delegations set out in the Council's adopted Gambling Act 2005 Policy.
11. to grant applications to renew a sex establishment licence in respect of 18 Lowesmoor, subject to there being no representations or objections.

# **PART 19**

## **COUNCILLORS' DUTIES**

**WORCESTER CITY COUNCIL**  
**ROLE AND DUTIES OF COUNCILLORS**

**1. GENERAL**

- 1.1 To represent community and individual needs and thereby be the channel through which these needs are articulated to and addressed by the Council.
- 1.2 To contribute to the process of developing and setting Council policy.
- 1.3 To scrutinise, keep under review, monitor and hold to account the performance of the Policy Committees and Officers in the light of agreed policies, targets and standards.

**2. CORPORATE/DECISION-MAKING ROLE**

Each Councillor will:-

- 2.1 Be a full voting Member of the Council, which will:
  - Be the principal forum for debate for matters of community and public interest;
  - Determine the overall policies and finances which will guide and direct the delivery of services;
  - Appoint and hold to account the Policy Committees, Leader and Deputy Leader of the Council and Managing Director for the effective and efficient delivery of services in accordance with the agreed policies.
- 2.2 Serve on at least one of the Policy Committees which within the area of its responsibility, will:-
  - Consider and investigate broad policy issues;
  - Consider the budget plans as part of the budget setting cycle and proposed policy framework.
- 2.3 Serve on such Regulatory Committees and other Committees and Panels as are set up from time to time, which will decide matters such as:
  - Planning applications;
  - Licensing applications;
  - Audit and Governance items;
  - Standards items.

**3. LOCAL REPRESENTATIONAL ROLE**

- 3.1 In addition to their membership of and input into the above bodies, Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on

policy development and formulation and the decision-taking process. These may include:

- Conducting regular ward surgeries;
- Attending community/Parish Council meetings (where appropriate);
- Direct canvassing of ward residents.

3.2 Through these methods Councillors will play a significant part in the consultations on:

- The development of local performance plans;
- Local initiatives, for example on community safety;
- The community planning process, generally.

3.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

#### **4. TRAINING AND DEVELOPMENT**

4.1 Councillors should aim to take part in a skills audit and shall participate in the following training:

- Induction training (Including the Role of a Councillor, Code of Conduct, Safeguarding, Health and Safety and Equal Opportunities);
- Planning training;
- Licensing training;
- Chair and Vice Chair training;
- Other specific training as identified in the skills audit, training as required from time to time by changes in legislation and other "familiarisation" events.

#### **5. GENERAL EXPECTATIONS OF COUNCILLORS**

5.1 Councillors should aim to:

- Attend at least 75% of meetings of the full Council unless there are exceptional circumstances;
- Undertake such reading and research as may be necessary to prepare for such meetings;
- Attend any meetings with Council Officers as agreed.

#### **6. ADDITIONAL ROLES OF CERTAIN COUNCILLORS**

6.1 In addition to the roles set out above, certain Councillors are appointed to specific roles by the Council for which they receive a special responsibility allowance. The additional duties and responsibilities of these roles are set out in the following sections:

- The Mayor;
- Leader of the Council;
- Deputy Leader of the Council;
- Chairs and Vice Chairs (Generic and Specific).

## **7. THE MAYOR**

### **GENERAL**

- 7.1 The Mayor is elected to be the First Citizen of the City, its Civic Head, and will represent the Council at Ceremonial, Civic and other functions inside and outside the City; will receive civic guests, delegations and visitors; host civic occasions and provide civic hospitality.
- 7.2 The Mayor will preside over meetings of the full Council, to preserve order in meetings and to take care to ensure that the proceedings are conducted impartially and in a proper manner and with regard to the rights of Councillors and the interests of the community.
- 7.3 Under the Constitution the Mayor has responsibility for upholding and promoting the purposes of the Constitution and interpreting it when necessary, for ensuring that the Council meeting is a forum for debate of matters of concern to the local community.
- 7.4 The Mayor has no executive powers and cannot act alone nor have the power of decision except with other Members when serving on a properly appointed Committee or Sub-Committee.
- 7.5 The Mayor cannot be the Chair or Vice Chair of any Committee.

