

CONSTITUTION

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NEW FOREST DISTRICT COUNCIL

CHAIRMAN OF THE COUNCIL 2022/23

Cllr Alan O'Sullivan

VICE-CHAIRMAN OF THE COUNCIL 2022/23

Cllr Neville Penman

MEMBERS OF THE CABINET, COMMITTEES & OVERVIEW AND SCRUTINY PANELS

(C) = Conservative Group
(LD) = Liberal Democrat Group
(I) = Independent

THE CABINET

Councillors:

Edward Heron (C) (Leader of the Council and Leader Portfolio Holder)
Jill Cleary (C) (Housing and Homelessness Services Portfolio Holder)
Diane Andrews (C) (Planning, Regeneration and Infrastructure Portfolio Holder)
Geoffrey Blunden (C) (Partnering and Wellbeing Portfolio Holder)
Steve Davies (C) (Environment and Coastal Services Portfolio Holder)
Michael Harris (C) (Business, Tourism and High Streets Portfolio Holder)
Jeremy Heron (C) (Finance, Investment & Corporate Services Portfolio Holder)
David Russell (C) (People and Places Portfolio Holder)

APPEALS COMMITTEE

Councillors:

Fran Carpenter (C) (Chairman)
David Hawkins (C) (Vice-Chairman)
Alan Alvey (C)
Ann Bellows (C)
Sue Bennison (C)
Alex Brunsdon (LD)
Mark Clark (LD)
Steve Clarke (C)
Keith Craze (C)
Sandra Delemare (LD)

Philip Dowd (LD)
Barry Dunning (C)
Jacqui England (I)
Allan Glass (C)
Maureen Holding (C)
Alexis McEvoy (C)
Neville Penman (C)
Alvin Reid (C)
Derek Tipp (C)
Neil Tungate (C)

AUDIT COMMITTEE

Councillors:

Alan Alvey (C) (Chairman)
Emma Lane (C) (Vice-Chairman)
Hilary Brand (LD)
Jack Davies (LD)
Martyn Levitt (C)
Alan O'Sullivan (C)
Ann Sevier (C)
John Ward (C)

GENERAL PURPOSES AND LICENSING COMMITTEE

Councillors:

Steve Clarke (C) (Chairman)
Neil Tungate (C) (Vice-Chairman)
Keith Craze (C)
Sandra Delemare (LD)
Arthur Davis (C)
Barry Dunning (C)
Allan Glass (C)
David Harrison (LD)
David Hawkins (C)
Maureen Holding (C)
Mahmoud Kangarani (LD)
Alvin Reid (C)
Joe Reilly (C)
Barry Rickman (I)
John Ward (C)

HR COMMITTEE

Councillors:

Edward Heron (C) (Chairman)
Jill Cleary (C) (Vice-Chairman)
Hilary Brand (LD)
Keith Craze (C)
Kate Crisell (C)
Michael Harris (C)
Maureen Holding (C)
Mahmoud Kangarani (LD)

PLANNING COMMITTEE

Councillors:

Christine Ward (C) (Chairman)
Christine Hopkins (C) (Vice-Chairman)
Ann Bellows (C)
Sue Bennison (C)
Hilary Brand (LD)
Anne Corbridge (C)
Kate Crisell (C)
Allan Glass (C)
David Hawkins (C)
Maureen Holding (C)
Mahmoud Kangarani (LD)
Joe Reilly (C)
Barry Rickman (I)
Tony Ring (C)
Ann Sevier (C)
Malcolm Wade (LD)

COMMUNITY, PARTNERSHIPS AND WELLBEING OVERVIEW AND SCRUTINY PANEL

Councillors:

Keith Craze (C) (Chairman)
Neville Penman (C) (Vice-Chairman)
Louise Cerasoli (C)
Steve Clarke (C)
Arthur Davis (C)
Richard Frampton (I)
David Hawkins (C)
Alan O'Sullivan (C)
Caroline Rackham (LD)
Alex Wade (LD)

CORPORATE AFFAIRS AND LOCAL ECONOMY OVERVIEW AND SCRUTINY PANEL

Councillors:

Alexis McEvoy (C) (Chairman)
Alan Alvey (C) (Vice-Chairman)
Keith Craze (C)
Jack Davies (LD)
Richard Frampton (I)
Alison Hoare (C)
Mahmoud Kangarani (LD)
Martyn Levitt (C)
Alan O'Sullivan (C)
Derek Tipp (C)

ENVIRONMENT AND SUSTAINABILITY OVERVIEW AND SCRUTINY PANEL

Councillors:

Steve Rippon-Swaine (C) (Chairman)
Sue Bennison (C) (Vice-Chairman)
Ann Bellows (C)
Jacqui England (I)
Allan Glass (C)
Andrew Gossage (C)
Stephanie Osborne (LD)
Tony Ring (C)
Derek Tipp (C)
Malcolm Wade (LD)

HOUSING AND HOMELESSNESS OVERVIEW AND SCRUTINY PANEL

Councillors:

Anne Corbridge (C) (Chairman)
Ann Sevier (C) (Vice-Chairman)
Kate Crisell (C)
Sean Cullen (LD)
Philip Dowd (LD)
Andrew Gossage (C)
Joshua Kidd (C)
Neil Tungate (C)
Alex Wade (LD)
Christine Ward (C)

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SUMMARY AND EXPLANATION

The Council's Constitution

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

The Constitution is divided into a main constitution document and 5 Sections, which together set out the basic rules for governing the Council's business. The Sections are divided into Chapters, to which the main constitution document cross-refers. Paragraphs in the main document show the number of the Chapter that contains further information on the subject.

How the Council operates

The Council is composed of 60 Councillors elected every four years. Councillors are democratically accountable to residents of their wards. The overriding duty of councillors is to the whole community, but they have a special duty to all their constituents.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All councillors meet together as the Council. Meetings of the Council are open to the public, except in some special circumstances. The Council decides its overall policies and sets the budget and council tax each year. The Council appoints the Chairman and the Vice-Chairman of the Council, and also the political leader (known as the Leader of the Council). The Leader of the Council decides the size of the Cabinet, the content of Cabinet portfolios, and appoints the members of the Cabinet.

How Decisions are made

The Executive is the part of the Council that is responsible for most day-to-day decisions. The Executive is made up of the Leader of the Council and a number of Cabinet members. The Leader of the Council is appointed by the Council, and the Leader appoints the members of the Cabinet. When major, or "key" decisions are to be discussed or made, these are published in the forward plan, in so far as the discussions can be anticipated. Meetings of the Council, the Executive and most other meetings are open to the public, except where personal or confidential matters are being discussed. The Executive has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget and outside certain financial tolerances allowed by the Council's Financial Regulations, the matter must be referred to the Council to decide.

Overview and Scrutiny

Overview and Scrutiny Panels support the work of the Executive and the Council as a whole. They advise the Executive on policy decisions and on other important issues such as the budget. They may also hold investigations into matters of local concern. These can lead to reports and recommendations that advise the Executive and the Council as a whole on policies, budget and service delivery. The Panels also monitor the decisions of the Executive. They can "call in" a decision which has been made by the Executive but which may not yet have been implemented. This enables them to consider whether the decision is

appropriate. They may recommend that the Executive reconsiders the decision. They may also review the work of the Committees of the Council.

Committees

There are a number of functions of the Council which may not be the responsibility of the executive. These are, broadly, regulatory matters such as planning and licensing applications, health and safety, audit, elections and electoral registration matters, making bye-laws, and various other miscellaneous functions. These are dealt with by Committees of the Council.

The Council's Employees

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

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own practices. Where members of the public use specific Council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

1. Vote at local elections if they are registered;
2. Contact their local councillor about any matters of concern to them;
3. Obtain a copy of the Constitution;
4. Attend meetings of the Council, the Executive, Committees and Panels except where, for example, personal or confidential matters are being discussed;
5. Petition to request a referendum on a mayoral form of executive;
6. Speak at meetings of the Executive, Committees and Panels, within the scheme of public participation agreed by the Council;
7. Find out, from the forward plan, what key decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
8. See reports and background papers, and records of decisions made by the Council, the Executive, Committees, Panels and officers;
9. Complain to the Council if they feel that the Council or its employees have acted inappropriately;
10. Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
11. Complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
12. Inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Rosemary Rutins, Democratic Services Manager. She can be contacted -

By telephone, no. (023) 8028 5588

By fax, no (023) 8028 5555

By e-mail: rosemary.rutins@nfdc.gov.uk

Or if you wish to write, at

Chief Executive's Department
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire
SO43 7PA

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PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in promoting their environmental, economic and social well being, in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to account;
- (f) ensure that no-one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

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NEW FOREST DISTRICT COUNCIL CONSTITUTION

1. This Constitution was adopted by New Forest District Council on 23 April 2001 and came into effect on 1 August 2001.

2. Amendment of Constitution

Unless anything in this Constitution provides otherwise, only the Council may amend this Constitution. The Council shall take into account a recommendation from the Executive, and the views of any Overview and Scrutiny Panels and Committees that will be affected by the amendment. The Executive shall make a recommendation to the Council in respect of any proposal for amendment submitted to it by an Overview and Scrutiny Panel or Committee. All amendments shall comply with the requirements of the Local Government Acts and regulations thereunder. If the Constitution is found not to comply, the Chief Executive and the Monitoring Officer can take all necessary steps to ensure compliance without recourse to full Council, the Executive or Panels.

3. Interpretation

- 3.1 For the purposes of this Constitution, the following definitions, except where otherwise stated, shall apply:-

- Budgets – means the preparation of the annual budget of the Council which is to be used for the purposes of setting the Council Tax, all the components of the budget, such as budgetary allocations to different services and projects, proposed taxation levels, contingency funds (reserves and balances), and any plan or strategy for the control of the Council's borrowing or capital expenditure.
- Cabinet – means the formal body consisting of the Leader, and those councillors appointed to the executive by the Leader.
- Chief Executive – The Head of the Council's Paid Service under Section 4 of the Local Government Housing Act 1989.
- Chief Finance Officer – means the Officer appointed by the Council under Section 151 of the Local Government Act 1972 with responsibility for the proper administration of the Council's Officers.
- Committees – means the Planning Committee, the General Purposes and Licensing Committee, the Appeals Committee, the Audit Committee and any other Committees comprising of only Councillors as voting Members established by the Council to undertake any of its functions.
- Council – means the Members of the Council acting together at formal meetings convened under the provisions of the Local Government Act 1972 or its successors.
- Forward plan means a document containing particulars of matters on which key decisions are likely to be made, as prescribed in the Local Authorities ((Executive Arrangements) (Meetings and Access to Information) Regulations.

- Key decision - means an executive decision which is likely either:
 - i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - ii) to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the Council's area.
- Leader – means the Councillor elected as leader of the executive by the Council.
- Monitoring Officer – means the Officer appointed under Section 5 of the Local Government and Housing Act 1989.
- Panel – means Overview and Scrutiny Panel.
- Portfolio Holder – means the Councillor appointed by the Leader as responsible for a specific Portfolio.
- Portfolios – means activities which are the responsibilities of Portfolio Holders
- Strategic Plans – means the Council's corporate plan, performance plan, community strategy, community safety strategy, Local Development Framework, and such other similar plans or strategies as the Council may determine.

4. EXECUTIVE ARRANGEMENTS

4.1 Form of Executive

The Executive shall be in the form of a Leader and Cabinet executive as provided in section 11 (2A) of the Local Government Act 2000.

4.1A Responsibilities of the Executive

Annex 1 shows the extent of the Executive's responsibilities for functions that Schedule 2 to the Local Authorities (Functions and Responsibilities) Regulations 2000 provides may be (but need not be) the responsibility of the executive.

Annexes 2 and 3 show the extent of the Executive's responsibilities for functions that Schedules 3 and 4 to the Regulations provides are not to be the sole responsibility of the executive. (These are plans or strategies specified in the Regulations, and other plans or strategies that the Council has determined it should decide whether to adopt or approve).

4.2 Membership and Powers of Cabinet

The Cabinet shall comprise the Leader and a minimum of two other Councillors appointed to it by the Leader, up to a maximum within the limits laid down by legislation.

The Leader shall decide the extent to which Executive powers are to be discharged by him/herself, by the Cabinet, by a member or members of the Cabinet, or by an officer of the authority. The Leader may amend

his/her decisions in this respect at any time by giving notice to the Chief Executive.

Those Executive powers which the Leader has for the time being decided are to be discharged by himself or by a member or members of the Executive, or by an officer of the authority, are set out in Annexes 4 and 5. All other Executive powers are to be discharged by the Cabinet.

The procedure for executive decision making is set out at Annex 6.

4.3 Cabinet Meetings

Procedures for holding and convening Cabinet meetings are laid down in the Council's Standing Orders for Meetings.

4.4 Leader - Duties and Appointment

The Leader of the Council shall be the principal political leader in all respects. The Leader's duties and responsibilities shall be as described in Chapter 2.

The Leader of the Council shall be appointed by the Council under the procedures in Standing Orders for Meetings. The Leader of the Council shall be eligible for re-election.

The Council may terminate the appointment of the Leader under the procedures in Chapter 3, provided that no proposal to terminate his or her appointment shall be made solely for the purpose of resolving a single dispute under paragraph 4.16 below.

4.5 Cabinet members - Duties and Appointment

The procedure for:

- i) deciding the content of Portfolios,
 - ii) appointing, and terminating the appointment of, Cabinet members, and
 - iii) deciding the duties and responsibilities of Cabinet members,
- shall be as set out in Standing Orders for Meetings.

Members of the Cabinet shall take collective responsibility for those issues determined by Cabinet.

4.6 Deputy Leader - Duties and Appointment

The Leader shall appoint a Deputy Leader, as set out in Standing Orders for Meetings. In addition to any other responsibilities arising from his/her membership of the Cabinet, if the Leader is for any reason unable to act, or the office of Leader is vacant, the Deputy Leader must act in his place.

4.7 Notification of Cabinet Appointments

The Chief Executive shall make arrangements to notify all Councillors of Cabinet appointments and make such other arrangements as are necessary to bring the appointment and responsibilities of those councillors to the attention of the public.

4.8 Delegation of Executive Functions to Portfolio Holders and Officers

The duties and responsibilities of Cabinet members, and the powers delegated to them, as currently determined by the Leader, are at Annex 4.

They may be amended by him/her at any time by giving notice to the Chief Executive.

The Leader may delegate any of his/her functions to a committee of the Cabinet or to officers of the Council, and may amend those delegations at any time by giving notice to the Chief Executive.

The Cabinet may delegate any of its functions to a committee of the Cabinet or to officers of the Council, subject to compliance with legislation and this Constitution.

The scheme of delegations to officers, as currently determined by the Leader, is at Annex 5.

The procedure for executive decision making, as currently determined by the Leader, is set out at Annex 6.

The Chief Executive shall ensure that a comprehensive Register of powers delegated to individual councillors and officers is maintained at all times. The Register shall be held at the office of the Chief Executive, and shall be available for public inspection during office hours. No fee shall be payable for public inspection.

4.9 Decision making by the Executive

The duties of the Leader, Cabinet, Portfolio Holders, officers (when making key decisions), and the Chief Executive or Monitoring Officer in making executive decisions shall be as laid down in Chapter 6.

4.10 Absence of Cabinet member from Cabinet meeting

Where a Cabinet Member is absent from a Cabinet meeting, the procedures laid down in Standing Orders for Meetings shall apply.

4.11 Interests of Cabinet Members

Standing Orders for Meetings lay down the procedure where a Cabinet member has a disclosable pecuniary interest or a non-pecuniary interest in a matter which is to be considered by the Cabinet.

Where a decision in which he has a disclosable pecuniary interest, or a non-pecuniary interest and Standing Orders do not permit him to make the decision, is delegated to the Cabinet member personally, it shall be referred to the Leader. The Leader may either:

- i) make the decision himself, or
- ii) refer the matter to Cabinet for determination, or
- iii) delegate responsibility to another Cabinet member or an Officer.

The Deputy Leader shall deal with any matters in which the Leader has an interest of the above nature.

In all cases the member with the interest shall take no part in consideration of the issue, either at its determination or in discussions or negotiations leading up to the decision being made, and shall comply in all respects with the requirements of the law and the Council's Standing Orders.

4.12 Decisions outside or not wholly in accordance with Policy and Budget, and key decisions not in the forward plan

Subject to the provisions relating to urgent decisions below, all Executive decisions shall be in accordance with the Council's approved policies and budgets (or authorised under Financial Regulations if not within budget). (See Chapter 19 for the procedures for formulating, preparing, reviewing and amending strategic plans, policies and the budget).

Urgent decisions:

Chapter 7 prescribes the procedure where it is considered that a decision on any matter that is contrary to, or not wholly in accordance with, policy or budget and Financial Regulations, is required urgently in the interests of the functions and services administered by the Council.

Chapter 7 also prescribes the procedure for making a decision which is a key decision and which has not been included in the forward plan for decision at the appropriate time.

4.13 Scrutiny of Executive Decisions

Executive decisions may be reviewed under the "call-in" provisions in Chapter 8.

4.14 Executive's role in setting Strategy, Policy, and the Budget

The Council shall be responsible for determining the strategic direction, policies and strategies (as laid down in the Annex 2 of this Constitution, including any other plans or strategies that it is appropriate for full Council to approve), overall budgets and taxation levels of the Council. The Executive's responsibility for submitting proposals to the Council is set out in Chapter 19.

4.15 Disputes between Council and Executive

If the Council is unwilling to adopt a policy, proposal or a budget submitted to it by the Executive, the arrangements for resolving the disagreement shall be as set out in Chapter 21.

5. OVERVIEW AND SCRUTINY

5.1 Overview and Scrutiny Panels - Appointment and Terms of Reference

The Council shall appoint such Overview and Scrutiny Panels as it, at its sole discretion, deems necessary to ensure that effective arrangements are in place to facilitate the involvement of all members, who are not Members of the Cabinet, in the processes described in Chapter 9.

The terms of reference of Overview and Scrutiny Panels shall be as described in Chapter 9.

5.2 Overview and Scrutiny Panels' role in setting Strategy, Policy, and the Budget

The Council shall be responsible for determining the strategic direction, policies and strategies (as laid down in Annex 2 to this Constitution), overall budgets and taxation levels of the Council. The Overview and Scrutiny Panels may make representations on these matters, as set out in Chapter 19.

5.3 Overview and Scrutiny Panels' right to call in Executive Decisions

This is set out in Chapter 8.

5.4 Overview and Scrutiny Panels' rights in relation to key decisions

This is set out in section 9 of Annex 6.

5.5 Overview and Scrutiny Panel Chairmen

The roles of the Chairmen of the Overview and Scrutiny Panels shall be as described in Chapter 11.

Chapter 7 sets out the role of Overview and Scrutiny Panel Chairmen if the executive considers that it needs to make an urgent decision outside policy or budget, or an urgent key decision not included in the forward plan.

5.6 Operational Rights and Rights of Access to Information

The Panels shall have the operational rights and rights of access to information described in Chapter 10 to assist them in their work.

6. NON-EXECUTIVE FUNCTIONS

6.1 Full Council

In addition to any responsibilities described or referred to elsewhere in this Constitution, the Council shall discharge those functions and make decisions on all matters which legislation specifically requires the full Council to make. (See also 6.9 below).

6.2 Appointment of Ordinary Committees

The Council shall appoint such Committees as it deems necessary to undertake its non-executive functions. Procedures for appointing ordinary Committees are laid down in Standing Orders for Meetings.

The scheme of delegations to Committees is shown in Chapter 12.

The terms of reference of ordinary Committees, and any Sub-Committees they appoint, are shown in Chapter 13.

6.3 Area Committees

The Council may appoint Area Committees only on the recommendation of the Executive. Before making any recommendation to Council in relation to Area Committees, the Executive will have consulted the Council's Overview and Scrutiny Panels and Committees.

If the Council decides to appoint Committees for any area of the District, the procedures shall be as laid down in Standing Orders for Meetings.

6.4 Delegations by Council, Committees and Sub-Committees to Officers

The Council, and every Committee and Sub-Committee of the Council, shall be empowered to delegate any of its functions to officers of the Council, subject to compliance with any provisions in legislation and this Constitution. A list of all delegations shall be maintained by the Chief Executive and shall be kept available at the Council's main office for public inspection. No fee shall be payable for public inspection.

6.5 Chairmen of Committees

The role of the Chairmen of Committees appointed by the Council shall be as described in Chapter 14 and the Annexes thereto.

6.6 Ceremonial Duties - Chairman and Vice-Chairman

The Chairman of the Council shall be, and known to be, the Civic Head of the Council. The Chairman of the Council shall represent the Council, or shall be entitled to appoint another Councillor to represent the Council, at all formal ceremonial occasions within and outside the District. The duties and responsibilities of the Chairman and Vice-Chairman of the Council are set out in Chapters 15 and 16.

6.7 Non-Executive Role of all Members

For the purposes of clarification, Chapter 17 describes the main roles, duties and responsibilities, and key tasks of Members in their representative, regulatory and review roles.

6.8 Leader of Opposition Groups

The Council acknowledges the benefits of each group on the Council appointing a Leader with the role described in Chapter 18.

6.9 Council's Role in setting Strategy, Policy, and the Budget

The Council shall be responsible for determining the strategic direction, overall budgets and taxation levels of the Council. Full procedures for strategic plan, policy and budget setting are set out in Chapter 19.

Column 2 of Annexes 2 and 3 state the extent of the Executive's responsibility for the functions listed in column 1. The Council shall be responsible for all other aspects of the functions listed in Column 1 of those Annexes, including approval of the plans and strategies listed in column 1, and approval of any other plans and strategies that it is appropriate for full Council to approve.

6.10 Disputes between Council and Executive

If the Council is unwilling to adopt a policy, proposal or a budget submitted to it by the Executive, the arrangements for resolving the disagreement shall be as set out in Chapter 21.

7. GENERAL PROVISIONS

7.1 Officer support

The Chief Executive shall ensure that appropriate arrangements are made to provide adequate Officer support to the Executive, Overview and Scrutiny Panels, Committees and any other democratic meetings or processes. Such arrangements may, from time to time, be amended following consultation with the Executive, Overview and Scrutiny Panels and Committees as appropriate.

7.2 Additional provisions in Constitution

The Constitution shall include the following:

(a) Parish & Town Councils - Statement of Partnership

The current Statement is at Chapter 22. The Statement shall be reviewed regularly. It may be amended by the Council upon a recommendation from the Executive, provided that it shall always include details of the manner and extent of information to be provided to those Councils, and the processes the District Council will adopt in its consultations with them. References in the Statement to Committee, Sub-Committee and Chairmen shall include the Executive and Panels, as appropriate.

(b) Standing Orders for Meetings

These are at Chapter 23. They shall apply, to the extent specified in them, to all meetings of the Council, Executive, Committees, Sub-Committees, Panels and other formal meetings of Councillors.

They shall provide proper authority for preparing a scheme or schemes permitting the public to participate at meetings (Chapter 24).

(c) Financial Regulations

The Council's financial affairs shall be controlled in accordance with the Financial Regulations contained in Chapter 25.

(d) Procurement Rules and Standing Orders for Contracts

All contracts made on behalf of the Council shall comply with the Procurement Rules, Regulations and Contract Standing Orders at Chapter 26. They may be amended in accordance with the procedures specified in them.

(e) Standing Orders for General Procedures.

These are at Chapter 27. They shall provide the proper authority for:

- i) The roles of the Executive and the Council in recruiting the Chief Executive and Chief Officers
- ii) Preparation of Codes and schemes for:
 - Appointing employees (other than Chief Executive and Chief Officers) (Chapter 28)
 - Members allowances (Chapter 29)
 - Relationships between members and officers (Chapter 30)

(f) Resident Involvement Arrangements

These are set out at Chapter 31.

(g) Codes of Conduct

The Codes of Conduct detailed below shall apply to all councillors and other persons serving on the Executive, Committees, Sub-Committees, Panels or other bodies established by the Council.

For the purposes of this part of the Constitution, Codes of Conduct shall be deemed to include protocols and other documents that set standards of behaviour and probity applicable to elected members of the Council, persons co-opted to Panels or Committees and to Officers.

- Code of Conduct – New Forest District Council – Chapter 32
- Local Code for Councillors and Officers dealing with Planning Matters – Chapter 33
- Code of Conduct for Employees - Chapter 34
- Policy Statement on Access to Information – Chapter 35
- Indemnity of Members and Officers - Chapter 36
- ICT Security Policies and Guidance for Members and Officers - Chapters 37A and 37B
- Anti-Fraud, Bribery and Corruption Policy - Chapter 38
- Whistleblowing at Work Policy - Chapter 39

- The Role and Responsibilities of the Monitoring Officer – Chapter 40
- The Roles and Responsibilities of the Chief Finance Officer – Chapter 41

Where the Council approve and adopt further Codes of Conduct, copies shall be appended to this Constitution.

FUNCTIONS ALLOCATED UNDER SECTION 11(2)(b) LOCAL GOVERNMENT ACT 2000 AND REGULATION 3 AND 4 OF THE LOCAL AUTHORITIES (FUNCTIONS AND RESPONSIBILITIES) REGULATIONS 2000

A. Regulation 3 (Schedule 2) Functions – Functions which may be (but need not be) the responsibility of an Authority's Executive

1. Any matter under a local Act
2. Discharge of any functions relating to contaminated land.
3. The discharge of any function relating to control of pollution or management of air quality.
4. The service of an abatement notice in respect of a statutory nuisance.
5. The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
6. The inspection of the authority's area to detect any statutory nuisance under Section 79 of the Environmental Protection Act 1990.
7. The investigation of any complaint as to the existence of a statutory nuisance under Section 79 of the Environmental Protection Act 1990.
8. The appointment of any individual:-
 - (a) to any office other than an office in which he is employed by the authority;
 - (b) to any body other than
 - (i) the authority,
 - (ii) a joint committee of two or more authorities;or to any Committee or Sub-Committee of such a body,and the revocation of any such appointment.
9. The making of agreements for the execution of highways works
10. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities
11. Any function of the Council in its capacity as a harbour authority (to the extent that the function does not fall within paragraph 1. of this Annex)

12. The obtaining of information as to interest in land, or of particulars of persons interested in land, under section 330 of the Town and Country Planning Act 1990 or section 16 of the Local Government (Miscellaneous Provisions) Act 1976, in connection with the functions of the Executive.

ANNEX 2

B. Regulation 4 (Schedule 3) Functions – Functions not to be the sole responsibility of an Authority's Executive

Function	Extent of Responsibility
1. Crime and Disorder Reduction Strategy under Section 5 and 6 of the Crime and Disorder Act 1998	1. To initiate and take the lead on the preparation and management of the strategy and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.
2. Development Plan documents within the meaning of section 15 of the Planning and Compulsory Purchase Act 2004	2. To initiate and be responsible for the preparation and alteration of all plans including public consultation in liaison with the Planning Committee and to make recommendations thereon to Council.
3. Statement of gambling principles under section 349 of the Gambling Act 2005	3. To prepare and recommend to Council the strategy, following full consultation with the General Purposes and Licensing Committee any other relevant persons, bodies or organisations.
4. Strategy for promoting or improving the economic, social and environmental well being of the area under Section 4 of the Local Government Act 2000.	4. To prepare and recommend to Council the strategy, identifying all financial and other implications, following full consultations with:- (i) the appropriate Overview and Scrutiny Panel (ii) the appropriate Committees of the Council; (iii) Parish and town Councils and Hampshire County Council; (iv) other statutory agencies as the Executive deems appropriate; and (v) any other relevant persons, bodies or organisations as the Council may direct or the Executive deems appropriate.

FUNCTIONS ALLOCATED UNDER SECTION 11(2)(B) OF THE LOCAL GOVERNMENT ACT 2000 AND REGULATION 5 OF THE LOCAL AUTHORITIES (FUNCTIONS AND RESPONSIBILITIES) REGULATIONS 2000

PLANS OR STRATEGIES WHERE THE AUTHORITY DETERMINES THAT THE PLAN OR STRATEGY SHOULD BE ADOPTED OR APPROVED BY THE COUNCIL

Regulation 5 (Schedule 4) Functions

Function	Extent of Responsibility
1. Housing Investment Programme	1. To initiate and take the lead on the preparation and management of the strategy and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.
2. Local Agenda 21 Strategy	2. To initiate and take the lead on the preparation and management of the strategy and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.
3. Corporate Plan	3. To initiate and take the lead on the preparation and management of the strategy and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.
4. Food Law Enforcement Plan under Section 13(1) of the Food Standards Act 1999.	4. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

Function	Extent of Responsibility
5. Community Safety Strategy	5. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.
6. Leisure Strategy	6. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.
7. Housing Strategy	7. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.
8. Health and Safety Enforcement Policy	8. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.
9. Health and Social Exclusion Policy	9. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

Function**Extent of Responsibility**

10. Air Quality and Contaminated Land Strategies

10. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

11. Tenant Participation Compact

11. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

12. Enforcement Concordat

12. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

13. Local Government Improvement Programme

13. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

14. Coastal Management Plan

14. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

Function**Extent of Responsibility**

15. Asset Management Plan

15. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

16. Electronic Governance Strategy

16. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

17. ICT Strategy

17. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

18. Economic Strategy

18. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

19. Anti-Social Behaviour Orders - Joint Police and Local Authority Policy Document

19. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

Function

Extent of Responsibility

20. Corporate Identity

20. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

21. Freedom of Information Act – Access to Information Policy

21. To initiate and take the lead on the preparation and management of the plan and make recommendations thereon to Council following full consultations with the Overview and Scrutiny Panels and Committees of the Council during its preparation and any amendments thereto.

EXECUTIVE DECISION MAKING – PORTFOLIO HOLDER POWERS

(See Paragraph 4.8 of main Constitution document)

GENERAL CONDITIONS

1. A Portfolio Holder may make a decision only if all the following conditions are satisfied:
 - a) Section 3 of Annex 6 has been complied with (or, if a decision needs to be made urgently, section 10 of Annex 6 has been complied with).
 - b) The decision is wholly in accordance with the Council's approved budget and policy framework. For these purposes, a decision shall not be regarded as being within the approved budget if:
 - (i) it would require a supplementary revenue or capital estimate; or
 - (ii) it would involve virement exceeding £25,000; or
 - (iii) it would involve virement (up to £25,000) from a budget within a different Portfolio, unless the Portfolio Holder responsible for the budget from which the sum is being vired agrees in writing to the virement.
 - c) If, in the opinion of the Monitoring Officer, the matter significantly affects one other Portfolio, the relevant Portfolio Holder has been consulted and agrees in writing with the decision.
 - d) In the opinion of the Monitoring Officer, the decision does not significantly affect more than one other Portfolio. If it does, the full Cabinet must take the decision.
 - e) The decision is not reserved for the Cabinet by legislation or statutory guidance.
 - f) The Monitoring Officer and the appropriate professional advising officer consider that it is prudent for the Portfolio Holder to decide the matter under his delegated authority.
3. So long as the above conditions are complied with, individual Portfolio Holders are hereby authorised to take executive decisions, and to provide political vision and leadership, on each of the service areas contained within his/her Portfolio as set out below.

Leader and Corporate Affairs

1. Political Structures
2. Employee Engagement
3. Corporate Plan
4. Emergency Planning
5. Staff Matters
6. Organisational Strategy
7. Town and Parish Council Matters

Community Affairs

1. Community Engagement
2. Community Grants and Support
3. Customer Services
4. Elections and Electoral Registration
5. Community Safety Partnership (Safer New Forest)
6. CCTV
7. Careline
8. Communications

Environment and Regulatory Services

1. Refuse Collection and Recycling
2. Street Cleaning
3. Abandoned Vehicles
4. Environmental Health Services
5. Coastal Protection and Drainage Issues
6. Grounds Maintenance Services
7. Cemeteries
8. Public Toilets
9. Sustainability

Finance, Corporate Services and Improvement

1. Medium Term Financial Plan
2. Financial Services
3. Business Rates and Council Tax
4. Information and Communication Technology
5. Legal Services
6. Democratic Services
7. Human Resources
8. Performance and Risk Management

Housing Services

1. Housing Strategy (Local Housing Need)
2. Council House Management (inc Building Works)
3. Improvement Grants
4. Housing Benefits
5. Homelessness

Leisure and Wellbeing

1. Health and Leisure Centres
2. Local Leisure, Arts and Heritage
3. Health and Wellbeing Board
4. Older Persons' Affairs
5. Children and Youth Affairs

Local Economic Development, Property and Innovation

1. Economic Development Strategy
2. Business Engagement and Growth
3. New Forest Business Partnership
4. Local Enterprise Partnerships
5. Asset Management/Property Matters
6. Smarter Working
7. Collaboration and Innovation

Planning and Infrastructure

1. Local Plan
2. Development Control
3. Building Control
4. Listed Buildings and Conservation
5. Open Space Infrastructure
6. Car Parking and Traffic Management Matters

DELEGATIONS TO OFFICERS – EXECUTIVE FUNCTIONS

(see paragraph 4.8 of main Constitution document)

The Scheme of Delegations to Officers relating to functions that are a matter for the Executive that existed prior to 21 November 2017 is retained as the new Scheme of Delegations to Officers relating to functions that are a matter for the Executive from 21 November 2017 (subject to deleting the reference to previous Portfolios which have subsequently changed).

PROCEDURE FOR EXECUTIVE DECISION MAKING

(see paragraph 4.8 of main Constitution document)

The Leader of the Council undertakes to follow this procedure, as it applies to Portfolio Holders, in respect of decisions he takes himself.

1. INTRODUCTION

1.1 The Cabinet, individual Portfolio Holders, and officers, are authorised to take certain executive decisions. This procedure identifies the responsibilities and processes to be followed in carrying out those tasks.

1.2 This procedure applies to:

decisions made by the Cabinet;

decisions made by individual Portfolio Holders; and

key decisions made by officers under delegated powers.

2. ACTION PRIOR TO REACHING A DECISION - CABINET

2.1 The provisions of Standing Orders for Meetings relating to convening meetings and issue of documentation shall apply to all meetings of the Cabinet.

