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PART 5

CODES AND PROTOCOLS

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ROSSENDALE BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS

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THE CODE OF CONDUCT FOR MEMBERS

PREAMBLE TO THE CODE

This Preamble is for guidance only and does not form part of the Code.

The Ten Principles of Public Life

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – Members 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 should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members 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 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 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 should promote equality by not discriminating 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 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 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 should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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THE CODE

Part 1 General Provisions

1. INTRODUCTION AND INTERPRETATION

- 1) This Code applies to you as a member of an authority.
- 2) You should read this Code together with the general principles prescribed by the Secretary of State.
- 3) It is your responsibility to comply with the provisions of this Code.
- 4) In this Code –
“meeting” means any meeting of:
 - a) the Authority;
 - b) the executive of the Authority;
 - c) any of the authority’s or its executive’s Committees, Sub-Committees, joint Committees, Joint Sub-committees, or area Committees;“member” includes a co-opted member and an appointed member.
- 5) In relation to a parish council, references to an Authority’s monitoring officer and an authority’s Standards Committee shall be read, respectively as references to the Monitoring Officer and the Standards Committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under Section 55(12) of the Local Government Act 2000.

2. SCOPE

- 1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:
 - a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.

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- 2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 5) Where you act as a representative of your 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 your authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. GENERAL OBLIGATIONS

- 1) You must treat others with respect.
- 2) You must not:
 - a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - 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 his or her authority's code of conduct; or
 - d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

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3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

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:

a) reasonable in the public interest; and

b) made in good faith and in compliance with the reasonable requirements of the authority; or

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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 your authority:

i) act in accordance with your 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 made under the Local Government Act 1986.

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- 7) 1. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
- a) your Authority's Chief Finance Officer; or
 - b) your Authority's Monitoring Officer,
- where that Officer is acting pursuant to his or her statutory duties.
2. You must give reasons for all decision in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

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Part 2 Interests

8. Personal Interests

- 1) You have personal interest in any business of your Authority where either:
- a) it relates to or is likely to affect:
 - i. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority;
 - ii. any body:
 - aa) exercising functions of public nature;
 - bb) directed to charitable purposes; or
 - cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;
 - iii. any employment or business carried on by you;
 - iv. any person or body who employs or has appointed you;
 - v. any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - vi. any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - vii. any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - viii. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - ix. any land in your authority's area in which you have a beneficial interest;

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- x. any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - xi. any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
 - i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- 2) In sub-paragraph (1)(b), a relevant person is:
- a) a member of your family or any person with whom you have a close association; or
 - b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - d) any body of a type described in sub paragraph (1)(a)(i) or (ii).

9. Disclosure of Personal Interests

- 1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 2) Where you have personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or

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8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- 3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- 7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

10. Prejudicial Interest Generally

- 1) Subject to sub-paragraph (2), where you have a personal interest in any business of our authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 2) You do not have a prejudicial interest in any business of the authority where that business:
 - a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - c) relates to the functions of your authority in respect of:
 - i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

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- ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- iv) an allowance, payment or indemnity given to members;
- v) any ceremonial honour given to members; and
- vi) setting council tax of a precept under the Local Government Finance Act 1992.

11. Prejudicial Interests Arising in Relation to Overview and Scrutiny Committees

You also have a prejudicial interest in any business before an Overview and Scrutiny Committee of your Authority (or of a Sub-Committee of such a Committee) where:

- a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your Authority's Committees, Sub-Committees, Joint Committees or Joint Sub-Committees; and
- b) at the time the decision was made or action was taken, you were a member of the executive, Committee, Sub-Committee, Joint Committee or Joint Sub-Committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

12. Effect of Prejudicial Interests on Participation

- 1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:
 - a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - i) in a case where sub-paragraph (2) applies, immediately after making representation, answering questions or giving evidence;
 - ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

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unless you have obtained a dispensation from your Authority's Standards Committee.

- b) you must not exercise executive functions in relation to that business; and
 - c) you must not seek improperly to influence a decision about that business.
- 2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the Overview and Scrutiny Committee of your authority or of a Sub-Committee of such a Committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

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Part 3 Registration of Members' Interests

13. Registration of Members' Interests

- 1) Subject to paragraph 14, you must, within 28 days of:
 - a) this Code being adopted by or applied to your authority; or
 - b) your election or appointment to office (where that is later),

register in your authority's register of Members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's Monitoring Officer.

- 2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

14. Sensitive Information

- 1) Where you consider that the information relating to any of your personal interests is sensitive information, and your Authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- 2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your Authority's Monitoring Officer asking that the information be included in your authority's register of Members' interests.
- 3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

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CODE OF CONDUCT FOR EMPLOYEES

1. INTRODUCTION

This Code applies to all Council employees, particularly those involved in applications for services or resources, giving licences or statutory consents, buying in goods and services or dealing with contractors.

It takes into account the provisions of the law and national conditions of service.

It will be made readily available to all employees for reference.

Investigations of alleged breaches of the Code will be dealt with under the Council's Disciplinary Procedure.

2. STANDARDS

The public has the right to expect the highest standards of service from Council employees and their conduct must never be influenced by improper motives. Advice to Members and other employees should be given with due impartiality. Any deficiency in the provision of services, impropriety or breach of procedure should be reported to the Head of Service or the Chief Executive.

3. DISCLOSURE OF INFORMATION

By law certain types of information must be made available to members, auditors, Government departments, service users and the public.

Under the Local Government Act 1972 (as amended) certain information – generally, Committee Agendas, Reports and Background Documents must be made available to the public.

Employees must not use information obtained in the course of their employment for personal gain or benefit and must not pass information to others who might use it in this way.

If any employee considers that the non-disclosure of certain information is against the public interest he or she should advise his or her Head of Service or the Chief Executive of the information concerned.

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4. POLITICAL NEUTRALITY

Employees serve the Council as a whole. They must ensure that the individual rights of all Members are respected regardless of their Political Group.

The Council is required to maintain a list of posts which are subject to restriction on political activity. They are prevented by law from taking part in certain political activities outside their work.

Restricted political activities mainly involve:

- a) standing as a candidate in any election above Parish Council level,
- b) holding office in a political party,
- c) canvassing at an election,
- d) speaking in public or publishing written or artistic work which appears to affect public support for a political party.

Breaking statutory rules on political activity would be a breach of contract liable for investigation under the Council's Disciplinary Procedure.

Any employee in doubt about political activities should consult his or her Head of Service or the Chief Executive

Employees, whether or not politically restricted, must follow every lawful policy of the Council and must not allow their own personal or political opinions to interfere with their work.

5. RELATIONSHIPS

Members

Mutual respect between Members and employees is essential to good local government, but relationships should be clearly professional and advice should be efficient and impartial. Employees must always remember their responsibilities to all groups and individuals within the community they serve. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and, therefore, should be avoided.

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 political

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groups and individuals within that community as defined by the policies of the Council.

Contractors

Any relationships of a business or private nature with contractors or potential contractors must be made known to the Head of Service or the Chief Executive. Orders and contracts must be awarded on merit by fair competition with no favouritism and no section of the community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had, or currently have, a relationship in a private or domestic capacity with a contractor, should declare that relationship to the appropriate manager.

6. APPOINTMENTS

All appointments must be made on the basis of merit. The Council's Equal Opportunities Policy must be carried out. It would be unlawful for any employee to make an appointment based on anything other than the ability of the candidate to undertake the work.

To avoid any accusations of bias, employees must not be involved in any appointment where they are related to an applicant or have a close personal relationship outside work with him or her.

Similarly, employees must not be involved in decisions about discipline, promotion or pay adjustments involving another employee who is a relative, partner etc.

7. OUTSIDE COMMITMENTS

Off duty activities are the employee's personal concern but they should not subordinate public duty to private interests or put themselves in a position where public duty and private interests conflict.

Employees would not be restricted unreasonably from undertaking additional work but this must not:

- a) conflict with or detrimentally affect the Council's interests,
- b) weaken public confidence in the conduct of the Council's business,
- c) affect the employee's ability to undertake his or her Council duties.

Officers above Scale 6 are expected to devote their service to the work of the Council and must not engage in other business or take an additional paid appointment without the agreement in advance of their Head of Service.

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No outside work should take place in the workplace and any use of Council facilities for this purpose (for example, telephones, photocopying etc) is not allowed.

8. INTELLECTUAL PROPERTY

This is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of his or her employment then, as a general rule, they belong to the employer. Inventions are the property of the employer if:

- they have been made in the course of the employee's normal duties, or
- they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected, or
- they have been made in the course of the employee's duties and at the time the employee had a special obligation to further the interests of the employer (because of the nature of his or her duties and particular responsibilities arising from them).

9. PERSONAL INTERESTS

Employees must declare to the Head of Service or the Chief Executive non-financial interests, membership of organisations or public bodies which may bring them into conflict with the Council's interests. Trade Union membership is exempt from this requirement.

Employees must declare to the Head of Service or the Chief Executive any financial interests which may conflict with the Council interests.

Employees must declare to the Head of Service or the Chief Executive membership of any organisation not open to the public without formal membership or commitment of allegiance and which has secrecy about its rules or membership or conduct (for example, the Freemasons).

Employees with any non-financial or financial interest must not involve themselves in the allocation of Council services or resources from which they, their family or friends might benefit. Any concern should be reported immediately to the Head of Service or the Chief Executive.

10. EQUALITY ISSUES

All members of the local community, customers and other employees have the right to be treated with fairness and equity. Employees must ensure that Council

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policies on equality, equal opportunities and the requirements of the law in these areas are fully complied with.

11. SEPARATION OF ROLES DURING TENDERING

Employees must be clear on the separation of client and contractor roles within the Council. Employees with a dual role must be aware of the need for openness and accountability.

Employees must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.

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.

Employees must ensure that no special favour is shown to current or former employees or their partners, relatives or associates in awarding contracts to a business run by them or employing them.

Employees must fully comply with the Council's Contract Procedure Rules and Financial Regulations relating to the award of contracts.