### **DUTIES AND RESPONSIBILITIES**

- 7.6 If present, the Mayor must preside at meetings of the full Council and, specifically, it is the Mayor's responsibility:
- To determine that the meeting is properly constituted and that a quorum is present;
  - To be informed as to the business and objects of the meeting;
  - To preserve order in the conduct of those present;
  - To confine discussion within the scope of the meeting and within time limits provided in the Council Procedure Rules;
  - To decide whether proposed motions and amendments are in order;
  - To decide points of order and other incidental questions which require decision at the time;
  - To ascertain the sense of the meeting by:
    - (i) Putting relevant questions to the meeting and taking a vote thereon;
    - (ii) Causing a named vote or ballot to be taken if duly demanded;
    - (iii) If necessary and if so minded giving a second or casting vote;

(iv) Declaring the result;

- With the consent of Council, to adjourn the meeting when circumstances justify or require that course;
- To declare the meeting closed when its business has been completed.

- 7.7 The Mayor has authority to agree the inclusion of late items of business on an agenda for full Council but only for reasons of urgency, which must be stipulated in the Minutes.
- 7.8 Under the Budget and Policy Procedure Rules and the Access to Information Procedure Rules the Mayor is authorised to consent to an urgent decision being taken by a Policy Committee in the absence of the Chairman (and Vice-Chairman) of the relevant Committee.
- 7.9 The Mayor will be prepared to take the lead in all matters that concern the civic life of the City.
- 7.10 The Mayor will at all times exercise the responsibilities of the Office of Mayor in an impartial manner.
- 7.11 The Mayor will be available to represent the City, at all times within reason, at events and functions both inside and outside the City.
- 7.12 The Mayor will host civic events within the City and make arrangements, which may include, for an Annual Civic Service, an Inaugural Banquet and a Charity Banquet.
- 7.13 The Mayor will act in a proper and dignified manner at all times as befits the Office of Mayor.

## **8. THE LEADER AND DEPUTY LEADER OF THE COUNCIL**

### **GENERAL**

- 8.1 The Leader and Deputy Leader of the Council represent the whole Council, outside of its civic and ceremonial roles and functions, in its relations and dealings with the community and business sectors and local, regional and central government.
- 8.2 The Leader and Deputy Leader of the Council has responsibility for leading and guiding the Authority according to its approved vision and values and towards its main objectives and priorities. The Leader and Deputy Leader will be accountable to Council for ensuring their delivery.
- 8.3 The Leader and Deputy Leader of the Council will be the primary link between the Managing Director and Heads of Service and elected Members of the Council in the formulation and development of new policies and objectives and will report regularly to Council and Committees in order to engender corporate ownership and awareness.

### **DUTIES AND RESPONSIBILITIES**

- 8.4 The Leader and Deputy Leader of the Council will lead in the performance appraisal procedures for the Managing Director and will agree the method of appraisal and frequency.
- 8.5 The Leader and Deputy Leader of the Council in consultation with the Managing Director will meet with the Council's External Auditor to discuss the annual Audit Management Letter and will report, as necessary, to the Audit and Governance Committee.
- 8.6 The Leader and Deputy Leader of the Council will meet regularly with the Managing Director to monitor and review the progress of the Council towards its achieving its approved objectives and priorities.
- 8.7 The Leader and Deputy Leader of the Council will have responsibility for:-
- The political leadership of the Council;
  - Developing and implementing the policy framework of the Council (subject to the approval of the Council);
  - Determining revenue and capital budget strategies and priorities (subject to the approval of the Council);
  - Ensuring probity and financial monitoring;
  - Acting as a Spokesperson for the Council;
  - Representing the views of the Council on matters of corporate or strategic policy to Government and other bodies relevant to the Council's work;
  - Ensuring the production of a City Plan with other key organisations in the public, private and voluntary sectors (subject to the approval of the Council) and acting as spokesperson on behalf of the community as a whole;
  - Promoting the work of the Council;
  - Liaising with the relevant Members of the Council, local MP and relevant external bodies, so to enhance the image and reputation of the City of Worcester and, where appropriate, advocate for and obtain resources/inward investment for the benefit of the citizens of Worcester;
  - Referring as necessary to the Managing Director or Corporate Directors any tasks, roles or responsibilities that may be appropriate, necessary or desirable to delegate to such person(s);
  - Establishing and maintaining effective and efficient working relations with the Leaders of the Opposition Groups, the Chairmen of Committees and other Members;
  - Working in partnership the Managing Director and Corporate Directors so as to ensure the effective and efficient delivery of the Council's City Plan and, in particular, the continuous improvement of all services of the Council.
- 8.8 The Leader and Deputy Leader of the Council will ensure that questions that are asked to the Leader and Deputy Leader of the Council at Council Meetings are properly answered.