3. ACTION PRIOR TO REACHING A DECISION – PORTFOLIO HOLDERS

3.1 In all cases, prior to taking any decision on any matter, the Portfolio Holder shall be responsible for:-

- (i) ensuring that the decision to be made is within his/her delegated powers;
- (ii) obtaining, in writing (which may be transmitted electronically) a summary of the issues from the Head of Service responsible for the matter under consideration;
- (iii) obtaining confirmation that any course of action proposed is within the Council's legal powers and complies with the Council's strategies, policies and budgets;
- (iv) determining whether the proposed action has any effect on the responsibilities of other Portfolio Holders;
- (v) ensuring that where the matter affects a specific part of the District Council's area, the views of the relevant Ward Members, and where appropriate, the local Parish or Town Council's views have been obtained and taken into account in reaching a decision; and

- (vi) if the decision is a key decision (see Appendix):
 - a) ensuring that details of the subject of the decision are contained in the relevant forward plan for consideration at that time, and if they are not that the relevant provisions of Chapter 7 of this Constitution are followed;
 - b) ensuring that any report or other written information that he/she intends to take into consideration when he/she makes the decision was available for public inspection as soon as reasonably practicable after he/she received it, and has been so available for at least five clear working days before the decision is made; and
 - c) ensuring that any report or other written information that he/she intends to take into consideration when he makes the decision has been forwarded to the Chairman of the relevant Overview and Scrutiny Panel.

- 3.2 Where any matter considered by a Portfolio Holder is outside his/ her delegated powers, the matter shall stand referred to the Leader for consideration whether to determine it him/herself or whether to refer it to the Cabinet. No action that commits the Council shall be taken on that matter until after the issue has been determined by the Leader or Cabinet.

- 3.3 Where any matter considered by a Portfolio Holder is outside the legal powers of the Council or contrary to the Council's strategies, policies or budgets, no action that commits the Council shall be taken on that matter until after the issue has been determined by the Cabinet.
EXCEPT that where a decision which does not comply with the Council's strategies or policies, or would not be wholly in accordance with the budget, or is a key decision which a forward plan does not specify is for decision at that time, is required urgently, that matter may be determined in accordance with the provisions of Chapter 7 of this Constitution.

- 3.4 Where a decision would have an effect on the responsibilities of another Portfolio Holder or has implications which might affect the corporate strategies of the Council, the Portfolio Holder shall consult with any other Portfolio Holder and the Leader prior to reaching any decision.

4. ACTION PRIOR TO REACHING A KEY DECISION – OFFICERS

- 4.1 In all cases, prior to taking a key decision (see Appendix) on any matter, the Officer shall be responsible for:-
 - (i) ensuring that the decision to be made is within his/her delegated powers;
 - (ii) obtaining confirmation that any course of action proposed is within the Council's legal powers and complies with the Council's strategies, policies and budgets;
 - (iii) ensuring that details of the subject of the decision are contained in the relevant forward plan for consideration at that time, and if they are not that the relevant provisions of Chapter 7 of this Constitution are followed;
 - (iv) ensuring that any report that he intends to take into consideration when he makes the decision was available for public inspection as soon as

- reasonably practicable after he received it, and has been so available for at least five clear working days before the decision is made;
- (v) ensuring that any report that he intends to take into consideration when he makes the decision has been forwarded to the Chairman of the relevant Overview and Scrutiny Panel; and
 - (vi) ensuring that where the matter affects a specific part of the District Council's area, the views of the relevant Ward Members, and where appropriate, the local Parish or Town Council's views have been obtained and taken into account in reaching a decision.

5. ACTION AT POINT OF DECISION MAKING – PORTFOLIO HOLDERS

- 5.1 In reaching a decision on any matter referred to him/her the Portfolio Holder shall:-
- (i) take into consideration the views expressed by the Head of Service responsible for the matter under consideration;
 - (ii) where appropriate, take account of the views of other Portfolio Holders, the Leader, the Ward Members and the local Parish or Town Council;
 - (iii) endorse the written documentation prepared by the appropriate Head of Service with his/her decision and where that decision is contrary to the Officer's recommendation or views submitted by the Ward Member or local Town or Parish Council, the reasons for reaching the different conclusion; and
 - (iv) endorse all written documentation giving options considered with the reasons why particular options were rejected.

6. ACTION AFTER DECISION - CABINET

- 6.1 As soon as reasonably practicable after a meeting, the Chief Executive or Monitoring Officer shall ensure that a written statement that includes the information set out below is produced in respect of every decision made at that meeting:
- (i) a record of the decision;
 - (ii) a record of the reasons for the decision;
 - (iii) details of any alternative options considered and rejected by the Cabinet at the meeting;
 - (iv) a record of any conflict of interest in relation to the matter decided which is declared by any member of the Cabinet; and
 - (v) in respect of any declared conflict of interest, a note of any dispensation granted.
- 6.2 The Chief Executive or Monitoring Officer shall also:-
- (i) maintain copies, which may be held electronically, of all the reports and supporting papers taken into account by the Cabinet in making a decision;
 - (ii) make the notice prepared under 6.1, the reports and supporting papers (including a list of background papers) available for inspection at the

Council's main office by any Member of the Council during normal office hours; and

- (iii) make the notice, reports and supporting papers (including a list of background papers), except for those which contain confidential or exempt information as defined by the Local Government Act 1972 (as amended), available for public inspection at the Council's main office during normal office hours, and on the Council's website. No charge shall be made for inspection of such papers.

7. ACTION AFTER DECISION – PORTFOLIO HOLDERS

7.1 On reaching a decision the Portfolio Holder shall:-

- (i) give instructions to the appropriate Head of Service to take the necessary action to implement the decision;
- (ii) personally, or arrange for the proper officer to, notify Members of the decision taken;
- (iii) ensure that the decision is not implemented until such time as the period for, and the conditions of, the procedures for calling in executive decisions have been complied with;
and;
- (iv) supply a copy of all papers (which may be transmitted electronically) considered by him/her to the Chief Executive – together with a copy of the decision with reasons.

7.2 Upon notification of a decision, the Head of Service will:-

- (i) subject to compliance with the procedure for calling in executive decisions in Chapter 8, ensure implementation within any specified time scales and, if none given, within a reasonable period;
- (ii) ensure that a copy of the decision and appropriate supporting papers are placed on the relevant file;
- (iii) where instructed by the Portfolio Holder to arrange for a report on the decision taken to be circulated to all Members of the Council.
- (iv) immediately notify Parish & Town Councils, together with any other persons or organisations, consulted about the proposals, of the decision taken.

7.3 As soon as reasonably practicable after a decision is taken the Chief Executive or Monitoring Officer shall ensure that a written statement that includes the information set out below is produced in respect of that decision:-

- (i) a record of the decision
- (ii) a record of the reasons for the decision;
- (iii) details of any alternative options considered and rejected at the time by the Portfolio Holder when he made the decision;
- (iv) a record of any conflict of interest in relation to the matter decided which was declared by any Cabinet member who the Portfolio Holder making the decision consulted; and

- (v) in respect of any declared conflict of interest, a note of any dispensation granted.

7.4 The Chief Executive or Monitoring Officer shall also:-

- (i) maintain a register or registers, which may be held in electronic form, of decisions taken by Portfolio Holders under delegated powers;
- (ii) maintain copies, which may be held electronically, of all the reports and supporting papers provided by the Portfolio Holder;
- (iii) make the notice under 7.3, the register, reports and supporting papers (including a list of background papers) available for inspection at the Council's main office by any Member of the Council during normal office hours;
and;
- (iv) make the notice, register, reports and supporting papers (including a list of background papers), except for those which contain confidential or exempt information as defined by the Local Government Act 1972 (as amended), available for public inspection at the Council's main office during normal office hours, and on the Council's website. No charge shall be made for inspection of such papers.

8. ACTION AFTER KEY DECISION – OFFICERS

8.1 As soon as reasonably practicable after an officer has made an Executive decision, or a non-executive decision where the following action is required by the Openness of Local Government Bodies Regulations, he or she shall produce a written statement that includes the information set out below:-

- (i) a record of the decision;
- (ii) a record of the reasons for the decision;
- (iii) details of any alternative options considered and rejected by him or her at the time he or she made the decision;
- (iv) a record of any conflict of interest in relation to the matter decided which was declared by any member.

8.2 The Chief Executive or Monitoring Officer shall:-

- (i) maintain a register or registers, which may be held in electronic form, of the above decisions taken by officers under delegated powers;
- (ii) maintain copies, which may be held electronically, of all the reports and supporting papers taken into account by an officer in making a key decision;
- (iii) make the notice under 8.1, the register, reports and supporting papers (including a list of background papers) available for inspection at the Council's main office by any Member of the Council during normal office hours; and
- (iv) make the notice, register, reports and supporting papers (including a list of background papers), except for those which contain confidential or exempt information as defined by the Local Government Act 1972 (as amended), available for public inspection at the Council's main office

during normal office hours, and on the Council's website. No charge shall be made for inspection of such papers.

9. KEY DECISIONS – OVERVIEW AND SCRUTINY PANELS

9.1 If a decision is taken that was not treated as a key decision (see Appendix), but the relevant Overview and Scrutiny Panel considers that it should have been treated as a key decision, the Panel may require the Leader, or the person responsible for the decision, within a reasonable period specified by the Panel, to submit a report to the Council setting out:-

- (i) the decision and reasons for it;
- (ii) the body or individual who took the decision; and
- (iii) why it was not considered a key decision.

This is in addition to any other rights of Overview and Scrutiny Panels in relation to executive decisions contained elsewhere in this Constitution.

10. URGENT DECISIONS

10.1 Where in the opinion of the Leader, or Head of Service and Monitoring Officer, a decision is required urgently on any matter, whether by the Cabinet or delegated to a Portfolio Holder, the requirements :-

- (i) relating to the information, and (in the case of Portfolio Holder decisions) decision being in writing or electronic form;
- (ii) relating to consultations with Ward Members and where appropriate the local Parish or Town Council;

shall apply only if there is sufficient time to follow these procedures without prejudicing the decision or the Council; provided that as soon as practicable after the matter has been determined, a written record of the issues and the action taken shall be made and circulated in accordance with the remaining provisions of this procedure; and

- (iii) the provisions in Chapter 8 of this constitution, so far as they relate to the date on which the decision may be implemented, shall not apply, and the decision may be implemented immediately.

10.2 Where a Portfolio Holder makes a decision urgently and is unable to endorse any written documentation at the time of making the decision as required in paragraph 5.1 above, he shall instead endorse, as soon as reasonably practicable, the written statement prepared under paragraph 7.3 above.

10.3 Where a decision which is not within policy or budget, or is a key decision which a forward plan does not specify is for decision at that time, is required, the provisions of the procedure at Chapter 7 of this Constitution shall apply.

11. VARIATION OF PROCEDURE

- 11.1 This procedure may be varied at any time by the Leader by giving written notice to the Chief Executive, provided any variations comply with legislative requirements.

FORWARD PLANS

1. Timing of forward plans

- 1.1 The Chief Executive will prepare a forward plan each month. Forward plans may be prepared or updated more frequently than monthly if this is necessary to comply with paragraph 2.2.

2. Contents of forward plans

- 2.1 The forward plan will contain information on matters which are intended to be the subject of a key decision to be taken by the Cabinet, any Committee of the Cabinet, individual Portfolio Holders or Officers in the course of the discharge of an executive function.
- 2.2 Information on key decisions will be included in a forward plan at least 28 clear days before the decision is made.
- 2.3 Forward plans will include the following particulars:
- (i) That a key decision(s) is/are expected to be made;
 - (ii) The matter on which a decision is to be made;
 - (iii) Where the decision is to be taken by an individual, his or her name and title (if any). Where the decision is to be taken by a body, its name and details of membership;
 - (iv) The date on which, or the period within which, the decision will be taken;
 - (v) A list of the documents submitted to the decision maker for consideration in relation to the matter;
 - (vi) The address from which (subject to any prohibition or restriction on their disclosure) copies of, or extracts from, any document listed under (v) is available;
 - (vii) that other documents may be submitted to the decision maker; and
 - (viii) the procedure for requesting details of those documents (if any) as they become available.
- 2.4 Where a key decision is intended to be made, but the public may be excluded from a meeting at which it is to be discussed and/or documents related to it need not be disclosed to the public because confidential or exempt information would likely be disclosed, the forward plan will contain particulars as in paragraph 2.2, but excluding any confidential or exempt information.

3. Publication of forward plans

- 3.1 The forward plan will be available for inspection at the Council's offices during office opening hours, and will be published on the Council's website.

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**CHAPTER 1 OF THE COUNCIL'S CONSTITUTION PRIOR TO
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ROLE OF THE LEADER OF THE COUNCIL

1. Main Role

- Lead the Council in the identification of its vision, core values and strategic objectives.
- Lead the Council to provide visible political leadership in relation to residents, stakeholders and partners in the design, preparation and implementation of Council policies, strategies, budgets and service delivery.
- Lead the Council to work in the overall best interests of the local community.
- Lead the development of local, regional, National and European policy and strategic partnerships.
- Lead on the development and implementation of the Council's principal policies and plans.
- Lead all arrangements for the Council's political and management structures.
- Promote the development of the local economy.
- Promote the Council's core values and objectives.
- Maintain effective working relationships with the Chief Executive, Chief Officers and all employees of the Council.

2. Duties and Responsibilities

1. To appoint members to the Cabinet and to assign to each such Cabinet Member responsibility for a Portfolio.
2. To chair the Cabinet.
3. To be the principal political Leader of the Council in developing strategic partnerships with residents, other local authorities, statutory and non-statutory organisations, the Government and its agencies and other stakeholders in relation to the development and implementation of strategic objectives and policies and delivery of services.
4. To have overall political responsibility for:-
 - (i) Strategic policy innovations
 - (ii) Design, preparation, implementation and monitoring of the Council's principal policies and plans.
 - (iii) Strategic financial management including the revenue and capital budgets and financial monitoring.

- (iv) Communications with Councillors, employees, residents, stakeholders and all other external organisations.
 - (v) Implementation of new political and management structures to meet any legislative duties placed upon the Council to ensure open and accountable decision-making and effective delivery of services.
 - (vi) Development of arrangements to facilitate community consultation and involvement in the Council's decision-making processes.
 - (vii) Human resource planning, with particular reference to ensuring maintenance of good employee relations, employee training and development policies and implementing systems for performance appraisal of all employees.
5. To undertake those tasks and take those decisions in respect of the duties for which the Leader assumes personal responsibility.

PROCEDURE FOR REMOVING AND REPLACING THE LEADER OF THE COUNCIL

1. The Leader of the Council is elected by the Council at the first Annual Meeting following the quadrennial election of Councillors for a term of four years, and can only be removed by resolution of the full Council in the circumstances set out below.
2. The Council may only consider removing the Leader:
 - (a) on a motion of which notice has been given as in paragraphs 6 to 8 below; or
 - (b) in the circumstances described in paragraphs 9 to 11 below.
3. When voting on a motion to remove the Leader, a quorum of the Council is at least three quarters of the total number of members of the Council.
4. A Council resolution to remove the Leader shall not have the effect of removing the Deputy Leader and Portfolio Holders. Portfolio Holders shall continue in their roles pending decisions by the newly elected Leader under paragraph 12 below.
5. If the Council resolves to remove the Leader, it may elect a new Leader at the same Council meeting as its next item of business. If it does not do so, the Deputy Leader shall assume all the powers and duties of Leader until the Council elects a new Leader.

Notice of motion to remove Leader

6. A motion to remove the Leader shall be:
 - a) given in writing; and
 - b) signed by at least one half of the total number of Council members; and
 - c) received by the Chief Executive's office, Appletree Court, Lyndhurst; and
 - d) state why the signatories consider the Leader should be removed.
7. If the motion is received by the Chief Executive less than 15 clear working days before the next programmed Council meeting:

the motion shall be considered at the next programmed Council meeting.
8. If the motion is received by the Chief Executive 15 or more clear working days before the next programmed Council meeting:

the Chief Executive shall, within 5 working days of receiving the motion, summon a special Council meeting for the purpose of considering the motion. No other business shall be conducted at that meeting, other than election of a new Leader if the motion succeeds. The special meeting shall take place within 10 working days of the date of the summons.

Change of Political Balance

9. Paragraphs 10 to 11 apply if:
 - a) the Leader is a member of the majority political Group (“the Leader’s political group”) represented on the Council; and
 - b) that political group loses its overall majority on the Council more than 15 working days before the date of the quadrennial election of Councillors.
10. If a programmed meeting of the Council is due to take place within less than 15 clear working days after the date on which the Leader’s political group loses its overall majority, election of the Leader shall be the first item of business at the next programmed Council meeting.
11. If a programmed meeting of the Council is not due to take place within less than 15 clear working days after the date on which the Leader’s political group loses its overall majority, the Chief Executive shall, within 5 working days of the day on which the Leader’s political group loses its overall majority, summon a special Council meeting for the purpose of electing a Leader. No other business shall be conducted at that meeting. The special meeting shall take place within 10 working days of the date of the summons.

Duty of newly elected Leader

12. A new Leader elected under this procedure shall, within 5 working days of his or her election:
 - a) appoint a Deputy Leader,
 - b) decide the content of Portfolios and appoint a Portfolio Holder for each, and
 - c) inform the Chief Executive of the names of the Deputy Leader, the content of each Portfolio, and the names of the Portfolio Holders.

**CHAPTER 4 OF THE COUNCIL'S CONSTITUTION PRIOR TO
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**CHAPTER 5 OF THE COUNCIL'S CONSTITUTION PRIOR TO
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PROCEDURE FOR MAKING URGENT DECISIONS OUTSIDE POLICY AND/OR BUDGET, AND URGENT KEY DECISIONS

1. INTRODUCTION

- 1.1 The Executive has been empowered, subject to compliance with the Council's policies and budgets, to make decisions on behalf of the Council in accordance with the provisions of this Constitution.
- 1.2 This Chapter describes the procedures to be followed where a decision which:
 - does not comply with Council policy or budget; or
 - is contrary to or not wholly in accordance with policy and budget; or
 - is a key decision of which it was impracticable to give at least 28 days written notice (an "urgent key decision"),is required urgently.
- 1.3 Where any decision will give rise to expenditure exceeding £50,000 (or such other sum as may be prescribed from time to time in financial regulations) no action shall be taken to implement that decision until the matter has been considered by Council.
- 1.4 In sections 2 and 3 of this Chapter the expression 'Executive' refers to the Leader, the Cabinet, a Committee or Sub-Committee of the Cabinet or to the appropriate Portfolio Holder where any powers have been delegated.

2. URGENT DECISIONS OUTSIDE POLICY OR BUDGET - ACTION PRIOR TO DECISION

- 2.1 Where it appears to the Executive that a decision, which is outside the Council's approved policies or budget, is required urgently and it is not reasonable to delay the decision making to the next or a special meeting of the Council, the Executive shall:-
 - (i) Obtain confirmation from the Chief Executive, the Monitoring Officer and other appropriate professional advising Officer, that a decision is required urgently;
 - (ii) Carry out, so far as is reasonable, consultations with Ward Members and other Stakeholders; and
 - (iii) Consult with the Chairman of the Overview and Scrutiny Panel whose terms of reference relate to such function, on the need for action to be taken urgently.

- 2.2 In the event of a matter affecting more than one Overview and Scrutiny Panel, the Chief Executive or Monitoring Officer shall determine which Chairman shall be consulted.
- 2.3 Where the Chairman of the Overview and Scrutiny Panel is not available for whatever reason, the Chairman of the Council, or in his/her absence, the Vice-Chairman of the Council shall be consulted.
- 2.4 Where the Chairman of the Overview and Scrutiny Panel, or in his/her absence, the Chairman or Vice-Chairman of the Council, as the case may be, agrees in writing that the decision is urgent, the Executive shall be empowered to implement such decision.
- 2.5 For the purposes of this paragraph, consultations may be made:-
- In writing,
Electronically, or
Orally,
- depending upon the need to ensure effective and timely decision making.
- 2.6 If the decision is an urgent key decision, as well as a decision outside policy or budget, section 3 below also applies.

3. URGENT KEY DECISIONS – ACTION PRIOR TO DECISION

- 3.1 Where it appears to the Executive or officer with delegated powers to make the decision, that a key decision is required urgently, and it is not reasonable to delay the decision until at least 28 days written notice of it can be given, the following action shall be taken:
- (i) The Chief Executive or Monitoring Officer shall inform the Chairman of the relevant Overview and Scrutiny Panel, (or, if there is no such person, each member of the Committee), by notice in writing, of the matter about which the decision is to be taken;
 - (ii) The Chief Executive or Monitoring Officer shall make a copy of the written notice in (i) available for public inspection at the Council's offices and publish it on the Council's website;
 - (iii) The Chief Executive or Monitoring Officer shall also make available for public inspection, and publish on the Council's website, a notice setting out the reasons why at least 28 days notice of the decision could not be given;

- (iv) The Executive or officer, as appropriate, shall take the decision only after five clear working days have elapsed after the notice in (ii) has been available for public inspection and the notice in (iii) has been published.
- 3.2 For the purpose of paragraph 3.1, in the event of a matter affecting more than one Overview and Scrutiny Panel, the Chief Executive or Monitoring Officer shall determine which Chairman shall be consulted. Where the Chairman of the Panel is not available for whatever reason, the Vice-Chairman of the relevant Panel shall be consulted.
- 3.3 If, exceptionally, it is impracticable to comply with the requirements of paragraph 3.1, the decision may only be taken if the decision maker has obtained agreement from the Chairman of the relevant Overview and Scrutiny Panel that the decision must be made urgently and cannot reasonably be deferred.
- 3.4 For the purpose of paragraph 3.3, in the event of a matter affecting more than one Overview and Scrutiny Panel, the Chief Executive or Monitoring Officer shall determine which Chairman shall be consulted.
- 3.5 For the purpose of paragraph 3.3, where the Chairman of the Overview and Scrutiny Panel is absent or unable to act for whatever reason, the Chairman of the Council, or in his/her absence, the Vice-Chairman of the Council, shall be consulted.
- 3.6 For the purposes of paragraphs 3.3 to 3.5, consultations may be made:-
 - In writing,
 - Electronically, or
 - Orally,depending upon the need to ensure effective and timely decision making.
- 3.7 The Chief Executive or Monitoring Officer shall also make available for public inspection, and publish on the Council's website, a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.
- 3.8 If the decision is outside policy or budget, as well as an urgent key decision, section 2 above also applies.

4. ACTION AFTER DECISION

4.1 As soon as reasonably practicable after a decision has been made under this procedure, the person or body responsible for taking the decision must provide a written report to the full Council explaining:-

- (i) The decision;
- (ii) The reasons a decision was required;
- (iii) The reasons why the decision was required urgently, and (in the case of a decision outside policy or budget) could not have been brought to the Council for determination; and
- (iv) The manner, timing of consultation and office of person consulted prior to the decision being taken.

4.2 Where the decision was made by an officer under delegated powers, the written report in 4.1 shall be referred to the Leader and then to the Council.

5. VARIATION OF PROCEDURE

5.1 This procedure may be varied by resolution of the Council upon a recommendation from the Executive. No such recommendation shall be made until the Executive has consulted the Overview and Scrutiny Panels.

CALL IN PROCEDURES FOR EXECUTIVE DECISIONS

1. DECISIONS COVERED BY THIS PROCEDURE

- 1.1 This procedure shall apply to the following decisions taken by or on behalf of the Executive:

All decisions by the Cabinet
All decisions by the Leader and Portfolio Holders
Key decisions (as defined in the main Constitution document) by officers.

These are described below as "Executive decisions".

- 1.2 This procedure shall not apply to recommendations made by the Executive to full Council. Such recommendations are not Executive decisions, and all members of the Council are entitled to contribute to the debate, and to vote, on the recommendation at the appropriate Council meeting.

2. ARRANGEMENTS FOR NOTIFYING MEMBERS OF EXECUTIVE DECISIONS

- 2.1 Annex 6 to the main Constitution lays down the procedures to be followed when Executive decisions are taken.
- 2.2 When an Executive decision has been made, the proper officer shall publish, and circulate to all Members of the Council, notice of:
- a. the decision,
 - b. the reasons for it, and
 - c. any options considered and rejected by the decision maker at the time the decision was made.
- 2.3 The decision notice in 2.2 above shall be published as soon as reasonably practicable, normally within two working days of the date of the decision.
- 2.4 The decision notice shall also state:
- a. The names of the "appropriate Panel" (or Panels). This is the Overview and Scrutiny Panel or Panels which, in the opinion of the Monitoring Officer, is/are responsible for overview and scrutiny functions relating to the subject matter of the decision, and is/are therefore entitled to review the decision; and

- b. The date by which any member of the Council (apart from members of the Executive) who wishes to review the decision must give notice of that fact to the Monitoring Officer. This date shall be five working days after the date on which the decision notice is first published. Unless both the Monitoring Officer and the appropriate Head of Service are satisfied that it must be implemented urgently, the decision shall not be implemented until the date stated in the notice has expired.

3. HOW TO CALL IN AN EXECUTIVE DECISION

- 3.1 Any member who is not a member of the Executive may call in an Executive decision. The member must inform the Monitoring Officer in writing, or by e-mail, of:
 - a. the decision he or she wishes to call in; and
 - b. the reason he or she wishes to call in the decision.

The Monitoring Officer must receive the notification before the Council offices close for normal business (5.15 pm) on the date stated in paragraph 2.4.b above.

- 3.2 If two or more members wish to call in a decision, they may notify the Monitoring Officer individually as in paragraph 3.1 above, or they may submit a joint notification in writing.

4. ACTION WHEN AN EXECUTIVE DECISION HAS BEEN CALLED IN

- 4.1 If **one member** calls in an executive decision the matter shall be placed on the agenda for the next programmed meeting of the appropriate Panel or Panels for discussion. If the member is not a member of the appropriate Panel or Panels, he or she shall be invited to the meeting(s) and shall be entitled to speak on that item, but not vote. Implementation of the decision shall not be affected.
- 4.2 If **two or more members** wish to call in an Executive decision, the following arrangements shall be made:
 - a. Subject to the provisions relating to urgent decisions in paragraph 7.1 below, the decision shall not be implemented until the procedure laid down in the remainder of this Chapter is complete.
 - b. The decision shall be considered at a meeting of the appropriate Panel to be held within ten working days of the date specified in the decision notice (paragraph 2.4.b). If any member who called in the decision is not a member of the appropriate Panel or Panels, he or she shall be invited to the meeting and shall be entitled to speak on that item, but not vote. If necessary to meet this timescale, a special Panel meeting shall be held. The Monitoring Officer shall be responsible for arranging any special meeting.

- c. If there is more than one "appropriate Panel", the Monitoring Officer may decide, after taking into account the subject matter of the decision and the reasons why it has been called in, that a joint meeting of some or all of the appropriate Panels should be held.
- d. If, after a decision has been called in but before the appropriate Panel or Panels have considered it, the Cabinet or the person who made the decision reconsiders it and reaches a conclusion that satisfies the members who have called it in, the item shall be withdrawn from the agenda for the Panel meeting. If there is no other business to be transacted the Panel meeting shall be cancelled.

5. CONSIDERATION OF DECISION BY OVERVIEW AND SCRUTINY PANEL

5.1 Where a decision is reviewed under paragraph 4.1 above (at the next programmed meeting because only one member has called it in), the Panel shall consider whether:

- a. the decision was within the Council's policy and budget; and
- b. if it was, whether the policy or budget should be reviewed.

It shall report its views direct to the Leader and the Council.

5.2 Where a decision is reviewed under paragraph 4.2 above (two or more members have called in the decision, and implementation has been delayed subject to the provisions relating to urgency set out in paragraph 7.1 below), the Panel or Panels shall either:

- a. Accept the decision (in which case it may be implemented immediately);
or
- b. Request the decision-maker to reconsider the decision, giving reasons for the request. The decision-maker shall reconsider the decision as soon as reasonably practicable, (which in the case of a Cabinet decision shall normally be interpreted as at its next meeting). After reconsideration the decision, whether amended or not, may be implemented immediately, and may not be called in for a second time under the procedures in this Chapter; or
- c. Where the decision is of particular high local significance or public interest, refer the decision to full Council for debate at a Council meeting to be held within ten working days of the Panel meeting. If necessary to meet this timescale, a special Council meeting shall be held. The Monitoring Officer shall be responsible for arranging this. The decision-maker shall reconsider the decision as soon as reasonably practicable after the Council meeting (which in the case of a Cabinet decision shall normally be interpreted as at its next meeting), in the light of the Council debate.

After reconsideration the decision, whether amended or not, may be implemented immediately, and may not be called in for a second time under the procedures in this Chapter.

6. ATTENDANCE OF EXECUTIVE AT PANEL MEETINGS

- 6.1 Where an Executive decision is being reviewed at a Panel meeting, a Member of the Executive shall have the right to represent the Executive at the Panel meeting. The Executive may also call upon the appropriate professional officer to provide information to the Panel.
- 6.2 The Panel shall have the right to require Executive members, or officers, to attend the meeting, as laid down in Chapter 10 of this Constitution.

7. IMPLEMENTATION OF DECISION THAT HAS BEEN CALLED IN

- 7.1 An Executive decision that has been called in by two or more members shall not be implemented until the procedures in paragraphs 4.2 and 5.2 have been completed unless, in the opinion of both the Monitoring Officer and the appropriate Head of Service, it is, or it becomes, essential to implement the decision before those procedures are complete in the interests of the proper conduct of the Council's business. Where a decision is implemented under this paragraph, the Monitoring Officer shall be responsible for ensuring that an explanation is sent to members.
- 7.2 Where a decision is implemented under paragraph 7.1 before the procedures in paragraphs 4.2 and 5.2 have been completed, the Panel shall still be entitled to consider whether:
 - a. the decision was within the Council's policy and budget; and
 - b. if it was, whether the policy or budget should be reviewed,and report its views direct to the Leader and the Council.

TERMS OF REFERENCE OF OVERVIEW AND SCRUTINY PANELS

1. The statutory overview and scrutiny functions of the Council shall be undertaken by Overview and Scrutiny Panels. Each Panel shall have a particular responsibility for the overview and scrutiny of the following Cabinet Portfolio Holders and their areas of responsibility:-

Community, Partnerships & Wellbeing Overview and Scrutiny Panel

1. People and Places
 - a. Town and Parish Council Engagement
 - b. Streetscene, Litter Collection
 - c. Open Spaces
 - d. Grounds Maintenance Services
 - e. Cemeteries
 - f. Trees
 - g. Public Conveniences
 - h. Customer Services and Area Offices
 - i. Communications and Design
 - j. Eling Tide Mill
 - k. Community Grants and Support
 - l. Street Naming and Numbering
 - m. Culture and Arts
 - n. Flytipping
 - o. Abandoned Vehicles
2. Partnering and Wellbeing
 - a. Health and Leisure Contract Management
 - b. Dibden Golf Course
 - c. Sport and Community Development
 - d. Health and Wellbeing
 - e. Environmental Health
 - f. Pest Control
 - g. Welfare Funerals
 - h. Key Stakeholder Engagement (HCC, NFNPA)
 - i. CCTV and Careline
 - j. Community Safety Partnership (Safer New Forest)
 - k. Emergency Planning
3. This Panel will also be the Crime and Disorder Scrutiny Committee under Section 19 of the Police and Justice Act 2006, with power to co-opt representatives of the Crime and Disorder Reduction Partnership onto the Panel when it reviews Partnership matters, and to agree terms of such co-option.

Corporate Affairs & Local Economy Overview and Scrutiny Panel

1. Leader
 - a. Political Structures
 - b. Employee Engagement
 - c. Corporate Plan

- d. Smarter Working
 - e. Local Enterprise Partnership
 - f. Freeports
 - g. Elections and Electoral Registration
2. Business, Tourism and High Streets
 - a. Support for New Forest Businesses
 - b. Economic Development Strategy
 - c. High Streets
 - d. Funding/Bidding Opportunities
 - e. Go New Forest Liaison
 3. Finance, Investment and Corporate Services
 - a. Medium Term Financial Plan
 - b. Accountancy
 - c. Revenue and Benefits
 - d. Estates and Valuation including Investments
 - e. ICT and ICT Strategy
 - f. Human Resources
 - g. Building Facilities
 - h. Health and Safety
 - i. Business Continuity
 - j. Legal Services
 - k. Democratic Services
 - l. Business Improvement

Environment & Sustainability Overview and Scrutiny Panel

1. Leader
 - a. Sustainability
2. Environment and Coastal Services
 - a. Waste Strategy
 - b. Refuse & Recycling Collection
 - c. Land Drainage
 - d. Coastal Protection
 - e. Car Parking/road Closures
 - f. Beach Huts and Keyhaven
3. Planning, Regeneration and Infrastructure
 - a. Local Plan
 - b. Development Management
 - c. Building Control
 - d. Listed Buildings and Conservation
 - e. Town Centre Regeneration
 - f. Land Charges

Housing & Homelessness Overview and Scrutiny Panel

1. Housing and Homelessness Services
 - a. Housing Strategy and Development
 - b. Council House/Tenancy Management
 - c. Housing Allocations
 - d. Homelessness

- e. Housing Maintenance
- f. Private Sector Housing

2. To review 'called in' decisions in accordance with the procedures set out in the Constitution.
3. To prepare, implement, and regularly review a Work Programme.
4. To report annually to Full Council on the output of the Overview and Scrutiny Panel, providing an assessment of the value added by the work undertaken.
5. To establish work as appropriate after taking into account the availability of resources, the work programme and the matter under review.
6. To undertake policy reviews, making recommendations to the Cabinet to assist in the development of future policies and strategies.
7. To scrutinise the decisions of the Cabinet, offering advice or making recommendations on the matter.
8. To monitor the implementation of decisions to examine their effect and outcomes.
9. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the Panel to an officer of the Council.