12. CORRUPTION

Corruption may include receiving any payment, gift (other than a gift of a nominal value – see paragraph 14), hospitality, or any other benefit from any person or organisation with whom a member of staff deals in his or her work, irrespective of what it is in respect of, including tips, and payment for additional 'private work'. It is also irrelevant whether any benefits are directly to an employee or to the employee's family or friends.

Any case of suspected corruption will be fully investigated and any cases will be treated as gross misconduct and criminal prosecutions undertaken.

13. USE OF FINANCIAL RESOURCES

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 Council.

14. GIFTS

Gifts other than nominal items such as calendars, diaries, etc must be declined by employees.

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Gifts offered by members of the public can be accepted where the value is nominal, and refusal might otherwise give offence.

15. HOSPITALITY

Employees should treat with caution all offers of hospitality whenever any suggestion can arise of improper influence. Employees should accept offers of hospitality only if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or when the Council should be seen to be represented. They should be authorised by the Head of Service or the Chief Executive and registered in the Register of Gifts and Hospitality.

Particular care is required where hospitality is offered by a person or body having or seeking business with, or a decision from, the Council, particularly where the offer is to an individual employee.

Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and where it is apparent no issue could reasonably arise for adverse criticism about accepting it.

Acceptance of hospitality at conferences, courses and at meetings between Councils may be accepted where it is clear this is corporate rather than personal.

Where visits of inspection (for example, to view equipment) are needed these should be at the Council's expense to avoid jeopardising the integrity of subsequent purchasing decisions.

16. REGISTER OF GIFTS AND HOSPITALITY

Employees must record all gifts and hospitality accepted (apart from at conferences, courses and meetings between Councils) in the Register of Gifts and Hospitality kept by the Director of Regulatory Services.

17. SPONSORSHIP

The basic rules on gifts and hospitality will also apply where any outside organisation wishes to sponsor local government activities whether by invitation, tender, negotiation or voluntarily.

Particular care must be taken if these organisations are contractors or suppliers or potential contractors or suppliers.

Where the Council wishes to sponsor an event or service, no employee, relative or friend must benefit without full disclosure to the Head of Service or the Chief Executive of any such interest. Similarly, where the Council through sponsorship,

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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.

18. PUBLIC MEETINGS

Invitations to attend public meetings in an official capacity should only be accepted where attendance by a Council employee is considered appropriate by a Head of Service or the Chief Executive. However, attendance should be restricted to meetings which are:

- a) clearly not part of any party political activity, and
- b) manifestly open to all.

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ROSSENDALE BOROUGH COUNCIL

**MEMBERS' PLANNING
CODE OF GOOD PRACTICE**

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ROSSENDALE BOROUGH COUNCIL

Members' Planning Code of Good Practice

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ROSSENDALE BOROUGH COUNCIL

Members' Planning Code of Good Practice

Background

This Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and is based on a Model Code produced by the Association of Council Secretaries and Solicitors in consultation with the District Audit Service, Local Government Ombudsman and the Standards Board for England.

Introduction

The aim of this code of good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning: to control development in the public interest.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable planning reasons.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process.

It also applies to any involvement you might have in respect of applications which are delegated to officers to determine. The Planning Manager has delegated power to determine all applications in accordance with the Council's Scheme of Delegation:

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If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer, **Stuart Sugarman** telephone 01706 252447 or e-mail stUARTSUGARMAN@ROSSENDALEBC.GOV.UK or one of his staff, and preferably well before any meeting takes place.

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1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must be always be complied with.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Board for England.

2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.
- **Do** then act accordingly. **Where your interest is personal and prejudicial:**
 - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
 - **Don't** try to represent ward/local views, get another Ward/Local Member to do so instead.
 - **Don't** get involved in the processing of the application.
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other

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members of the public would not have the same opportunity to do so.

- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have a personal and prejudicial interest in a proposal to be put before a meeting, you will have to withdraw from the room or chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to make use of the public speaking scheme to address the meeting on the proposal and observe the meeting's consideration of it from the public gallery.)
- **Do** notify the Monitoring Officer of any planning application that you submit and note that:
 - notification to the Monitoring Officer should be made no later than submission of the application;
 - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and
 - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee;
- Personal and Prejudicial Interests are explained in Part 5 of the Council's Constitution in the Code of Conduct for Councillors, Independent and other Voting Representatives. Members should not allow the impression to be created that they are, or may be, using their position to promote a private or personal interest rather than forwarding the general public interest. Private and Personal interests include those of family and friends, their employment as well as those arising through membership of or, association with, Clubs, Societies and other organisations such as the Freemasons, trade unions and voluntary bodies;
- A Personal interest will also be a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Members' judgment of the public interest.

3. Membership of Development Control Committee

- It is important that members of the public have confidence in the Members who are making decisions on planning applications and in connection with other planning matters. Regarding the conduct of Members, not only should impropriety be avoided but also any appearance or grounds for suspicion, of

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improper conduct. Also, members of the public need to be confident that Members have reasonable capability, in terms of background knowledge, for making these decisions, and are making them in line with agreed and adopted policies, national guidance and legislation.

- Members who have businesses or other interests which may bring them into contact with the Council's planning system on a regular basis should not generally be considered for membership of the Development Control Committee.

4. Fettering Discretion in the Planning Process

Members of the Development Control Committee.

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** also be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:
 - you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:

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- another local or public authority of which you are a member; or
 - a body to which you have been appointed or nominated by the Council as its representative; or
- you are a trustee or company director of the body submitting the proposal and were appointed by the Council

you should always disclose a prejudicial as well as personal interest and withdraw.

Members of Consultee Bodies.

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a borough and county councillor), provided:
 - the proposal does not substantially effect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to considers the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

Ward Members

- **Do** take the opportunity to exercise your separate speaking rights as a

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Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:

- advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
- remove yourself from the member seating area for the duration of that item; and
- ensure that your actions are recorded.

5. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise it. The officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

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- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate Council Committee.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

6. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward/local area and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum; its acceptance is declared as soon as possible and remember to register the gift or hospitality in accordance with the Council's Code of Conduct on gifts and hospitality for Councillors.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
 - listening or receiving viewpoints from residents or other interested parties;

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- making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward/Local Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

7. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

8. Site Visits

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or

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- there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party with the exception of the Ward/Local Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

9. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

10. Officers

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- All Members and Officers must ensure that contact between them in connection with planning matters accords with the established convention of mutual respect, despite possible personal and professional differences of opinion on particular issues. Any contact between them should not undermine working relationships which are crucial to the success of the Council and good local government.
- Officers have a duty to give impartial advice to Members and the Council on planning applications and other planning matters and to make recommendations to Committee in the light of the Council's adopted planning policies, national planning policies, and any other material consideration using their professional judgement. Members should not attempt to use their position to pressurise officers into making a particular recommendation.
- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

11. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** consider other relevant legislation such as the Human Rights Act 1998,

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Race Relations Act 1976 as amended, Crime and Disorder Act 1988.

- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge. In certain instances it may be preferable to defer the application to the next Development Control Committee so that Members can have a further report on the application in light of their proposed decision to determine the application contrary to the Officer's recommendation.

12. Application of the Code to the Development Plan process and other Planning Functions

- In the Development process, decisions are made by the Council regarding allocations and policies which relate to specific sites, or general policies which are not site specific but can have a bearing on how and what land can be developed. All these affect private interests.
- During the Development Plan process the Council will be dealing with people putting forward proposals for inclusion in the Plan, whilst others will be objecting to the proposals in the Plan.
- The decision-making Committee in relation to the Development Plan is Development Regeneration and Environment Committee.
- Interested parties will primarily be landowners or developers and interest groups, together with statutory bodies and authorities, and local residents. All play a part in the process and interact with Members and Officers.
- In addition to planning applications, other development control functions include enforcement action, tree preservation orders and dealing with listed

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buildings and conservation areas. All these areas of work involve important decisions being made which affect people's interests, and this Code applies to these decisions as well.

- It is essential, therefore, that Members have regard to the guidance in this Code of Conduct in relation to these other areas of work besides planning applications.

13. Training

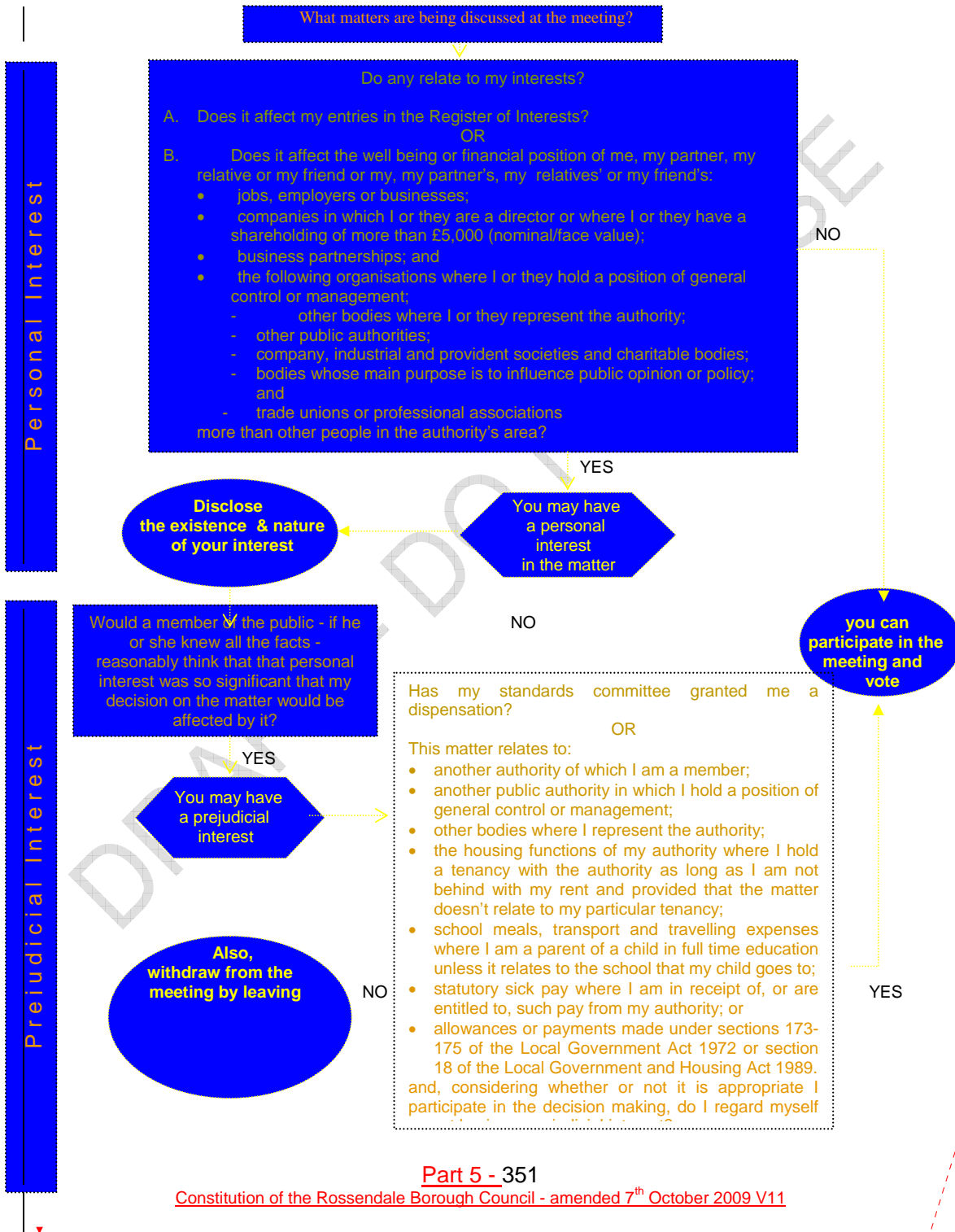
- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended planning training provided by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations

14. Complaints

- Whatever procedures and practices are put in place it is possible that complaints will be made. However, the adoption of the advice in this Code should reduce the occasions on which complaints are justified. It should, hopefully, also provide less reason for people to complain in the first place.
- Complaints about the planning process will be dealt with through the Council's and Departmental complaints system. (Objections to planning applications are not treated as complaints). However, complaints by applicants/agents about the decision made (not the process) will not be entertained as a complaint as they are able to make use of the external statutory appeals process to the Secretary of State.

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF (Non-Overview and Scrutiny Meetings)



PROTOCOL ON MEMBER/OFFICER RELATIONS

1. INTRODUCTION

The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another.

Given the variety and complexity of such relations and the changes being brought about by the Government through its modernisation agenda, this protocol does not seek to be exhaustive. 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.

2. PRINCIPLES UNDERLYING MEMBER/OFFICER RELATIONS

The principles which underline this protocol are:

Selflessness

Members and officers should serve only the public interest and should never improperly confer an advantage or disadvantage on each other or any person.

Honesty and Integrity

Members and officers should not place themselves in official situations where their honesty and integrity may be questioned. They should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Members and officers should make decisions on merit including making appointments, awarding contracts or recommending individuals for rewards or benefits.

Accountability

Members and officers 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 officers should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

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Respect for Others

Members and officers 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. Members should also respect the impartiality and integrity of the Authority's statutory officers and its other employees.

Duty to Uphold the Law

Members and officers 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 officers should do whatever they are able to do to ensure that their Authority has used its resources prudently and in accordance with the law.

Leadership

Members and officers should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

3. ROLES OF MEMBERS AND OFFICERS

All Councillors and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Councillors are responsible for the strategic direction and control of the Council through their work at meetings of the Council, its Committees and Sub-Committees.

Officers are responsible to the Council. Their job is to give advice to Councillors and the Council and to carry out the Council's work under the direction and control of the Council, its Committees and Sub-Committees. Officers are responsible for the day to day management of services.

Mutual respect between Councillors and officers is essential to good Local Government. Close familiarity between individual Councillors and officers can damage this relationship and prove embarrassing to other Councillors and officers.

If a relationship exists between Councillors and officers who could give the appearance of an improper relationship, advice should be sought from the Chief Executive or from the Council Solicitor/Monitoring Officer.

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If the guidelines in this protocol are followed there should be no dispute or conflict between Members and officers nor any harassment of staff. However, if in the event that a Member wishes to pursue a complaint against an officer or vice versa, then this must be done formally in writing to the Chief Executive (Complaints against Officers), the Standards Board for England (Complaints against Members).

4. RELATIONSHIP BETWEEN THE MAYOR AND OFFICERS

The Mayor is the first citizen of the Borough and the person who presides at meetings of the full Council. When dealing with Civic or ceremonial matters the Mayor will be assisted by the Mayor's Secretary. When presiding in meetings of the full Council, the Mayor may call upon the Head of the Paid Service and other Chief Officers to give advice and information as appropriate.

5. RELATIONSHIPS BETWEEN THE LEADER AND CHAIRS OF THE COMMITTEES AND OFFICERS

To enable the Authority to function effectively the Leader and Chairs of Committees will need briefings and other forms of regular liaison.

When the Leader and Chairs of Committees are formulating policy they must consider the advice of the appropriate Chief Officer and, when necessary, the Monitoring Officer and the Chief Financial Officer. When officer advice is given it must not extend to party or political business.

When the Leader and Chairs of Committees require information, briefings or officer attendance at a meeting etc, the request should be made to the appropriate Chief Officer who will determine how the support will be given. Chief Officers will not be able to refuse any reasonable request and in the event of a dispute the matter will be resolved by the Head of the Paid Service.

When the Leader or Chairs of Committees are being held to account by Overview and Scrutiny, it is they not officers who must be scrutinised. However Chief Officers are expected to support Members who are being scrutinised.

6. RELATIONSHIPS BETWEEN CHAIR AND MEMBERS OF OVERVIEW AND SCRUTINY COMMITTEES AND OFFICERS

To enable Overview and Scrutiny to function effectively the Chair and Members of Overview and Scrutiny will need briefings and other forms of regular liaison. The Council will be asked to adopt a Scrutiny Pack to assist members and officers involved in the scrutiny function. Set out below is further information on the relationship between the Chair and Members of Overview and Scrutiny and Officers.

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When the Committee scrutinises a decision of a Committee there should be no direct scrutiny of officers. The Committee must hold the Members to account. However Chief Officers are expected to support Committee Members who are being scrutinised.

When the Committee is conducting a Review an Independent Lead Officer may be appointed to assist the Committee. The Lead Officer together with an Administration Officer will help draft an initial report for The Committee. In any event the Chair and the Members of the Committee must consider the advice of the Independent Lead Officer and the Administration Officer and, when necessary, the advice of the Monitoring Officer and the Chief Financial Officer.

The Chair and Members of the Committee should consider holding regular briefing and liaison meetings with their Lead Officer and other Officers as necessary to ensure that Overview and Scrutiny can operate effectively.

7. RELATIONSHIP BETWEEN CHAIRS AND MEMBERS OF REGULATORY COMMITTEES AND OFFICERS

To enable Regulatory Committees to function effectively Chairs and Members of Regulatory Committees will need briefings and other forms of liaison.

In general it is the role of Members to make decisions and for officers to ensure that Members have all the relevant information including any appropriate guidance or policies.

In addition Members of the Development Control Committee will need to be familiar and have regard to the guidance in the Council's Code of Conduct. Members of the Licensing Committee will need to have regard to the Policy Guidelines for the grant of Hackney Carriage and Private Hire Drivers Licences.

Chairs and Members of Regulatory Committees should consider holding regular briefing or liaison meetings with the appropriate Chief Officer as necessary to ensure that Regulatory Committees can operate effectively.

8. OFFICER RELATIONSHIPS WITH PARTY GROUPS

There is recognition of 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 all party groups.

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The support provided by officers can take Members of the ruling group many forms, ranging from a briefing meeting with Chairs, or Opposition Members prior to a meeting, to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever group is for the time being in control of the Council, such support is available to all party groups.

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 or political 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 or political 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.
- (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.
- (d) Relationships with a particular party group should not be such as to create any suspicion that an Officer favours that group above others.

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 'Council's 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.

The Chief Executive and Monitoring Officer need to be informed of any request for attendance at a party group meeting and authority to attend should be sought from the Chief Executive.

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.

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Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive and the Council Solicitor/Monitoring Officer who will discuss them with the relevant group leader(s).

9. MEMBERS IN THEIR WARD ROLE AND OFFICERS

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 consultative exercise on a local issue, the Ward Members must be notified at the outset of the exercise.

Whenever possible Councillors are encouraged to go directly to the appropriate officer when dealing with constituent's enquiry. However Members must not become over involved and abuse their positions when dealing with less senior members of staff. In the event of any difficulties the provisions of Section 3 of this protocol will apply.

10. COUNCIL ACCESS TO DOCUMENTS AND INFORMATION

Members are free to approach any Council Service for such information, explanation and advice (about that Service'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 appropriate Chief Officer.

As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by common law. The statutory framework includes the Local Government Act 1972 and the Data Protection Acts 1985 and 1998. There are specific statutory prohibitions on the release of certain information contained in legislation. If in doubt, consult with the Council Solicitor or Chief Financial Officer.

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 does not, however, apply to documents relating to certain items which may appear as items on 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, the care of children, contract and industrial relations negotiations, advice from counsel and criminal investigations in accordance with Schedule 12A to the Local Government Act 1972.

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The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.

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'. The question must initially be determined by the Chief Executive, Director or Borough Officer of the Department which holds the document in question with advice from the Council Solicitor/Monitoring Officer. In the event of dispute, the question falls to be determined by Committee - i.e. the Committee in connection with whose functions the document is held or ultimately by the Courts.

In some circumstances (e.g. a Committee Member seeking 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 seeking to inspect documents which contain personal information about third parties), a Member will normally be expected to justify the request in specific terms.

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.

Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Council Solicitor/Monitoring Officer.

Finally, any Council information provided to a Member must only be used by the member for the purpose for which it is provided, that is in connection with the proper performance of the Member's duties as a Member of the Council.