**9. CHAIRS OF COMMITTEES (POLICY AND REGULATORY) – GENERIC      ROLE**

## **GENERAL**

- 9.1 The Chairs of Policy and Regulatory Committees will be the functional lead for the Committee's area of work and will oversee the effective management and running of the Committee's business.

## **DUTIES AND RESPONSIBILITIES**

- 9.2 The Chairs of Policy and Regulatory Committees will have responsibility for:-

- Being accountable to the Council and the Committee for the delivery of the objectives and priorities of their Committee;
- Identifying areas for inclusion in the Committee's work programme and ensuring that the Committee Members are both involved in setting the work programme and take part at all stages in deliberations;
- Working with officers and having responsibility for agenda preparation for each meeting of the Committee;
- Maintaining high standards of probity and adherence to standards of conduct and protocols throughout the debate;
- Promoting effective relationships and open communication, and creating an environment that allows constructive debates and challenges between Committee Members;
- Exercising a second or casting vote in the determination of an item debated by their Committee;
- Monitoring progress in respect of the Committee's work programme through liaison with officers;
- Presenting to Council reports of the Committee when required;
- Ensuring that questions that are asked at Council Meetings in relation to the Chair's respective Committee are properly answered;
- Determining appropriate means of inviting and involving public comment and representations on matters under consideration by the Committee;
- Summing up the discussion and resolution following the debate of each item to ensure everyone has the same understanding;
- Ensuring appropriate expert and specialist advice is made available to the Committee when appropriate;
- Keeping the Leader and Deputy Leader informed as necessary in respect of matters relating to the business of the Committee;
- Ensuring through liaison with officers that Committee Members benefit from appropriate training and development to deal effectively with the Committee's business;
- Attending chairmanship skills training.

## **10. CHAIR OF THE AUDIT AND GOVERNANCE COMMITTEE – SPECIFIC ROLE**

10.1 The Chair of the Audit and Governance Committee shall work closely with the Worcestershire Internal Audit Shared Services Manager and the Council's external auditors to ensure that the Committee fulfils its functions.

## **11. CHAIRS OF PLANNING AND LICENSING AND ENVIRONMENTAL HEALTH COMMITTEES – SPECIFIC ROLE**

11.1 The Chairs of these Committees will:-

- Ensure the effective and efficient discharge of the Planning and Licensing regulatory functions of the Council and by assisting the relevant Policy Committee with the development of any policies and procedures or overseeing the same;
- Consult and keep informed, as necessary, relevant Members with regard to any Planning and Licensing regulatory arrangements;
- Establish and maintain effective and efficient working relations with the spokespersons of the Opposition Groups, the Chairs of Committees and other Members;
- Liaise with the Leader of the Council, Managing Director and Corporate Directors, as required, on any Planning or Licensing regulatory matters and contribute, as necessary, to the delivery of the corporate aims and strategic objectives of the Council within existing budgets;
- Undertake Planning and Licensing regulatory functions in a positive, constructive and non-partisan manner which enhances the image and reputation of the City Council;
- Work within existing budgets and promote the work and quasi-independence of the regulatory processes.

## **12. VICE CHAIRS OF COMMITTEES (POLICY AND REGULATORY) – GENERIC ROLE**

### **GENERAL**

12.1 The Vice Chairs of Policy and Regulatory Committees will carry out an active role in promoting cross-party engagement and supporting and challenging the Chair to ensure the effective management and running of the Committee's business.

### **DUTIES AND RESPONSIBILITIES**

12.2 The Vice Chairs of Policy and Regulatory Committees will have responsibility for:-

- Carrying out the full range of responsibilities of the role of Chair for the Committee in the event of the Chair being unable to fulfil his/her duties;
- Working with the Chair and officers in agenda preparation for each meeting of the Committee;
- Recognising his/her responsibility to set the example for other Committee Members by promoting effective relationships and open communication

that allows constructive debates and challenges between Committee Members;

- Taking the lead in specific areas of work of the Committee and responsibilities of the Chair as agreed with the Chair;
- Representing the Committee at stakeholder forums/meetings and promoting the externally facing role that the Committee has;
- Representing the Council as an official appointee to Outside Bodies;
- Assisting the Chair by taking on responsibility as necessary for communication with the Leader and Deputy Leader;
- Attending chairmanship skills training.

# **PART 20**

**COUNCIL INFORMATION  
(TO FOLLOW)**