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OVERVIEW AND SCRUTINY PANELS – OPERATIONAL RIGHTS AND RIGHTS OF ACCESS TO INFORMATION

1. INTRODUCTION

- 1.1 This Chapter defines the operational rights and the rights of access to information to be afforded to the Overview and Scrutiny Panels. It is to be read in conjunction with and is supportive of other elements of the Council's Constitution.
- 1.2 For the purposes of this Chapter, the following definitions shall apply:-
- Council – means all Members of the Council acting together at formal meetings convened under the provisions of the Local Government Act 1972;
 - Committees – means the Planning Development Control Committee, the Audit Committee, the General Purposes and Licensing Committee and any other Committees comprising of only Councillors as voting Members established by the Council to undertake any of its functions.
 - Corporate Plans – means the Council's Corporate Plan and such other similar documents and policies as the Council may determine should be prepared;
 - Prepare – includes the initial preparation, review, amendment or any modification thereof, of any document or papers relating to Corporate Plans, policies or budgets;
 - Budgets – means the preparation of the annual budget of the Council which is to be used for the purposes of setting the Council Tax.
- 1.3 Where any review to be undertaken by a Panel affects one or more other Panels the Chairmen of the Panels shall agree which shall undertake the review and in the event of disagreement, the disagreement shall be referred to Council for determination.

2. AREAS OF ACTIVITY

2.1 The Panels shall have the right to be involved in and consulted on:-

- Policy Development
- Policy Review
- Budget Setting
- Service Scrutiny
- Reactive Reviews

3. TIMING OF INVOLVEMENT

3.1 The following principles shall apply:-

a. Policy Development

- Where the Executive decides to develop new policies, it shall after its initial consideration of any proposal, supply details to the relevant Panel prior to any recommendation being made to Council. Where the Council gives instructions to the Executive to undertake development of a new policy, it shall at the same time instruct the Executive to consult with the appropriate Panel during development of the new policy.
- Adequate time shall be allowed to Panels to respond to consultations from the Executive but, as a general principle, the period for response will not normally be less than one month.
- For topics included in any annual or other programme approved by the Council, target dates will be included within the programme.

b. Policy Review

- After initial consideration by the Executive and before any report by the Executive to Council details of the review will be supplied to the relevant Panel.
- As a general principle, this should always be determined having regard to the nature and complexity of topic but a minimum period of one month should normally be allowed.
- For topics included in the annual or other programme approved by Council, target dates will be set within the programme.

- Where a Member of a Panel has sought, and the Panel has agreed, to undertake a review of existing policy, the Panel shall set its own timetable for completion of the work details of which shall be reported to Council.

c. Budget Setting

- The Council at its meeting in July will prepare outline proposals identifying its revenue and capital financing strategy for the following financial year.
- The Overview and Scrutiny Panels will thereafter prepare draft budget proposals, complying with the financial strategy approved by the Council, for submission to the Executive in the autumn.
- The Executive will consider the draft budgets prepared by the Overview and Scrutiny Panels in the overall context of the Council's financial strategy and the effect of the draft budgets on the level of the Council Tax. The Executive will consult further with Overview and Scrutiny Panels by no later than January on the individual Portfolio Holder's draft budget the Executive proposes to submit to the Council for approval.
- Any views Panels or Committees might have on the draft budgets will be reported to the Executive for consideration before the Executive makes final detailed proposals for the adoption of the overall budget, the Council Tax and housing rent levels in February.

(Timing of February Council will need to take account of County Council Timetable and the arrangements for the resolution of any dispute between the Council and Executive)

d. Service Scrutiny

- Prior to 1 April in each year, each Panel shall produce a programme identifying the service reviews it proposes to undertake in the forthcoming year and shall submit such programme to the Council and the Executive.
- Within the annual programme, each Panel shall identify the full extent of the service reviews including the specific area of activity and the purpose of the review – together with a timetable showing the commencement and completion dates for such reviews.
- The annual programme shall identify the overall resources likely to be required for completion of the review.

- Upon receipt of the annual programme or at any time during the year, the Council or the Executive may request a Panel to undertake a specific service review. Upon making such request, the Council or the Executive shall identify the objective of the review and the timescales, which will normally not be less than one month, for completion of the review.
- Panels shall not include within their annual programme, or commence work on any service review under this paragraph where such service is also subject to a formal review agreed through the medium term financial plan process during that year, except where, with the agreement of the relevant Head of Service, the Panel considers that the review of part of a service would be beneficial or is necessary.

e. Reactive Reviews

- (i) Where any matter is referred to a Panel by a single Member under the call-in procedures at Chapter 8, the Panel shall at its next meeting follow the procedures in paragraph 5.1 of Chapter 8.
- (ii) Where any decision of the Executive is referred to a Panel by two Members of the Panel, the Panel shall follow the procedures in paragraph 5.2 of Chapter 8, or, where decision has been implemented under paragraph 7.1 of Chapter 8, the Panel shall follow the procedures in paragraph 7.2 of Chapter 8.

4. ACCESS TO INFORMATION

4.1 To enable Panels to undertake their duties under the terms of this Chapter, each Panel shall have timely access to:-

- All reports and supporting papers, including exempt information, considered by the Executive at a meeting or by a Portfolio Holder when making a decision;
- Supporting papers, including documents prepared or supplied by Officers which had an effect on the decision taken including any papers containing information about options rejected by the Executive.
- Such other information and reports as the Panel may request Heads of Service to supply or prepare, subject to the right of the Chief Executive to refer the need for such work to the Council for agreement.

- 4.2 Where documents or information are requested, they must be provided as soon as reasonably practicable, and in any case no later than 10 clear days after the request is received
- 4.3 Members of Panels shall respect the confidentiality of confidential and exempt information and shall not provide or disclose it to any person who is not a Councillor and in particular shall not discuss the information in the presence of non-voting Members of the Panel.
- 4.4 Paragraphs 4.1 and 4.2 above apply to reports and supporting papers taken into account by officers when making decisions under delegated powers, as well as to reports and supporting papers considered by Members.

5. ATTENDANCE OF EXECUTIVE COUNCILLORS AT PANEL MEETINGS

Call-in of Executive Decisions

- 5.1 In consideration of any decision taken by the Executive, Panels shall have the absolute right to require the decision-maker, or a Member of the Executive where the decision was taken in a Cabinet meeting, to attend any meeting called to review the decision of the Executive. Where it is not reasonable to expect an individual decision-maker himself or herself to attend the meeting:
- a. where the decision was made by a Portfolio Holder, another member of the Executive; or
 - b. where the decision was made by an officer, a member of the Executive or another officer to whom he decision-maker reports,
- shall attend on the decision-maker's behalf.
- 5.2 A decision of the Executive shall not be implemented until such time as the Member of the Executive or its representative has attended a meeting of the Panel or the Panel has reported on the decision to the full Council at its next ordinary meeting.
- 5.3 A Panel may request copies of information or documents to enable it to review a decision of the Executive. If such papers have not been supplied at least two days prior to the meeting of the Panel, the Executive's decision shall stand deferred to a further meeting of the Panel which shall be arranged as soon as practicable.

Other Matters that are the Responsibility of the Executive

- 5.4 To enable them to undertake their duties effectively, Panels shall also have the absolute right to require the appropriate Portfolio Holder to attend any Panel meeting in order to discuss any subject the Panel has raised with the Executive, subject to a minimum of two calendar weeks' notice being given to the Portfolio Holder.
- 5.5 Where the Portfolio Holder is unable to attend the meeting, the Panel Chairman may, at his or her discretion, decide to postpone consideration of the matter to a later programmed Panel meeting, or to a special Panel meeting.
- 5.6 Where 5.5 applies, and the Portfolio Holder is also unable to attend the subsequent meeting, or the Panel Chairman decides that consideration of the issue should not be postponed, another Executive member shall attend the Panel meeting on the Portfolio Holder's behalf.

- 5.7 A Portfolio Holder who is unable to attend a Panel meeting that he or she has been requested to attend must inform the Panel Chairman of this fact, and of his or her arrangements for alternative representation (if appropriate) no later than two days before the meeting.

6. ATTENDANCE OF OFFICERS AT PANEL MEETINGS

- 6.1 Each Panel shall be entitled to require any Officer to attend its meetings who:-
- (i) Took a decision on behalf of the Executive;
 - (ii) Was involved in providing information to enable a decision to be reached by another Officer or by the Executive or has some material information that will assist the Panel in reviewing the decision.
- 6.2 Where any Officer fails to attend a meeting of the Panel without good cause, he/she may be subject to action under the Council's disciplinary rules.
- 6.3 In determining which Officers to call to provide information, the Panel shall have due regard to the seniority of Officers and shall normally only invite those Officers to give evidence who hold supervisory and management posts.
- 6.4 Officers shall only be required to give evidence on questions of fact when called to attend meetings of Panels. They should not be expected, or required, to comment on the merit of any options considered by the Executive, except insofar as the decision being reviewed is that taken by the Officer.

7. ATTENDANCE OF OTHER PERSONS AT PANEL MEETINGS

- 7.1 Where a Panel considers it necessary to enable it to undertake a review of any matter coming before it, it shall:-
- (i) be entitled to call any person who is not a Councillor or Officer to provide information to assist in its deliberations;
 - (ii) make reasonable travel and subsistence payments to any such persons attending meetings to provide information.

8. ADDITIONAL SUPPORT

- 8.1 A Panel shall be entitled to appoint a Consultant, other person or organisation to undertake research or other tasks on its behalf subject to budget provision having been made for that purpose and the cost not exceeding £1000, or such other amount as may be agreed by Council.

9. VARIATION OF CHAPTER

- 9.1 This Chapter may be amended at any time by the Council upon a recommendation from the Executive following consultation with the Council's Overview and Scrutiny Panels and Committees.

ROLE OF OVERVIEW AND SCRUTINY PANEL CHAIRMEN

A. MAIN ROLE

- (i) To lead on the scrutiny of strategic policy and budget proposals by the Executive for the service areas under the jurisdiction of the Panel.
- (ii) To lead on scrutinising the activities and performance of the Executive and Officers in relation to the services under the jurisdiction of the Panel.
- (iii) To lead the Panel's activities relating to performance management reviews.

B. DUTIES AND RESPONSIBILITIES

- (i) Chair the Overview and Scrutiny Panel.
- (ii) Co-ordinate the activities of the Overview and Scrutiny Panel and take a lead role in its work.
- (iii) Lead investigations into policy proposals referred to the Panel by the Council or the Executive or selected by the Panel and in particular:-
 - In the determination of the overall manner in which the work will be undertaken.
 - Arranging provision of preliminary background information.
 - On the selection of witnesses and whether evidence is to be given orally or in writing.
 - On the determination and selection of consultants (where appropriate) for particular areas of research.
 - In the completion of the investigation within the approved timetable.
- (iv) Lead investigations in respect of those policy decisions taken by the Executive or Officers and in particular:-
 - On the determination of the extent of the investigation to be undertaken.
 - On commissioning appropriate research and the provision of preliminary background information for the Panel.
 - By co-ordinating the preparation of any lists of questions to be asked during the investigation.
 - By providing a list of issues to be discussed or requests for detailed statistical and other information to the Executive or Officer prior to any meeting of the Panel.
 - On the determination and selection of consultants (where appropriate) for particular areas of research.
 - In the selection of witnesses and whether evidence is to be given orally or in writing.

- Ensuring that, upon completion of the investigation, a report on the outcome of the investigation is prepared and submitted to the Executive and/or Council as appropriate.
- (v) Ensure that the Panel undertakes, in conjunction with the Executive and/or its Members, appropriate reviews of service performance under the Council's performance management arrangements.
- (vi) Take the lead on reviews of the Council's involvement in and support of outside organisations which fall within the Terms of Reference of the Overview and Scrutiny Panel.
- (vii) Take the lead on consideration and review of external audit reports which relate to the matters within the Terms of Reference of the Overview and Scrutiny Panel.
- (viii) Take the lead in ensuring that training requirements of the Panel Members are considered and appropriate training programmes or seminars are arranged.
- (ix) Encourage Panel Members to deal with all issues placed before them in an unbiased manner. Where Members have received advice or directions from their group leader, or the group, as to the views any Councillor should express on a particular issue, ensure that those Members disclose such facts at the meeting at which the matter is being discussed.
- (x) Encourage Members to disclose all pecuniary and non-pecuniary interests in any matters placed before the Panel.

DELEGATIONS FROM COUNCIL TO COMMITTEES AND PANELS

1. The powers and duties of the Council set out in the second column of the Schedule below shall be executed and performed by, and are hereby delegated to the respective Committees and Panels of the Councils as set out in the first column of the Schedule, until such time as this obligation shall be revoked or amended by resolution of the Council.
2. Where any proposal implies or requires the introduction of a new policy or strategy or the variation of an existing policy or strategy (within the meaning of paragraph 6.9 of the Constitution), or would be expected to result in a variation of the approved budget in excess of any variation permitted by Financial Regulations the proposals shall be submitted to Council with a recommendation for consideration. Where any proposal is made by a Committee or Panel and relates to executive functions the matter shall be referred to the Executive before it is considered by Council.
3. This Scheme of Delegations shall not extend to powers, duties or functions with respect to the levying of the Council Tax nor for levying or issuing a rate or precept for a rate, nor to the borrowing of money, nor to any powers, duties or functions for which the Council must retain responsibility.
4. Notwithstanding the foregoing, in the event of war or a national defence emergency declared by the Crown or HM Government, all the powers, duties and functions of the Council without reservation are hereby delegated to the Chief Executive, who shall have authority and power to delegate such powers, duties and functions to a Sub-Committee.

THE SCHEDULE

COMMITTEES AND PANELS

POWERS, DUTIES OR FUNCTIONS DELEGATED

Overview and Scrutiny Panels

All the powers, duties and functions as contained, mentioned or referred to generally in the Terms of Reference of each of the Panels.

Audit Committee

All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions which are described generally and specifically in the Terms of Reference of the Committee.

COMMITTEES AND PANELS

POWERS, DUTIES OR FUNCTIONS DELEGATED

General Purposes and Licensing Committee

All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions which are described generally and specifically in the Terms of Reference of the Committee.

Planning Development Control Committee

All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions which are described generally and specifically in the Terms of Reference of the Committee.

Except where, in respect of an application made on behalf of the Council, the Committee is unwilling to approve an application, or wishes to impose conditions which are unacceptable to the applicant, the application shall be submitted to a meeting of full Council for determination, the report for which shall be prepared by the Head of Planning and Transportation.

Employee Engagement Panel

All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions which are described generally and specifically in the Terms of Reference of the Panel.

Appeals Committee

All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions which are described generally and specifically in the Terms of Reference of the Committee and the Authority to initiate, hear and determine on behalf of the Council, any appeals against decisions of the Executive, Committees or Officers.

TERMS OF REFERENCE OF COMMITTEES

1. The Terms of Reference of Committees and Panels, other than the Overview and Scrutiny Panels, shall be in accordance with:-

Audit Committee	–	Annex 1
Planning Development Control Committee	–	Annex 2
General Purposes and Licensing Committee	–	Annex 3
Employee Engagement Panel	–	Annex 4
Appeals Committee	–	Annex 5

2. The Committees referred to in Paragraph 1 above shall be entitled to appoint such Sub-Committees or Panels as they deem necessary for the proper performance of their duties, provided that Area Committees shall not be established without the prior consent of the Council.
3. The Terms of Reference of the Committees may be amended at any time by the Council, at its sole discretion, subject to the Council having considered the views of the Committee affected by any proposed changes.

AUDIT COMMITTEE

TERMS OF REFERENCE

Accounts

1. To approve the Authority's statement of accounts and specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Council
2. To consider the external auditor's report to those charged with governance on issues from the audit of accounts.
3. To review, during the year, the Council's financial progress, including variances from budget, and bring any relevant findings to the attention of the Council, the Cabinet, the Portfolio Holder or Overview & Scrutiny Panel as appropriate.

Audit Activity

External

4. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
5. To consider specific reports as agreed with the external auditor.
6. To consider the annual programme of work and associated fees for the external auditors and provide challenge as appropriate.

Internal

7. To consider the annual report and opinion of Internal Audit, and a summary of audit activity (actual and proposed) and the level of assurance it can give over the Council's governance arrangements.
8. To approve (but not direct) internal audit's strategy, plan and monitor performance.
9. To consider summaries of specific internal audit reports as requested.
10. To consider a report from internal audit on agreed high priority recommendations not implemented within a reasonable timescale.
11. To consider reports dealing with the management and performance of the Council's internal audit service, including the effectiveness of internal audit in accordance with the Accounts and Audit Regulations 2011.

Regulatory Framework

12. To monitor the effective development and operation of risk management and governance in the council.
13. To approve council policies on Whistleblowing and Anti-Fraud and Corruption and Bribery.

14. To approve the authority's Annual Governance Statement.
15. To consider the Council's compliance with its approved Treasury Management Strategy.
16. To consider the Council's arrangements for governance and to agree necessary actions to ensure compliance with best practice.
17. To consider the Council's compliance with its own and other published standards and controls.

PLANNING DEVELOPMENT CONTROL COMMITTEE

TERMS OF REFERENCE

1. To determine all matters and applications for planning permission, lawful development certificates, footpath and bridleway creation, stopping up and diversion orders, advertisement consents, listed building consents, tree work orders and hazardous substances consents under the Town and Country Planning Act 1990; the Planning (Listed Buildings and Conservation Areas) Act 1990; the Planning (Hazardous Substances) Act 1990; and the Town and Country Planning General Regulations 1992, The Conservation of Habitats and Species Regulations 2010, Planning and Compulsory Purchase Act 2004; and any related or amended statutes, including the determination of any application involving a departure from the development plan.
2. To take appropriate decisions on breaches of planning control including the service of Enforcement Notices, Breach of Condition Notices, Stop Notices and Injunctions under the Town and Country Planning Act 1990 and in respect of any contraventions under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990, the Planning Compulsory Purchase Act 2004 and any related or amended statutes.
3. To serve Section 215 Notices (proper maintenance of land) under the Town and Country Planning Act 1990.
4. To determine applications for Certificates of Appropriate Alternative Development under the Land Compensation Act 1961.
5. To authorise the preparation of planning obligations under Section 106 of the Town and Country Planning Act 1990.
6. To undertake all functions relating to the protection of important hedgerows under The Hedgerows Regulations 1997.
7. To authorise the requisition of information as to interests in land in connection with all functions delegated to the Committee.
8. To respond to Executive consultations in the preparation of Development Plans and where appropriate to make recommendations thereon to Council.
9. To respond as consultees on issues relating to the:-
 - a) protection of the rights of public use of highways.
 - b) maintenance and review of the definitive map and statement of footpaths and bridleways.
 - c) reclassification of roads used as public paths.
 - d) limestone pavement orders.
10. To make recommendations to Council on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.

11. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the Committee to an officer of the Council.
12. To respond on behalf of the Council to consultation papers on matters falling under the specific terms of reference of the Committee.

GENERAL PURPOSES AND LICENSING COMMITTEE

TERMS OF REFERENCE

1. To be the licensing committee established by the Council under section 6 of the Licensing Act 2003 and to discharge the licensing authority functions under that Act and the Gambling Act 2005.
2. To keep the Council's Statement of Licensing Policy and Statement of Gambling Principles under review and recommend changes to the Executive and/or Council, as appropriate.
3. To provide regular reports to the Planning Development Control Committee and Overview and Scrutiny Panels, as appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol and gaming related crime and disorder.
4. To determine the procedure to be followed at hearings of the Licensing Sub-Committee.
5. To be responsible for all matters relating to the licensing and registration functions determined by the Council under Part B, and the functions relating to public rights of way determined by the Council under Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
6. Except in relation to the Council as an employer, to advise the Council on functions under any relevant statutory provision within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc., Act 1974 under Part C of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
7. To advise the Council on all matters, including the appointment of appropriate Officers, relating to:-
 - a) electoral registration and elections
 - b) establishment, dissolution, grouping and any other matters relating to Parishes and Parish Councils
 - c) declarations of vacancy in certain offices
 - d) the name, status of areas and individuals
 - e) the making, amendment, revocation or re-enactment of byelaws
 - f) the promotion or opposition to local or personal Bills
 - g) Local Government pensions

under Parts D,E,F,G and H of Schedule 1 to The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

8. To authorise the requisition of information as to interests in land in connection with the functions delegated to the Committee.
9. To respond, as consultee, on issues relating to sea fisheries.
10. Where appropriate, to advise the Council on appointments to Committees, Sub-Committees and Joint Committees.
11. To advise the Council on standing orders for meetings and other matters.
12. To advise the Council on the arrangements for the appointment of staff to discharge the Authority's functions properly.
13. To make recommendations to Council on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.
14. To vary the maximum hackney carriage fares applicable in the District.
15. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the Committee to an officer of the Council.
16. To respond on behalf of the Council to consultation papers on matters falling under the specific terms of reference of the Committee.
17. To advise the Council on appointing staff and the terms and conditions on which employees hold office (including procedures for their dismissal).
18. To consider and make recommendations to the Council on any other matters not specifically set out in this Committee's, or any other Committee's, terms of reference that are not a function or responsibility of the Executive

EMPLOYEE ENGAGEMENT PANEL

TERMS OF REFERENCE

1. To act as an advisory body to the Executive (for executive functions), and to the General Purposes and Licensing Committee as appropriate (for non-executive functions) on:-
 - (a) Major issues of concern to the Council and its employees, always provided that no question of individual discipline, grievance or grading shall be within the scope of the Panel unless referred to it by the Council, the Executive, or a Panel or Committee of the Council.
 - (b) Any relevant matter referred to it by the Council, the Executive, a Panel or Committee of the Council, the Chief Executive or by any of the trades unions.
 - (c) Negotiations to alter the Local Terms and Conditions of Service of employees.
 - (d) Disputes about the application and interpretation of conditions of service.
 - (e) Reviews of the conditions of employment, organisation and training of the Council's employees.
 - (f) Negotiations relating to procedural agreements, including the disciplinary, disputes and grievance procedures.
 - (g) Such other matters as are specifically assigned to the Panel

APPEALS COMMITTEE

TERMS OF REFERENCE

1. To agree procedures, including arrangements for persons affected to be heard by a panel of Members, for the determination of appeals or objections against decisions of the Executive, Committees or Officers in respect of the areas set out below.

Provided that the procedures shall specify that no member shall sit on a Panel that determines an appeal or objection if that member was present at a meeting of the Executive or a Committee that considered the matter about which the appeal or objection has been made.

2. Subject to any criteria and in accordance with any procedures the Council and the Committee might set, to determine, through Panels of up to five Members of the Committee, as determined by the Chief Executive, appeals or objections against decisions of the Executive, Committees or Officers in respect of the following:-

a. Discipline and grievance

- (i) Disciplinary issues that have to be dealt with by Councillors in accordance with the provisions of the Council's Disciplinary Rules.
- (ii) Appeals by employees that have to be dealt with by a Panel of Councillors under the provisions of the Council's grievance procedure.
- (iii) Appeals by employees selected for redundancy under the Council's policy for redundancy.

b. Tree Preservation Orders

Objections to the making of Tree Preservation Orders, including the power to confirm, modify or not to confirm Orders.

c. Housing Matters

Appeals or requests for review of decisions in respect of tenancies, right to buy, improvement, renovation or other grants, discretionary housing payments, homelessness matters, or possession proceedings in cases where the tenant is above the statutory retirement age.

d. Non-Domestic Rate Relief

Appeals against decisions by the Executive in respect of applications for discretionary relief from non-domestic rates.

e. Licensing Matters

Where there is no specific statutory right of appeal to external bodies, to determine appeals against any decisions of Officers in relation to the grant, renewal, transfer, variation, refusal, revocation, suspension or imposition of conditions of licences granted by the Council.

3. In accordance with procedures set by the Council, through a Panel of three members determined by the Chief Executive, to conduct hearings into complaints that a member of the District Council or of a Parish or Town Council in New Forest District has failed to comply with the relevant Council's Code of Conduct.
4. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the Committee to an officer of the Council.
5. To respond on behalf of the Council to consultation papers on matters falling under the specific terms of reference of the Committee.

ROLES OF COMMITTEE CHAIRMEN

1. The roles to be undertaken by Chairmen of Committees shall be in accordance with:-

Audit Committee	Annex 1
Planning Development Control Committee	Annex 2
General Purposes and Licensing Committee	Annex 3
Industrial Relations Committee	Annex 4
Appeals Committee	Annex 5

2. Where the Chairman of a Committee is unavailable for any reason, the Vice-Chairman, if appointed, shall undertake the role of Chairman.

CHAIRMAN OF AUDIT COMMITTEE

A. MAIN ROLE

- (i) Lead the Council's activities in relation to those functions covered by the Terms of Reference of the Audit Committee.
- (ii) Ensure that the Committee deals with its functions in a fair and proper manner having regard to the Council's policies and statutory provisions relating thereto, including the rules of natural justice.

B. DUTIES AND RESPONSIBILITIES

- (i) Chair meetings of the Committee.
- (ii) Ensure that appropriate processes are adopted to enable the Committee to undertake its functions in a fair and even-handed manner within the Council's approved policies.
- (iii) Ensure that all Members of, and Officers servicing, the Committee take full and proper account of the legislative framework in setting policies, rules, regulations, processes and in the determination of any matter.
- (iv) Ensure that mechanisms are put in place to regularly measure the efficiency and quality of the arrangements for dealing with the functions of the Committee.
- (v) Ensure Members of, and Officers servicing, the Committee comply with the rules relating to declaration of interests.
- (vi) Ensure that appropriate Member training programmes and seminars are arranged to enhance Members' knowledge and ability to carry out the Committee's functions in accordance with legislation, the Council's policies and other codes and rules affecting such functions.

CHAIRMAN OF PLANNING DEVELOPMENT CONTROL COMMITTEE

A. MAIN ROLE

- (i) Lead the Council's activities in relation to those functions covered by the Terms of Reference of the Planning Development Control Committee.
- (ii) Ensure that the Committee deals with its functions in a fair and proper manner having regard to the Council's policies and statutory provisions relating thereto.

B. DUTIES AND RESPONSIBILITIES

- (i) Chair meetings of the Committee.
- (ii) Ensure, in relation to each function of the Committee, that appropriate policies, rules, regulations and processes are adopted to enable the Committee to undertake its functions in a fair and even-handed manner within the Council's approved policies.
- (iii) Liaise closely with the Executive and in particular the Portfolio Holder for Planning and Transportation in the preparation, alteration and adoption of Development Plans.
- (iv) Ensure that all Members of, and Officers servicing, the Committee take full and proper account of the legislative framework in setting any relevant policies, rules, regulations and processes and in the determination of any applications.
- (v) Work closely with the Executive and in particular the Portfolio Holder for Planning and Transportation in determining any applications that may have an effect on the economic health of the District or any part of it.
- (vi) Ensure that mechanisms are put in place to regularly measure the efficiency and quality of the arrangements for dealing with the functions of the Committee.
- (vii) Ensure Members of, and Officers servicing, the Committee comply with the rules relating to declaration of interests.
- (viii) Take the lead in setting the Committee's budgets, fees and charges and put effective budget monitoring procedures in place.
- (ix) Ensure that appropriate Member training programmes and seminars are arranged to enhance Members' knowledge and ability to carry out the Committee's functions in accordance with legislation, the Council's policies and other codes and rules affecting such functions.

CHAIRMAN OF GENERAL PURPOSES AND LICENSING COMMITTEE

A. MAIN ROLE

- (i) Lead the Council's activities in relation to those functions covered by the Terms of Reference of the Committee.
- (ii) Ensure that the Committee deals with its functions in a fair and proper manner having regard to the Council's policies and statutory provisions relating thereto, including the rules of natural justice.

B. DUTIES AND RESPONSIBILITIES

- (i) Chair meetings of the Committee.
- (ii) Ensure, in relation to each function of the Committee, that appropriate policies, rules, regulations and processes are adopted to enable the Committee to undertake its functions in a fair and even-handed manner within the Council's approved policies.
- (iii) Ensure that all Members of, and Officers servicing, the Committee take full and proper account of the legislative framework in setting policies, rules, regulations, processes in relation to its functions.
- (iv) Make all necessary arrangements to ensure legislative provisions, and in particular the rules of natural justice are followed in determining applications.
- (v) Ensure that mechanisms are put in place to regularly measure the efficiency and quality of the arrangements for dealing with the functions of the Committee.
- (vi) Ensure Members of, and Officers servicing the Committee, comply with the rules relating to declaration of interests.
- (vii) Take the lead in setting the Committee's budgets, fees and charges and put effective budget monitoring procedures in place.
- (viii) Ensure that appropriate Member training programmes and seminars are arranged to enhance Members' knowledge and ability to carry out the Committee's functions in accordance with legislation, the Council's policies and other codes and rules affecting such functions.

CHAIRMAN OF INDUSTRIAL RELATIONS COMMITTEE

A. MAIN ROLE

- (i) Lead the Council's activities in relation to those advisory functions covered by the Terms of Reference of the Industrial Relations Committee.
- (ii) Ensure that the Committee's advisory and negotiating functions are undertaken in a fair and proper manner having regard to the Council's policies and statutory provisions relating thereto, including the rules of natural justice.

B. DUTIES AND RESPONSIBILITIES

- (i) Chair meetings of the Committee.
- (ii) Ensure, in relation to each function of the Committee, that appropriate processes are adopted to enable the Committee to undertake its functions in a fair and even-handed manner within the Council's approved policies.
- (iii) Ensure that all Members of, and Officers servicing the Committee, take full and proper account of the legislative framework in setting policies, rules, regulations and processes and in the determination of any matter.
- (iv) Ensure that mechanisms are put in place to regularly measure the efficiency and quality of the arrangements for dealing with the functions of the Committee.
- (v) Ensure Members of, and Officers servicing the Committee, comply with the rules relating to declaration of interests.
- (vi) Ensure that appropriate Member training programmes and seminars are arranged to enhance Members' knowledge and ability to carry out the Committee's functions in accordance with legislation, the Council's policies and other codes and rules affecting such functions.

CHAIRMAN OF APPEALS COMMITTEE

A. MAIN ROLE

- (i) Lead the Council's activities in relation to those functions covered by the Terms of Reference of the Appeals Committee.
- (ii) Ensure that the Committee deals with its functions in a fair and proper manner having regard to the Council's policies and statutory provisions relating thereto, including the rules of natural justice.

B. DUTIES AND RESPONSIBILITIES

- (i) Chair meetings of the Committee.
- (ii) Ensure, in relation to each function of the Committee, that appropriate policies, rules, regulations and processes are adopted to enable the Committee to undertake its functions in a fair and even-handed manner.
- (iii) Ensure that all Members of, and Officers servicing, the Committee take full and proper account of the legislative framework in setting policies, rules, regulations, processes and in the determination of any appeals.
- (iv) Liaise closely with the Council's Chief Executive, Monitoring Officer and Chief Finance officer in connection with the adoption, implementation and review of all arrangements for dealing with appeals and other matters considered by the Committee or a Panel of the Committee.
- (v) Ensure that mechanisms are put in place to regularly measure the efficiency and quality of the arrangements for dealing with the functions of the Committee.
- (vi) Ensure Members of, and Officers servicing, the Committee comply with the rules relating to declaration of interests.
- (vii) Take the lead in setting the Committee's budgets, fees and charges and put effective budget monitoring procedures in place.
- (viii) Ensure that appropriate Member training programmes and seminars are arranged to enhance Members' knowledge and ability to carry out the Committee's functions in accordance with legislation, the Council's policies and other codes and rules affecting such functions.

ROLE OF THE CHAIRMAN OF THE COUNCIL

A. MAIN ROLE

- (i) Be the first citizen of the District.
- (ii) Represent the Council as the Civic Head of the Council at public and private Functions.

B. DUTIES AND RESPONSIBILITIES

- (i) Preside over meetings of the Council ensuring equality of opportunity for all Members to participate in the decision making process.
- (ii) Promote the District as its first citizen and ambassador.
- (iii) Lead official civic visits by the Council.
- (iv) Represent the Council at non-political ceremonies, social occasions and services of prayer and remembrance.
- (v) On behalf of the Council, act as host to visitors, including members of the Royal Family, overseas visitors and other civic dignitaries.
- (vi) Nominate charities for his/her year of office and organise or co-ordinate activities for such causes during this period.

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ROLE OF THE VICE-CHAIRMAN OF THE COUNCIL

A. MAIN ROLE

- (i) Support the Chairman of the Council in his/her role as the first citizen of the District.
- (ii) Represent the Council as necessary as the Deputy to the Civic Head of the Council at public and private Functions.

B. DUTIES AND RESPONSIBILITIES

- (i) Preside over meetings of the Council in the absence of the Chairman ensuring equality of opportunity for all Members to participate in the decision making process.
- (ii) Be an ambassador for and promote the District as the deputy to the first citizen.
- (iii) Deputise for, or assist, the Chairman in leading official civic visits by the Council.
- (iv) Represent the Chairman of the Council at non-political ceremonies, social occasions and services of prayer and remembrance when the Chairman is unable to attend.
- (v) Deputise for, or support, the Chairman in his/her role when acting as host to visitors, including members of the Royal Family, overseas visitors and other civic dignitaries.
- (vi) Support the charities chosen by the Chairman for his/her year of office and assist as necessary in organising or co-ordinating activities for such causes during this period.

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ROLE OF ALL MEMBERS AS ELECTED REPRESENTATIVES

A. MAIN ROLE

- (i) To represent effectively the interests of the Ward for which the Councillor was elected and all of its constituents.
- (ii) To contribute in a positive manner to the effective government of the District, and the direct, or indirect, provision of services to all residents, visitors and other stakeholders.
- (iii) To encourage the involvement and participation of individual citizens and the community generally in the development and review of the Council's decision making processes.

B. DUTIES AND RESPONSIBILITIES

- (i) Meet regularly with constituents, Local Councils and other stakeholders, seeking and listening to their views on issues to be considered by or proposed to the Council.
- (ii) Act as the interface between the local community and the Council ensuring that their views and needs are taken into account when strategy, policy and budget issues are considered by the Council.
- (iii) Ensure that the local communities' views are properly expressed and argued when specific decisions affecting them are considered by Council.
- (iv) Use local knowledge and information to assist in the determination of policy proposals and in decision making.
- (v) Act as a disseminator of information from the Council to constituents, Local Councils and other Stakeholders.
- (vi) Participate in Member training programmes and seminars to enhance the ability to undertake a fully effective role as an Elected Representative.

C. KEY TASKS

- (i) Discuss issues to be determined by the Council with constituents, Local Councils and other stakeholders.
- (ii) Participate in any local area machinery established for the Councillor's Ward by the Council to facilitate good communication with residents.