11. OTHER INDIVIDUALS WHO ARE MEMBERS OF COUNCIL BODIES

Independent Members and Co-opted Members perform an important role in contributing and supporting the work of Committees etc. To enable them to be effective they will also need briefings and other forms of liaison.

In general it is the role of other individuals who are members of Council bodies to share with Councillors their expertise and knowledge to help improve the effectiveness of the Council's decision making process. They will be able to contact the appropriate Chief Officers to seek from them information on matters

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relating to the work of the body to which they have been nominated. They should also normally be invited to attend any briefing or other liaison meetings which are convened for all members of the body. They will not normally be invited to attend Chairs or Party Group Briefings.

12. PRESS RELEASES

Press Releases will be issued on behalf of the Council by the Communications Officer. The Leader and Deputy Leader of the Council will meet regularly with the Communications Officer to control publicity.

If any press releases are to be made, the appropriate Chief Officer will contact the Communications Officer and where necessary the appropriate Members will be consulted on any comments which are to be attributed to them in the release.

13. CORRESPONDENCE

Correspondence either written or electronic between an Officer and a Member shall be personal to that Member and shall only be made available to another Member or Officer in the following circumstances:

- (a) Should the Member concern so request?
- (b) As a matter of course to the appropriate Chair with responsibility for the subject area, with the exception of minor operational matters.
- (c) to the Leader of the Council, the Chief Executive, the Monitoring Officer, the S151 Officer, the Chair of Overview and Scrutiny - at their request.
- (d) To the Officers' Director and/or Borough Officer responsible for the subject area - at their request.
- (e) To another Officer dealing with the matter in the absence of the Officer named on the face of the correspondence should the need arise.
- (f) To another Officer or Member who is named within the correspondence as assisting in dealing with the matter.

It will not normally be necessary for correspondence arising from day to day activity, to be in the name of a Member. Representation to external organisation such as Joint Authorities, Local Government Association, Government Departments etc should be in the name of the appropriate Chief Officer and clearly state that they are representing the views of the Council.

If a Chief Officer is responding to an enquiry on behalf of a Member the letter must state that it is on behalf of the Member and a copy sent to them for their information. Members if they wish can request the Members Secretary or Chief

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Officers to prepare responses to constituency matters in their name for their signature from time to time Members may write to external bodies and when doing so must be careful to clarify in what capacity they are writing. It could be as a Chair or Member of a Council Body or as an individual member or as a Member of Political Party. Unless prior consent has been obtained, Members must take care that their individual comments cannot be interpreted to reflect on the Members of the Council or a Political Group.

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Monitoring Officer Protocol

General Introduction to Statutory Responsibilities

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Rossendale Borough Council.

The current responsibilities of the Monitoring Officer role rest with the Executive Director of Regulatory Services who undertakes to discharge his/her statutory responsibilities in a manner that enhances the overall reputation of the Council. In doing so he/she will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

The main functions of the Monitoring Officer at Rossendale Council are:

1. To report to the Council and to the Cabinet in any case where he/she is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
2. To investigate any matter, which he/she has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
3. To act as the principal adviser to the authority's Standards Committee;
4. To act as the principal adviser to the authority's Standards Panels;
5. To maintain the register of members' interests;
6. To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
7. To have responsibility for responding to complaints to the Local Government Ombudsman
8. To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures
9. To act as Proper Officer for the Data Protection Act 1998 and the Freedom of Information Act 2000

In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:

1. complying with the law (including any relevant Codes of Conduct);
2. complying with any General Guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
3. making lawful and proportionate decisions; and
4. complying with the Council's Constitution and Procedure Rules

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5. generally, not taking action that would bring the Council, their offices or professions into disrepute
6. communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters

The main statutory references for the Monitoring Officer's functions are set out in Appendix 1.

Working Arrangements

It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital, therefore, that Members and Officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.

The following arrangements and understandings between the Monitoring Officer, Members and Senior Managers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:

1. be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
2. have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet or Committee meetings;
3. have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings;
4. in carrying out any investigation(s) have unqualified access to any information held by the Council and to any member or officer who can assist in the discharge of his/her functions;
5. ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer, otherwise known as the Section 151 Officer, and/or The Head of Finance) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
6. meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

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7. report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Leader, the Head of Paid Service and Chief Finance Officer;
8. in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
9. have an appropriate relationship with the Executive Leader, Deputy Leader and the Chairs of Committees with a view to ensuring the effective and efficient discharge of Council business;
10. develop effective working liaison and relationship with the Standards Board for England, the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Head of Paid Service and the appropriate Head of Service;
11. maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
12. give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint being received by the Standards Board for England) and, if appropriate, make a written report to the Standards Committee (unless the Chair of the Standards Committee agrees a report is not necessary) or to the Standards Board for England if, in the opinion of the Monitoring Officer, there is a serious breach of Rossendale's Council's Code of Conduct for Members;
13. in consultation, as necessary, with the Leader of the Council, Cabinet, Standards Committee and the Standards Board for England, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
14. undertake all statutory Monitoring Officer functions in respect of Whitworth Town Council and make arrangements to ensure effective communication between his/her office and the Clerk to Whitworth Town Council on Monitoring Officer and Standards Committee issues;
15. subject to the approval of the Standards Committee, be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;
16. oversee the implementation and monitor the operation of the Code of Corporate Governance and report annually to the Cabinet on compliance with the Code;

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17. advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator;
18. appoint a deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.

Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

In appropriate cases, the Monitoring Officer may rely upon existing processes within the Authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other Officer of the Authority.

Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Chief Finance Officer, he/she is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (for example, Procedure Rules policy framework, terms of reference, scheme of delegations etc).

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To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

Sanctions for Breach of Rossendale's Council's Code of Conduct for Members and this Protocol

Complaints about any breach of Rossendale Council's Code of Conduct for Members must be referred to the Standards Board for England, which could lead, ultimately, to the disqualification of a Member. Complaints about any breach of this Protocol by a Member will be referred to the Standards Committee and to the relevant Leader of the Political Party Group. Complaints about any breach of this Protocol by an Officer may be referred to the relevant Head of Service and/or the Chief Executive.

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Appendix 1

Monitoring Officer Protocol

Summary of Main Monitoring Officer Functions

Description	Source
1 Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2 Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3 Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4 Report on resources	Section 5 Local Government and Housing Act 1989
5 Receive copies of whistleblowing and allegations of misconduct	Code of Conduct for Members and Co-opted Members of Rossendale Council
6 Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers	Regulations when made. Directions when made in individual cases. LGA 2000 Section 66(1)+66(6)
7 Establish and maintain registers of members interests and gifts and hospitality	Section 81 LGA 2000 and Code of Conduct for Members and Co-opted Members of Rossendale Council
8 Advice to members on interpretation of the Code of Conduct for Members.	Code of Conduct for Members and Co-opted Members and regulations when made
9 Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	DETR Guidance
10 Liaison with Standards Board and Ethical Standards Officers	New ethical framework, practical implications
11 New ethical framework functions in relation to Town Councils	Section 83(12) LGA 2000
12 Compensation for maladministration	Section 92 LGA 2000
13 Advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	DETR guidance

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ROSSENDALE BOROUGH COUNCIL – CHIEF FINANCE OFFICER
(Section 151 Officer) Protocol

A. General Introduction to Statutory Responsibilities

1. The Chief Finance Officer is a statutory appointment pursuant to Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at Rossendale Borough Council.
2. The current responsibilities of the Chief Finance Officer role rest with the Head of Finance, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council. In doing so, the Chief Finance Officer will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from financial difficulties.
3. A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Chief Finance Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-
 - a) complying with the Council's financial procedures;
 - b) making lawful payments; and
 - c) not taking action that would result in unlawful payments or unlawful action.

B. Working Arrangements

4. According to the Chartered Institute of Public Finance and Accountancy (CIPFA), there are five key roles that are critical to the achievement of a Chief Finance Officer's statutory responsibilities:-
 - maintaining strong financial management underpinned by effective financial controls;
 - contributing to corporate management and leadership;
 - supporting and advising democratically elected representatives;
 - supporting and advising officers in their operational roles; and
 - leading and managing an effective and responsive financial service.

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5. Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers should, therefore, work with the Chief Finance Officer to discharge the Council's statutory and discretionary responsibilities.
6. The following arrangements and understandings between the Chief Finance Officer, Members and Senior Managers are designed to ensure the effective discharge of the Council's business and functions. The Chief Finance Officer will:
 - a) be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular, issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - c) have the right to attend any meeting of the Council (including the right to be heard and report to the Cabinet) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
 - d) in carrying out any investigation(s) and exercising any fiduciary duties have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions;
 - e) ensure the other statutory officers (Head of Paid Service and the Monitoring Officer) are kept up-to-date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
 - f) meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;

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- g) report to the Council, from time to time, on the Financial Regulations and any necessary or desirable changes following consultation, in particular with the Head of Paid Service and Monitoring Officer;
 - h) as per the statutory requirements, make a report to the Council, as necessary, on the staff, accommodation and resources required to discharge his or her statutory functions;
 - i) develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
 - j) in consultation, as necessary, with the Chair of the Council, the Cabinet and the External Auditor, defer the making of a formal report under Section 114, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;
 - k) have sufficient resources to address any matters concerning his or her Chief Finance Officer functions; and
 - l) nominate a suitably qualified deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Chief Finance Officer. Appoint an appropriate external adviser in cases where the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise.
7. To ensure the effective and efficient discharge of the arrangement set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Chief Finance Officer, as soon as practicable.
 8. The Chief Finance Officer is also available for Members and Officers to consult on any issues of the Council's financial powers, possible unlawful payments, or general advice on the financial arrangements.
 9. To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Chief Finance Officer role.
 10. The Chief Finance Officer or deputy will record details of any advice given.

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ANNEX 1

SUMMARY OF CHIEF FINANCE OFFICER FUNCTIONS

	<u>Description</u>	<u>Source</u>
1.	Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.	Section 114, 114a, 115, 116 Local Government and Finance Act 1988.
2.	Appointment of Deputy.	Section 114 Local Government and Finance Act 1988.
3.	Report on resources.	Section 114 Local Government and Finance Act 1988.
4.	Responsibility for the administration of financial affairs.	Section 151 Local Government Act 1972.
5.	Borrowing, investment accounts and financial administration.	Local Government Act 2003 Sections 1-92.
6.	Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts.	The Accounts and Audit Regulations 2003. Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.