- (iii) Develop and maintain a good working knowledge of the organisations, services, activities and hopes and aspirations of the community for the Ward for which the Member was elected.
- (iv) Champion causes and issues on behalf of the Member's constituents.
- (v) Ensure that constituents are kept informed about:-
 - Services in their area.
 - Decisions that may affect them.
 - The reasons why decisions have been taken by the Council.
 - Their rights relating to service provision, appeals against decisions and access to meetings and information.
- (vi) Carry out casework on behalf of constituents and represent their interests to the Council.
- (vii) Participate fully in the activities and decision making processes (where appropriate) of any outside body to which the Councillor is appointed by:-
 - Providing two-way communication between the Council and the outside body.
 - Developing and maintaining a working knowledge of the Council's policies and priorities, particularly in so far as they might affect the outside body.
 - Ensuring that the outside body takes account of the needs and aspirations of the community affected by the work and services of that outside body.
- (viii) Contribute constructively to community planning initiatives and in particular to assist in the achievement of open government and democratic renewal by actively encouraging the community to participate in the government of the area and take up their roles in terms of effective citizenship.

ROLE OF OPPOSITION GROUP LEADERS

A. MAIN ROLE

- (i) Provide for residents, stakeholders and partners, visible political leadership in relation to the opposition group's views on the design, preparation and implementation of the Council's policies, strategies, budgets and service delivery.
- (ii) Lead the opposition group in endeavouring to ensure that the Council works in the best interests of the local community.
- (iii) Act as the group's spokesperson on:-
 - The development of local, regional, national and European policy and strategic partnerships.
 - Development and implementation of the Council's principal policies and plans.
 - The Council's political and management structures.
 - Development of the local economy.
- (iv) Maintain effective working relationships between Members of the opposition group and the Chief Executive, Chief Officers and all employees of the Council.

B. DUTIES AND RESPONSIBILITIES

- (i) Work with the controlling group and other opposition groups to ensure that the Council's duties and responsibilities can be carried out.
- (ii) Act as a focus for political opposition to the controlling group on behalf of the relevant group.
- (iii) Act as the group's lead spokesperson on proposals for developing strategic partnerships with residents, other Local Authorities, statutory and non-statutory organisations, the Government and its agencies and other stakeholders in relation to the development and implementation of strategic objectives and policies and delivery of services.
- (iv) To have overall political responsibility for the particular group's views on:-
 - Strategic policy innovations.
 - Design, preparation, implementation and monitoring of the Council's principal policies and plans.
 - Strategic financial management including the revenue and capital budgets and financial monitoring.
 - Communications with Councillors, employees, residents, stakeholders and all other external organisations.

- Setting the Council's business strategy to achieve best value.
- Implementation of new political and management structures to meet any legislative duties placed upon the Council to ensure open and accountable decision-making and effective delivery of services.
- Development of arrangements to facilitate community consultation and involvement in the Council's decision-making processes.
- Human resource planning, with particular reference to ensuring maintenance of good employee relations, employee training and development policies and implementing systems for performance appraisal of all employees.
- To be responsible for nominating Members of the group to serve on Committees, Panels, Sub-Committees and outside bodies for consideration by Council.
- To lead the group' dealings with the media.

PROCEDURE FOR SETTING STRATEGIC PLANS, POLICY AND BUDGET

1. INTRODUCTION

- 1.1 This Chapter defines the roles and responsibilities of the Executive, Overview and Scrutiny Panels, Committees of the Council, and the Council in formulating, preparing, reviewing and amending the Council's strategic plans, policies and budgets.
- 1.2 For the purposes of this Chapter, the following definitions shall apply:-
- Budgets – means the preparation of the annual budget of the Council which is to be used for the purposes of setting the Council Tax, all the components of the budget, such as budgetary allocations to the different services and projects, proposed taxation levels, contingency funds ("reserves" and "balances") and any plan or strategy for the control of the Council's borrowing or capital expenditure.
 - Committees – means the Audit Committee, the Planning Development Control Committee, the General Purposes and Licensing Committee, Appeals Committee, and any other Committees established by the Council to undertake any of its functions.
 - Council – means all Members of the Council acting together at formal meetings convened under the provisions of the Local Government Act 1972.
 - Executive – has the meaning assigned by Part II of the Local Government Act 2000.
 - Overview and Scrutiny Panels – means those Panels established under the Local Government Act 2000 with responsibility for undertaking an overview and scrutiny role of all actions of the Executive.
 - Prepare – includes the initial preparation, review, amendment or any modification thereof, of any document or papers relating to corporate plans, policies, or budgets.
 - Strategic Plans – means the Council's corporate plan, and such other similar plans or strategies as the Council may determine.

2. STRATEGIC PLANS, POLICIES AND BUDGETS

- 2.1 The Executive shall be responsible for initiating, preparing, amending and making recommendations to the Council on all matters relating to the strategic plans (other than those that come under the remit solely of the Executive), policies and budgets of the Council.
- 2.2 Consultation arrangements prior to recommendations being formulated for submission to Council are a matter for the Executive. However, the Council expects that the Executive will consult fully with the appropriate Overview and Scrutiny Panels, Committees, other partners and

stakeholders who may be interested in the contents of the strategic plans, policies or budgets.

- 2.3 Overview and Scrutiny Panels and Committees will consider and advise the Executive on the preparation of strategic plans and policies. Any views Panels or Committees might have on draft budgets will be reported to the Executive for consideration before the Executive makes final detailed proposals for the adoption of the overall budget, the Council Tax and housing rent levels.
- 2.4 In support of the rights contained within the Local Government Act 2000, the Overview and Scrutiny Panels and Committees shall:-
- (i) Be provided with copies of all relevant papers, reports and other documents upon which the Executive has relied in making its recommendations – provided that if any confidential information is supplied – that confidentiality will be maintained;
 - (ii) Have power, subject to the approval of the Chief Executive, to require additional research to be undertaken on specific issues;
 - (iii) Comply with all reasonable time scales set by the Executive for response to any consultations;
 - (iv) Be empowered to submit a report to Council on any matter relating to strategic plans, policies or budgets where there is a disagreement between the Executive and all or any of the Overview and Scrutiny Panels and Committees.
- 2.5 In relation to the preparation of strategic plans, the budget and the Council tax, the Council shall retain the absolute right, subject to the provisions of its constitution, to approve, amend, or reject any proposals put to it by the Executive. In determining any proposals, the Council shall:-
- (i) Have regard to any comments made by the Overview and Scrutiny Panels and Committees of the Council, other Local Authorities, partners and stake holders;
 - (ii) Take no action on any decision which is contrary to proposals submitted by the Executive until the sixth working day after the decision has been notified to the Leader, or until the decision has been dealt with in accordance with the “disputes procedure” provisions of the Council’s Constitution, whichever is the later.

3. POLICIES REQUIRING APPROVAL BY MINISTER OF THE CROWN

- 3.1 The provisions of this Chapter shall apply in every respect to those policies which must be submitted to a Minister of the Crown in final or draft form for approval, except that where the Minister requires a submitted policy to be amended, the Executive shall be responsible for effecting such amendment.

4. VARIATION OF PROCEDURE

- 4.1 This procedure may be varied by resolution of the Council upon a recommendation from the Executive and following consultation with the Overview and Scrutiny Panels and Committees of the Council.

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**CHAPTER 20 OF THE COUNCIL'S CONSTITUTION PRIOR TO
8 MAY 2011 IS DELETED**

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PROCEDURE FOR RESOLVING DISPUTES BETWEEN COUNCIL AND EXECUTIVE

INTERPRETATION

1. In this Chapter, "plan or strategy" means a plan or strategy referred to in Annex 2 or 3 to the Constitution, and any other plans or strategies that full Council decide should be added to the list in Annex 3, (subject to the separate provisions relating to the statutory components of the budget in paragraph 10).
2. Where notification is required to be submitted to any Councillor or officer of the Council under the procedure in this Chapter, the notification may be transmitted electronically.

PROCEDURE FOR DEALING WITH RECOMMENDATIONS FROM EXECUTIVE

3. The Executive is responsible for formulating or preparing plans or strategies, or alterations to plans or strategies, for submission to the full Council.
4. The full Council is responsible for approving plans and strategies. In doing so, it shall in all cases consider a written recommendation from the Executive.
5. The procedure in this Chapter lays down the action that must be taken where the Executive has submitted a draft plan or strategy, or amendments to an existing plan or strategy, to full Council for consideration, and, following consideration of the draft plan or strategy, or the amendments, the Council has any objections to the Executive's proposals.
6. Before the Council adopts, approves, amends or modifies the plan or strategy, it must instruct the Chief Executive to take the action in paragraph 7.
7. As soon as reasonably practicable, and in all case within two working days, after the meeting at which the Council objected as in paragraph 5 above, the Chief Executive shall give written notification to the Leader of the Council in the following terms:

"[NAME OF PLAN OR STRATEGY]

At its meeting on [date] full Council objected to this plan or strategy as recommended to it by the Executive for [adoption][approval][amendment].
The objections agreed by Council were:

[
].

Under legislation and the Council's Constitution, the Executive must reconsider the [name of plan or strategy] in the light of the Council's objections.

The Executive must either:

- (a) submit a revised [name of plan or strategy], with its reasons for any amendment, to the Council for its consideration; or
- (b) inform the Council of any disagreement it has with any of the Council's objections, and its reasons for the disagreement.

The Executive must take this action by [date (1)*]

[It is proposed that this item is placed on the agenda for the Cabinet meeting already arranged for [date and time]]

OR

[I will contact you separately to arrange a date and time for a special Cabinet meeting]

OR

[As discussed, a special Cabinet meeting to consider this matter is being arranged for [date and time]]

OR

[Please notify me by [date] of any revisions the Executive proposes to the [name of plan or strategy], with reasons, and/or the Executive's reasons for any disagreement with the Council's objections]."

* The date at (1) must be not less than 5 working days from and including the day after the Leader receives this notification.

8. When the Executive has reconsidered the matter in the light of the Council's objections, the Chief Executive shall arrange for the plan or strategy to be referred to the next full Council meeting or, if necessary, a special Council meeting. The reference to the Council meeting shall include all of the following information that has been received from the Executive by the date at (1) in paragraph 7 above:
- a) any amendments to the draft plan or strategy proposed by the Executive;
 - b) the reasons for those amendments;
 - c) any disagreement the Executive has with the Council's objections to the plan or strategy; and
 - d) the reasons for that disagreement.

9. The Council shall take the information in 8 (a) to (d) into account when it adopts, approves, amends or modifies the plan or strategy. The Council's decision, whether it be to follow or to reject the views of the Executive, shall be implemented immediately.
10. Where, before 8 February in any financial year, the Executive submits to full Council for consideration in relation to the following financial year the statutory components of the budget (defined below*), the procedure in paragraphs 5 to 9 above shall also apply before the Council makes a calculation, or issues a precept, under any of the legislation included in the definition. The Chief Executive's notification to the Leader shall be in similar terms to that in paragraph 7 of this Chapter.

*The "statutory components of the budget" means:

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992

but not

- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; or
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

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**New Forest District Council
&
Local Councils in the New Forest**

WORKING TOGETHER

Statement Of Partnership

Dear Colleagues

Only by working together, as a team, can New Forest District Council and Local Councils in the New Forest provide the best possible services for Residents and make sure their views are taken into consideration when decisions are made on their behalf.

Some time ago we formalised many years of co-operation and consultation by publishing a Statement of Partnership. It outlines the way that we consult each other and work together to try to meet the needs of the people who live, bring up a family or earn a living in the New Forest District. The Statement has proved invaluable as a first attempt at putting into words how we work together on a day to day basis - but now the time has come to bring it up to date and that's exactly what we have done in this publication. In the future, we must be prepared to move with rapid changes taking place in Local Government and review the Statement from time to time. If anyone has any ideas to put forward or would just like an informal chat on how we can work together even more effectively, remember our doors are always open.

INTRODUCTION

- This Statement recognises and gives effect to the continuing partnership between the District Council and Local Councils which represent the interests of the residents, non-domestic ratepayers and other organisations of the New Forest District. It has been agreed between representatives of the New Forest District Association of Local Councils and New Forest District Council. Thirty-five Local Councils in the District have adopted it. They are listed in the Appendix.
- This Statement does not apply to services provided to individuals or any matters which are subject to a statutory complaints procedure.

1. General

- The District Council and the Local Councils recognise that each has responsibilities entrusted to it by Parliament for the whole community within its area, but that the Local Councils have a key role in representing the views of local communities. In exercising the responsibilities entrusted to it by Parliament, the District Council wishes to take into account the views of local communities and to maintain good communications and relations with Local Councils for that purpose.
- This Statement expresses the wishes of the District Council and Local Councils that Local Councils should have the opportunity to influence policies and the delivery of services in their area. Where the District Council consults a local special interest group on any local issue affecting the community at large, it will also consult the Local Council.

2. Relationships

Between District Councillors and Local Councils

- The District Council and Local Councils believe that it is important for District Councillors to maintain a close relationship with Local Councils for their wards.
- The pressures on the time of elected members are recognised, but

The District Council will:-

- ◆ Encourage District Councillors to accept invitations to attend Local Council meetings in their wards whenever possible; and
- ◆ Send copies of correspondence on any significant matter concerning Local Councils to District Councillors representing that area.

The Local Councils will:-

- ◆ Invite the District Councillor(s) for the area to Local Council meetings;
- ◆ At the Local Council's discretion, allow them to speak at such meetings;

- ◆ Provide, on request, to the District Councillor(s) for the area, agenda, reports and minutes of meetings of the Local Councils; and help to keep the District Councillor(s) for the area informed about local views on any matter relating to District Council responsibilities;
- ◆ Ensure that representatives attending any meetings or discussions with the District Council or its representatives report back to the Local Council on the outcome.

3. Information

- The District Council will provide Local Councils and District Councillors with regular information about proposals and developments in services in relation to particular localities.
- The District Council will include all Local Councils on its mailing list for the following, which will be supplied free of charge:
 - ◆ Agenda of Council meetings, reports to Council, and the minutes of Committees published in the Council book;
 - ◆ Agenda of meetings of Committees and Sub-Committees;
 - ◆ Information Bulletin;
 - ◆ Annual Report;
 - ◆ Year Book;
 - ◆ Calendar of meetings;
 - ◆ Directorate contact lists;
 - ◆ District Council telephone directory; and
 - ◆ Deadlines for inclusion of projects in annual budgets and programmes.
- On request, the District Council will include any Local Council on its mailing list for the following, which will be supplied free of charge or at marginal cost only:
 - ◆ Reports to meetings of Committees and reports to and minutes of meetings of Sub-Committees, except for reports containing “exempt” or “confidential” information as defined in the Local Government (Access to information) Act 1985;
 - ◆ Press releases relating to the area of the Local Council;
 - ◆ District Council Members’ Handbook; and
 - ◆ Any publication issued by the District Council which would not otherwise be supplied to the Local Council free of charge.

4. Consultation

- Within the spirit of this statement the District Council will consult Local Councils on the provision of services or proposals affecting their respective areas and will supply all relevant documents which are reasonably necessary to enable the Local Council to respond. See also Section 8.
- At the time of consultation the District Council will provide information and reasons for any proposals it is suggesting.
- The District Council wishes to give Local Councils every reasonable opportunity to comment on and influence decisions on proposals which may affect the local community.
- Within the constraints imposed by statute, necessary service and Committee timetables and any special urgency requirements, the District Council will allow Local Councils a reasonable time for comment. Local Councils will, for their part, respond as promptly as possible within any reasonable timescales set by the District Council.
- The District Council reserves the right under this statement to withhold information defined as “exempt” or “confidential” under the Local Government (Access to information) Act 1985.

5. Decision Making

- Because of its responsibilities to the wider community and the greater range of considerations it must take into account, the District Council will not always be able to follow a Local Council’s expressed wishes. In such cases full consideration will be given to the views of the Local Council before a decision is made.
- Where, in relation to any significant proposal being made by the District Council, a Director or his or her representative proposes to make a decision or recommend a course of action which is contrary to the wishes of the Local Council, the Officer will give that Local Council a reasoned explanation before doing so.
- If, having considered the reasoned explanation, the Local Council considers that its views have not been understood or taken into account it may ask for, and be given, a discussion with the representative of the responsible Director.
- If such discussion does not resolve the matter and the Local Council considers that it will have serious consequences for the local community, it may then resolve to ask the Local District Councillor to ask the Chairman of the relevant Committee or Sub-Committee to discuss the intended decision with him/her and, if the Local District Councillor makes such a request, the Chairman will meet representatives of the Local Council for this purpose. The meeting with the Local Council will take place in the locality or on site if this is considered necessary and relevant to the issues.

- Having met representatives of the Local Council, the Chairman may, at his or her discretion, ask the Director to reconsider the intended decision or recommendation or to submit the matter to the next meeting of the appropriate Committee or Sub-Committee for determination.
- In implementing the procedures described above, any request will need to take account of any statutory or necessary service requirements, Committee timetables or other urgent requirements and when this applies, the District Council will notify the Local Council of such constraints.
- The procedure described above does not apply to applications for planning permission or licences made by third parties, in view of the requirements of natural justice and the requirements to give decisions within a prescribed period, but the District Council will act within the spirit of the procedure. In particular, where a Local Council objects to planning application being dealt with by an Officer under delegated powers, the application will be referred to a Committee or Sub-Committee for a decision if the Officer proposes to act contrary to the Local Council's Wishes.

6. Agency Work

- The District and Local Councils recognise that there may be benefits for one party to undertake work on an agency basis for the other. In addition to work relating to service provision, Local Councils may also be requested to provide assistance with the collation of information. Whilst it is acknowledged that these could be encouraged, the District Council and the Local Councils concur that any agency arrangements should be introduced only after consideration of the following key principles:
 - ◆ The need to provide the best value for money for the residents of the New Forest and individual parishes;
 - ◆ Meeting the needs of the residents;
 - ◆ Avoidance of a two tier system;
 - ◆ To aid the public's understanding of who is responsible for a particular service;
 - ◆ The need to have a consistent approach across the District;
 - ◆ Any statutory restrictions;
 - ◆ The effect the agency work would have on the workload of Local Councils, their clerks and other staff;
 - ◆ Other benefits/disadvantages which would exist for Local Councils;
 - ◆ The need to meet any prescribed minimum level of service provision; and
 - ◆ The effect on the cost-effectiveness of the delivery of the remainder of the service directly by the providing authority if some work is undertaken by the District or Local Councils as an agent for the other party.

7. NFDC Services and Functions

- The District Council is committed to the involvement of the local community in the delivery of services and determination of matters both discretionary and statutory for which it has a responsibility.
- In those cases where the District Council has a statutory obligation to consult with Local Councils, those consultations will be undertaken at the earliest practicable opportunity and Local Councils will be given as much time as possible to enable them to formulate an opinion to submit to the District Council.
- In order to fulfil the commitment to extend the principle of consultation beyond that which is statutorily required, the District Council will inform Local Councils at the earliest practicable opportunity about any of the following additional matters with a view to providing the Local Council with an opportunity to influence any final decision.
 - ◆ Proposals to open or close permanently any District Council establishment open to the public.
 - ◆ The preparation of local plans.
 - ◆ Planning applications submitted to the District Council for its determination.
 - ◆ Applications by the District Council for its own development.
 - ◆ Proposals to provide country parks or other major areas of recreational open space.
 - ◆ Proposals to designate local nature reserves.
 - ◆ Draft countryside management plans.
 - ◆ Applications for work to trees protected by Tree Preservation Orders.
 - ◆ Preparation of the Council's Housing Strategy.
 - ◆ Identification and development of sites for use under the Council's Housing Enabling role.
 - ◆ Major amendments to housing estate management policies.
 - ◆ Construction of local leisure facilities.
 - ◆ Specification for recreation schemes in outlying areas.
 - ◆ Preparation and changes to the Environment Charter.
 - ◆ Policies for pollution monitoring.
 - ◆ Arrangements to be made for dog control.
 - ◆ Provision or withdrawal of Local Information Centres.

- ◆ Provision of new Visitor Information Points and Centres.
- ◆ Provision or withdrawal from permanent use of public conveniences.
- ◆ Provision of new cemeteries.
- ◆ Proposals for amendments to or provision of new recycling facilities.
- ◆ Provision of new car parking facilities or changes in the permitted waiting periods.
- ◆ New proposals relating to traffic management.
- ◆ Emergency planning arrangements with individual parishes.
- ◆ Determination of applications for licences where the District Council has a discretion but excluding those relating to licences issued to individuals.
- ◆ Street naming.
- ◆ Local Agenda 21 issues.
- ◆ Grant Aid applications/awards.

8. Local Council Services

- Where Local Councils intend to undertake major projects, particularly in the provision of services or facilities for which the District Council also has a responsibility, they will at the earliest practical opportunity consult the District Council on those proposals. These consultations will be separate from and in addition to any statutory consultations or consents which may need to be obtained from the District Council. For the purposes of this paragraph major projects would include provision of:
 - ◆ Recreational facilities
 - ◆ Large areas of open space
 - ◆ Community Buildings
- In undertaking the consultation, Local Councils will give the District Council as much time as possible to enable it to formulate an option and submit it to the Local Council. In recognition of this consultation the District Council will endeavour to respond within any time scales set by the Local Council.

9. Review

- The effectiveness of this Statement of Partnership will be reviewed annually by New Forest District Council and the New Forest District Association of Local Councils which may agree appropriate amendments to any of the provisions.

APPENDIX 1

Town & Parish Councils within the New Forest District which have agreed to adopt this Statement of Partnership

Ashurst & Colbury	Hyde
Beaulieu	Hythe & Dibden
Boldre	Lymington & Pennington
Bramshaw	Lyndhurst
Bransgore	Marchwood
Breamore	Martin
Brockenhurst	Milford-on-Sea
Burley	Minstead
Copythorne	Netley Marsh
Damerham	New Milton
Denny Lodge	Ringwood
East Boldre	Rockbourne
Ellingham Harbridge & Ibsley	Sandleheath
Exbury & Lepe	Sopley
Fawley	Totton & Eling
Fordingbridge	Woodgreen
Hale	Whitsbury
Hordle	

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STANDING ORDERS FOR MEETINGS

1. Interpretation

In these Standing Orders –

“the 1972 Act” means the Local Government Act 1972, as amended

“Cabinet” is the collective term for the members of the executive

“Chief Executive” means the Head of the Council’s Paid Service

“Committee” means any Committee appointed by the Council

“he”, “him”, “his” and “himself” includes “she”, “her” and “herself”

“executive” has the meaning assigned by Part II of the Local Government Act 2000

“Leader” means the Councillor appointed by the Council to be its principal political leader and is the “executive leader” within the meaning of the Local Government Act 2000

“Monitoring Officer” means the person appointed under section 5 of the Local Government and Housing Act 1989

“opposition group” means any political group, excluding the political group which contains the largest number of Council members

“Panel” means Overview and Scrutiny Panel (except where the term “Appeals Panel” is used)

“political group” means a group of Councillors who:

wish to associate together for the allocation of Committee and Panel places; and

inform the Chief Executive of that fact in writing

“portfolio” means an activity which is the responsibility of a single cabinet member

“portfolio holder” means the Councillor responsible for a specific portfolio

“Sub-Committee” means any group, whether or not called a Sub-Committee, which is appointed by the Leader, Cabinet, a Committee or Panel for specified purposes. (*See Note for Guidance below)

“working day” means Mondays to Fridays, excluding days of public holiday; and a working day ends when the Council’s offices at Appletree Court, Lyndhurst close for normal business on that day

“writing” includes the use of electronic means to transmit information

“year” means municipal year – that is the year starting with the Annual Council Meeting in May, and ending with the Annual Council meeting the following year.

* Note for Guidance

When Sub-Committees are appointed they are generally termed “Sub-Committee”, “Working Party”, “Advisory Group” or “Consultative Group”, depending on their constitution and terms of reference.

The membership of Sub-Committees consists of Councillors, with voting rights and the power to make decisions.

The membership of Working Parties includes Councillors, and may also include non-Councillors. Working Parties have an investigative role to research and make recommendations, but no power to make decisions.

The membership of Advisory or Consultative Committees is made up of Councillors and non-Councillors. They have a continuous advisory role to a decision making body.

APPOINTING AND ELECTING MEMBERS TO PARTICULAR POSITIONS

2. Rules for Election/Appointment – Chairman, Vice-Chairman, Leader, Deputy Leader

- 2.1 The **Chairman of the Council** shall be elected at the Annual Council Meeting. This election shall be the first business for that meeting.
- 2.2 The **Vice-Chairman of the Council** shall be appointed by election at the Annual Council Meeting.
- 2.2A Neither the Chairman nor the Vice-Chairman of the Council shall be a member of the Executive.
- 2.3 Any political group may submit to the Chief Executive nominations for the Chairman and Vice-Chairman of the Council for the following year. Nominations must be submitted at least 10 working days before the last Council meeting of the year. The Chief Executive shall report all nominations received to the last Council meeting of the year. That meeting shall make nominations to the next Annual Council Meeting.
- 2.4 The **Leader of the Council** shall be elected at the first Annual Council Meeting following the ordinary election of Councillors. The Council may terminate the appointment at any time, as provided in the Council’s Constitution. Subject to this, the Leader shall hold office for four years, until the day of the first Annual Council Meeting following the next ordinary election of Councillors.
- 2.5 The Leader of the Council shall not be the Chairman or Vice-Chairman of the Council.
- 2.6 The Leader of the Council shall be the Chairman of the Cabinet.
- 2.7 The Leader of the Council shall appoint a **Deputy Leader of the Council** from among the Cabinet members, and notify the appointment to the Chief Executive, within 5 working days of the Annual Council Meeting. The Leader may remove the Deputy Leader from office at any time. Subject to this, unless he resigns as Deputy Leader or ceases to be a member of the Council, the Deputy Leader shall hold office until the end of the Leader’s term of office.
- 2.8 The Deputy Leader of the Council shall be the Vice-Chairman of the Cabinet.

3. Constitution of Cabinet

3.1 Within 5 working days of his election, the Leader shall:

- (a) decide the number of Cabinet members;
- (b) decide the number, and content, of Cabinet portfolios; and
- (c) appoint Cabinet members to those portfolios.

The number of Cabinet members must comply with the limits laid down in legislation.

3.2 The Leader may at any time:

- (a) amend the number of members who form the Cabinet (within limits set down by legislation);
- (b) amend the number, and content, of Cabinet portfolios;
- (c) terminate the appointment of any Cabinet member;
- (d) appoint a new member or members to the Cabinet;
- (e) transfer Cabinet members between portfolios; or
- (f) terminate the appointment of the Deputy Leader and appoint a new Deputy Leader.

3.3 Where any changes are made under 3.2 above, the Leader shall notify them to the Chief Executive immediately.

3A. Constitution of Committees and Panels

3A.1 At its first Annual Council Meeting after the ordinary election of Councillors, the Council shall appoint Standing Committees and Panels with the following membership, and provide for their constitution:

Committee or Panel	Number of Members
Appeals Committee	20
General Purposes and Licensing Committee	15
Planning Committee	20
Audit Committee	8
HR Committee	8
Corporate Affairs and Local Economy Overview and Scrutiny Panel	10

Community, Partnerships and Wellbeing Overview and Scrutiny Panel 10

Environment and Sustainability Overview and Scrutiny Panel 10

Housing and Homelessness Overview and Scrutiny Panel 10

The Council may also appoint such other Committees as are necessary to undertake its non-executive functions.

3A.2 The Council may at any time:

- a) terminate any Committee or Panel; or
- b) establish any further Committee or Panel it deems appropriate; or
- c) amend the terms of reference of any Committee or Panel,

subject to ensuring that all the Council's services and functions (apart from any non-executive functions specifically excluded under the Panels' general terms of reference) can be scrutinised by at least one Panel.

3B. Leader Unable to Act

3B.1 Subject to 3B.2, if the Leader is for any reason unable to act, or the office of Leader is vacant, the Deputy Leader must act in his place.

3B.2 If, in the circumstances in 3B.1, the Deputy Leader is for any reason unable to act, or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a Cabinet member to do so.

4. Appointment of Group Leaders, Committees and Panels

4.1 Subject to 4.2, each political group shall inform the Chief Executive in writing of:

- a. its name; and
- b. the name of its Leader

within 5 working days after the day of the ordinary election of Councillors.

4.2 Where a political group is formed later than 5 days after the day of the ordinary election of Councillors, the group shall inform the Chief Executive in writing of

- a. its name; and
- b. the name of its Leader

as soon as practicable.

4.3 The group leader shall nominate to the Chief Executive members to serve on Committees and Panels.

- 4.4 Subject to 4.5 below, a political Group may at any time terminate the appointment of its Leader and appoint a new Leader. It shall inform the Chief Executive immediately of the name of its new Leader.
- 4.5 If a group Leader whose appointment is terminated under Standing Order 4.4 is also the Leader of the Council, the termination of his appointment as group leader shall not affect his appointment as Leader of the Council. His appointment as Leader of the Council may only be terminated under the Procedure for Removing the Leader of the Council laid down in the Constitution.
- 4.6 A member appointed to a Committee or Panel shall normally hold office for the whole of his term of office as a Councillor. However, the Council may alter appointments at any time on the relevant Group Leader's recommendation.
- 4.7 In making appointments the Council shall ensure that as far as practicable the political composition of each Committee or Panel reflects the political composition of the Council. The following rules apply:
- Rule 1.** A political group which has a majority on the Council shall have a majority on each Committee and Panel.
- Rule 2.** If there is more than one political group, at least two groups shall have seats on each Committee and Panel.
- Rule 3.** Subject to Rules 1 and 2, the total number of seats for each political group on all Committees and Panels shall be, as nearly as possible, in proportion to the number of Council members in that group.
- Rule 4.** Subject to Rules 1, 2 and 3, the number of seats for each political group on each Committee and Panel shall be as nearly as possible in proportion to the number of Council members in that group.
- 4.8 Councillors who are not members of a political group shall be allocated Committee and Panel places as nearly as possible in proportion to the number of those members on the Council.
- 4.9 In allocating Committee and Panel places, regard shall be had to the desirability of achieving geographical representation on each Committee and Panel wherever appropriate. Competence should be the over-riding consideration.
- 4.10 The Leader and Cabinet members shall not be appointed to:
- any Panel; or
- any Panel Sub-Committees.
- 4.11 The Leader and Cabinet members may be appointed to any of the Committees referred to in 3A. (Subject to restrictions on Chairmanship and Vice-Chairmanship in Standing Order 7.5 and 7.6).
- 4.12 Any alteration in Committee or Panel membership shall be made directly by the Council, on nominations submitted in accordance with this Standing Order.

4.13 Non-Councillors with particular skills or experience may be:

- a) appointed to a Panel or Panels by the Council; or
- b) co-opted onto a Panel by the appropriate Panel.

Such members, whether appointed by the Council or co-opted by the Panel, shall not be entitled to vote at Panel meetings.

5. Appointment of Sub-Committees

5.1 The Leader, the Cabinet, and every Committee and Panel the Council appoints, may appoint Sub-Committees. The Cabinet, Committee or Panel shall specify the purpose of each Sub-Committee, and the extent of its delegated powers.

5.2 A member appointed to a Sub-Committee shall normally hold office for the whole of his term of office as a Councillor. However, the appointing body may alter appointments at any time.

5.3 When appointing a Sub-Committee, the Leader, Cabinet, Committee or Panel may also appoint a named substitute member for each political group represented on the Sub-Committee. Substitute members for Leader or Cabinet appointed Sub-Committees may only be appointed from among Cabinet members

5.4 The substitute member may speak and vote at a Sub-Committee meeting if any Sub-Committee member from the same political group is absent.

5.5 The Leader may appoint Sub-Committees of the Cabinet, which are committees of the executive within the meaning of section 14 (2)(b)(iii) of the Local Government Act 2000. Where the Leader appoints a Sub-Committee, he/she shall specify the purpose of the Sub-Committee and the extent of its delegated powers. The Leader may amend appointments to Cabinet Sub-Committees at any time by notifying the Chief Executive in writing.

6. Appointments to Outside Bodies

6.1 A member appointed to serve as the Council's representative on an outside body under the terms of the Council's Constitution shall be appointed for the whole of his term of office as a Councillor, unless the appointing body, or the outside body, approves the appointment for a different period.

6.2 An appointment to an outside body, or any alteration in an appointment, shall as far as reasonably practicable follow the principles of Standing Order 4.6 to 4.8.

7. Election of Chairmen of Committees, Panels and Sub-Committees

Committees and Panels

- 7.1 Subject to 7.4A, the Chairman and Vice-Chairman of each Committee and Panel appointed by the Council shall be elected annually at the meeting of the Committee or Panel that follows the Annual Council Meeting. This election shall be the first business for that meeting.
- 7.2 The Chairman or Vice-Chairman of the Council shall take the Chair for the first meeting of each Committee or Panel referred to in 7.1, until the Chairman of the Committee or Panel has been elected and takes the Chair. While in the Chair the Chairman or Vice-Chairman of the Council shall not vote, nor exercise a casting vote, in the election of the Committee or Panel Chairman, unless he is a member of the Committee or Panel.
- 7.3 If equality of voting means that a Chairman for the year is not elected, a Chairman may be elected for the meeting.
- 7.4 If a Committee or Panel has not elected a Chairman for the year before the end of its first programmed meeting after the meeting referred to in 7.1, the Chairman of the Committee or Panel shall be elected at the next ordinary Council meeting.
- 7.4A Where a Committee includes voting members who are not elected Councillors, the Chairman shall be elected, and the Vice-Chairman appointed, at the first programmed meeting of the Committee.
- 7.5 The Cabinet member responsible for planning policy issues shall not be the Chairman or Vice-Chairman of the Planning Development Control Committee.
- 7.6 The Chairman or Vice-Chairman of the Appeals Committee shall not be the Chairman or Vice-Chairman of the General Purposes and Licensing Committee.

Sub-Committees

- 7.8 Every Sub-Committee appointed under Standing Order 5.1 or 5.5 shall elect a Chairman at its first meeting each year, as the first item of business.
- 7.9 If equality of voting means that a Chairman for the year is not elected, a Chairman may be elected for the meeting.
- 7.10 If a Sub-Committee has not elected a Chairman for the year before the end of its first meeting in any year, the Chairman of the Sub-Committee shall be elected at the next ordinary meeting of the Cabinet, Committee or Panel that appointed it. In the case of a Sub-Committee appointed by the Leader, the Chairman shall in these circumstances be appointed by the Leader.
- 7.11 A Sub-Committee may at any time appoint a Vice-Chairman.