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Confidential Information Protocol

Introduction

- 1.1 This Protocol supports Paragraph 4 (iv) of the Members' Code of Conduct which allows for the disclosure of confidential information by a Member where the disclosure is reasonable, in the public interest, made in good faith and complies with the reasonable requirements of the Council.
- 1.2 **This Protocol sets out the reasonable requirements of the Council:**
- (1) That careful consideration is given to the question of whether to make the disclosure and if the disclosure is made, the Member retains a note of the main considerations in reaching that decision.
 - (2) That the content of Committee reports, minutes, appendices or other documents that are marked as confidential or exempt items will not be disclosed without the prior written agreement of the Monitoring Officer who will re-consider the need to retain confidentiality under the provisions relating to exempt information under Schedule 12A of the Local Government Act 1972 and the Freedom of Information Act 2000.
 - (3) That the detail of legal or other professional advice is not disclosed without the prior written agreement of the Monitoring Officer.
 - (4) That the Council's Whistle-Blowing Policy and Anti Fraud and Corruption Policy are considered.
 - (5) That the current Member/Officer Protocol (found in Part V, of the Constitution) is considered.
 - (6) That the Members' Code of Conduct and associated guidance is considered.
 - (7) That the advice of the Monitoring Officer or Deputy Monitoring Officer is sought prior to disclosure of the information unless agreement has already been secured under (2) or (3) above.
- 1.3 Agreement to the disclosure of confidential information may be with or without conditions.
- 1.4 In instances involving particularly sensitive or highly confidential information, a Member may be asked to sign a confidentiality notice before information is released to them. In such cases, it would be the Council's expectation that the information is not disclosed.

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Protocol for Independent Members of the Standards Committee

1. This Protocol applies to you as an independent member of the Standards Committee. In addition, the Protocols for Members of the Standards Committee and Sub-Committee and Chair of the Standards Committee (where relevant) also apply to you.
2. You are expected to demonstrate a high degree of personal integrity and to have an appreciation of the ethical standards required of people holding public office.
3. You should not engage in any behaviour which a member of the public with knowledge of the relevant facts would reasonably regard as compromising your position. For example, you should discuss invitations to events with the Monitoring Officer.
4. Whilst membership of a political party (including a branch of such a party) is not prohibited (but see paragraph 5 below), you may not:
 - (a) be an officer of the party or participate in the general management thereof;
 - (b) be a member of any committee or sub-committee of the party;
 - (c) stand for election to public office, either on behalf of a political party or as an independent;
 - (d) nominate, second or assent to the nomination of any candidate for election to public office;
 - (e) canvass on behalf of a political party or on behalf of a person who is, or who proposes to be, a candidate for election to public office; or
 - (f) be a member or an officer of the Council or of any other relevant authority (see paragraph 7 below).

For the avoidance of doubt, you will need to cease such activities or involvement when appointed to the Standards Committee.

5. In accordance with its Council's Equality Policy, the Council has a duty as a public authority under the Race Relations Amendment Act 2000 to:
 - eliminate unlawful discrimination;
 - promote equality of opportunity; and
 - promote good relations between persons of different groups

and this precludes you from being a member of any political party whose constitution, aims, objectives or pronouncements are inconsistent with this duty.

6. Membership on the Council's Standards Committee does not preclude you from being an independent member of another relevant authority's standards committee.
7. A 'relevant authority' is defined in section 49(6) of the Local Government Act 2000. It includes all local authorities and other public bodies e.g. fire authorities and police authorities.

Breach of this Protocol could result in a complaint to the Standards Committee for investigation.

If in doubt seek advice from [Stuart Sugarman](#), Monitoring Officer
Tel: 01706 252447 Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

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Protocol – Standards Committee Chair

Role Purpose

Under the direction of the Council and the Standards Committee:-

- To act as the spokesperson of the Standards Committee to the Council and the Town Council.
- To contribute fully as a member of the Standards Committee.

Key Responsibilities

- Ensure he/she is sufficiently and effectively briefed on the issues within the Committee's terms of reference.
- Ensure that members of the Committee adhere to the relevant Rules of Procedure and Codes of Conduct contained in the Council's Constitution.
- Ensure the effective and orderly operation of the Committee.
- Ensure that the Committee has proper regard to the advice of the Monitoring Officer and his/her deputy.
- Ensure meetings of the Committee are regulated in accordance with the Rules of Procedure and are conducted in an orderly structured manner enabling effective debate.
- Ensure that the Committee follows approved procedures, codes and protocols.
- As a member of the Standards Committee, to report back to the Council with regard to the work of the Standards Committee.
- Meet with the Monitoring Officer or his/her nominee to ensure the receipt of appropriate advice to inform effective functioning of the Committee.

Breach of this Protocol could result in a complaint to the Standards Committee for investigation.

If in doubt seek advice from [Stuart Sugarman](#), Monitoring Officer
Tel: 01706 252447 Email: stUARTSUGARMAN@ROSSENDALEBC.GOV.UK

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Protocol – Standards Committee and Sub-Committee Member

Main Role

- The promotion and maintenance of high standards of conduct.
- As a member of the Standards Committee, to advise the Council on the adoption or revision of its Code of Conduct.
- As a member of the Standards Committee/Sub-Committees, to monitor and advise the Council about the operation of its Code of Conduct in light of best practice, changes in the law and guidance from the Standards Board.
- As a member of the Standards Committee, to enable all members of the Council/Town Council to have access to training actively promoted in all aspects of the relevant Code of Conduct, and to ensure that members are aware of the standards expected of them under the Code.
- As a member of the Standards Committee/Sub-Committees, to have the respect of the whole authority, regardless of the governing political party by ensuring that you make judgments impartially.

Duties and Main Responsibilities

- To carry out the functions relating to standards of conduct of members under any relevant provision of or regulations made under the Local Government Act 2000.
- As a member of the Standards Committee, to advise the Council on the adoption of protocols relating to conduct of Members and their relationship with officers.
- As a member of the Standards Committee, to consider and determine appropriate action on either breaches or alleged breaches by members of the relevant Codes of Conduct and protocols, in accordance with the relevant adopted procedures.
- To undertake appropriate training in order to fulfil the role of a member of the Standards Committee.
- To maintain a working knowledge of any relevant provisions of or regulations made under the Local Government Acts in relation to Code of Conduct issues and any advice and guidance received from the Standards Board for England.
- To develop and maintain a working knowledge of the Council's policies, services and activities.
- As a member of the Standards Committee or Sub-Committees to not become embroiled in alleged breaches of the Code of Conduct or the Council's protocols unless as part of the Standards Committee hearing procedures
- To retain confidentiality when involved in investigations.
- To exercise the above in relation to Whitworth Town Council members.

Deleted: Constitution of the Rossendale Borough Council – amended at Full Council 26/02/09 and 25/03/09 V10¶

Breach of this Protocol could result in a complaint to the Standards Committee for investigation.

If in doubt seek advice from [Stuart Sugarman](#), Monitoring Officer
Tel: 01706 252447 Email: stUARTSUGARMAN@rossendalebc.gov.uk

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Field Code Changed

Protocol for Town Councillors serving on the Standards Committee

1. This Protocol applies to you as a Town Councillor serving on the Standards Committee. In addition, the Protocol for Members of the Standards Committee also applies to you.
2. As a member of the Standards Committee, to have the respect of the Town Council by ensuring that you make judgments impartially.
3. As a member of the Standards Committee, to monitor and advise the Town Council about the operation of its Code of Conduct in light of best practice, changes in the law and guidance from the Standards Board and the Monitoring Officer.
4. As a member of the Standards Committee, to enable all members of the Town Council to have access to training actively promoted in all aspects of the relevant Code of Conduct, and to ensure that members are aware of the standards expected of them under the Code.

Breach of this Protocol could result in a complaint to the Standards Committee for investigation.

If in doubt seek advice from [Stuart Sugarman](#), Monitoring Officer
Tel: 01706 252447 Email: stUARTSUGARMAN@rossendalebc.gov.uk

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PART 6

MEMBERS' ALLOWANCES

SCHEME

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Constitution of the Rossendale Borough Council - amended 7th October 2009 V11

MEMBERS' ALLOWANCES SCHEME

Rossendale Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:

1. This scheme shall have effect for the year commencing on [1st April 2009] for the next 12 months.
2. In this scheme "Councillor" means a Member of the Rossendale Borough Council who is a Councillor;

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Basic Allowance

3. Subject to paragraph 6 below, for each year a basic allowance of [£3,300] shall be paid to each Councillor.

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Special Responsibility Allowance

4. (1) For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 below.
- (2) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
- (3) No Councillor shall be entitled to receive more than one Special Responsibility Allowance

Renunciation

5. A Councillor may by notice in writing given to the Chief Executive elect to forego any part of any entitlement to an allowance under this scheme.

Part-year Entitlements

6. (1) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

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Constitution of the Rossendale Borough Council - amended 7th October 2009 V11

- (2) If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then payment shall be made from the date of the change to the scheme.
- (3) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance, and if applicable a special allowance, shall be based on the number of days in office expressed as a proportion of the total number of days in a year.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2) and the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of the councillor to a basic allowance, and if applicable a special responsibility allowance, shall be based on the number of days in office expressed as a proportion of the total number of days in a year which will be calculated in two parts. Firstly, on the scheme before change and secondly on the scheme after the change.
- (5) Where a Councillor relinquishes or accepts a special responsibility for which an allowance is payable, the entitlement shall be calculated in accordance with sub section (3) above.

Payments

7. (1) Payments shall be made in respect of basic and special responsibility allowances, subject to sub-paragraph (2), in instalments of one-twelfth of the amount specified in this Scheme on the twenty second day of each month or thereabouts (or as otherwise requested in exceptional circumstances);
- (2) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 6, the Councillor is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which the Councillor is entitled.