FIXING AND CONVENING MEETINGS, AND ISSUING DOCUMENTS BEFORE MEETINGS

8. Council Meetings - Dates

- 8.1 The Annual Council Meeting shall be held in May. The Council shall approve the date. The meeting shall be held at the Council's offices at Appletree Court Lyndhurst and shall start at 6.30 pm. The Council may decide on a different location or start time.
- 8.2 The Council shall decide the date, time and place for ordinary Council meetings.

9. Extraordinary Council meetings - Calling

- 9.1 The Chairman of the Council may call an extraordinary meeting at any time.
- 9.2 Any five Council members may present a requisition to the Chairman to call an extraordinary Council meeting. If the Chairman either:
 - (a) refuses to call an extraordinary Council meeting after a requisition for that purpose signed by five Council members has been presented to him; or
 - (b) does not call an extraordinary meeting within 7 days after the requisition has been presented to him

then on the Chairman's refusal, or on the expiration of the seven days, any five Council members may call an extraordinary meeting immediately. See also Standing Order 14.4.

10. Cabinet, Committee and Panel Meetings – Dates

- 10.1 The Cabinet, each Committee and Panel shall fix dates and times for its meetings at least one year ahead.
- 10.2 The Chairman of the Cabinet, Committee or Panel may for good reason alter the fixed date or time. As much notice as possible of any alteration shall be given to members of the Cabinet, Committee or Panel.
- 10.3 The Council may decide that some Cabinet, Committee or Panel meetings shall be held in the evenings. These meetings shall not start before 6.00 pm.

11. Special Cabinet Meetings - Calling

- 11.1 The Chief Executive shall call a special Cabinet meeting:
 - at any time at the request of:
 - the Leader of the Council; or
 - when an emergency or special circumstances arise.

12. Special Committee and Panel meetings - Calling

12.1 The Chief Executive shall call a special Committee or Panel meeting:

at any time at the request of:

the Chairman of the Council; or

the Chairman of the Committee or Panel; or

any six members of the Committee or Panel; or

when an emergency or special circumstances arise.

12.2 A special Panel meeting shall not be called by the Chairman of the Council, or the Chairman of the Panel, for the purpose of calling in an executive decision. (See Standing Order 13).

13. Special Panel Meetings – Calling

13.1 The Chief Executive shall call a special meeting of a Panel for the purpose stated in 13.2 at any time at the request of any two non-executive members of the Council.

13.2 A meeting under 13.1 shall be called to enable the Panel to review an executive decision in accordance with the call-in procedures in the Council's Constitution. An executive decision includes any executive decision made under delegated powers (apart from decisions by officers that are not key decisions).

14. Convening Council Meetings

14.1 The Chief Executive shall sign the summons to attend a Council meeting. The summons shall be sent to each member's usual place of residence (or to another address or by electronic means, in the case of a member who has notified the Chief Executive in writing that he desires his summonses to be sent to that address or by that means). The summons shall state the business to be transacted at the meeting.

14.2 A meeting shall not be invalid if a summons is not sent to every member.

14.3 The Chief Executive shall publish notice of the time and place of the meeting at the Council's offices

14.4 Where a Council meeting has been called by Councillors under Standing Order 9.2, the notice of meeting shall:

(a) be signed by those members, and

(b) state the business it is proposed to transact at the meeting.

15. Convening Cabinet, Committee and Panel Meetings

- 15.1 The Chief Executive shall issue all notices for Cabinet, Committee, Panel and Sub-Committee meetings.
- 15.2 Notices of meeting shall state the business to be transacted at the meeting. No matter shall be included on the notice of meeting without the prior agreement of the Chief Executive or his representative. The Chief Executive or his representative shall first be given a written report on the matter, or full details of any intended verbal report.

16. Circulation of Notices of Meeting and Reports for Meetings

- 16.1. The Chief Executive shall circulate all Notices of Meeting and officers' and other reports for Cabinet, Committee, Panel, and Sub-Committee meetings to members of the Cabinet, that Committee, Panel or Sub-Committee. At the same time, he shall circulate all Notices of Meeting, without officers' and other reports, to all members of the Council. This shall not apply if the member has indicated he does not wish to receive such Notices.
- 16.2 The Chief Executive shall circulate all officers' and other reports for Committee, Panel, and Sub-Committee meetings to all members of the Cabinet.
- 16.3 The Chief Executive shall circulate all officers' and other reports for Sub-Committee meetings to each member of the Committee or Panel that formed the Sub-Committee.
- 16.4 Other than as provided in 16.2 and 16.3, officers' and other reports for Cabinet, Committee, Panel and Sub-Committee meetings shall only be circulated to a member who is not a member of the Cabinet, a Committee, Panel or Sub-Committee on his request.

17. Reports following Cabinet, Committee and Panel Meetings

- 17.1 Copies of the reports following Cabinet, Committee and Panel meetings shall be sent to each Council member with the Council summons and agenda. In case of urgency they may be issued between the summons dispatch and the Council meeting. The content of each report shall be at the discretion of the Chairman of the Cabinet, Committee or Panel, as appropriate.
- 17.2 When a report refers to a plan or document not issued to all members, any member may inspect the plan or document between the summons dispatch and the Council meeting.

18. Cabinet, Committee and Panel Minutes

- 18.1 Copies of all Cabinet, Committee and Panel minutes shall be sent to each Council member not later than 5 working days before the next ordinary Council meeting. Any minutes not available at that time shall be sent to each member as soon as practicable afterwards.
- 18.2 Copies of all Cabinet, Committee, Panel and Sub-Committee minutes shall be sent to each member of the Cabinet, Committee, Panel and Sub-Committee, as appropriate, not

less than 5 working days before the next ordinary meeting of the Cabinet, Committee, Panel or Sub-Committee. Any minutes not available at that time shall be sent to each member as soon as practicable afterwards.

- 18.3 Minutes of Council, Cabinet, Committee, Panel and Sub-Committee minutes shall be referred for approval to the next suitable meeting of the Council, Cabinet, Committee, Panel or Sub-Committee, as appropriate. For these purposes the next suitable meeting excludes any extraordinary or special meeting.
- 18.4 When a minute refers to a plan or document not issued to all members, any member may inspect the plan or document.

19. Officers' Reports – Confidential Information

- 19.1 Any relevant confidential information known about an item to be considered at a meeting shall be included in a report marked "Not for Publication" and circulated to members with the agenda for the meeting. The content of such reports shall not be discussed outside the meeting, or disclosed to applicants, objectors or the press.

RAISING BUSINESS FOR MEETINGS IN ADVANCE

20. Special business for Cabinet, Committee, Sub-Committee and Panel meetings:

- 20.1 A member of the Cabinet, a Committee or Panel who wishes to raise any special business in the Cabinet, Committee or Panel shall give the Chief Executive notice of his wish at least 8 working days before the meeting. If this requirement is complied with, the Chief Executive shall place the subject matter on the agenda.

21. Notices of motion for Council meetings

- 21.1 Some motions may be moved at Council meetings without notice (see Standing Order 44). Notice of every motion which does not fall within Standing Order 44 shall be:

given in writing; and

signed by the member or members giving the notice; and

received by the Chief Executive's office, Appletree Court, Lyndhurst, at least seven clear working days before the next Council meeting.

The Chief Executive shall:

date it; and

number it in the order in which it is received; and

enter it in a book which any Council member may inspect.

- 21.2 Every motion shall be relevant to some matter in which the Council has powers or duties, or which affects the District.

21.3 Subject to 21.4, the Chief Executive shall set out in the summons for the Council meeting all motions of which notice has been given as in 21.1 above, in the order in which they were received, UNLESS the member who gave it:

stated in writing at any time before the summons is issued that he proposed to move it at a later meeting; or

has since withdrawn it in writing.

21.4 A notice of motion shall not be included in the business to be conducted at an extraordinary or special Council meeting unless, in the Chief Executive's opinion, it is relevant to a subject specified or to be specified on the summons for that meeting. If in his opinion it is not so relevant, the Chief Executive shall set it out in the summons for the next ordinary Council meeting.

Note: See Standing Order 41 for dealing with notices of motion at Council, and Standing Order 28.6 for the mover of a motion's right to attend a meeting if the motion is referred on.

22. Questions for Council meetings – advance notice

22.1 A Council member may ask the Chairman, the Leader, or the Chairman of any Committee or Panel:

any question on any matter on which the Council has powers or duties, or which affects the District, by giving the Chief Executive three clear working days notice in writing; or

a question relating to urgent business, if he delivers a copy of the question to the Chief Executive by 9.30 am on the day of the meeting. Such a question cannot be asked without the Chairman's permission.

Note: Members may ask questions on items in Cabinet, Committee or Panel reports at Council meetings without giving notice (see Standing Order 39.4).

22.2 Questions under Standing Order 22.1 shall not be put to the Annual Council Meeting.

22.3 A question under Standing Order 22.1 shall not be put to an extraordinary or special Council meeting unless, in the Chief Executive's opinion, it is relevant to a subject specified or to be specified on the summons for that meeting.

Note: See Standing Order 40 for the procedure for asking questions at meetings.

22A. Portfolio Holder Questions

22A.1 A Council member may ask the relevant Portfolio Holder a question on any function of the Council that is the responsibility of the Executive.

22A.2 Any member wishing to ask a question of a Portfolio Holder under Standing Order 22A.1 must deliver the question, in writing, to the Chief Executive or the Head of Legal and

Democratic Services by 12:00 noon on the working day before the meeting. The question should identify the portfolio holder to whom it is addressed.

- 22A.3 A question under Standing Order 22A.1 shall not be put at the Annual Council Meeting or to an extraordinary or special meeting of the Council.

Note: Members may ask questions on items in Cabinet, Committee or Panel reports at Council meetings without giving notice (See Standing Order 39.4)

Note: See Standing Order 40A for the procedure for asking Portfolio Holder questions at meetings.

23. [No 23 is a spare number].

24. [No 24 is a spare number].

DISPUTES BETWEEN CABINET AND COUNCIL

25. Resolving Disputes between the Council and Cabinet

- 25.1 The mechanism for resolving disputes between the Council and executive shall be as stated in Chapter 21 of the Council's Constitution. That Chapter shall comply with the requirements of The Local Authorities (Standing Orders) (England) Regulations 2001.

26. Panels – Call-In Procedures

- 26.1 The circumstances in which a Panel may call in a decision made by the Leader, Cabinet, or a Portfolio Holder, including a decision made on their behalf under delegated powers, shall be as stated in the Council's Constitution.

ATTENDANCE AT MEETINGS

27. Attendance Record

- 27.1 Every Council member attending a Council, Cabinet, Committee, Sub-Committee or Panel meeting shall sign his name on the register provided. The names of all members attending shall be recorded in the minutes of the meeting.

28. Non-members Attending Cabinet, Committees, Sub-Committees and Panels

- 28.1 Subject to 28.2, the Chairman, Vice-Chairman, Leader and Deputy Leader of the Council, and the leaders of the opposition groups, may attend and speak (but not vote unless they are a member) at any meeting of a Committee, Sub-Committee or Panel.

- 28.2 A member of the Cabinet may not speak at a meeting of any Panel except at the invitation of the Chairman of the Panel.
- 28.3 The Leader of the Council may for any purpose invite any member or any other person to attend and speak (but not vote) at a Cabinet meeting.
- 28.4 A Panel may require a member of the Cabinet to attend a meeting of the Panel in accordance with the Council's Constitution.
- 28.5 A member of the Cabinet shall be entitled to attend a Panel meeting called for the purpose of Standing Order 26.
- 28.6 The Chairman of the Cabinet, a Committee or a Panel which has appointed a Sub-Committee may attend and speak (but not vote unless he is a member) at any meeting of the Sub-Committee.
- 28.7 A Council member who has moved a motion which has been referred to the Cabinet, any Committee, Sub-Committee or Panel, shall:
- be given notice of the meeting at which it is proposed to consider the motion; and
 - have the right to attend the meeting; and, if he attends
 - be given an opportunity to explain the motion.
- 28.8 A Council member who is not a member of a particular Committee, Sub-Committee or Panel, may attend a meeting of that Committee, Sub-Committee or Panel. If the Chairman permits he may speak (but not vote) on any item of business discussed at that meeting.
- 28.9 The Chairman of a Committee, Sub-Committee or Panel may invite any member of the Council, who is not a member of the Committee, Sub-Committee or Panel, to speak on any item of business discussed at a meeting of the Committee, Sub-Committee or Panel. The Chairman may limit the speech to five minutes.

28A. Cabinet member(s) absent from Cabinet meeting

- 28A.1 Where a Cabinet member is absent from a Cabinet meeting:
- a) decisions may be taken in his absence providing there is a quorum. The Leader (or Chairman of the meeting if the Leader is absent) shall be responsible for ensuring that any action that would fall to an absent member is taken; and
 - b) the Leader (or Chairman of the meeting if the Leader is absent) may invite any person, who need not be a Councillor, to attend a Cabinet meeting to speak on behalf of an absent Cabinet member. A person so invited may not vote.

29. Substitute members at Industrial Relations Committee and at Sub-Committees

- 29.1 See Standing Orders 3.3, 5.3 and 5.4. It shall be the responsibility of the member who is unable to attend a meeting to inform any substitute member of the need to attend.

- 29.2 When a member attends a meeting as a substitute, he shall tell the Chief Executive or his representative that he is attending as a substitute immediately before the start of the meeting, (or on the member's arrival, if later).
- 29.3 A substitute member attending a meeting shall take no part in the proceedings if the appointed member also attends, unless invited by the Chairman to speak (but not vote).

30. Quorum

- 30.1 Subject to 30.2, a Council meeting shall not transact business unless at least one quarter of the whole number of members is present, except in the circumstances described in paragraph 45 of Schedule 12 to the 1972 Act (more than one-third of members disqualified at the same time).
- 30.2 A motion to remove the Leader of the Council under Chapter 3 of the Constitution (Procedure for Removing and Replacing the Leader of the Council) shall not be considered unless at least three quarters of the whole number of members is present.
- 30.3 Except where:
- (a) statute authorises, or
 - (b) the Council orders; or
 - (c) in the case of a Sub-Committee, the person or body that which appointed it orders:
- a Cabinet, Committee, Panel or Sub-Committee meeting shall not transact business unless there is a quorum.
- 30.4 For the purpose of 30.3, a quorum of the Cabinet, a Committee or Panel (other than an Appeals Panel) is:
- one half of the whole number of the Cabinet, Committee or Panel; or
 - at least four members of the Cabinet, Committee or Panel
- whichever is greater.
- 30.5 A quorum of an Appeals Panel is three members, drawn from the Appeals Committee.
- 30.6 For the purpose of 30.3, a quorum of a Sub-Committee is:
- one half of the whole number of the Sub-Committee; and
 - at least three members of the Sub-Committee.
- 30.7 If, during any meeting, the presiding Chairman declares that a quorum is not present:
- the Chairman shall adjourn the meeting; and

the names of the members present, and absent, shall be recorded in the minutes.

- 30.8 Any business not transacted when a meeting is adjourned shall be considered at another meeting of the same body, held at a time and place the Chairman fixes when the meeting is adjourned. If the Chairman does not fix a time, the business shall be considered at the next ordinary meeting of the Council, Cabinet, that Committee, Sub-Committee or Panel as appropriate.

PROCEDURE AT MEETINGS

30A. Meetings to be in Public

- 30A.1 All meetings of the Council, the Cabinet (including any Committees or Sub-Committees of the Cabinet and Sub-Committees appointed by the Leader), Panels and Committees shall be held in public, except when confidential or exempt information within the meaning of the Local Government Act 1972 sections 100A to 100K, or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations, is being considered.
- 30A.2 A meeting may only consider confidential or exempt information where the provisions of regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations have first been complied with.

31. Chairman to Preside

- 31.1 The Chairman of the Council, Cabinet, a Committee, Panel or Sub-Committee shall, if present, preside at any meeting of the Council, Cabinet, the Committee, Panel or Sub-Committee. If the Chairman is absent, the Vice-Chairman, if present and if one has been appointed, shall preside.
- 31.2 If the Chairman, (and Vice-Chairman if appointed), are not present, another member of the Council, Cabinet, Committee, Panel or Sub-Committee shall be elected as Chairman for the meeting. This shall be the first item of business for the meeting.
- 31.3 If a member has been elected as in 31.2, and the Chairman (or Vice-Chairman) later attends the meeting, the Chairman (or Vice-Chairman) shall take the Chair on arrival.

32. Time Limit on Meetings

- 32.1 All meetings shall end by 10.00 pm or, on a majority vote of those members present, 10.30 pm.
- 32.2 Any business not transacted when a meeting is adjourned shall be considered at another meeting of the same body, held at a time and place the Chairman fixes when the meeting is adjourned. If the Chairman does not fix a time, the business shall be

considered at the next ordinary meeting of the Council, or of that Committee, Sub-Committee or Panel as appropriate.

33. Public Participation at Meetings

- 33.1 The Council may approve, and amend, a scheme or schemes allowing persons who are not Council members to speak at meetings. Those who are not Council members, and are not co-opted members of the Committee, Panel or Sub-Committee which is meeting, may speak at meetings only under the rules of the scheme in force at the time of the meeting.

34. Order of Business

Those marked * apply to Council meetings only. The rest apply to all meetings.

- 34.1 Subject to Standing Order 35, the order of business at every meeting shall be:
- (a) To choose a person to preside if the Chairman and Vice-Chairman is absent.
 - (b) To deal with any business statute requires to be done before any other business.
 - (c) To approve as a correct record and sign the minutes of the last meeting **(Standing Order 36)**.
 - (d) To allow members to declare pecuniary and non-pecuniary interests **(Standing Order 37)**.
 - (e) To deal with any business statute expressly requires to be done.
 - (f) Chairman's announcements.
 - (g) * Leader of the Council's announcements **(Standing Order 37A)**
 - (h) To receive petitions requiring consideration by the Council under the Council's Petitions Scheme.
 - (i) To dispose of any business remaining from the last meeting.
 - (j) * To review decisions taken at a previous Council meeting where the Council has not adopted any recommendation of the executive.
 - (k) * To receive and consider reports and recommendations of:
 - (i) The executive
 - (ii) Committees
 - (iii) Panels **(Standing Order 39)**.
 - (l) * To answer questions asked under Standing Order No. 22 **(Standing Order 40)**.

- (m) * To consider motions of which notice has been received under Standing Order 21 (**Standing Order 41**).
- (n) * To answer questions asked under Standing Order No. 22A (**Standing Order 40A**).
- (o) Any other business stated in the summons.
- (p) Any other items which the Chairman decides are urgent (**Standing Order 42**).

35. Varying order of business

- 35.1 The order of business under (a), (b) or (c) of Standing Order 34.1 shall not be varied. Subject to this, the order of business may be varied:
- (a) by the Chairman at his discretion; or
 - (b) by a resolution on a motion. The motion need not be in writing and shall be moved, seconded, and put without discussion.

36. Confirming Minutes of Previous Meeting

- 36.1 The Chairman shall put the question that the minutes of the meeting of the Council, Cabinet, Committee or Panel, as appropriate, held on the.....day of be approved as a correct record.
- 36.2 The minutes shall not be discussed, except their accuracy. Any question of their accuracy shall be raised by motion. The Chairman shall sign the minutes as a correct record, and initial each separate leaf of the minutes and of all reports considered by the meeting, as soon as any such question has been disposed of.
- 36.3 The minutes of any meeting shall be signed at the time, or at the next suitable meeting of the Council, Cabinet, Committee or Panel, as appropriate. The next suitable meeting excludes any extraordinary or special meeting.

37. Members' Interests – Declaration at Meetings

Note: This Standing Order is additional to Standing Orders for General Procedures No 2, which concerns registration of disclosable pecuniary interests and non-pecuniary interests

- 37.1 Any member who has a disclosable pecuniary interest, or a non-pecuniary interest within the meaning of Standing Orders for General Procedures (No. 2), in any matter that a meeting is considering, shall disclose the existence and nature of that interest to the meeting. The disclosure shall be at the beginning of the consideration of the matter, or when the interest becomes apparent.

- 37.2 If the interest is a disclosable pecuniary interest the member shall not speak or vote on the matter unless a dispensation has been granted enabling him or her to do so.
- 37.3 A member of the Executive who has a disclosable pecuniary interest in any matter on which he is empowered to make a decision, shall disclose that interest to the Monitoring Officer and shall not take any steps in relation to the matter other than enabling the matter to be dealt with by another member of the Executive.
- 37.4 A member who has a non-pecuniary interest in any matter that a meeting is considering must disclose that interest to the meeting, and may speak and vote, unless prohibited from doing so by common law principles relating to bias and predetermination (see 37.7 below).
- 37.5 A member of the Executive who has a non-pecuniary interest in any matter that he or she is empowered to decide, may make a decision on the matter subject to disclosing the interest in writing at the time of making the decision, unless prohibited from doing so by common law principles relating to bias and predetermination, in which case the member shall not take any steps in relation to the matter other than enabling the matter to be dealt with by another member of the Executive.
- 37.6 Where a relative, friend or close associate of a member has an interest in a matter coming before a meeting of the Council and that interest is of the same nature as a disclosable pecuniary interest set out in legislation, and the member is aware of the existence of that interest, the member shall disclose the existence and nature of that interest to the meeting. The member may only participate in the meeting to the extent permitted by the rules set out in 37.7, relating to participation in situations where the common law rules of bias and predetermination apply.
- 37.7 Where a member is prohibited from participating in a decision under the common law rules relating to bias and predetermination, the member must move to a designated area of the meeting room set aside for members who do not intend to vote, declare their position and explain that they will not be voting. They may then make a statement and answer any questions, and may remain in the meeting for the duration of the business. As well as not voting, the member must not move or second any recommendation.

37A Leader of the Council's Announcements

- 37A.1 At the Council meeting:

The Leader of the Council, or in his absence the Deputy Leader, may make announcements on matters concerning New Forest District Council. A time limit of five minutes shall apply to any such announcements.

At the conclusion of the Leader of the Council's announcements, members of the Council may ask questions of the Leader on the topics which have been the subject of his announcements.

38. Presenting Petitions

- 38.1 Where a petition containing the required number of signatures under the Council's Petitions Scheme is received, and subject to compliance with other requirements of the Petitions Scheme, the petition organiser or his or her nominee may present the petition

for a maximum of five minutes. No more than two persons may present a petition. If both persons speak, the length of both speeches added together shall not exceed five minutes.

- 38.2 Councillors may debate the petition for a maximum of 15 minutes.
- 38.3 No more than two petitions may be presented at a meeting of the Council.
- 38.4 Where a petition affects the Council's approved strategies, policies or budgets, the Council shall not make a final decision until the executive has had the opportunity to consider and made recommendations on the issue to the Council.

39. Receiving reports of Cabinet, Committees and Panels at Council

- 39.1 At the Council meeting:

The Leader of the Council, or in his absence the Deputy Leader, shall present the report of the Cabinet.

The Chairman of the Committee or Panel, or in his absence the Vice-Chairman of the Committee or Panel shall present the report of the Committee or Panel.

The person presenting the report shall move -

"That the report of the [Cabinet] [Committee] [Panel] held on.....be received (and the recommendations be adopted)".

The motion shall be seconded.

- 39.2 If both the Leader and Deputy Leader of the Council are absent, another member of the Cabinet shall move the motion on the Cabinet report.

If both the Chairman and the Vice-Chairman of any Committee or Panel are absent, any other member of that Committee or Panel shall move the motion on the Committee or Panel report.

- 39.3 The Chairman of the Council shall call out the number of each item in the report of the Cabinet, Committee or Panel in order.

- 39.4 Immediately an item has been called, a member who:

wishes to speak or ask a question on that item; or

has a motion or amendment to a recommendation in the item,

shall:

raise an arm,

state the item number, and

remain with arm raised, until acknowledged by the Chairman or the Vice-Chairman.

See Standing Order 47.9 concerning a member's right to speak once on each item.

- 39.5 The Chairman of the Council shall disallow any question he considers is unsuitable in form, frivolous or derogatory to the dignity of the Council.
- 39.6 A member speaking on a recommendation under this Standing Order shall comply with the provisions of Standing Order 47 concerning rules of debate.
- 39.7 At the start of his speech on an item dealt with by the Cabinet, a Committee or Panel under delegated powers, the member speaking shall state whether he is asking a question, or putting a motion or an amendment to a motion.
- 39.8 When all items and recommendations in the report have been called, speeches made and questions dealt with, the Chairman of the Council shall move as in 39.1, taking account of any amendments. The motion shall be voted on without further discussion.

40. Questions of which notice has been given

This Standing Order applies to questions of which notice has been given under Standing Order 22.

See Standing Order 39 for questions on reports of the Cabinet, a Committee or Panel when that item is under consideration by the Council.

- 40.1 Every question shall be put and answered without discussion. The member who asked the original question may ask one supplementary question arising from the answer. The answer to either question shall not be discussed.
- 40.2 An answer to a question may take the form of:
 - (a) a direct oral answer, or
 - (b) where the desired information is contained in a Council publication, a reference to that publication, or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to all members of the Council within 10 working days of the meeting.
- 40.3 The Chairman of the Council shall disallow any question he considers is unsuitable in form, frivolous or derogatory to the dignity of the Council.

40A. Portfolio Holder Questions of which notice has been given

This Standing Order applies to questions of which notice has been given under Standing Order 22A.

See Standing Order 39 for questions on reports of the Cabinet, a Committee or Panel when that item is under consideration by the Council.

- 40A.1 A maximum period of 30 minutes in total will be allowed for questions under this Standing Order.
- 40A.2 Questions will be dealt with in order of receipt (subject to 40A.3 below).
- 40A.3 More than one question may be submitted by a member. Any member submitting more than one question must indicate their first and subsequent preferences. A member's first preference question will be dealt with in order of receipt. Second and subsequent preferences will be dealt with after all members submitting questions have asked their only, or first preference, question. The Chairman may use his discretion in changing the order in which questions may be asked where he considers a question to be of particular topical relevance.
- 40A.4 Every question shall be put and answered without discussion. The Portfolio Holder will have a maximum of three minutes to reply. The member who asked the original question may ask one supplementary question arising from the answer. A maximum of two minutes will be allowed for the supplementary question and answer. Every supplementary question shall be put and answered without discussion.
- 40A.5 Once all written questions have been disposed of, and provided the 30 minute time period has not elapsed, the Chairman may, at his discretion, permit members to ask further questions of portfolio holders.
- 40A.6 The Chairman of the Council shall disallow any question or supplementary question he considers is unsuitable in form, frivolous or derogatory to the dignity of the Council.

41. Motions to Council of which Notice has been given

Automatic reference to Committee

- 41.1 Subject to 41.2 and 41.3, a motion of which notice has been given under Standing Order 21 shall be moved and seconded without speeches. It shall then be referred without discussion to:

the executive, Committee(s) or Panel(s) within whose terms of reference the subject matter of the motion comes, or

the executive, or such Committee(s) or Panel(s) as the Council may determine

The executive, Committee(s) or Panel(s) to which it is referred shall consider it and report to the next Council meeting.

- 41.2 The Chairman may allow the motion to be dealt with at the meeting at which it is brought forward if:

he considers it urgent, convenient, or conducive to the despatch of business; and

the motion does not affect matters which are the executive's responsibility.

The rules of debate for Council meetings (Standing Order No. 47) will apply.

41.3 A motion which affects the Council's approved strategies, policies or budgets shall be referred to the executive for consideration and report to the next Council meeting, in addition to being referred to any Committee or Panel.

41.4 If a motion set out in the summons is not moved by:

the member who gave notice of it; or

some other member on his behalf,

it shall be:

treated as withdrawn, and shall not be moved without fresh notice; or

postponed by consent of the Council.

42. Matters not on the Summons or Agenda

42.1 Except under 42.2, business shall not be transacted at a Council, Cabinet, Committee, Panel or Sub-Committee meeting unless it is stated on a Summons or agenda which has been available to the public

(a) for 5 clear working days before the date of the meeting; or

(b) if the meeting has been convened or the business added to the agenda at shorter notice, from the time the meeting was convened or the business added.

42.2 The exception referred to in 42.1 is where, after taking advice, the Chairman of the meeting considers that due to special circumstances the item should be considered as a matter of urgency under section 100B(4) of the 1972 Act. The special circumstances shall be stated in the minutes of the meeting.

42.3 The exception in 42.2 does not apply to meetings of the Cabinet, or any executive Sub-Committee.

43. Confidential Business – Exclusion of the Public and Press

43.1 The public and press shall be excluded from a meeting while it considers any business which would involve the likely disclosure of confidential information within the meaning of section 100A(2) of the 1972 Act.

43.2 The majority of members present and voting at a meeting may resolve to exclude the public and press from the meeting while it considers any business which would involve the likely disclosure of exempt information within the meaning of section 100A(4) of the 1972 Act.

44. Motions and Amendments which may be Moved without Notice

(Those marked * apply to Council meetings only. The remainder apply to all meetings)

44.1 The following motions and amendments may be moved without notice:

1. Election of a Chairman of the meeting
2. Motions relating to the accuracy of the minutes.
3. That the order of business be varied (subject to Standing Order 35.2).
4. * Remission to the Cabinet, Committee or Panel
5. * Appointment of a Committee or a Panel or members of a Committee or Panel, due to an item mentioned in the summons.
6. * Adoption of reports and recommendations of Committees, Panels or officers.
7. That leave is given to withdraw a motion.
8. * Extending the time limit for speeches.
9. Amendments to motions.
10. That the meeting proceed to the next business.
11. That the question now be put.
12. That the debate now be adjourned.
13. That the meeting now adjourn.
14. * That the Council continue until 10.30 p.m.
15. * Suspending Standing Orders, in accordance with Standing Order 64
16. To exclude the public under section 100A(4) of the 1972 Act
17. That a member named under Standing Order 57 not be further heard, or leave the meeting.
18. * Giving consent of the Council where such consent is required by these Standing Orders.

45. Motions Affecting Council Employees

45.1 If a question arises at any meeting open to the public about the appointment, promotion, conduct, dismissal, salary, superannuation or conditions of service of any Council

employee or former employee, the Chairman shall move that the public and press be excluded under Section 100A (4) of the 1972 Act. The motion shall be seconded and put without debate.

46. Motions on Expenditure

46.1 Any motion which:

is not in support of a recommendation of the executive, a Committee, or Panel; and
if carried, would

materially increase expenditure on any service; or

materially reduce the revenue under the management of the executive,
Committee, or Panel; or

involve capital expenditure,

shall, when proposed and seconded, be referred without discussion to the executive or the next ordinary meeting of the appropriate Committee or Panel.

47. Rules of Debate

Note: This Standing Order applies to Council, Cabinet, Committee, Panel and Sub-Committee meetings, except where any provision specifically states that it applies only to a particular type of meeting.

Council in Committee mode

47.1 The Chairman may, at his absolute discretion, relax the requirements of this Standing Order to enable the Council to consider a matter in Committee mode. When the Council is in Committee mode, the parts of this Standing Order which apply only to Council meetings shall not apply. In particular, members may be permitted to speak more than once, and officers may be invited or permitted to speak.

Motions and amendments

47.2 A motion or amendment shall not be discussed unless it has been proposed and seconded.

If the Chairman requires, a motion or amendment shall be put into writing before it is discussed or put.

Seconder's speech on Motions to Council

47.3 A member seconding a motion to Council under Standing Order 21 may reserve his speech until later in the debate, if he states this intention when seconding.

(Note: This paragraph applies to motions under Standing Order 21 where they are being dealt with by Council. If a motion is referred to the executive or a Committee, the rules of debate for Cabinet/Committee meetings apply so a member may speak more than once)

Only one member to speak at a time

47.4 A member who wishes to speak shall raise an arm. If two or more members raise an arm, the Chairman shall call on one to speak at a time.

Reply to Questions at Council Meetings

47.5 The person moving the adoption of the Cabinet, a Committee or Panel report at a Council meeting will reply to questions on a particular item after all questions on that item have been raised.

Content and Length of Speeches

47.6 At Council meetings, a member shall direct his speech to the question under discussion, or to a personal explanation, or to a point of order (see 47.18). No speech shall exceed five minutes in the case of the mover of a motion, and three minutes in all other cases, except with the meeting's consent following a motion under Standing Order 44.8.

(Note: In so far as it refers to a single speech, this paragraph applies to motions under Standing Order 21 where they are being dealt with by Council. If a motion is referred to the executive or a Committee, the rules of debate for Cabinet/Committee meetings apply so a member may speak more than once)

47.7 No members shall impute motives or use offensive expressions.

47.8 A member may include his support or otherwise but the Chairman may curtail any repetition of points already made.

When a member may speak again at Council

47.9 Subject to 47.9/1, a member who has spoken on any motion or item raised at a Council meeting shall not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member,
- (b) if the motion has been amended since he last spoke, to move a further amendment,
- (c) if his first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he spoke was carried,
- (d) as a right of reply under Standing Order 47.15,

- (e) on a point of order,
- (f) by way of personal explanation.

47.9A A member may speak once on each item in a report of the Cabinet, Committee or Panel referred to in Standing Order 39.3.

Amendments to motions

47.10 An amendment shall be relevant to the motion and shall be either:

- (a) at a Council meeting, to refer a subject of debate to the executive, or to a Committee or Panel for consideration or re-consideration,
- (b) to leave out words,
- (c) to leave out words and add others,
- (d) to add words,

but any omission or addition of words shall not negative the existing motion.

47.11 Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of. Provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of business.

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

Alteration to motion of which notice was given under Standing Order 21

47.13 A member may:

- (a) alter a motion to Council of which he has given notice under Standing Order 21 or
- (b) with the consent of his seconder, alter a motion to Council under Standing Order 21 which he has moved

if (in either case) the alteration could be made as an amendment under 47.10.

Withdrawal of motion

47.14 A motion or amendment may be withdrawn by the mover if his seconder consents. No member may speak upon it after the mover has withdrawn it.