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26/02/09 and 25/03/09 V10¶

Travel and Subsistence

8. Travelling and subsistence expenses will be paid at the appropriate rates as set out in Schedule 2 when elected Members undertake approved duties either in or out of the Borough. A list of approved duties is set out in Schedule 3. The mileage rates and amounts for subsistence allowance in Schedule 2 may be varied in accordance with the National Joint Council for Local Government Services rates applicable to staff.

Child Care and Dependant Carers Allowance

9. This Allowance may be claimed in respect of children aged 14 years or under or in respect of other dependents where there is medical or social evidence that care is required.

Payments will not be payable to a member of the Elected Member's household. Payments will be based on receipted expenditure incurred.

The total amount of allowance which an individual Member may claim in any one year will be limited to **£750**.

Co-opted members Expenses

10. This scheme does not provide for an allowance for co-opted members, except so as to provide for a Special Responsibility Allowance in circumstances where a co-opted member is appointed to Chair a Committee included in Schedule 1. However, the Council will pay the reasonable expenses claims of co-opted Members.

Suspension of Payments

11. If any Member is suspended or partially suspended from their duties the Standards Committee, upon the advice of the Monitoring Officer, are empowered under this scheme to stop payment of allowances to that Member.

Access to the Local Government Pension Scheme

12. Under this Scheme Members are entitled to access the Local Government Pension Fund based on their basic and any special responsibility allowances they receive

Claims

13. Any claims made under this scheme must be done so within two months of the expenditure being incurred

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SCHEDULE 1

Calculation and Indexing of Allowances

14. The allowances in this Scheme are calculated using the Basic Minimum Wage and are based upon the following formula:

$(2/3 \times \text{average weekly hours}) \times \text{Basic Minimum Wage} \times 48 \text{ working weeks}$
The average weekly hours worked in 2007/08 is estimated at 15.

The Basic Minimum Wage is reviewed in October each year and the level of allowances will be increased in line with the new rate in October each year. The use of Basic Minimum Wage as an index will be reviewed at least every four years, the next date for review being no later than April 2011.

Amendment of the Scheme

15. Amendments to this Scheme can only be made following a report by the Independent Remuneration Panel.



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SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES

The following are specified as special responsibilities in respect of which special responsibility allowances are payable in the amounts stated.

LEADERS/DEPUTY LEADERS

£

Leader of the Majority or Largest Group	<u>13,300</u>	Deleted: 10,272
Deputy Leader of the Majority or Largest Group	<u>9,900</u>	Deleted: 7,704
Leader of the Minority or Second Largest Group	<u>6,600</u>	Deleted: 5,136

CABINET MEMBERS

Cabinet Member	<u>6,600</u>	Deleted: 5,136
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COMMITTEE CHAIRS

Overview & Scrutiny Committee Management Committee	<u>3,300</u>	Deleted: 5,136
Policy Scrutiny Committee	<u>3,300</u>	Deleted: 2,568
Performance Scrutiny Committee	<u>3,300</u>	Deleted: 2,568
Audit Scrutiny Committee	<u>3,300</u>	Deleted: 2,568
Standards	<u>3,300</u>	Deleted: 2,568
Development Control	<u>3,300</u>	Deleted: 2,568
Licensing	<u>3,300</u>	Deleted: 2,568

COMMITTEE VICE-CHAIRS

Overview & Scrutiny Committee Management Committee	<u>1,650</u>	Deleted: 2,56
Standards	<u>1,650</u>	Deleted: 8
Development Control	<u>1,650</u>	Deleted: 284
Licensing	<u>1,650</u>	Deleted: 284

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TRAVEL AND SUBSISTENCE ALLOWANCES

1. Travel and Subsistence Claims

1.1 Members incurring expenses in the course of approved duties in respect of travel, meals and overnight accommodation will be reimbursed approved expenses, subject to appropriate evidence of expenditure being produced, in accordance with the following arrangements.

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1.2 Please refer to Section 8 with regard to expenses incurred in relation to individual training course expenses.

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1.3 All claims for car mileage, public transport, taxis, car parking, meals and overnight accommodation must be made on the Council's Claim Form for Travel and Subsistence and paid through payroll, to ensure compliance with Inland Revenue Regulations. The form is available on the Intranet, within HR/Human Resources/Forms.

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1.4 Appropriate receipts in respect of public transport, taxis, car parking, meals and overnight accommodation must be attached to the claim form.

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1.5 Claim forms should be completed, signed and submitted monthly to the Committee and Member Services Manager, who is authorised to approve the claim, and will be forwarded to the Payroll section in order that they are received by the 30th of the month at the latest. Any forms with insufficient detail will be returned to the claimant.

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1.6 Claims must be made no more than two months in arrears.

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2 Car Mileage Allowances

2.1 Entitlement and Rates

2.1.1 A car mileage allowance is payable for Members required to use a car in the execution of their duties, the level of which depends upon the engine size. The rate of payment for mileage undertaken for an approved duty is the same as that for officers with casual car user status.

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2.1.2 The following rates apply:-

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	451 – 999 cc	1,000 cc or greater
Per mile first 8,500	<u>42.9p</u>	<u>47.7p</u>

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(Figures last revised 1st April 2006)

2.1.3 For the current rates refer to Personnel Circular 28, Car Allowances or refer to The National Joint Council for Local Government Services or the Council's Human Resources department. The Council has, by Resolution, restricted its mileage rate to the two lowest rates.

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2.1.4 Members should ensure that claims for cars with a "1000" (cc) engine actually are that capacity (or greater) as this is the point at which a higher rate is paid. Check your vehicle registration sheet ("log book") and car manual and enter the exact cubic capacity.

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2.2 Car Mileage Claims

2.2.1 The records of journeys on claim forms should contain enough detail for the journey to be verified and therefore should give:

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- the specific time of the journey
- the start and finishing mileage
- the places travelled to and from and the route
- the reasons for the journey
- details of any passengers carried

2.2.2 Return journeys should be clearly indicated including brief details of the route taken if there are alternatives.

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2.2.3 The use of recording by means of "Trip Meters" is forbidden for any journey. All meter readings are to be taken from the odometer on the car.

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2.2.4 All journeys must follow the most economic, practical and timely route and avoid unnecessary duplication of car use if more people are attending the same event.

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2.2.5 Mileage will normally be claimable from the Member's home.

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2.2.6 Where a Member is using a mixture of methods of transport to attend an approved duty outside the Borough then the full circumstances should be recorded on the claim form, e.g. car journey to Place "X", Train Journey to Place "Y" and return.

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2.2.7 Where a journey exceeds 50 miles each way it should be noted that second class rail fare is claimable or car allowance, whichever is the cheapest.

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2.2.8 Where more than one Member is attending the same meeting, site visit etc., then arrangements should be made to share transport, wherever practicable.

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2.2.9 In general, choose the option that is cheapest for the Council and demonstrate this by noting and recording information on the claim form.

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2.3 Vehicle Insurance and Other Requirements for Business Use

2.3.1 Members using their vehicles for Council business must be insured for business purposes. This must be stated on their insurance certificate and the certificate must be shown to the Committee and Member Services Manager. This must be done each time insurance is renewed or car details changed. The Committee and Member Services Manager will keep a copy as insurance details are periodically subject to audit inspection.

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2.3.2 Insurance certificates must be available for inspection when required by either the Director of Regulatory Services or the Audit Department.

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2.3.3 The car mileage allowance paid to Members contains an element for running costs so no further contributions will be made to Members where their insurance company demands an additional premium for business use cover.

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2.3.4 Members not insured for business use must not use their car for Council duties, including ward working, even if they do not intend to claim the mileage. In an emergency where there are no properly insured drivers, public transport or a taxi should be considered (subject to approval by the Committee and Member Services Manager).

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2.3.5 Members should be mindful that if they are stopped by the police whilst on Council business and have inadequate insurance cover for business use they may be prosecuted and subject to a referral to the Council's Monitoring Officer.

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3 Public Transport

3.1 Bus fares will be reimbursed against the appropriate receipt or used ticket.

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3.2 Travel by rail should be second class. The Council has an account for booking rail tickets. Members should contact the Member Support Assistant who will forward booking information to the Council's Insurance Officer, who will book a ticket. The Council will then be invoiced direct.

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4 Taxis / London Underground

4.1 Taxi expenses are generally payable in instances where local routes are not known and the destination/location is not known, nor convenient if known. Expenses will be reimbursed against the appropriate receipt.

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4.2 In London, use of the underground is encouraged rather than automatic use of a taxi. Expenses will be reimbursed against the appropriate receipt or used ticket.

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5 Car Parking

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5.1 The cost of car parking will be reimbursed against the appropriate receipt or used ticket.

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6 Overnight Accommodation

6.1 Members who are required to make overnight stays in the performance of their duties should make every attempt to keep costs down to the minimum possible. Arrangements for accommodation should normally be made through the Member Support Assistant. Wherever possible, the Council should be invoiced direct for accommodation.

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7 Subsistence

7.1 Claims for subsistence expenses may be made in relation to duties undertaken outside the Rossendale Borough, when supported by receipts and the subsistence is not provided as part of the event. The Council does not pay expenses for meals taken within the Borough.

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7.2 Reimbursement will be made for reasonable expenditure on the production of receipts to the satisfaction of the Head of Financial Services.

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Lunch £6.77
Tea/refreshments £2.67
Evening Meal £8.38

(Figures last revised 28th May 2002)

7.3 Where meals are taken on trains or in accommodation, which are in excess of the maximum amounts detailed above, reasonable expenses will be paid.

7.4 Breakfast allowance may be claimed if you leave home before 7.00 am.

7.5 Evening meal allowance may be claimed if you will be arriving home after 7.30 pm. This does not apply to Members attending evening Cabinet, Council, Committee or Sub-Committee meetings of the Council or when meals are provided by the establishment.

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8 Individual Training Course Expenses

8.1 All expenses in relation to training courses must be claimed on the Claim Form for Travelling Expenses for Approved Training, which is available on the Intranet, within HR/Training and Development/Forms or from the Member Support Assistant.

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APPROVED DUTIES

1. A meeting of the Cabinet.
2. A meeting of a Committee of the Cabinet.
3. A Council meeting.
4. A meeting of a Committee or Sub-Committee of the Council.
5. A meeting of any other body to which the Council makes appointments or nominations.
6. A meeting of a Committee or Sub-Committee of any other body to which the Council makes appointments or nominations.
7. A meeting which has both been authorised by the Council, Cabinet, a Committee or Sub-Committee of the Council or a Joint Committee of the Council and one or more Councils, or a Sub-Committee of a Joint Committee and to which representatives of more than one political group have been invited (if the Council is divided into several political groups) or to which two or more Councillors have been invited (if the Council is not divided into political groups).
8. A meeting of a Local Authority Association of which the Council is a member.
9. Duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.
10. Task and Finish Groups established in connection with Overview and Scrutiny.
11. Neighbourhood Forums and the Lancashire Local Rossendale.
12. Member Development sessions arranged in accordance with the Annual Training Schedule.
13. Any individual training event authorised in accordance with the procedure set out in the Quarterly Member Development Programme.
14. Any seminar or conference to which the Council, a Committee or Cabinet has nominated a delegate.
15. Site visits in connection with Council business.
16. Any other duty approved by the Council for the purposes of, or in connection with, the discharge of the functions of the Cabinet, Council, or any of its Committees or Sub-Committees.

NOTE: A Member may only claim travel and subsistence allowance for attendance at a meeting where he or she is has been formally appointed to serve on that body or is a nominated substitute. Members attending a Scrutiny Committee or the Cabinet in order to provide evidence or information on behalf of another Committee may also claim for travel and subsistence. Members attending as observers or in any other capacity will not be entitled to claim.

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PART 7

MANAGEMENT STRUCTURE

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GLOSSARY

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<u>Glossary of Terms</u>	<u>Meaning or Description</u>
<u>Access to Information</u>	<u>There are a number of legislative provisions, which are integral to the Council's decision-making processes. The Council's rules relating to access to meetings and other documentation relating to meetings; including exempt and confidential information, can be found in Part 4 of this Constitution.</u>
<u>Advisory Committee</u>	<u>A Committee appointed by the Council to advise the Council on matters relating to the development of Policy and discharge of Council functions.</u>
<u>Annual Meeting</u>	<u>The ceremonial meeting of the full Council at the beginning of the Civic Year at which the positions of Chair and Leader of the Council are elected. Other business related to the beginning of a new municipal year is also conducted.</u>
<u>Articles in the Constitution</u>	<u>Set out the overall framework of what is to be done and by whom. Standing Orders, Codes of Conduct and the other documents forming part of the Constitution set out how the Articles will be put into effect.</u>
<u>Authority, the</u>	<u>Rossendale Borough Council.</u>
<u>Background Paper</u>	<u>Documents relating to the subject matter of a report which in the opinion of the Proper Officer: (a) disclose any facts or matters on which the report or any Important part of the report is based; and (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose <i>Exempt or Confidential Information</i>.</u>
<u>Balanced or Hung Authority</u>	<u>Also often referred to as a Hung Council. Where there is no overall political control by any one Political Group.</u>
<u>Budget</u>	<u>This includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.</u>
<u>Cabinet</u>	<u>The Cabinet and its Members (also referred to collectively as the Executive), operate within the policy framework and budgets set by the Council and this constitution, and are responsible for taking most of the day-to day decisions.</u>
<u>Cabinet Members</u>	<u>Those Councillors appointed to the Executive. Each Cabinet Member will be responsible for a portfolio (area of work) and attend, speak and vote at meetings of the Executive. Any power or responsibility given to a Cabinet Member as a portfolio holder may also be taken or actioned by the Leader.</u>
<u>Call-in</u>	<u>A process whereby non-executive Members can suspend an executive decision within five days of it being taken. The Overview and Scrutiny Management Committee will then meet to consider the decision and may refer it back to the decision-maker for reconsideration.</u>
<u>Capital Expenditure</u>	<u>Expenditure to acquire fixed assets that will be used for more than the year in which they are acquired and which adds to the Council's tangible assets rather than simply maintain existing ones.</u>
<u>Chair</u>	<u>The person who presides over a meeting. The Mayor Chairs the meetings of the full Council. Full Council appoints Chairs of Committees and Chairs of sub-committees are appointed by the sub-committee. The Leader of the Council will usually chair meetings of the Cabinet.</u>

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<u>Chief Executive</u>	<u>The Head of the Paid Service as defined in section 4 of the Local Government and Housing Act 1989.</u>
<u>Chief Finance Officer</u>	<u>The Officer appointed in accordance with S151 of the Local Government Act 1972 that has responsibility for the administration of the financial affairs of the authority.</u>
<u>Chief Officers</u>	<u>The Chief Executive and Officers designated by statutory positions. (see article 11 – Officers of the Council).</u>
<u>Clear Day</u>	<u>A working day, not including weekends or bank holidays. Access to Information legislation insists that agenda and reports are published “five clear days” in advance. This excludes both the day of the meeting and the day on which the meeting is called.</u>
<u>Code of Conduct for Members</u>	<u>The document which has been adopted by Council setting out what is expected of Members and co-opted Members of the Authority in terms of their conduct and behaviour, as set out in Part 5 of this Constitution.</u>
<u>Committee</u>	<u>A group of Members (including non-voting co-opted Members) appointed to discharge a specific function. The Authority has various types of committees. There are committees both of the Council and of the Executive. The terms of reference of the Council committees and sub-committees are set out in Article 7 and also Part 3 of this Constitution.</u>
<u>Community Health and Well-Being</u>	<u>Means the degree to which persons resident in an area identify with that area and receive an increased quality of life as a result of the nature and the environment of the area.</u>
<u>Confidential Information</u>	<u>As defined in section 100A(3) of the Local Government Act 1972 as information which may not be disclosed to the public, or, information, the disclosure of which, is prohibited by or under any enactment or by the order of a court. The management of confidential information is explained in the Access to Information Procedure Rules set out in Part 4 of this Constitution.</u>
<u>Constitution</u>	<u>A document adopted by the Council which sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people.</u>
<u>Contractual Standing Orders</u>	<u>Are contained in Part 4 of this constitution and set out the rules and procedure, which govern procurement of all goods, services and works for the Council and entering into contracts within the Council.</u>
<u>Co-opted Member</u>	<u>A Member of any committee or sub-committee of the Council (who is not an Independent Member, as defined below) and not a Councillor or Officer of the Council. Co-opted Members do not normally have voting rights on committees.</u>
<u>Cost Centre</u>	<u>A budgeting level which usually reflects a whole service area, or main sub category of a service. It encompasses a number of standard “subjective” coding areas such as those used for staffing related costs, supplies and services, income etc.</u>
<u>Council Functions</u>	<u>Those functions of the Authority, which cannot be exercised by an Executive.</u>
<u>Council Meeting Procedure Rules</u>	<u>Are the Standing Orders, which set out how meetings of the Council and most Committees will be conducted.</u>
<u>Councillor</u>	<u>An individual democratically elected to serve on the Council. There are restrictions as to who can hold office as a Councillor (Article 3 refers). Councillors are also often referred to as ‘Members’.</u>

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<u>Data Protection</u>	<u>Processes and procedures for securing confidentiality and integrity of both electronic and manually held records whilst also providing disclosure and access of information as registered under the Act. NOTE. Information can only be held for the purposes for which it was collected.</u>
<u>Delegated Power / Authority</u>	<u>Authority, delegated by the Council (or an Officer discharging Statutory duties), to another decision-making body or individual decision-maker to make those decisions or discharge functions.</u>
<u>Deputy Chair</u>	<u>Will deputise for the Chair of the body, including chairing the meeting in the Chair's absence.</u>
<u>Deputy Leader</u>	<u>Will deputise for the Leader of the Council and be delegated to undertake any action or decision of the Leader in the Leader's absence or an ability to act.</u>
<u>Designated Office</u>	<u>The office designated for the posting and inspection of notices of meetings in Rules 4 and 5 of the Access to Information</u>
<u>Executive Arrangements</u>	<u>Defined in section 10 of the Local Government Act 2000 as arrangements by a Local Authority for and in connection with the creation and operation of an Executive of the authority; and under which certain functions of the Authority are the responsibilities of the Executive.</u>
<u>Executive Committees</u>	<u>Committees set up by the Executive and to which the Executive has allocated Executive functions under section 15 of the Local Government Act 2000. Members of Executive Committees will be Members of the Executive.</u>
<u>Executive Functions</u>	<u>Any functions of the Authority which are not the responsibility of the Cabinet, whether by law or, where the law provides a choice, under the Constitution. The division of functions between the Executive and the Council are set out in Part 3 of this Constitution.</u>
<u>Exempt Information</u>	<u>Information falling within the categories set out in Schedule 12A of the Local Government Act 1972 (as amended) and subject to the relevant qualifications set out in that schedule and, in the case of the Standards Committee, the further categories of information set out in the Relevant Authorities (Standards Committee) Regulations 2001. The management of exempt information is explained in the Access to Information Procedure Rules set out in part 4 of this Constitution.</u>
<u>Extraordinary (or Special) Meeting</u>	<u>A meeting of the Council, a committee or the Executive, called in addition to ordinary meetings, to consider a particular issue.</u>
<u>Financial Procedure Rules</u>	<u>Are contained in Part 4 of this Constitution and set out the rules and procedure, which govern financial management and control within the Council.</u>
<u>Five Clear Days</u>	<u>A period of five days, excluding the day of the meeting, the day on which the meeting is called, weekends and bank holidays during which copies of the agenda and reports of a meeting must normally be available for inspection under Rule 5 of the Access to Information Rules.</u>
<u>Forward Plan</u>	<u>A document prepared by the Monitoring Officer on behalf of the Leader which contains details of all the matters likely to be the subject of Key Decisions to be taken by either the Executive or its Committees or Officers and may also include other important decisions to be taken by the Council, its Committees or Officers over the next four months.</u>
<u>Freedom of Information</u>	<u>Processes and procedures to enable the public to formally access information held by public bodies subject to certain exemptions.</u>