Rights of reply

47.15 The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment. He shall not otherwise speak on the amendment at a Council meeting. The mover of the amendment shall have a right of reply before the mover of the original motion replies to the debate on the amendment.

Motions which may be moved during debate

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

- (a) to amend the motion,
- (b) to adjourn the meeting,
- (c) to adjourn the debate,
- (d) to proceed to the next business,
- (e) that the question be now put,
- (f) that a member be not further heard,
- (g) by the Chairman under Standing Order 57.2 that a member leave the meeting,
- (h) a motion under section 100A (4) of the 1972 Act.

Closure motions

47.17 A member may move without comment at the end of another member's speech:

- (a) "That the meeting proceed to the next business"; or
- (b) "That the question now be put"; or
- (c) "That the debate now be adjourned"; or
- (d) "That the meeting now adjourn".

If the motion is seconded the Chairman shall proceed as follows:

For motions under (a) and (b), the Chairman shall first consider whether the matter has been sufficiently discussed. If he considers that it has the following rules shall apply:

- (a) Motion to proceed to the next business:

The Chairman shall give

- (i) the mover of any amendment; and then
- (ii) the mover of the original motion

a right of reply before putting the motion to proceed to next business to the vote.

(b) Motion that the question now be put:

The Chairman shall first put to the vote the motion that the question now be put. If it is passed, he shall give

- (i) the mover of any amendment; and then
- (ii) the mover of the original motion

a right of reply under 47.15.

He shall then put the amendment (if applicable) or the original motion to the vote.

(c) Motion to adjourn the debate or the meeting:

The Chairman shall first consider:

- (i) whether the matter has been sufficiently discussed; and if it has not
- (ii) whether it can reasonably be sufficiently discussed on that occasion.

If it cannot, he shall put the adjournment motion to the vote without giving the mover of any amendment or the mover of the original motion a right of reply.

Points of order

47.18 A member may speak on a point of order or in personal explanation, and shall be heard immediately.

Point of order:

This relates only to an alleged breach of a Standing Order or statutory provision. The member shall state the Standing Order or statutory provision, and the way in which he considers it has been broken. It does not include providing information.

Personal explanation:

This shall be confined to some material part of a former speech by the member which may have been misunderstood in the present debate.

47.19 The Chairman's ruling on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

Respect for Chair

- 47.20 If the Chairman stands during a debate at a Council meeting, a member who is speaking shall cease and the Council shall be silent.

VOTING

48. Questions to be decided by simple majority

- 48.1 Unless legislation requires otherwise, all questions coming before a Council, Cabinet, Committee, Panel or Sub-Committee meeting shall be decided by a majority of members present and voting.

49. Rescinding Previous Council Resolution

- 49.1 No member shall propose a motion:

to rescind any Council resolution passed within the preceding six months, or
which would have the same effect as a motion which was rejected within the preceding six months,

UNLESS

notice of the motion is given under Standing Order 21; and

the notice is signed by at least one-third of the members of the Council.

Where a motion under this Standing Order affects the Council's approved policies and budgets, Standing Order 41.3 also applies.

When the Council has disposed of any motion under this Standing Order, no member may propose a similar motion within a further six months.

- 49.2 Standing Order 49.1 shall not apply to motions moved in pursuance of a recommendation of the executive, a Committee or Panel.

50. Voting at Council

- 50.1 The mode of voting at meetings of the Council shall be show of hands, subject to Standing Order 51.

51. Recorded Votes at Council (other than Votes under Standing Order 51A)

- 51.1 Before a vote is taken any member may request that it is recorded. Members who support the request shall raise an arm. If 15 other members are in support, the vote shall be taken as follows:

The Chief Executive, or his representative, shall call the name of each member in turn.

Those members:

- (a) voting for the proposition shall respond "for";
- (b) voting against the proposition shall respond "against";
- (c) not voting shall respond "abstain".

The manner in which each member voted shall be recorded in the minutes.

51A. Recorded Votes at Council – Key Budget Decisions

- 51A.1 This Standing Order applies where the Council votes on any proposition related to making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A or 52ZF of the Local Government Finance Act 1992 (Council Tax requirement, Council Tax base, and other Council Tax calculations).

- 51A.2 Where a vote is taken on a matter under 51A.1, each member shall state whether he has voted for the proposition, or against the proposition, or has abstained from voting.

The manner in which each member voted shall be recorded in the minutes.

52. Voting at Cabinet, Committees, Sub-Committees and Panels

- 52.1 Standing Order 51 applies to voting in the Cabinet, Committees, Sub-Committees or Panels, except that a vote shall be recorded if at least one quarter of the other members of the Cabinet, Committee, Sub-Committee or Panel who are present support the member who requests the recorded vote.

53. Voting on Appointments

- 53.1 Whenever two or more persons are nominated for any position to be filled by the Council, a ballot shall be held. All votes shall be in writing.

If the result of the ballot is that there is no overall majority of votes in favour of one person, the name of the person having the least number of votes shall be struck off the list. A fresh ballot shall then be taken. This process shall be repeated until an overall majority of votes is given in favour of one person.

54. Equality of Votes

54.1 If votes are equal, the Chairman of the meeting shall have a second or casting vote.

55. Recording Individual Votes

55.1 If any member requests it immediately after the vote is taken, the minutes of the meeting shall show how he voted, or whether he abstained from voting.

56. Declaring Whipping – Panels

56.1 A member of a political group who has received advice from his group or group leader on the views he should express, or the way he should vote, at a Panel meeting, shall disclose that fact as provided in the Council's Constitution. The disclosure shall be recorded in the minutes of the meeting.

DISORDERLY CONDUCT

57. Disorderly conduct – Members

57.1 If the Chairman of any meeting considers that any member:

persistently disregards the Chairman's ruling; or

behaves irregularly, improperly, or offensively; or

wilfully obstructs the business of the meeting,

the Chairman shall inform the meeting of this.

The Chairman, or any other member, may then move "That the member named be not further heard during the meeting".

If the motion is seconded, it shall be determined without discussion.

The Chairman cannot be named.

Continuing misconduct by a named member

57.2 If the member named continues his misconduct after a motion under 57.1 has been carried, the Chairman shall:

EITHER move "That the member named do leave the meeting for its duration" (in which case the motion shall be put and determined without seconding or discussion),

OR adjourn the meeting for a period, or to a place, as in his discretion he shall decide.

General disturbance

- 57.3 If there is a general disturbance, which the Chairman considers makes the due and orderly dispatch of business impossible, the Chairman may adjourn the meeting for a period, or to a place, as in his discretion he shall decide. This is in addition to any other power vested in the Chairman.

58. Public Disturbance

- 58.1 If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn him. If he continues the interruption, the Chairman shall order his removal from the meeting room for the duration of the meeting. In case of general disturbance in any part of the meeting room open to the public, the Chairman shall order that part to be cleared.

AFTER THE MEETING

59. Record of Cabinet Decisions

- 59.1 As soon as reasonably practicable after an executive decision is made (including decisions made under delegated powers), a record of the decision shall be produced in accordance with the Council's Constitution.

60. Retention of Minutes, Reports, and Documents relating to Decisions

- 60.1 The minutes of all Council, Cabinet, Committee, Panel and Sub-Committee minutes shall be recorded on loose leaves consecutively numbered.

- 60.2 The following documents shall be kept in perpetuity:

minutes, and all officers' and other reports considered at any Council, Cabinet, Committee, Panel or Sub-Committee meeting; and

all documents which contain material relating to a decision made by the Leader or by any member of the executive under delegated powers.

61. Public Inspection of Documents

- 61.1 The public shall have the right to inspect the agenda, and officers' and other reports, for each Council, Committee, Panel and Sub-Committee meeting in advance of the meeting, as provided in sections 100B and 100E of the 1972 Act.

- 61.2 Following any meeting of the Council, Committee, Panel or Sub-Committee, the public shall have the right to inspect documents and background papers as provided in sections 100C and 100D of the 1972 Act.

- 61.3 Where a decision has been made by the Leader or by any member of the executive under delegated powers, the public shall have the right to inspect documents and background papers relating to that decision, as provided in the Local Authorities

(Executive Arrangements) (Meetings and Access to Information) Regulations and the Council's Constitution.

GENERAL PROVISIONS

62. New Cabinet, Committees, Sub-Committees and Panels to take up Former Business

62.1 The Cabinet, every Committee, Sub-Committee and Panel shall take up all matters referred to the Cabinet, Committee, Sub-Committee or Panel which was previously appointed, and which has not been fully dealt with.

63. Financial Administration

63.1 The Cabinet, every Committee, Sub-Committee, Panel, Councillor and officer of the Council shall comply with the Financial Regulations made by the Council under section 151 of the 1972 Act.

64. Suspension of Standing Orders

64.1 Subject to 64.2, the Council may agree to suspend any of these Standing Orders for the purpose of any business at the Council meeting where the suspension is moved.

64.2 A motion to suspend Standing Orders under 64.1 shall not be moved without notice (i.e. under Standing Order 44), unless least one half of the whole number of the members of the Council are present.

65. Standing Orders to apply to non-members

65.1 These Standing Order shall apply to all members of the Cabinet, Committees, Panels and Sub-Committees, whether or not they are members of the Council.

66. Interpretation of Standing Orders

66.1 The Chairman may rule on the construction or application of any of these Standing Orders, after consulting with the officers. His ruling shall not be challenged at any meeting.

67. Variation and Revocation of Standing Orders

67.1 Any proposal to add to vary or revoke these Standing Orders, whether on a motion or otherwise, shall be referred to the General Purposes and Licensing Committee. The General Purposes and Licensing Committee shall make a recommendation on it to the Council.

PROCEDURE FOR PUBLIC PARTICIPATION AT MEETINGS

This procedure is agreed under Standing Orders for Meetings No 33. Members of the public may speak at meetings of Councillors on the terms set out below.

1. FULL COUNCIL MEETINGS

- 1.1 Members of the public may not speak at meetings of the full Council, except:
- a) under Standing Order 38 when presenting a petition; or
 - b) if the Council votes to suspend Standing Order 33 to enable them to do so.

2. APPEALS PANEL AND LICENSING SUB-COMMITTEE MEETINGS

- 2.1 This procedure does not apply to Appeals Panel or Licensing Sub-Committee meetings. Those Panels and Sub-Committees carry out quasi-judicial functions, and have agreed procedures laying down the rules under which members of the public may address them.

3. CABINET, COMMITTEE AND OVERVIEW & SCRUTINY PANEL MEETINGS (INCLUDING SUB-COMMITTEES OF THOSE BODIES EXCEPT LICENSING SUB-COMMITTEES)

- 3.1 Members of the public may speak at formally convened meetings of the Cabinet, a Committee, or an Overview and Scrutiny Panel (including any formally constituted Sub-Committees of those bodies), under the rules set out below.

3.2 Where:

- a) a meeting is to debate an issue which, in the opinion of the Chief Executive, is of extraordinary public interest; and
- b) the Chief Executive is of the view that the rules in this procedure will not allow an adequate opportunity for public participation,

the Chief Executive, in consultation with the Chairman of the body which is to debate the issue, may agree special arrangements for public participation on the issue.

- 3.3 Where, following consultation with the Chairman of the body which is to debate the issue, the Chief Executive is of the opinion that public participation in any or all of the items on the agenda for that meeting would be inappropriate or unnecessary, having regard to other opportunities for the public to express their views to Councillors, he may decide that public participation will not be permitted for all or any of the items on the agenda for that meeting.

3.4 Paragraphs 3.5 to 3.7 do not apply to Planning Development Control Committee meetings. See paragraphs 3.8 to 3.10 for the rules for that Committee.

3.5 Meetings at which the Public may Speak

3.5.1 Members of the public may not speak at the Annual Meeting (held in May) of the Cabinet, Committees or Overview and Scrutiny Panels.

3.5.2 Members of the public may speak at special meetings of these bodies, but only on items that are on the agenda for the meeting.

3.5.3 Members of the public may speak at any other ordinary or programmed meetings of these bodies, on any matter within the terms of reference of the body, whether or not the matter is on the agenda for the meeting.

3.6 Time at which Public may Speak

3.6.1 All public remarks not relating to an agenda item shall be made in the public participation period immediately before the meeting starts.

3.6.2 All public remarks relating to an agenda item shall be made immediately after the Chairman calls the item, before members have started to debate it.

3.7 Rules and Time Limits for Public Participation

General rules

3.7.1 Time will be allocated on a first come, first served, basis. Members of the public are therefore encouraged to give as much notice as possible of their wish to speak.

3.7.2 No member of the public may speak for more than 3 minutes.

3.7.3 A member of the public may not speak more than once on the same subject at the same meeting, unless the Chairman of the meeting invites him to clarify his remarks.

3.7.4 Members of the public may not speak on items that are confidential or exempt from publication under legislation.

3.7.5 Members of the public may not participate in the Councillors' debate.

3.7.6 The Chairman of the meeting may rule that any public remarks are not appropriate and will not be accepted; for example if they are defamatory, frivolous or offensive. In such an instance the Chairman may disallow a person from speaking or continuing to speak.

Public participation before the meeting starts (3.5.1 above)

3.7.7 The public participation period before the start of the meeting shall not exceed 15 minutes.

Public participation on agenda items (3.5.2 above)

3.7.8 Where the public are speaking on an agenda item, the maximum time for public participation is 9 minutes, divided as follows:

Supporters of the recommendation in the report – 3 minutes

Objectors to the recommendation in the report – 3 minutes

Town or Parish Councils – 3 minutes.

The Chairman may limit the number of speakers from each of these three groups so that each person who is permitted to speak has an adequate opportunity to express their views. (As a guideline, three speakers from each group is normally the practical limit).

3.8 Planning Development Control Committee – Meetings at which the Public may Speak

3.8.1 Members of the public may not speak at the Annual Meeting of the Committee held in May.

3.8.2 Members of the public may speak at other meetings of the Committee, but only on items that are on the agenda for the meeting.

3.9 Planning Development Control Committee – Time at which Public may Speak

3.9.1 Initial remarks by members of the public and representatives of town and parish councils shall be made immediately after the Chairman calls the relevant agenda item and any essential additional update information has been given, before the Members start their debate.

3.9.2 Each public speaker may also exercise a right of reply, at the close of the debate, and before the vote is taken, in accordance with the rules set down in paragraph 3.10

3.10 Planning Development Control Committee – Rules and Time Limits for Public Participation

3.10.1 A members of the public may speak only if he:

a) has written to the Council, at least 10 days before the meeting, about the matter in question; and

b) has notified the Council of his wish to speak by noon two working days before the date of the meeting.

3.10.2 No member of the public may speak for more than 3 minutes.

- 3.10.3 Each member of the public and representatives of town and parish councils may speak once at the start of the deliberation on a planning application and also speak again at the end of the debate, before the vote is taken. They may also respond to questions from Members of the Committee, but otherwise may not speak within the debate.
- 3.10.4 Members of the public may not speak on items that are confidential or exempt from publication under legislation.
- 3.10.5 Members of the public may not participate in the Councillors' debate.
- 3.10.6 Members of the public may not introduce new evidence at the meeting, or use visual display aids such as photographs or slides.
- 3.10.7 The Chairman of the meeting may rule that any public remarks are not appropriate and will not be accepted; for example if they are defamatory, frivolous or offensive. In such an instance the Chairman may disallow a person from speaking or continuing to speak.
- 3.10.8 The maximum time for public participation at the start of the item is 9 minutes, divided as follows:

Applicants/Agents/Supporters of the application – 3 minutes.
Objectors to the application – 3 minutes.
Town or Parish Councils – 3 minutes.

The Chairman may limit the number of speakers from each of these three groups so that each person who is permitted to speak has an adequate opportunity to express their views. (As a guideline, three speakers from each group is normally the practical limit).

- 3.10.9 At the end of the debate, before the mover and seconder of any motion before the Committee sum up and/or exercise their right of reply, the persons who have spoken in the initial public participation period may also sum up and reply to the debate in the following order:

Applicants/Agents/Supporters of the application – 1 minute.
Objectors to the application – 1 minute.
Town or Parish Councils – 1 minute.

NEW FOREST DISTRICT COUNCIL FINANCIAL REGULATIONS

1. GENERAL MATTERS OF FINANCIAL ADMINISTRATION

- 1.1 The Council shall approve the overall financial strategy. The Executive will act within its statutory powers, and Committees may act within the powers delegated to them by the Council and within these Regulations
- 1.2 These regulations apply to the Council, its members and officers in all its functions.
- 1.3 The officer appointed as the officer responsible for the proper administration of the Council's financial affairs for the purposes of section 151 of the Local Government Act 1972 ("the section 151 officer") may set aside these regulations if he/she considers necessary. Any decision to suspend Financial Regulations will be reported to the Council. In the event of a civil emergency the deputy section 151 Officer may set aside these regulations if he/she considers it necessary.
- 1.4 Where the Council performs works under an agency agreement with another authority or body, the financial regulations of the principal authority shall take precedence over these regulations, unless otherwise agreed.
- 1.5 These regulations shall be read in conjunction with the Procurement Rules, Regulations and Contract Standing Orders.
- 1.6 Except for regulations 2.1, 2.1.1 and 3.1, the section 151 officer may nominate an officer to exercise any power or duty these regulations confer on him. In addition to the statutory Register of Delegations maintained by the Chief Executive, the section 151 officer shall maintain a register of the powers and duties he confers, and the job titles of the officers on whom he has conferred each power or duty.
- 1.7 Where these regulations give the Chief Executive, an Executive Director or a Head of Service ("EMT member/Head of Service") power to authorise an officer to exercise a power or duty, the EMT member/Head of Service shall maintain a register of all authorisations and the job titles of the officers who are authorised.
- 1.8 Reports under these regulations shall, where practical, be in writing. In writing includes email communication but formal budget authorisation may only be achieved by completing fully the proper control document or through the formal Executive/Council process.
- 1.9 The section 151 officer will issue supporting financial practice notes from time to time. These should be read in conjunction with these regulations.

2. ACCOUNTING PROCEDURES AND RESPONSIBLE FINANCIAL OFFICER

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

- 2.1 The section 151 officer is responsible for the proper administration of the Council's financial affairs.
- He is directed by the Executive in relation to matters which are executive functions, and by the Council in relation to matters which are not executive functions.
- He is authorised to determine the financial practices, procedures and systems required.

- 2.1.1 The section 151 officer will report to each Member of the Council and to the Council's external auditors if the Council, Executive, Committee, or an Officer:
- (a) has made, or is about to make, a decision which involves or would involve the Council incurring unlawful expenditure; or
 - (b) has taken, or is about to take, a course of action which if pursued to its conclusion would be unlawful and likely to cause a loss to the Council; or
 - (c) is about to enter an item of account unlawfully.

This is required by section 114 of the Local Government Finance Act 1988.

- 2.2 EMT members/Heads of Service shall ensure proper financial control of the parts of the budget for which they are responsible. They are authorised to commit revenue or capital expenditure:
- (a) which is authorised through the Council's approved revenue and capital budgets; or
 - (b) by virement or tolerances permitted by section 4 of these Regulations.

- 2.2.1 EMT members/Heads of Service may authorise other officers to exercise financial authority. Such authorisation does not reduce the overall responsibility of the EMT member/Head of Service.
- 2.2.2 Details of such delegations shall be sent to the Chief Executive, who shall include the delegations in the Register of Delegations

- 2.3 The Executive, a Committee or the Council must consider a report which clearly identifies the costs and benefits before it takes a decision on any new proposals which include any financial implications.

- 2.3.1 Any financial proposals must:
- (a) be approved by the section 151 officer and,
 - (b) comply with these regulations.

- 2.3.2 The section 151 officer may comment adversely on any proposal, or submit an independent report.

2. ACCOUNTING PROCEDURES AND RESPONSIBLE FINANCIAL OFFICER

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

2.4 Where expenditure is urgently required outside the regulations set out in Section 4, the section 151 officer, in consultation with the Chief Executive, the Leader of the Council (and/or such other member(s) of the Executive as the Leader may require), the Chairman of the appropriate Committee and the Chairman of the appropriate Overview and Scrutiny Panel, may authorise approval.

2.4.1 The action taken must be reported to the next meeting of the Council.

3. AUDIT ARRANGEMENTS AND FRAUD INVESTIGATIONS

REGULATIONS 3.1 AND 3.1.1 TO 3.1.2 COMPLEMENT THE ACCOUNTS AND AUDIT REGULATIONS 1996

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

3.1 The section 151 officer shall maintain an adequate and effective internal audit of the Council in accordance with relevant legislation.

3.1.1 In carrying out his duties under 3.1, the section 151 officer, or his authorised representative, may:

- (a) enter any Council premises or land at any reasonable time, subject to any statutory requirements;
- (b) have access to all records and documents concerning any past or prospective financial transaction of the Council;
- (c) require, and receive, any necessary explanations concerning any matter under examination;
- (d) require any employee of the Council to produce any Council property under his control.

3.1.2 All employees have a duty to report suspected fraud or irregularities immediately to the section 151 officer. He shall take the steps he considers necessary under the Council's Anti-Fraud, Bribery and Corruption policy.

3.1.3 Any suspected fraud or irregularity concerning the section 151 officer must be reported to the designated deputy S151 Officer and the Chief Executive.

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

Revenue Budget Preparation

- 4.1 The Leader of the Council shall ensure preparation of detailed estimates of both income and expenditure for all services, for approval by the Executive, Committees and the Council.

PRACTICES, PROCEDURES AND SYSTEMS

Revenue Budget Preparation

- 4.1.1 In preparing detailed budgets for expenditure and income, the overall financial strategy and spending priorities approved by the Council must be adopted.
- 4.1.2 The section 151 officer, in consultation with the Leader of the Council and/or such other member(s) of the Executive as the Leader may require, shall determine the timetable and procedures for budget preparation.
- 4.1.3 No budgets shall be created without the consent of the section 151 officer.
- 4.1.4 Budgets may not include contingency sums for unplanned expenditure. These regulations contain enough flexibility to meet unplanned expenditure.
- 4.1.5 All Business Units should aim to recover all their costs in accordance with guidelines issued by the section 151 officer.
- 4.1.6 Budgets must identify the gross sums for each item of income and expenditure.

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

Revenue Budget Preparation(cont)

- 4.2 The section 151 officer shall determine financing arrangements for all approved expenditure.

PRACTICES, PROCEDURES AND SYSTEMS

Revenue Budget Preparation(cont)

- 4.2.1 Expenditure which:
- (a) involves any leasing, hire purchase, or rental agreements, and
 - (b) may have implications for the Council under the Government's capital expenditure controls may not be incurred without the section 151 officer's approval.

Revenue Expenditure – Virement

- 4.3 Budget provision may be vired (transferred from one revenue service cost centre budget to another).
- Budget movements within a cost centre shall be termed "budget transfers" rather than virements and may be authorised by the budget responsible officer, with no limit on value. A transfer document must be completed to ensure that the Financial Information System budget position is accurate, to assist budgetary control.

The section 151 officer may veto any proposed budget transfers.

Revenue Expenditure – Virement

- 4.3.1 For revenue purposes, virement shall be exercised at the lowest service cost centre level identified in the approved Policy budget. For example:-
- Cemeteries
 - Applemore Health and Leisure
 - Public Conveniences
 - HRA Reactive Maintenance
- 4.3.2 Virements or budget transfers may not be made from headings for Support Services or Capital Charge. Virement from Capital Financing may only be undertaken with the prior approval of the section 151 officer, irrespective of the value.

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

Revenue Expenditure – Virement (cont)

- 4.4 All proposals for virement must be approved in line with the requirements outlined in 4.4.2 – 4.4.7 and notified to the section 151 officer before any expenditure is committed. The section 151 officer may veto any proposed virements.

PRACTICES, PROCEDURES AND SYSTEMS

Revenue Expenditure – Virement (cont)

- 4.4.1 All requests for virement must be made using the proper control document, and must follow the procedures below.
- 4.4.2 **Sums up to £5,000 vired between individual service cost centres:** require the signature(s) of the budget responsible officer(s).
- 4.4.3 **Sums between £5,001 and £10,000:** require the signatures of the budget responsible officer(s) and the EMT member(s)/Head(s) of Service responsible for the budget to/from which the virement is made.
- 4.4.4 **Sums between £10,001 and £25,000:** require the signatures of the budget responsible officer(s), EMT member(s)/Head(s) of Service and Portfolio Holder(s)/Committee Chairma(e)n responsible for the budget to/from which the virement is made. A written report must be made to all authorisers detailing the reason(s) for the virement.
- 4.4.5 **Sums between £25,001 and £50,000:** require a written report to be approved at a Cabinet/Committee meeting, as appropriate.
- 4.4.6 **Sums over £50,000:** require a written report to be considered at a Cabinet/Committee meeting, as appropriate. Any financial recommendation(s) must be approved by the Council.

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

Revenue Expenditure – Virement (cont)

- 4.5 Virement must not commit the Council to increased net expenditure in future years. Particular care is required if the virement is to an employee budget.
- 4.6 Virement between revenue and capital budgets is not generally permitted. Any exceptional proposal requires the prior approval of the section 151 officer.

PRACTICES, PROCEDURES AND SYSTEMS

Revenue Expenditure – Virement (cont)

- 4.4.7 **More than one request for virement to or from the same budget in the same financial year:** sums must be aggregated to decide which of regulations 4.4.2 to 4.4.6 applies.
- 4.5.1 Virement authorisation must identify whether the virement is for one year only or is ongoing. Ongoing requests that will lead to increasing expenditure in future years on a particular budget heading must identify the budget(s) for matching reductions for future years. Otherwise the request must be considered as a supplementary estimate rather than a virement.

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

Revenue Expenditure - Supplementary Estimates

- 4.7 There is no authority to spend in excess of an approved budget. If this becomes necessary and a virement is not possible then a supplementary estimate must be obtained.

Any proposal for a supplementary budget must be approved in line with the requirements outlined in 4.7.2 – 4.7.6 before expenditure is committed.

The base for supplementary estimates is the lowest service cost centre level identified in the approved Policy budget. For example:-

- Cemeteries
- Applemore Health and Leisure
- Public Conveniences
- HRA Reactive Maintenance

PRACTICES, PROCEDURES AND SYSTEMS

Revenue Expenditure - Supplementary Estimates

- 4.7.1 All requests for supplementary estimates must be made using the proper control document, and must follow the procedures below.
- 4.7.2 **Supplementary estimates up to £10,000:** Must be approved by both the section 151 officer and the appropriate EMT member/Head of Service.
- 4.7.3 **Supplementary estimates between £10,001 and £25,000:** Require the approval of the section 151 officer, the appropriate EMT member/Head of Service, the Portfolio Holder/Committee Chairman and the Finance and Efficiency Portfolio Holder or Leader of the Council. A written report must be made to all authorisers detailing the reason(s) for the supplementary estimate.
- 4.7.4 **Supplementary estimates between £25,001 and £50,000:** Require a written report to be approved at a Cabinet/Committee meeting, as appropriate.
- 4.7.5 **Supplementary estimates over £50,000:** Require a written report to be considered at a Cabinet/Committee meeting, as appropriate. Any financial recommendations must be approved by the Council.
- 4.7.6 **More than one request for supplementary estimate for the same budget in the same financial year:** sums must be aggregated to decide which of regulations 4.7.2 to 4.7.5 applies.

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

GENERAL PRINCIPLES	PRACTICES, PROCEDURES AND SYSTEMS
<p>Capital Budget Preparation</p> <p>4.8 The Leader of the Council shall ensure preparation of detailed estimates of both income and expenditure for all services, for approval by the Executive, Committees and the Council.</p>	<p>Capital Budget Preparation</p> <p>4.8.1 In preparing detailed proposals for capital schemes, the overall strategy and spending priorities approved by the Council must be adopted.</p>
<p>4.9 The strategic objectives and priorities for capital expenditure and asset utilisation will be identified annually in the Council's Capital Strategy and Asset Management Strategy.</p>	<p>4.9.1 The section 151 officer will determine</p> <ul style="list-style-type: none">(a) the definition of capital and revenue expenditure; and capital memorandum items, i.e. assets to be acquired under lease arrangements,(b) the timetable and procedures for capital budget preparation, and(c) de minimis levels for capital expenditure. <p>4.9.2 Each scheme bid must be supported by a business case, This must include a proper project appraisal, consideration of all options, forecast of revenue implications for each year during implementation, and for future years and, where appropriate, the incidence of expenditure.</p>
<p>4.10 The section 151 officer will determine the financial arrangements for all approved expenditure.</p>	<p>4.9.3 Each scheme must clearly identify proposed expenditure on land, works, fees and equipment.</p> <hr/> <p>4.10.1 Expenditure which:</p> <ul style="list-style-type: none">(a) involves any leasing, hire purchase or rental agreements, and(b) may have implications for the Council under the Government's capital expenditure controls <p>may not be incurred without the approval of the section 151 officer.</p>

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

Capital Budget Preparation (cont)

Capital Budget Preparation (cont)

4.10.2 The availability of sources of external funding should be identified at the time the capital expenditure is proposed, together with any future financial implications for this Council.

4.11 Budget approval is given for each individual scheme.

4.11.1 Where an overall budget for maintenance and repair works, ICT, vehicles or equipment is approved, a budget will be allocated on an individual scheme basis, as proposals are identified, and this will be the basis for subsequent monitoring and reporting

Capital Expenditure - Virement

Capital Expenditure – Virement

4.12 Budgetary provision may be vired from one capital scheme to another providing the proposals achieve the Council's strategic objectives outlined in the Capital Strategy.

4.12.1 External funding and approvals which are scheme specific are not available for virement, unless prior approval has been obtained from the external funder/approver.

4.13 All proposals for virement must be approved in line with the requirements outlined in 4.13.2 – 4.13.7 and notified to the section 151 officer before any expenditure is committed. The section 151 officer may veto any proposed virements.

4.13.1 All requests for virement must be made using the proper control document, and must follow the procedures below.

4.13.2 **Sums up to £5,000:** require the signature(s) of the budget responsible officer(s).

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

Capital Expenditure – Virement (cont)

Capital Expenditure – Virement (cont)

- 4.13.3 **Sums between £5,001 and £10,000:** require the signature(s) of the budget responsible officer(s) and the EMT member(s)/Head(s) of Service responsible for the budget to/from which the virement is made.
- 4.13.4 **Sums between £10,001 and £25,000:** require the signatures of the budget responsible officer(s), EMT member(s)/Head(s) of Service and Portfolio Holder(s)/Committee Chairma(e)n responsible for the budget to/from which the virement is made. A written report must be made to all authorisers detailing the reason(s) for the virement.
- 4.13.5 **Sums between £25,001 and £50,000:** require a written report to be approved at a Cabinet/Committee meeting, as appropriate.
- 4.13.6 **Sums over £50,000:** require a written report to be considered at a Cabinet/Committee meeting, as appropriate. Any financial recommendation(s) must be approved by the Council.
- 4.13.7 **More than one request for virement to or from the same budget in the same or in more than one financial year:** sums must be aggregated to decide which of regulations 4.13.2 to 4.13.6 applies.
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4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

Capital Expenditure – Virement (cont)

4.14 Income received in excess of budget may not be used to fund new capital schemes or enhance existing schemes unless prior approval has been obtained or unless that additional income has been received specifically for the new scheme or to fund the enhancement.

4.15 Underspends on capital schemes may not be used to fund new capital schemes or enhance existing capital schemes unless prior approval has been obtained. Underspends includes schemes included in the capital programme which cannot proceed.

4.16 Virement from capital to revenue budgets is not generally permitted. Any exceptional proposals require the prior approval of the section 151 officer.

4.17 Virement must not increase net revenue expenditure in the year of virement, or commit the authority to capital or revenue expenditure in future years, unless specific authority is obtained and a supplementary revenue estimate approved.

PRACTICES, PROCEDURES AND SYSTEMS

Capital Expenditure – Virement (cont)

4.14.1 Any proposal to use additional income on a new capital project or to enhance an existing capital project should be regarded as giving rise to a supplementary expenditure estimate and follow the regulations for supplementary estimates set out in section 4.18.

4.14.2 If additional income has been received that that is specific to a new project or to enhance an existing project, the supplementary estimate process is not required, provided that there is no potential for any current or future revenue or capital expenditure commitment to this Council arising from the initial additional capital expenditure.

4.15.1 Any proposals to use underspends on a new capital project or to enhance an existing capital project should be regarded as giving rise to a supplementary expenditure estimate and follow the regulations for supplementary estimates set out in section 4.18

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

Capital Expenditure - Supplementary Estimates

- 4.18 There is no authority to spend in excess of an approved budget. Should this become necessary and virement is not possible then a supplementary estimate must be obtained.

Any proposal for a supplementary budget must be approved in line with the regulations outlined in 4.18.2 – 4.18.6 before expenditure is committed.

PRACTICES, PROCEDURES AND SYSTEMS

Capital Expenditure - Supplementary Estimates

- 4.18.1 All requests for supplementary estimates must be made using the proper control document, and must follow the procedures below.
- 4.18.2 **Supplementary estimates up to £10,000:** Must be approved by both the section 151 officer and the appropriate EMT member/Head of Service.
- 4.18.3 **Supplementary estimates between £10,001 and £25,000:** Require the approval of the section 151 officer, the EMT member/Head of Service, the Portfolio Holder/Committee Chairman and the Finance and Efficiency Portfolio Holder or Leader of the Council. A written report must be made to all authorisers detailing the reason(s) for the supplementary estimate.
- 4.18.4 **Supplementary estimates between £25,001 and £50,000:** Require a written report to be approved at a Cabinet/Committee meeting, as appropriate.
- 4.18.5 **Supplementary estimates over £50,000:** Require a written report to be considered at a Cabinet/Committee meeting, as appropriate. Any financial recommendations must be approved by the Council.
- 4.18.6 **More than one request for supplementary estimate for the same budget in the same or in more than one financial year:** sums must be aggregated to decide which of regulations 4.18.2 to 4.18.5 applies.

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

Budgetary Control/Reporting

Budgetary Control/Reporting

4.19 Expenditure may only be committed from a budget for the purpose for which it was approved.

4.19.1 Budget responsible officers and EMT members/Heads of Service will:
(a) monitor actual performance on each budget regularly; and
(b) take appropriate steps to ensure budgets are not overspent.