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<u>Full Council</u>	<u>A formal meeting which all Councillors of the Authority are entitled to attend.</u>
<u>Good Governance Statement and Framework</u>	<u>The Council annually reviews a Good Governance Local Framework as recommended by the Audit and Governance Panel and based on the 6 principles outlined in "Delivering Good Governance" a CIPFA / SOLACE Publication. The framework is adopted and then summarised in an Annual Governance Statement.</u>
	<u>The Group Manager, Audit and Assurance undertakes all responsibilities referred to as Head of Internal Audit.</u>
<u>Head of Internal Audit</u>	<u>The Group Manager, Audit and Assurance is for legislation and regulation purposes the Head of Internal Audit.</u>
<u>Head of Paid Service</u>	<u>The Officer appointed by the Authority in accordance with section 4 of the Local Government and Housing Act 1989 who has overall corporate management and operational responsibility within the Council.</u>
<u>Independent Member (Drawn from the Community)</u>	<u>A representative drawn from the community to sit on a Panel or advisory group. Includes a Member of the Standards Committee or Independent Member Remuneration Panel who is not a Councillor or Officer of the Council. Not to be confused with an elected Member (see below).</u>
<u>Independent Member (Political Description)</u>	<u>Generic term for elected Member(s) who have not joined an existing, or formed their own political group on the Council for purposes of proportionality.</u>
<u>Joint Committee</u>	<u>A Committee comprising Members of two or more Local Authorities created under Section 102(1) of the Local Government Act 1972.</u>
<u>Key Decision</u>	<u>A decision in relation to a Cabinet function which results in the Local Authority incurring expenditure or making of a saving which is significant having regard to the budget for the service or function to which the decision relates. A decision that is likely to have a significant impact on two or more wards within the Local Authority. A decision in relation to expenditure in excess of £100,000 or significant savings. A decision in relation to any contract valued in excess of £500,000. A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.</u>
<u>Leader of the Council</u>	<u>The Leader of the Council is elected by the Council annually and is the political spokesperson of the Council. The Leader appoints a "Cabinet" of Members some or all of which will be responsible for a specific area of expertise known as a "Portfolio". The Leader of the Council may take decisions or actions on behalf of Cabinet Members (Portfolio Holders) in their absence or an ability to act.</u>
<u>Licensing Code of Practice</u>	<u>The document, which has been adopted by the Council to regulate the performance of its licensing function. The main objectives of the Code are to guide Members and Officers of the Council in dealing with licensing related matters and to inform potential licensees and the public generally of the standards adopted by the Council in the exercise of its licensing powers.</u>
<u>Local Assessment</u>	<u>A process to receive and assess complaints that Members have failed to follow their Code of Conduct.</u>
<u>Local Strategic Partnership</u>	<u>The Local Strategic Partnership (LSP), which brings together the different parts of the public, private, community and voluntary sectors with the aim of improving the quality of life for everyone in the borough.</u>
<u>Mayor of the</u>	<u>The Mayor is the "first citizen" of the city and is elected annually to preside</u>

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<u>Council</u>	<u>at Full Council Meetings and to promote the Council's constitution, procedures and rules and ensure that they are followed during Council Meetings. The Mayor will undertake a number of Civic events and ceremonies and will represent the Council on formal occasions.</u>
<u>Member</u>	<u>A Councillor generally or, in relation to a committee or sub-committee, a Member of that committee or sub-committee. The Chair and Leader of the Council will be treated as Member of the Council unless the law or context requires otherwise.</u>
<u>Members' Allowances Scheme</u>	<u>Contained in Part 6 of this Constitution and sets out the scheme under which the Councillors, Independent Members and Co-opted Members are entitled to receive allowances in respect of carrying out their duties and for fulfilling any special responsibilities allocated to them.</u>
<u>Monitoring Officer</u>	<u>The Officer appointed by the Authority in accordance with section 5 of the Local Government and Housing Act 1989 to report to it on any proposal, decision or omission by the Authority, or its committees or sub-committees, or its Officers, which has given, or may give rise, to a contravention of law or statutory code of practice or to such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974. The Monitoring Officer is the 'qualified person' for the purposes of determining whether disclosure of particular information under the Freedom of Information Act 2000 would be likely to prejudice the effective conduct of public affairs.</u>
<u>Officers</u>	<u>The Council's staff.</u>
<u>Overview and Scrutiny Management Committee</u>	<u>A committee established by Council to undertake overview and scrutiny functions as set out in section 21 of the Local Government Act 2000 and subsequent legislation. It consists of Councillors who are not Members of the Executive and reflects the political balance of the Council. The Management Committee holds the Executive to account through consideration of executive decisions. It is also able to undertake policy reviews of Council functions and anything else affecting the economic, social or environmental well-being of the city's residents.</u>
<u>Overview and Scrutiny "Task and Finish" Group</u>	<u>Undertakes overview and scrutiny functions relating to particular themes or service areas as determined by the Overview and Scrutiny Management Committee. The Panels are politically balanced and report their findings and recommendations to the Overview and Scrutiny Management Committee for approval. The work of the panels is fully scoped, resourced and timetabled from the start to ensure effective scrutiny and overview.</u>
<u>Parish Member</u>	<u>A member of a Parish Council or a representative nominated to sit on the Standards Committee who is also a member of a parish Council wholly or mainly in the city.</u>
<u>Partnership Arrangement</u>	<u>An arrangement between Gloucester City Council and one or more other bodies or persons to achieve objectives of the Council and at least one of the other parties but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration.</u>
<u>Planning Code of Practice</u>	<u>The document, which has been adopted by Council to regulate the performance of its planning function. The major objectives of the Code are to guide Members and Officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.</u>

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<u>Policy Framework</u>	<u>A set of plans and strategies set down by legislation (for list see Article 4). Approving or adopting the elements of the policy framework is a function reserved to the full Council.</u>
<u>Political Group</u>	<u>Two or more Members may form a Political Group on the Council for the purposes of Political Proportionality of Members on Committees and certain bodies.</u>
<u>Portfolio</u>	<u>The responsibilities or roles allocated to a Cabinet Member usually the spokesperson.</u>
<u>Proper Officer</u>	<u>Has a statutory definition in section 270(3) of the Local Government Act 1972 and means, in relation to any purpose, the Officer appointed for that purpose by the Authority or for that area, as the case may be. A non-exclusive list of the Proper Officers can be found in the Scheme of Delegation to Officers in Part 3 of this Constitution.</u>
<u>Proportionality (Political)</u>	<u>A mathematical calculation to ensure that political balance is maintained in the membership of the Council's main committees.</u>
<u>Protocol</u>	<u>A document forming part of the Constitution, which sets out a guide to the way, certain individuals and groups interact with each other. They are not rules but they do give guidance and agreements on how things should operate.</u>
<u>Quorum</u>	<u>The number of Members of the Council, the Executive, a Committee or sub-committee required to be present to allow a meeting to transact business validly. The quorums for each body are set out in the relevant procedure rules in part 4 of this Constitution.</u>
<u>Revenue</u>	<u>Income or expenditure arising from or spent on day to day activities and short lived commodities or consumables.</u>
<u>Scheme of Officer Delegation</u>	<u>A record of which powers are delegated to specific Officers and which may be sub-delegated further to individuals.</u>
<u>Scrutiny Rules</u>	<u>This sets out how the Overview and Scrutiny Management Committee and Scrutiny Committees function including the structure of the Overview and Scrutiny process.</u>
<u>S151 Officer</u>	<u>The Officer appointed in accordance with S151 of the Local Government Act 1972 and who has responsibility for the administration of the financial affairs of the authority. This position is also known as the Chief Finance Officer.</u>
<u>Service Plan</u>	<u>A plan setting out priorities and service ambitions.</u>
<u>Special Meeting</u>	<u>A meeting of the Executive, any Committee or Sub-Committee of the Council or any Scrutiny body, which was not on the calendar of meetings agreed at the Annual Meeting but is called by the Chair to consider a particular item, or items, of business in accordance with Access to Information provisions.</u>
<u>Special Responsibilities</u>	<u>Roles undertaken by Members for which an Allowance is payable. These include The Chair and Leader of the Council as well as Chairs of specific Committees.</u>
<u>Standards Committee</u>	<u>A Committee established pursuant to section 53 of the Local Government Act 2000. It consists of Councillors and Independent Members drawn from the community and is chaired by one of the Independent Members. The full terms of reference for the Standards Committee are set out in Part 3 of the Constitution.</u>

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<u>Standing Orders</u>	<u>Rules, which the Council has adopted to regulate its business and proceedings. There are also separate Standing Orders relating to the appointment and dismissal of staff and the process leading up to and the making of contracts. These are set out in Part 4 –Council Meeting procedure Rules.</u>
<u>Statutory Officers</u>	<u>The Chief Executive as Head of Paid Service, the Corporate Director of Resources as S151 Officer and the person appointed as Monitoring Officer or their Deputies are collectively known as Statutory Officers for the purpose of this Constitution.</u>
<u>Sub-committee</u>	<u>A group of Members (including where appropriate co-opted Members) appointed by a Committee to take responsibility for one or more aspects of its functions or function.</u>
<u>Sub-delegation</u>	<u>Specific delegation to an individual to undertake specific actions. Must be recorded in the Scheme of Officer Delegation.</u>
<u>Task-finish Scrutiny Group</u>	<u>A body that may be created by the Overview and Scrutiny Management Committee to undertake a time-limited review of a specific issue as defined within terms of reference set by the Management Committee. The Panel will conclude its work by reporting to the Management Committee and is likely to make recommendations for the Management Committee to consider.</u>
<u>Virement</u>	<u>A transfer of resources between or within approved cost centres for both revenue and capital processes.</u>
<u>Ward</u>	<u>A geographical area of the city represented by one or more Councillors.</u>
<u>Ward Scheme</u>	<u>A scheme by the Local Government Commission and approved by the Secretary of State setting out the Wards of the city and how many Councillors will represent each Ward.</u>
<u>Well-being</u>	<u>See Community health and well-being above.</u>

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Per mile after 8,500	12.1p	12.0
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