4.20 The section 151 officer will report regularly to the Executive Management Team, Executive, Committee Chairmen, Shadow Portfolio Holders, and Shadow Committee Chairmen, on overall financial performance, predicted gross capital expenditure and net revenue expenditure for the current financial year.

4.20.1 EMT members/Heads of Service will provide data or supporting information for all budgetary control reports.

4.20.2 EMT members/Heads of Service will identify opportunities for savings and additional income and shall ensure these are included promptly in the appropriate monitoring reports and estimates.

4.20.3 EMT members/Heads of Service will identify, at the earliest opportunity, potential expenditure for which there is no budget provision. They shall also identify proposed sources of finance for meeting additional expenditure, either by virement or supplementary estimate (regulations 4.4 to 4.18).

4.20.4 Budget responsible officers are responsible for carrying out budgetary control and for informing EMT members/Heads of Service of any potential budget variations at the earliest opportunity, in order to allow EMT members/Heads of Service to fulfil their obligations

4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

Budgetary Control/Reporting(cont)

Budgetary Control/Reporting(cont)

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| <p>4.21 Unspent revenue budgetary provision may not be carried forward between financial years, unless regulation 4.21.1 has been applied.</p> | <p>4.20.5 The section 151 officer's financial monitoring report will identify all budget virements and supplementary estimates. However, separate reports, which may be attached as appendices to the monitoring report, must be produced by service officers for all items in excess of £25,000.</p> <p>4.20.6 Where reports are required for sums of £25,000 or less this may be covered by email communication but budget authorisation can only be achieved by completing the proper control document.</p> <p>4.20.7 Any budget changes which impact on the employee establishment must also be notified by the budget responsible officer to Human Resources to ensure that the HR system is updated.</p> <p>4.20.8 In circumstances where the regulations in section 4 cannot be complied with, for instance where expenditure needs to be incurred before Executive or Council approval is obtained, regulation 2.4 should be applied.</p> <hr/> <p>4.21.1 The section 151 officer may approve earmarking of funds to meet approved expenditure in the following financial year, subject to a written request by and EMT member/Head of Service.</p> |
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4. BUDGETS AND FINANCIAL CONTROL

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

Budgetary Control/Reporting(cont)

Budgetary Control/Reporting(cont)

4.22 Exceptionally, capital schemes may be moved between financial years. This is termed "rephasing" and is subject to the approval of the section 151 officer.

4.22.1 Any proposals to rephrase a capital scheme or part of a capital scheme from the current financial year to a future financial year must be included in the regular financial monitoring reports presented to Cabinet. If there are any adverse financial consequences of such proposals a separate report detailing reasons for the rephasing and the consequences must also be presented. The section 151 officer will consider the financial position of the relevant budget and strategic targets for the financial year before deciding whether to support the recommendation.

The inclusion of capital items in the expenditure plans outside of the current financial year is an intention to spend only. Budget provision does not exist for those items, other than when it relates to a scheme already committed to in the current year's budget.

4.22.2 Any proposal to bring forward new scheme expenditure from future years to the current financial year should be considered as a supplementary estimate and follow the regulations set out in section 4.18.

Use of Provisions and Reserves

Use of Provisions and Reserves

4.23 Provisions and earmarked reserves may only be used for the purpose for which they were originally approved.

4.23.1 The section 151 officer must approve all proposals before expenditure is incurred.

5. INCOME

GENERAL PRINCIPLES

5.1 The section 151 officer shall approve arrangements for collecting income due to the Council.

PRACTICES, PROCEDURES AND SYSTEMS

- 5.1.1 The section 151 officer must be notified promptly of:
- (a) all money due to the Council;
 - (b) contracts, leases and other agreements entered into which involve the Council receiving money.
- 5.1.2 The section 151 officer will have the right to inspect any documents or other evidence.
- 5.1.3 Any agreement which allows the extension of credit payment facilities must be agreed in advance by the section 151 officer.
- 5.1.4 The section 151 officer will be responsible for ordering, issuing and controlling all receipt forms.
- 5.1.5 An official receipt must be issued for all cash received on the Council's behalf. An accounting record in a form acceptable to the section 151 officer shall be made for any other remittance received.
- 5.1.6 All money received must be banked intact at frequent, regular intervals. The procedures issued by the section 151 officer must be followed.
- 5.1.7 Personal cheques must not be cashed out of money held on the Council's behalf.

5. INCOME

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

5.2 At least once a year each EMT member/Head of Service will review all fees and charges for services he/she is responsible for.

5.2.1 The review will be undertaken in conjunction with the section 151 officer.

5.3 The section 151 officer shall be authorised to write off uncollectable or cancelled debt.

5.3.1 EMT members/Heads of Service will provide the section 151 officer with full details of all debts submitted for write off.

5.3.2 The section 151 officer shall report written off debt to the executive annually.

6. INSURANCE

GENERAL PRINCIPLES

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- 6.1 The section 151 officer shall arrange insurance cover to meet the Council's requirements. He shall be responsible for registering any claims.

PRACTICES, PROCEDURES AND SYSTEMS

- 6.1.1 EMT members/Heads of Service shall consult with, and inform, the section 151 officer immediately of:-
- (a) all new risks and liabilities which may need to be insured;
 - (b) any changes which may affect existing insurances;
 - (c) anything which may lead to a claim by or against the Council;
 - (d) any interest in property granted by or to the Council which may involve a transfer of insurance cover; or
 - (e) the terms of any indemnity the Council is requested to give.
- 6.1.2 Contractors or agents acting for the Council must have insurance arrangements which adequately indemnify the Council against any third party claim. EMT members/Heads of Service shall consult with the section 151 officer to ensure this.
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7. INVENTORIES, SECURITY AND DISPOSAL OF ASSETS

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

7.1 The section 151 officer will ensure a register of land and buildings owned by, or leased to, the Council is maintained and complies with the requirements of the Asset Management Strategy.

7.1.1 The register of land and buildings will record:

- (a) the purpose for which the land and buildings are held;
- (b) the location;
- (c) the extent;
- (d) the plan reference;
- (e) the purchase details;
- (f) the particulars and nature of the interest;
- (g) rents payable, and
- (h) tenancies granted.

7.1.2 The Register will incorporate the additional information required by the Asset Management Strategy.

7.1.3 EMT members/Heads of Service shall supply the Head of Property Services with the information necessary to maintain the register of other assets. The Head of Property Services acts on behalf of the section 151 officer for this purpose.

7.2 The section 151 officer will ensure safe custody of the title deeds of property owned by, or mortgaged to, the Council.

7.2.1 The Head of Legal and Democratic Services acts on behalf of the section 151 officer for this purpose.

7.3 EMT members/Heads of Service will keep inventories of all items of moveable furniture, equipment, vehicles and plant.

7.3.1 EMT members/Heads of Service will arrange an annual check of inventories.

7.3.2 The Head of ICT Services will be responsible for maintaining an inventory of the ICT equipment.

7. INVENTORIES, SECURITY AND DISPOSAL OF ASSETS

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

- 7.3.3 The section 151 officer will determine values below which assets need not be inventoried.

7.4 EMT members/Heads of Service will ensure that proper security is always maintained for all assets under their control, both leased and purchased.

7.5 EMT members/Heads of Service will aim for maximum utilisation of assets.

7.6 The section 151 officer will determine procedures for disposing of assets, both leased and purchased.

8. STOCKS AND STORES

GENERAL PRINCIPLES

8.1 EMT members/Heads of Service are responsible for the receipt, safe custody, proper security, and issue, of stocks and stores within their service.

8.2 Stocks must be maintained at the lowest level which meets operational requirements.

8.3 EMT members/Heads of Service shall notify the section 151 officer immediately if:

- (a) a deficiency of stocks and stores occurs; or
- (b) obsolete items are identified.

PRACTICES, PROCEDURES AND SYSTEMS

8.1.1 Stocks and stores records must be maintained in a form agreed with the section 151 officer.

8.1.2 EMT members/Heads of Service shall supply the section 151 officer with the information he/she requires for the Council's financial records.

8.1.3 EMT members/Heads of Service shall arrange for independent physical counts of stocks at least once a year.

8.3.1 The section 151 officer shall decide on the course of action where a deficiency, or obsolete items, are identified. He may authorise write-off. Depending on the sums involved, he may report to the Executive or Council, as appropriate.

8.3.2 Disposal of surplus or obsolete stocks and stores must comply with "Disposal of Surplus Items Procedures".

9. BANKING ARRANGEMENTS, TREASURY MANAGEMENT, INVESTMENTS AND TRUST FUNDS

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

9.1 The section 151 officer is authorised to make all arrangements for banking services, and to determine banking procedures.

9.1.1 All bank accounts shall be in the name of the Council.

9.1.2 The section 151 officer shall take measures to prevent misappropriation or misuse of Council funds.

9.2 The section 151 officer is authorised to:

- (a) borrow and lend all monies; and
- (b) arrange for the temporary investment of funds.

9.2.1 The section 151 officer is required to act in accordance with the adopted CIPFA Code for Treasury Management in Local Authorities.

9.2.2 The section 151 officer shall report to the Executive annually on how he has exercised his delegated Treasury Management powers.

9.2.3 All investments shall be made in the name of the Council, except Bearer Securities, borrowing and trust funds.

9.2.4 All officers who act as trustees of trust funds because of their official position must give the section 151 officer all title documents concerning the trust.

9. TREASURY MANAGEMENT, INVESTMENTS AND TRUST FUNDS

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

9.3 The Council will agree the Treasury Strategy Report annually.

9.3.1 The section 151 officer will:

- (a) recommend the Strategy to the Council after approval of the Executive, and,
- (b) implement the Strategy.

9.4 The Council will set the following borrowing limits before the start of the financial year:

9.4.1 The section 151 officer will report to the Council if borrowing reaches a level which may result in the limits being breached.

(i) an amount of money (the 'authorised limit') which is the maximum amount the Council may have outstanding as borrowing;

9.4.2 The section 151 officer will be authorised to exercise the Council's statutory borrowing powers, and act as the registrar of loan instruments.

(ii) an amount which is a part of the authorised limit (the 'operational limit'), which is the average amount the Council may have outstanding as borrowing; and

9.4.3 He may borrow amounts which can be contained within the limits of the Council's capital financing requirement.

(iii) a limit on the proportion of the total amount of interest payable by the Council which:

9.4.4 He will maintain records of all money the Council borrows. Any borrowing must be in an appropriate manner and on appropriate terms and conditions.

- (a) is at a rate or rates which can be varied by the person to whom it is payable, or
- (b) can vary by reference to external factors.

9.4.5 The borrowing limits must not exceed the maximum prescribed.

The Council may vary these limits at any time.

10. ORDERS FOR GOODS AND SERVICES

GENERAL PRINCIPLES

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- 10.1 Official orders must be issued for all goods and services required by the Council, except for:
- (a) public utilities;
 - (b) purchases from imprest accounts or petty cash;
 - (c) works or services provided under a contract, where Procurement Rules, Regulations and Contract Standing Orders apply;
 - (d) purchases made through corporate credit cards or through the Internet

PRACTICES, PROCEDURES AND SYSTEMS

- 10.1.1 The section 151 officer shall approve the form of official orders.
- 10.1.2 A separate Code of Practice will be issued by the section 151 officer for the use of corporate credit cards and the Internet, for purchases of goods and services. All purchases must be in accordance with this Code.
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11. PAYMENT OF ACCOUNTS

GENERAL PRINCIPLES

11.1 EMTG members/Heads of Service, or their authorised officers, will certify all payments for goods, supplies or services.

PRACTICES, PROCEDURES AND SYSTEMS

- 11.1.1 The section 151 officer will approve manual and electronic procedures for certifying payments.
- 11.1.2 An EMT member/ Head of Service may authorise an officer in his/her department to certify official orders, accounts for payment and salary and wages records.
- 11.1.3 EMT members/Heads of Service shall keep a record of the specimen signatures or passwords of officers who are authorised to certify accounts for payment. The record must be in a form acceptable to the section 151 officer. EMT members/Heads of Service must send copies of specimen signatures or passwords to the section 151 officer.
- 11.1.4 EMT members/Heads of Service shall immediately notify the section 151 officer when an authorised officer leaves the employment of the Council.
- 11.1.5 All payments for goods, supplies or services must be invoiced.

11. PAYMENT OF ACCOUNTS

GENERAL PRINCIPLES

PRACTICES, PROCEDURES AND SYSTEMS

- 11.1.6 Certification by an authorised officer means that:
- (a) the expenditure has been properly incurred, and there is budget provision or authority to spend; and
 - (b) the goods, supplies or services have been received or carried out, checked for quantity and quality, and approved; and
 - (c) appropriate entries have been made in inventories or stores records; and,
 - (d) the prices, discounts and other allowances are correct, and extensions and calculations accord with the section 151 officer's Invoice Certification guidance notes; and
 - (e) the invoice is an original (not a copy or duplicate) and, where appropriate, is a proper VAT invoice; and,
 - (f) in the case of public utility charges, standing charges are correct and the consumption recorded is reasonable.
- 11.1.7 To maintain internal control:
- (a) the authorising officer must not normally be the person who ordered or received the goods; and
 - (b) another authorised officer must certify any reimbursement of personal expenditure.
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12. PETTY CASH IMPRESTS AND CHANGE FLOATS

GENERAL PRINCIPLES

12.1 The section 151 officer will authorise change floats and imprest accounts for defraying minor expenditure.

PRACTICES, PROCEDURES AND SYSTEMS

12.1.1 Petty cash payments will be limited to:

- (a) the maximum approved limit, and
- (b) minor items of expenditure.

They must be supported by receipts, including proper VAT receipts where appropriate.

12.1.2 All income received on the Council's behalf must be banked or paid as provided in regulation 5.1. It may not be paid into an imprest account.

12.1.3 Reimbursements to imprest accounts must be made at least monthly.

12.1.4 Imprest holders are personally responsible for the custody of petty cash, and shall ensure its safekeeping. On request they shall give the section 151 officer evidence of the state of the account.

13. SALARIES

GENERAL PRINCIPLES

13.1 The section 151 officer will pay all salaries and other emoluments to all current and former Council employees.

13.2 EMT members/Heads of Service, or their authorised officers, will ensure that all employee appointments accord with Council policy and the approved budget, grades and rates of pay.

PRACTICES, PROCEDURES AND SYSTEMS

13.1.1 EMT members/Heads of Service, or their authorised officers, will notify the section 151 officer as soon as possible of all matters affecting such payments. The section 151 officer may specify the form of the notification.

13.2.1 EMT members/Heads of Service will maintain a record of the specimen signatures of officers currently authorised on their behalf to certify relevant pay documents and time sheets. The record shall be in a form acceptable to the section 151 officer. Copies of specimen signatures shall be sent to the section 151 officer.

13.2.2 All time sheets or other pay documents must be:

- (a) certified by or on behalf of the EMT member/Head of Service; and
- (b) in a form approved by the section 151 officer.

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CONTRACT STANDING ORDERS RELATING TO PROCUREMENT

APPLICABLE FOR PROCUREMENTS AFTER 01 March 2018

<u>Version Control:</u>	<u>Amendment record:</u>
v1.0 (01.03.18)	New CSOs – 01.03.18 replaces CSOs
v1.1 (16.05.18)	Clause 21 Modification re-drafted. Annex C Scheme of delegations re; Invoice Payment Works amended

Contract Standing Orders - Procurement

Procurement operates in a complex legal framework set by the UK Government and the European Union. All local authorities are required by law to draw up a set of Contract Standing Orders (CSO's) for the procurement of goods, services and works in order to achieve competition and to regulate procedures for procurement.

By following these Contracts Standing Orders in dealing with the Councils procurement, officers can be sure that they have acted in an appropriate manner and are protected from any accusation of corruption, fraud, illegality or misuse of public funds.

These Contract Standing Orders provide the framework for the procurement of all works, goods and services and must be complied with by all Members, Officers, Consultants and other external Agents appointed to act on behalf of the Council in procurement matters.

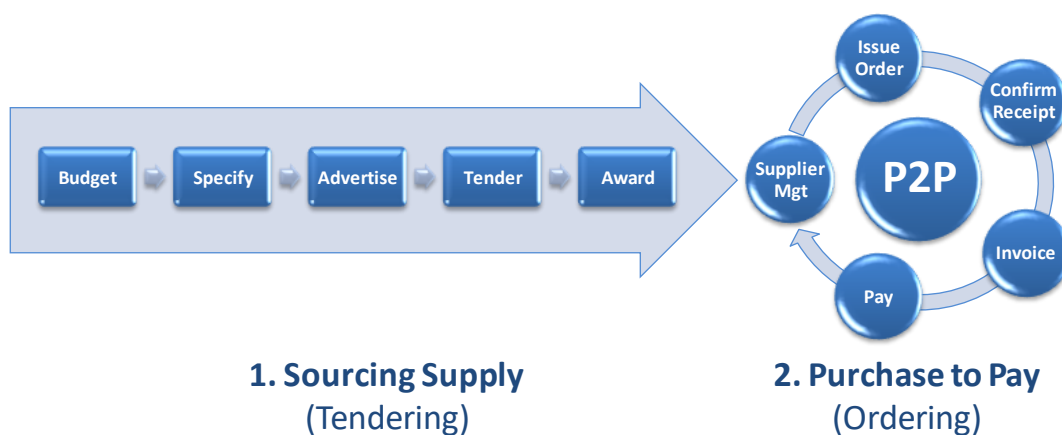
These Contract Standing Orders are numbered with an SO suffix and are broadly sequenced to follow the Procurement process to help the user navigate more effectively to the relevant section.

The Procurement Team will provide advice to Officers on CSO considerations as well as best practice procurement relative to the specific project being planned.

All monetary values referred to in these rules are total contract values, not annual values, and exclude VAT unless otherwise stated. They cover expenditure contracts and income generating contracts.

Please see **Annex A** for a Quick Guide to CSO Procurement Thresholds.

The Procurement Process



CONTRACT STANDING ORDERS (CSO)

SO1 Compliance

- 1.1. Every Member of the Council and every officer and employee of the Council must comply with these Contract Standing Orders.
- 1.2. Any other person who is engaged in the letting, management or supervision of a contract on behalf of the Council must comply with these Rules as if s/he were an officer of the Council.
- 1.3. These Rules apply to all procurement decisions, regardless of the source of funding, or the status of the contractor (i.e. they apply equally to selection of both main contractors and nominated sub-contractors or suppliers).
- 1.4. Every contract must be let in compliance with The Public Contracts Regulations 2015 with applicable European and domestic legal requirements.
- 1.5. Where the Council has established in-house expertise in a function with suitable capacity, whether it be direct works (engineering, building, grounds maintenance, etc.) or professional services (accountancy, legal, surveying, etc.) all relevant works and services shall be delivered by that service.
- 1.6. These Rules are supplemented by a quick guide to the Councils Procurement Thresholds and Sourcing Matrix (**See Annex A**).

SO2 Exemptions

- 2.1 The following contracts are exempt from the requirements of these Rules:
 - i. Orders placed through a framework agreement established by a central or regional purchasing body to which the Council is a named party
 - ii. Employment contracts
 - iii. Contracts for the disposal or acquisition of an interest in land, existing buildings or other immovable property
 - iv. Legal advice sought by the Legal Services Manager, connected with the business of the Council
 - v. Arbitration or conciliation services
 - vi. Financial advice sought by the section 151 officer in connection with council business.
 - vii. Central bank services
 - viii. Public contracts between entities within the public sector
 - ix. Grants to external organisations

SO3 Budgetary Provision and Gateway Review

- 3.1 No quotation or tender shall be invited or order placed unless there is sufficient approved budgetary provision.
- 3.2 A **Gateway Review** shall be conducted on all procurement contracts with an estimated value in **excess of £25,000**. The Gateway Review is carried out at two key stages of the Procurement Sourcing Process. Further details and the Gateway Review form can be found at **Annex B** and on ForestNet Procurement pages.
- 3.3 **Gateway Review - Stage 1 Project Outline & Procurement Planning** sets out the project scope, aims and objectives, confirms budget provision, describes the procurement procedure to be used and requires relevant Service Manager approval in order to proceed to formal tendering. Note: Invitations to quote or tender will not proceed without Service Manager signed off Gateway 1.
- 3.4 **Gateway Review - Stage 2 Contract Award Proposal & Approval** reports on the outcome of the tendering activity, proposes way forward including how contract will be monitored and confirms Service Manager approval to award contract. Note: Formal contract award letters will not be issued without Service Manager signed off Gateway 2.

SO4 Contract Value

- 4.1 All monetary values referred to in these Rules are total contract values, not annual values, and exclude VAT unless otherwise stated. They cover all expenditure contracts and income generating contracts.
- 4.2 Guidance on how to value a contract can be found in the CSO Thresholds and Sourcing Matrix set out in **Annex A**.
- 4.3 Contracts must be packaged appropriately to achieve maximum value for the Council. They should not be split in order to avoid quotation or tendering limits in these Rules or EU procurement thresholds, or packaged in a way to reduce the potential for fair and open competition.

SO5 Contracts valued below £15,000

- 5.1 Service teams will adopt the procedure that is most appropriate to provide best value to the Council. Details of the method used to obtain price checks, benchmark the market or any quotations received will be documented and retained electronically for 12 months (or length of supply agreement plus additional 12 months) to support and justify the ordering decision. Service Manager approval to award contract is required. NFDC terms and conditions should be used unless otherwise agreed with Legal Services.

SO6 Contracts with a value between £15,000 and £25,000

- 6.1 Where the estimated value of a contract is between £15,000 and £25,000 a minimum of three quotations must be invited (via desk-top quotation) for a works, goods or services contract. NFDC terms and conditions should be used unless otherwise agreed with Legal Services. Alternatively, an electronic quotation issued via the Procurement team can be requested to save officer time and make use of our e-procurement system.

SO7 Contracts with a value between £25,000 and £50,000

- 7.1 Where the estimated value of a works, goods or services contract is between £25,000 and £50,000 suitable suppliers for a restricted quotation should be nominated by the Service team and confirmed with Procurement. Procurement will invite quotations via the e-procurement system. However, the option to convert from restricted to open advertising will be used if a wider supplier search would benefit the Council.

SO8 Transparency Threshold (for advertising of contract opportunities)

- 8.1 The Councils standing orders require transparent advertising of any contract with an estimated value of £50,000 or more. Procurement will “openly” advertise such contract opportunities on the Council's Business Portal and the Governments Contracts Finder portal to seek expressions of interest and tender responses from suitably qualified suppliers. Note: ALL procurement documentation must be available from date of publication of contract notice (advert).
- 8.2 Advertising of contracts below £50,000 is not required and Officers in conjunction with Procurement will carry out soft market testing to identify local economy, regional and national suppliers prior to the issue of restricted quotations. However, the option to convert from restricted to open advertising will be used if a wider supplier search would benefit the Council.

SO9 Contracts with a value between £50,000 and EU Threshold*

- 9.1 Where the estimated contract value for a works, goods or services contract exceeds £50,000 but does not exceed the relevant EU public procurement threshold (*see Annex A for EU threshold £ values) or does not fall within a category subject to the EU public procurement rules, an open tender should be issued by the Procurement team.

SO10 Contracts with a value in excess of the EU Threshold*

- 10.1 Where the estimated contract value for a works, goods or services contract exceeds the relevant EU public procurement threshold (*see Annex A for EU threshold £ values) any contract must be issued by the Procurement team in

compliance with the relevant legal requirements, in particular the Public Contracts Regulations 2015 and these Rules.

- 10.2 Procurement will arrange for the issue of a Contract Notice (advert) in the OJEU (Official Journal of the European Union) to be followed by an invitation to tender using one of the mandated procedures set out in the Public Contract Regulations 2015 (namely; open; restricted; competitive dialogue; competitive procedure with negotiation; or innovation partnership). Procurement will advise on the most appropriate procedure to be followed.
- 10.3 Where there is a conflict between legislation and these Rules, the legislation will prevail.

SO11 Content of Invitations to Quote or Tender

- 11.1 Procurement will oversee the contents of all invitation to tender or requests for quotation to ensure they include:
- i. A description of the works, goods or services being procured
 - ii. A specification indicating the outcome required
 - iii. Terms and conditions of contract
 - iv. The evaluation criteria including any weightings
 - v. The Cost (pricing) mechanism and instructions for completing the tender sum response
 - vi. The Quality and Service requirements and associated response form
 - vii. Where there is a potential transfer of employees, the Council's view on whether TUPE will apply
 - viii. The form and content of any method statements to be provided

SO12 Collaborative Procurement

- 12.1 Where procurement is undertaken in collaboration with one or more other public authorities the Contract Standing Orders of one of the other authorities may be used in place of these Rules.
- 12.2 An invitation to tender or to submit quotations may be made for supply to other authorities (including New Forest Town and Parish Councils) in addition to New Forest District Council on similar terms.

SO13 Form and contents of Legal Terms and Conditions (contracts)

- 13.1 The choice of contract terms applicable for a Procurement project should be decided at the start of the process by seeking advice from Procurement and/or Legal Services. A range of standard contract type templates are available from ForestNet, others can be provided by Legal Services to suit need.

- 13.2 The decision whether the contract should be Signed under Hand OR a Sealed Deed should be discussed and agreed with Legal / Procurement. The decision will depend upon the use of Statutory Limitation Period (SLP). A contract signed under hand provides 6 years SLP from end of contract term. A contract executed as a deed and sealed provides 12 years SLP from end of contract term.
- 13.3 Contracts for Works, Goods or Services with a value exceeding the EU threshold for Goods / Services (**See Annex A**) must be entered into as a deed and sealed by Legal Services, thus giving the Council greater protection.
- 13.4 Contracts for Works, Goods and Services with a value NOT exceeding the EU threshold for Goods / Services (**See Annex A**) must be signed under hand should be signed by an officer nominated with that level of responsibility as set out in **Annex C**.

SO14 Submission and Opening of Tenders and Quotations

- 14.1 All invitations to tender or submit a quotation must specify requirements for their submission. Such requirements shall include a time by which tenders or quotations must be received by the Council.
- 14.2 All quotations with an estimated value below £25,000 must be opened, recorded and retained by the nominated officer of relevant Service Team (who is independent of the quotation process). Quotation instructions shall clearly state that the quotations must be returned to the nominated officer only. This can be by email or by post. Returned quotations must be held securely and unopened by the nominated officer until the specified return date. The Contract Administrator must supply the details of the suppliers that have been invited to quotation to the nominated officer prior to the quotations being received.
- 14.3 All quotations and tenders with an estimated value in excess of £25,000 (or any issued by Procurement via the Councils e-procurement system) must be opened by Procurement. Audit history of the opening process will be maintained by the e-procurement system.
- 14.4 Any quotations / tenders received after the specified opening date whether by post or email should not be opened or included in the evaluation.
- 14.5 In the case of quotations / tenders received via the e-procurement system Procurement and Legal Services can agree to accept a late quotation / tender response received via the e-Procurement system in exceptional cases.
- 14.6 If a Quotation or Tender exercise fails to return more than 1 bid response, then the Contract Administrator and Procurement should decide whether the bid represents value for money and delivers the specification in full. A decision to proceed to award based on single bid OR suspension of the procurement

exercise should be agreed, documented and approved via the Gateway 2 review. If the procurement exercise is suspended a decision to a) revise the project and re-tender OR b) abandon the whole project should be set out in the Gateway 2 review.

SO15 Evaluating Quotations and Tenders

- 15.1 Tenders and quotations will be evaluated as per the agreed evaluation criteria set out in the quotation or tender documentation. Procurement provides an evaluation matrix (spreadsheet) for this purpose. Please refer to the documents area of the procurement pages on ForestNet.
- 15.2 The Contract Administrator must ensure that evaluation of tenders takes place involving suitably experienced officers to form “the evaluation panel”. The results of the evaluation must reflect the consensus of the panel and be approved by the appropriate Service Manager by sign off **Gateway Stage 2**.
- 15.3 It is permissible to use consultants to assist with tender evaluation, but the final decision must be made by an NFDC officer with delegated authority.
- 15.4 If during the evaluation of tenders the panel requires post-tender clarifications from any or all of the tenderers, this must be communicated via the e-procurement system messaging function by the Procurement team).
- 15.5 The results of the evaluation must be retained for the period of SLP from the end of the contract. A copy of the approved evaluation matrix will be provided to Procurement to store electronically in the e-procurement system (along with the award decision letters and final contract documents).

SO16 Award Notification and Entering into Contracts

- 16.1 Signing and entering into contracts must be strictly in accordance with the Councils scheme of delegations set out in **Annex C**
- 16.2 The notification of the outcome of a desk-top quotation for contracts below £25,000 will be administered by the relevant Contract Administrator. Service Manager approval to award contract is required. All tenderers (successful and unsuccessful) will be notified on the same date along with details of their evaluation scores. Template letters are available from Procurement.
- 16.3 The notification of the outcome of a quotation or tender for contracts issued and received via the e-procurement system will be administered by Procurement. All tenderers (successful and unsuccessful) will be notified along with details of their evaluation scores. **Note:** Service Manager approval of **Gateway Stage 2** is required prior to formal award of contract.
- 16.4 Suppliers / Contractors are required to hold and maintain appropriate levels of insurance during the period of any contract awarded by the Council. Evidence

of the insurance cover held must be confirmed prior to the award of contract. See ForestNet Procurement for advice and guidance.

- 16.5 An official purchase order will be issued (unless otherwise agreed with Procurement) to awarded supplier(s) to call-off goods or services, cross referencing the Councils contract number and awarded suppliers quotation number (if available). Works orders will be instructed as set out in the works contract documents, with payment certificates used to authorise payments. The terms and conditions of contract will be as set out in the quotation / tender pack.

SO17 Performance Bonds & Parent Company Guarantees

- 17.1 As part of the evaluation of short-listed tender responses the Contract Administrator will request from Procurement an independent financial appraisal report.

The financial appraisal provides the Council with an overall financial risk score (referred to as failure score) used to assess the applicant's financial standing. The failure score ratings (0 poor to 100 good) are matched to a pass/fail result as detailed below:

- Score of 0 to 10 will mean automatic "**FAIL**" and the suppliers will be excluded from the procurement process.
- Score of 11 to 50 will be a "**PASS - SUBJECT TO**" provision of a performance bond or parent company guarantee if/when deemed appropriate.
- Score of 51 and over is a "**PASS**" meaning the Council will not request a performance bond or parent company guarantee (although this can be overruled on a case by case basis).

- 17.2 A performance bond (PB) or parent company guarantee (PCG) provides the Council with a financial guarantee, typically limited to 10% of the contract price to protect against losses and/or damages as result of the Contractor failing to perform its contractual obligations upto practical completion. A performance bond is a tripartite agreement between the Contractor, its surety (a bank / insurer) and the Council. Likewise, a parent company guarantee is a tripartite agreement between the Contractor, its Parent Company and the Council.

- 17.3 The decision to seek the assurance of a performance bond (PB) or parent company guarantee (PCG) will depend on the risk factors related to the specific contractor and proportionate to the contract value and cost to the Council of the assurance. Advice from Procurement, Accountancy and Legal should be sought by the Contract Administrator where a contractor's financial appraisal highlights concerns. Please see ForestNet for an NFDC template performance bond or parent company guarantee.

SO18 Maintenance of the Contract Register

- 18.1 Under Government Transparency Law the Council must publish and maintain details of ALL “live” contracts. In order to achieve this requirement, Procurement will add details of all contracts to the e-procurement systems contract register accessible via a link on the Councils website for enquiries.
- 18.2 The e-procurement systems contract register allows for “private” documents to be stored. Procurement will add an electronic copy of the final signed / sealed contract and any relevant documents. This will be accessible to Council officers linked to the procurement.
- 18.3 All original sealed deed contract documents must be held centrally by Legal Services for the term of the contract (including any agreed extension periods), plus the statutory limitation period (12 years for sealed deeds). They must be referenced back to the Central Register.
- 18.4 All original signed under hand contracts must be held by the relevant Service unit for the term of the contract (including any agreed extension periods), plus the statutory limitation period (6 years for contracts under hand). They must be referenced back to a Service based register.
- 18.5 Service Managers are responsible for ensuring that:
- the original signed/sealed copies of the contract and any subsequent signed variations, have been stored as set out in 18.3 and 18.4.
summary details of any contract that has been entered into, that binds the Council to the terms and conditions of the contract plus a .pdf copy of the signed / sealed contract is provided to Procurement to be entered on the Contracts Register administered by Procurement;
 - an electronic copy of the contract and any subsequent variations to the contract that are entered into during its lifetime are stored in their service filing areas (working copy);
 - Procurement will maintain the online Contracts Register (via the electronic procurement system) to ensure the Council complies with the obligations of the Local Government Transparency Code (2015).

SO19 Conflicts of Interest, Bribery and Corruption

- 19.1 All officers involved with the award of contracts must comply with the Council's Anti-Fraud, Bribery and Corruption Strategy.
- 19.2 No gifts or hospitality, other than simple refreshments, shall be accepted by Officers or members from any tenderers to any contract being let by the Council until the time that the contract has been awarded.
- 19.3 No contract can be wholly awarded or managed by an officer who has other interests in the arrangement.

- 19.4 If it comes to the knowledge of a member or officer of the Council that a contract in which s/he has a pecuniary interest has been or is proposed to be entered into by the Council, s/he shall immediately inform the Monitoring Officer.

SO20 Waivers of Contract Standing Orders

- A waiver is the process to follow where circumstances mean that Contract Standing Orders cannot be adhered to, in accordance with the following rules:
- A waiver must not result in a breach of EU Procurement Regulations for contracts within the EU tendering thresholds or of procurement law below EU procurement thresholds. In all cases, the Council must apply general principles of equal treatment, transparency and non-discrimination.
- An officer may request a waiver by completing the waiver template which can be found on the procurement pages on ForestNet.
- All waiver requests will be presented to the Service Manager Legal. The arbiter of a waiver decision shall be the Executive Head, Governance and Regulation.
- All approved waivers where a contract award is sanctioned shall be added to the Contracts Register by Procurement to ensure compliance with the Local Government Transparency Code.

SO21 Modifications of Contracts During their Term

- 21.1 Under Public Contracts Regulations 2015 (Reg 72), a modification to an existing pre-tendered contract may be possible, without the need to re-advertise or re-tender, under the following circumstances.
- 21.2 The Contract Administrator, following legal advice, has included a modification (or review) clause in the original contract Terms & Conditions at tender stage providing the possible options for a modification (or variation) to the contract (if required) based on quantity, time or monetary value. Any such modification clause must be clear, precise and unequivocal and must not alter the overall nature of the contract. Legal approval is required to invoke any modification clause.
- 21.3 Where no modification clause was added at tender stage, a modification to the contract may be undertaken providing that:
- the additional costs incurred are below 15% (if Works) or 10% (if Goods / Services) of the original contract value; or
 - Where there are “unforeseen circumstances”, and the increase is not greater than 50%; or
 - Where additional works have become necessary and to change suppliers would not be practical and would cause significant

inconvenience or duplication of costs, and the increase is not greater than 50%.

- 21.4 Certain other factors may also permit contract modifications, such as for minor changes or as a result of corporate restructuring. Please seek advice from Legal Services.
- 21.5 Gaining approval for modification of a contract: Any modification to an existing pre-tendered contract must be documented by amendment of the original Gateway Review 2 form. The Contract administrator will document the reason for the modification and under CSO clause 21. The Gateway 2 amendment must be approved and signed by the appropriate Service Manager to confirm the budget increase, confirm the extension does not exceed that allowed for in this clause 21 and provide formal approval to proceed. The signed Gateway 2 amended form should be scanned and sent to Procurement to store alongside the original documents in the Contract Register. The contract variation between the Council and the supplier / contractor can then be arranged by the Contract Administrator.

SO22 Contract Mobilisation and Monitoring

- 22.1 The Contract Administrator should establish regular reviews with the awarded supplier(s) to monitor the performance of the contract and ensure the cost, service and quality elements of the supplier offer meet (or improve upon) the tendered specification. The contract monitoring regime should be commensurate and proportionate to the contract and should include the use of simple and effective performance measurement. The proposed arrangement to mobilise and monitor the contract throughout its lifetime should be set out in **Gateway Review Stage 2** (contract award proposal & approval).
- 22.2 Service Managers are accountable for ensuring the performance monitoring regime for awarded contracts is maintained in line with the contract documents and the Gateway Review Stage 2.

Annex A – Contract Standing Orders (Thresholds & Sourcing Matrix)

CONTRACT STANDING ORDER (QUICK GUIDE)

Contract Value	Type of Procurement	Advert Required	Sourcing Method to be Used
Less than £15,000	Best Value Price Check (BV) <i>via desk-top</i>	NO	<ul style="list-style-type: none"> Use a National / Regional Framework, <i>or</i> Use an existing NFDC Corporate contract, <i>or</i> Undertake price checks to demonstrate best value for the Council. Document and retain price checks.
£15,000 - £25,000	Request for Quotation (RFQ) <i>via desk-top</i>	NO	<ul style="list-style-type: none"> Use a National / Regional Framework. Use an existing NFDC Corporate contract. Invite a minimum of 3 written Quotations via your desk-top (eMail) using templates available from Procurement. OR contact Procurement who will run a “restricted” Quotation via the South East Business Portal on your behalf.
£25,000 - £50,000	Request for Quotation (RFQ) <i>via Procurement Team</i>	NO <i>(with Yes option)</i>	<ul style="list-style-type: none"> Gateway Review to be approved by Service Manager. Discuss with Procurement (Add to Procurement Pipeline). <p>Procurement options are;</p> <ul style="list-style-type: none"> Use a National / Regional Framework. Use an existing NFDC Corporate contract. Work with Procurement who will run a “restricted” Quotation exercise inviting nominated suppliers via the South East Business Portal on your behalf. <i>Note: the use of an “open” Quotation is optional where potential tenderers are unknown.</i>
£50,000 upto EU Threshold*	Invitation to Tender (ITT) <i>via Procurement Team</i>	YES (SEBP & CF)	<ul style="list-style-type: none"> Gateway Review to be approved by Service Manager. Discuss with Procurement (Add to Procurement Pipeline). <p>Options are;</p> <ul style="list-style-type: none"> Use a National / Regional Framework. Contact Procurement who will fully manage an “open” Tender process via the South East Business Portal on your behalf.
EU Threshold* & above	Invitation to Tender (ITT) <i>via Procurement Team</i>	YES (SEBP & OJEU)	<ul style="list-style-type: none"> Gateway Review to be approved by Service Manager. Discuss with Procurement (Add to Procurement Pipeline). <p>Options are;</p> <ul style="list-style-type: none"> Use a National / Regional Framework. Contact Procurement who will fully manage an “EU compliant” Tender process via OJEU and the South East Business Portal on your behalf.

Please refer to Procurement Rules, Regulations & Contract Standing Orders on Forestnet >> <http://forestnet/article/2591/NFDC-Procurement-Documents>

Please see [The Public Contracts Regulations 2015](#)

*EU Threshold @ 1st Jan 2018 = Goods/Services £181,302; Works £4,551,413

Procurement Contract Definitions:

Works: These contracts relate to construction, demolition, building and civil engineering work and completion work such as joinery, plastering and decoration. It includes major repairs or complete refurbishment. (e.g. *building affordable housing, repairing building structures, resurfacing a car park, repairing a roof, installing a heating system.*)

Goods / Supplies: These contracts relate to the purchase, hire, siting or installation of goods, but not their maintenance. (e.g. *equipment, clothing, vehicles & spare parts, office stationery, consumables, gas, electricity, IT Hardware/Software*)

Services: These contracts relate to the provision by a person or other entity to provide services. (e.g. *Provision of maintenance services, professional services (consultancy), financial services, cleaning services, servicing an installed product or system*)

How to estimate the total contract value of your procurement:

The contract value should be the summation of the whole life costs of the contract on offer. e.g. the complete life cycle from start to finish.

Contract Value = Initial non-recurring elements (e.g. capital items, materials, supplies, training, refurbishments & labour, set-up costs, etc.) **+ recurring costs over the contract duration** (e.g. materials, parts, maintenance, labour, annual licences, upgrading and ultimate decommissioning / disposal, etc.) for the term duration (e.g. 3 / 4 years)

If the contract is a one-off purchase then the total value will be quite easy to estimate, based on "should cost" or benchmarked comparisons

If the contract is spread over a number of years (i.e. 3 years + 2 years optional extension), the contract value is the total whole life cost value over the maximum contract duration

If you intend to buy similar goods or services year-on-year but you do not know the length of the contract or it is indefinite, you will need to estimate the total value of your purchasing over the next 48 months (4 years) to arrive at a Contract value.

Contracts over 5 years duration should be approved by Legal Services in conjunction with Procurement. Single supplier / multi supplier Framework Agreements cannot exceed 4 years duration. Provision should be made for long term agreements whereby an extension period beyond the initial term may be beneficial to the Council in the future.

Contracts must be packaged appropriately to achieve maximum value for the Council. They should not be split in order to avoid quotation or tendering limits in Contract Standing Orders or EU procurement thresholds, or be packaged in a way to reduce the potential for fair and open competition

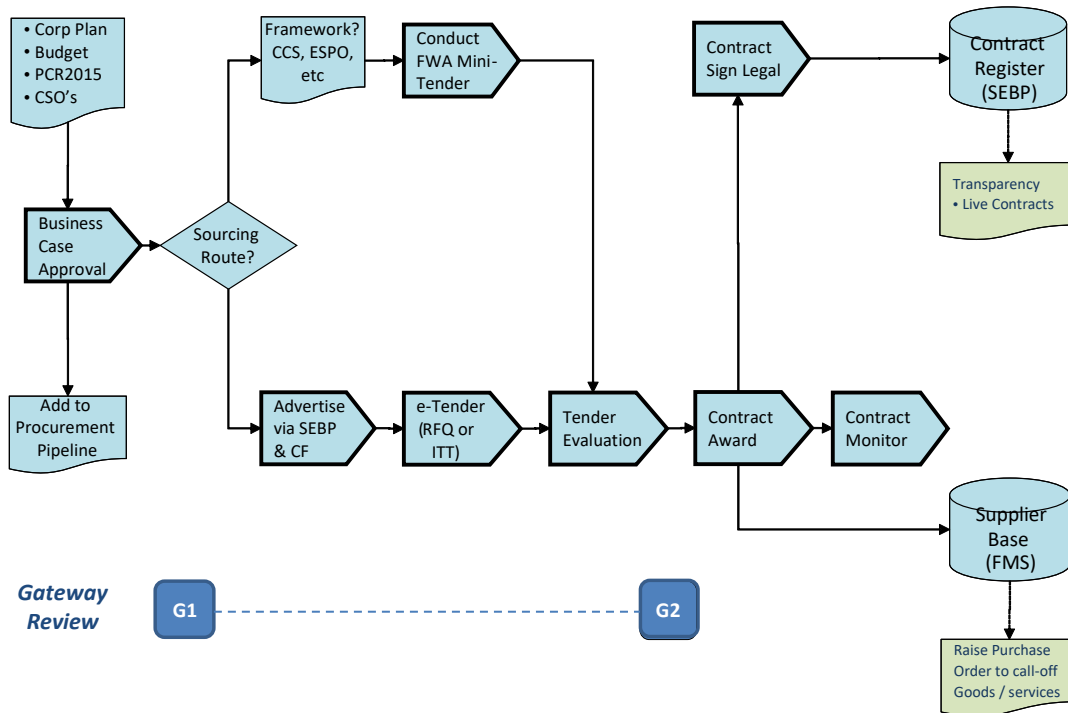
Transparency – NFDC Advertising Threshold:

All contracts in excess of £50,000 must be advertised transparently on the Council's Business Portal. Please contact Procurement to arrange. See SO8 for further details.

Annex B – The Sourcing Supply Process

These Contract Standing Orders apply to the Sourcing Supply process used by the Council to ensure fairness and transparency in the advertising, selection and award of contract opportunities whilst delivering the goals of the Corporate Plan.

The flow diagram below shows the key steps in the Sourcing Supply process and indicates the Gateway decision points



Gateway Review (G1 to G2)

A Gateway Review shall be conducted on all procurement contracts with an estimated value in excess of £25,000. The scale of the reviews shall be proportionate to the value of the work and the risks and complexity of the project. See SO8 for further details.

The purpose of the Gateway Review process is to ensure that;

- projects are properly defined and well managed
- effective communication established
- roles and responsibilities identified and assigned
- opportunities and risks identified and managed

Gateway reviews shall be undertaken at the following key stages of the project:



Note: Service Manager approval of Gateway Stages 1 & 2 is required prior to commencement of any Procurement activity and award of contract.

Annex C - NFDC Scheme of Delegations relating to Procurement Contracts

Process	Covers	Strategic Procurement Manager	Budget Responsible Officer (BRO)	Service Manager	Member of EMT
Awarding a Contract	Award a contract to a supplier with whom orders can be placed (in accordance with procurement rules). Select the winning tender from a procurement exercise.	Upto £50k	Upto £10k	Upto £1M	£ Unlimited
Signing a Contract	Sign under hand a contract awarded under a request for quotation or tender process. Sign up to an agreement which ties the council into expenditure (e.g. maintenance agreement). Sign up to an agreement which ties the council into a set of terms and conditions (e.g. grant agreement, IT facility agreement).	Upto £50k	Upto £10k	Upto £1M	£ Unlimited
Sealing a Deed	Signing the seal affixed to a document or deed. All contracts over the value of £164,176 (<i>the EU Threshold for Goods/Services</i>) must be referred to Legal Services to confirm whether they require sealing.	N/A	N/A	Service Manager	Executive Head (Gov & Reg) Chief Executive
Invoice payment (Works)	All works contract payments must be checked and signed by the suitable signatory before being passed to Accounts Payable for payment.	Upto £100k	BROfficer = Upto £50k BRAdmin = Upto £10k	Upto £500k	£ Unlimited
Invoice payment (Goods and Services)	All goods and services invoices for contracts can be paid in line with the Council's authorised signatories policy.	N/A	BROfficer = Upto £50k BRAdmin = Upto £10k	Upto £150k	£ Unlimited

STANDING ORDERS FOR GENERAL PROCEDURES

(THESE STANDING ORDERS DO NOT RELATE TO PROCEEDINGS AT MEETINGS)

1. Interpretation

In these Standing Orders –

“the 1972 Act” means the Local Government Act 1972, as amended

“Chief Executive” means the Head of the Council’s Paid Service

“Chief Officer” means -

the Chief Executive;

the Monitoring Officer;

the officer responsible for the proper administration of the Council’s financial affairs under section 151 of the 1972 Act; and

any other person the Council designates as a Chief Officer, and whose name is entered as such in a list which may be inspected by the public.

“Executive” has the meaning assigned by Part II of the Local Government Act 2000

“he”, “him”, “his” and “himself” includes “she”, “her” and “herself”

“Monitoring Officer” means the person appointed under section 5 of the Local Government and Housing Act 1989

“Panel” means an Overview and Scrutiny Panel

“Sub-Committee” means any group, whether or not called a Sub-Committee, which is appointed by the Executive, a Committee or Panel for specified purposes.

STANDING ORDERS RELATING MAINLY TO MEMBERS

2. Members' Disclosable Pecuniary and Non-Pecuniary Interests

All members shall disclose to the Monitoring Officer their disclosable pecuniary interests, as required by legislation.

All members shall disclose to the Monitoring Officer their membership, or position of general control or management, of any body:

- (a) to which the Council has appointed or nominated them; or
- (b) exercising functions of a public nature; or
- (c) directed to charitable purposes; or
- (d) one of whose principal purposes includes the influence of public opinion or policy.

The Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection.

Members shall notify any changes to the interests referred to in this Standing Order to the Monitoring Officer within 28 days of the change occurring, and the Monitoring Officer will amend the Register accordingly.

(Note: this is in addition to the requirement to disclose interests at meetings referred to in Standing Orders for Meetings)

3. Voluntary Disclosure of Interests

- 3.1 Members may voluntarily disclose their membership of associations, clubs, and societies, other than those they are required to disclose under the law or Standing Orders. The Monitoring Officer shall record any voluntary disclosures in a Register of Interests. Any member of the Council may inspect the Register during office hours.

3A. Disclosure of Gifts and Hospitality

All members shall disclose to the Monitoring Officer, within 28 days of receipt, any gifts or hospitality they receive in their official capacity with an estimated value of £50 or more.

The Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection.

4. Members' Allowances

- 4.1 Members shall be entitled to be paid allowances under the terms of a scheme agreed by the Council, in exercise of powers conferred by the Local Authorities (Members' Allowances) Regulations and any other relevant legislation, following an independent review. A copy of the agreed scheme shall be sent to all members.

5. Member/Officer Relations

- 5.1 The Council shall approve a Local Code for Member/Officer relations.

6. Inspection of Documents

- 6.1 Some documents which the Council, the Executive, a Committee, Sub-Committee or Panel considers are not available for public inspection. A Council member may inspect such a document for the **proper performance** of his duty as a member, but not otherwise. The member shall notify the Chief Executive of his desire to inspect the document, and the Chief Executive shall supply him with a copy. The member's right to inspect any document is subject to Standing Order 6.3.

- 6.2 A member shall not knowingly inspect, and shall not request a copy of, any document under 6.1 which relates to a matter:

in which he is professionally interested; or

in which he has any disclosable pecuniary interest.

- 6.3 The Chief Executive or the Head of Legal and Democratic Services may not allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from a Solicitor/client relationship.

- 6.4 Any member of the Council may inspect reports or minutes kept by the Executive, any Committee, Sub-Committee or Panel as soon as the Executive, Committee, Sub-Committee or Panel has completed its action on the matter to which the reports or minutes relate. Reports or minutes kept by the Executive include any documents which contain material relating to a decision made on the Executive's behalf under delegated powers.

7. Inspection of Land, Premises etc

- 7.1 No member shall issue any order concerning works which are being carried out by or on behalf of the Council, nor inspect or enter any land or premises, solely because of his Council membership.

8. Confidentiality

- 8.1 All agenda, reports and other documents, and all proceedings of the Executive, Committees, Sub-Committees and Panels, shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

See also Standing Orders for Meetings No 19 concerning discussion of confidential reports outside a meeting.

9. Canvassing of and Recommendations by Members

- 9.1 Canvassing members of the Council, the Executive or any Committee or Panel, either directly or indirectly, for any appointment under the Council shall disqualify the candidate concerned for that appointment. The effect of this paragraph shall be included on all application forms.

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

See also Standing Order 17.1(d) concerning relationships between members and candidates for Council posts.

10. Standing Orders to be given to members

- 10.1 The Chief Executive shall ensure each Council member has access to:

these Standing Orders; and

any statutory provisions which regulate Council proceedings and business,

when the member declares acceptance of the office of Councillor after the first time he is elected to the Council.

STANDING ORDERS RELATING MAINLY TO OFFICERS

11. Discharge of Functions by Officers

- 11.1 Subject to any express provision in the Local Government Acts, the Council may arrange for named Council officer(s) to discharge any of its functions.

12. Custody of Seal

- 12.1 The Chief Executive shall keep the Common Seal of the Council in a safe place.

13. Sealing of Documents

- 13.1 The Common Seal of the Council shall be fixed to a document when the affixing of the Seal is required by legislation following a decision by the Council, Executive (including a decision made on its behalf under delegated powers), a Committee, Panel or Sub-Committee, or a decision by an officer under delegated powers, which authorises the action set out in that document.
- 13.2 The Chief Executive, and such other officers as he authorises, may attest the seal. The Chief Executive shall keep a record of officers so authorised. The record shall be available for public inspection.
- 13.3 Every sealing shall be recorded, consecutively numbered, in a book kept for the purpose. The officer who has attested the seal shall sign the entry.

14. Interest of Officers in Contracts

- 14.1 The Chief Executive shall record in a register details of any notice a Council officer gives of a pecuniary interest under Section 117 of the 1972 Act. Any Council member may inspect the Register during office hours.
- 14.2 Council officers may voluntarily disclose their membership of associations, clubs, and societies, including such organisations as the Freemasons, Trades Unions, voluntary bodies and political parties. The Chief Executive shall record any voluntary disclosures in a register. Any member of the Council may inspect the register during office hours.

15. Appointment of Chief Officers and Monitoring Officer - Advertisement, Shortlist and Interview

- 15.1 Where the Council proposes to appoint a Chief Officer, and does not propose that the appointment shall be made exclusively from among existing Council officers, it shall:
 - (a) draw up a statement specifying:
 - (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in (a) to be sent to any person on request.

The General Purposes and Licensing Committee shall take this action where the Chief Executive is to be appointed. The Chief Executive shall take this action where any other Chief Officer is to be appointed.

- 15.2 (a) Where a post has been advertised as 15.1(b), the Council shall:
- (i) interview all qualified applicants for the post, or
 - (ii) select a short list of qualified applicants and interview those included on the short list.
- (b) Where no qualified person has applied, the Council shall make further arrangements for advertisement under 15.1(b).

The Council may authorise a Committee, Sub-Committee or the Chief Executive to take this action on its behalf.

- 15.3 Standing Order 15A also applies when it is proposed to appoint a Chief Officer (except the Monitoring Officer).

15A. Appointment of Chief Officers and deputy chief officers, and notification of proposals to the Executive.

- 15A.1 This Standing Order applies to appointments to the following posts:

Chief Officers, as defined in Standing Order 1, but excluding the Monitoring Officer;

non-statutory chief officers within the meaning of section 2(7) of the Local Government and Housing Act 1989; and

deputy chief officers within the meaning of section 2(8) of the Local Government and Housing Act 1989.

The Chief Executive shall maintain a list of posts falling within the definition of non-statutory chief officer, and deputy chief officer.

- 15A.2 The Council shall approve the appointment of every Chief Officer before an offer of appointment is made.

The Council, a Committee, Sub-Committee or officer, as appropriate, shall appoint other officers to whom this Standing Order relates. Normally, the appointment shall be made by an officer. If, exceptionally, the appointment is made by a Committee or Sub-Committee, at least one member of the Executive shall be a member of that Committee or Sub-Committee.

- 15A.3 When an officer (or the Council, a Committee or a Sub-Committee) wishes to make an offer of appointment to any of the posts to which this Standing Order applies, he shall inform the Head of Human Resources of:

- (a) the name of the person to whom he wishes to make the offer, and
- (b) any other particulars which he considers relevant to the appointment.

- 15A.4 The Head of Human Resources shall notify to every member of the Executive:

- (a) the information in 15A.3 (a) and (b) above; and
- (b) that the Leader of the Council, on behalf of the Executive, should inform the Head of Human Resources of any objection to the making of the offer, and that any objection must be received by the Head of Human Resources within 5 working days from the date of the notification.

15A.5 The offer of appointment in 15A.3 shall not be made until either:

- (a) the Leader has notified the appointing person or body that no member of the Executive objects to the offer being made; or
- (b) the Head of Human Resources has notified the appointing body or person that no objection was received from the Leader within 5 working days of the notification to the Executive; or
- (c) if an objection from the Leader has been received within the 5 working day period, the appointing person or body is satisfied that any objection is not material or not well-founded.

15B. Appointment of Monitoring Officer

15B.1 The Council shall appoint a Monitoring Officer. The Monitoring Officer shall not be the Chief Executive. Standing Order 15A shall not apply to the appointment of the Monitoring Officer.

15C. Other Appointments

Subject to these Standing Orders, appointments of all employees shall be made in accordance with the Council's agreed procedures (as contained in the Management Advice Notes). Appointment of persons whose posts do not fall within the definition in Standing Order 15A.1 shall be made by the Chief Executive or an officer nominated by him.

16A. Dismissal of Chief Officers and deputy chief officers, and notification of proposals to the Executive.

16A.1 This Standing Order applies to dismissals from the following posts:

Chief Officers, as defined in Standing Order 1;

non-statutory chief officers within the meaning of section 2(7) of the Local Government and Housing Act 1989; and

deputy chief officers within the meaning of section 2(8) of the Local Government and Housing Act 1989.

The Chief Executive shall maintain a list of posts falling within the definition of non-statutory chief officer, and deputy chief officer.

16A.2 The Council must approve the dismissal of every Chief Officer before notice of dismissal is given to him.

The Council, a Committee, Sub-Committee or officer, as appropriate, shall approve the dismissal of other officers to whom this Standing Order applies. Normally, the dismissal shall be made by an officer. If, exceptionally, the dismissal is made by a Committee or Sub-Committee, at least one member of the Executive shall be a member of that Committee or Sub-Committee.

16A.3 When an officer (or the Council, a Committee or a Sub-Committee) proposes to dismiss an employee from any of the posts to which this Standing Order applies, he shall inform the Head of Human Resources of:

- (a) the name of the officer he proposes to dismiss, and
- (b) any other particulars which he considers relevant to the dismissal.

16A.4 The Head of Human Resources shall notify to every member of the Executive:

- (a) the information in 16A.3 above; and
- (b) that the Leader of the Council, on behalf of the Executive, should inform the Head of Human Resources of any objection to the dismissal, and that any objection must be received by the Head of Human Resources within 5 working days from the date of the notification.

16A.4 Notice of dismissal shall not be given until either:

- (a) the Leader has notified the dismissing person or body that no member of the Executive objects to the dismissal; or
- (b) the Head of Human Resources has notified the dismissing body or person that no objection was received from the Leader within 5 working days of the notification to the Executive; or
- (c) if an objection from the Leader has been received within the 5 working day period, the dismissing person or body is satisfied that any objection is not material or not well-founded.

16B Dismissal of Statutory Chief Officers

16B.1. This Standing Order applies to the Chief Executive, the Monitoring Officer, and the officer responsible for the proper administration of the Council's financial affairs under section 151 of the 1972 Act ("the Statutory Chief Officers").

(a) In this Standing Order:

"independent person" means a person appointed under section 28(7) of the Localism Act 2011;

“local government elector” means a person registered as a local government elector in the register of electors in the Council’s area in accordance with the Representation of the People Acts;

“the Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of the Statutory Chief Officers of the Council;

“relevant meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a Statutory Chief Officer.

- (b) The Council may not dismiss a Statutory Chief Officer unless the procedure set out in the following paragraphs is complied with.
- (c) The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel. “Relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
- (d) Subject to (e) below, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph (c) in accordance with the following priority order—
 - (i) a relevant independent person who has been appointed by the Council and who is a local government elector;
 - (ii) any other relevant independent person who has been appointed by the Council;
 - (iii) a relevant independent person who has been appointed by another authority or authorities.
- (e) The Council is not required to appoint more than two relevant independent persons in accordance with paragraph (d), but may do so.
- (f) The Council must appoint any Panel at least 20 working days before the relevant meeting.
- (g) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular—
 - (i) any advice, views or recommendations of the Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the officer who is the subject of the proposed dismissal.
- (h) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the Localism Act 2011.

16C. Other Officer Dismissals and Disciplinary Action

16C.1 Subject to these Standing Orders, dismissals of and disciplinary action in respect of all employees shall be made in accordance with the Council's agreed procedures (as contained in the Management Advice Notes). Dismissal of and disciplinary action against persons whose posts do not fall within the definition in Standing Order 16A.1 shall be made by the Chief Executive or an officer nominated by him.

17. Relatives of Members of Officers

- 17.1 (a) A candidate for any Council appointment who knows that he is related to any member or senior officer of the Council, shall disclose that relationship to the appointing Executive Director or Head of Service when he applies for the post. A candidate for the post of Chief Executive or Executive Director shall disclose the relationship to the Leader of the Council.
- (b) The appointing Executive Director/Head of Service or the Leader shall notify the Head of Human Resources in writing of the disclosure.
- (c) A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal.
- (d) Every member and senior officer of the Council shall disclose to the appointing Executive Director/Head of Service or the Leader any relationship he knows to exist between himself and any person who he knows is a candidate for an appointment under the Council.
- 17.2 The effect of Standing Order 17.1 shall be included on all application forms.
- 17.3 For the purpose of this Standing Order

'senior officer' means:

any Chief Officer;

any other post the Chief Executive so designates, and a list of posts so designated shall be kept, and shall be made available for public inspection.

"partner" means persons who are legally married, in a civil partnership, or living together as co-habitees

An applicant is "related" to a member or senior officer if the applicant or his partner has any of the following relationships with the member/senior officer, or with the member/senior officer's partner:

son or daughter

grandson or granddaughter

brother or sister

nephew or niece.

See also Standing Order 9 – Canvassing of and recommendations by Members.

18. Variation and Revocation of Standing Orders

- 18.1 Any proposal to add to vary or revoke these Standing Orders, whether on a motion or otherwise, shall be referred to the General Purposes and Licensing Committee. The General Purposes and Licensing Committee shall make a recommendation on it to the Council.

19. Interpretation of Standing Orders for General Procedures

- 19.1 The Monitoring Officer may rule on the construction or application of any of these Standing Orders for General Procedures. His ruling shall not be challenged.

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**APPOINTMENT AND DISMISSAL OF EMPLOYEES
(EXCEPT CHIEF EXECUTIVE AND CHIEF OFFICERS)**

1. In accordance with the provisions of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations, appointment and dismissal of staff is not a function of the executive. Standing Orders for General Procedures deal with procedures for appointing employees at Chief Officer level.
2. The functions of appointment, dismissal and related matters for all employees below Chief Officer level shall be dealt with by the Chief Executive and Heads of Service, or such other employees as they may authorise in accordance with the following delegations or such other delegations as may be approved:-

FUNCTION	COMMENTS
Appointment	All posts within approved establishment
Making Job Offers/ Approving Contracts of Employment	
Filling a post without advertisement in exceptional circumstances	Subject to prior consultation with the Trade Union.
Granting of Leave Concessions	
Extending period of sick leave entitlement	Subject to consultation with the Council's Occupational Health Adviser wherever possible.
Approval of planned overtime payments including employees above spinal column point 33.	

Approval of local amendments to National Conditions of Service/General Conditions of Employment.	Subject to expenditure being contained within budget and consultation with the Head of Human Resources.
Dismissal, including during probationary period.	Head of Service concerned in consultation with employees' side representatives and Head of Human Resources.
Approval of retirement termination of employment due to ill health or permanent incapacity.	Head of Service concerned in consultation with Head of Human Resources and employees' side representatives and subject to report of the Council's Occupational Health Adviser.
Approval of voluntary redundancy and voluntary early retirement in the interests of efficiency.	Head of Service concerned in consultation with the Head of Human Resources and employees' side representatives.
Approval of compulsory redundancy.	Head of Service concerned in consultation with the Chief Executive, Head of Human Resources and the employees' side representatives.

NEW FOREST DISTRICT COUNCIL
MEMBERS' ALLOWANCES SCHEME

This scheme will be known as the New Forest District Council Members' Allowances Scheme, and shall have effect on 1 April 2022

A list of definitions is given in Appendix 1. The basis for the calculation of the basic and some special responsibility allowances is set out in Appendix 2. Appendix 3 deals with 'Approved Duties' for the payment of travel, subsistence and dependant carer's allowances.

1. Basic Allowance

- 1.1 Each Councillor shall receive a basic allowance of £6,718 (inclusive of an ICT Allowance of £435) per annum. Where the term of office of a Councillor begins or ends otherwise than at the beginning of the year to which the scheme relates, their entitlement to this allowance shall be calculated on a pro-rata basis.

2. Special Responsibility Allowance

- 2.1 The following annual Special Responsibility Allowances shall be paid:

Leader of the Council	£21,315
Portfolio Holders	£10,657
Chairmen of Overview and Scrutiny Panels	£5,330
Chairman of Planning Committee	£7,459 (35% of Leader's Allowance)
Chairman of General Purposes & Licensing Committee	£2,196
Chairman of Audit Committee	£2,196
Major Opposition Group Leader	£7,994*
Deputy Leader of Major Opposition Group	£1,133*
Minority Group Leader	£1,133*

* in accordance with standing provision on group size in Appendix 2

- 2.2 Where a member serves in a role with 'Special Responsibility' as listed in the table at 2.1 above for only part of a year, his or her entitlement to the allowance shall be calculated on a pro-rata daily basis.

3. Limitation on Payment of Special Responsibility Allowances

- 3.1 A Councillor may receive only one special responsibility allowance at any one time.

4. Dependant Carer's Allowance

- 4.1 A dependant carer's allowance shall be paid to those Councillors who incur expenditure for the care of dependant relatives or children whilst the Councillor is undertaking approved duties, subject to the allowances being payable as follows –

- (a) care for dependent children under 16, living at home with the Councillor - £9.90 per hour (indexed to the current living wage (outside of London) as defined by the Living Wage Foundation) with a cap on the number of hours members may claim being aggregated to 52 hours per month;
- (b) elderly or dependent relatives aged 16 or over living at the same address as the Councillor and in need of full-time care being indexed to the median hourly rate charged for Home Help by Hampshire County Council £10.60.
- (c) Councillors claiming the allowance declaring that the minder or carer is not an immediate member of the family and is over 16 years of age.

(See Appendix 3 for list of approved duties)

5. Co-optees' Allowance

- 5.1 A co-optees' allowance of £59.02 be paid for meetings up to 4 hours and £118.09 for meetings over 4 hours in length.

6. Travel Allowances

- 6.1 If part of a Councillor's journey on Council business includes some of their normal work commute, Councillors should not include their home to work mileage in their mileage claim. For example, if a member lives in Fawley and works in Winchester, and on their way home from Winchester attends a meeting in Lyndhurst, the councillor should claim only the extra mileage to attend at Lyndhurst.
- 6.2 Travel allowances will be paid for approved duties, as set out in Appendix 3 to this scheme. Mileage rates will be the Inland Revenue's approved annual mileage allowance payments (AMAP) which are currently:

Motor Vehicles	45p/mile
Motor Cycles	24p/mile
Bicycles	20p/mile
- 6.3 Where members travel together on approved duties, the member using his/her motor vehicle will be entitled to an additional allowance of 5p/mile per member passenger.
- 6.4 Where public transport is used, the most cost-effective method of travel, making use of "special offer" rates where possible, must be used. The cost of standard rate only will generally be reimbursed. Exceptional payments may be authorised by the Chief Executive.
- 6.5 Taxis may be used only in special circumstances and should have the prior approval of the Chief Executive, the Executive Head of Governance and Regulation or the Service Manager - Democratic Services and Member Support.

7. Subsistence Allowances

- 7.1 Reasonable subsistence allowances will be paid for the "Approved Duties" set out in Appendix 3 to this Scheme, on condition that:

- (a) refreshments are not provided as part of the meeting/function attended.
- (b) meal allowances will be paid only where a member is undertaking an approved duty which involves his/her absence from home or his/her normal place of work for a period exceeding four hours; and
- (c) all claims are accompanied by receipts. The requirement for receipts may be waived at the discretion of the Chief Executive, the Executive Head of Governance and Regulation or the Service Manager – Democratic Services and Member Support in the case of claims submitted electronically.

8. Overnight Accommodation

- 8.1 There is no set allowance for overnight accommodation. However, Councillors should endeavour to stay in accommodation which provides good value for money but, if the reason for requiring overnight accommodation is to attend a training event, conference, or similar event, Councillors may stay overnight at the venue being used for that event. Receipts must be provided with all claims for reimbursement of accommodation costs. If a Councillor stays overnight with a friend or family member, an amount of £25 per night will be reimbursed.

9. Automatic Up-rating of Allowances

- 9.1 The annual adjustment index for the Basic, Special Responsibility, Co-opted and Dependants' Carers' allowances, shall be the local government employees' national pay award annual percentage increase backdated to 1 April each year subject to the following: -
- (i) backdating will not apply to Councillors who resign or who otherwise cease to be members of the Council after 1 April in any year, or who are not re-elected to the Council in the years of the ordinary election of Councillors; and
 - (ii) where different percentage increases apply to pay bands, the index shall be the award applicable to Spinal Column Point (SCP) 28, which most closely equates to the Scheme's notional hourly rate
- 9.2 The mileage rates shall be adjusted annually, with effect from 1 April each year, by any adjustments to the Inland Revenue's AMAP rates.
- 9.3 The subsistence rates shall be adjusted annually, with effect from 1 April each year, by any adjustments to the New Forest District Council's employees' subsistence scheme.

10. Backdating of Allowances

- 10.1 Where an amendment is made which affects an allowance payable under this scheme, the entitlement to such allowance may, with the agreement of the Council, apply with effect from the beginning of the year in which the amendment is made.

11. Payments

- 11.1 Payment of the annual basic, special responsibility and co-optee's allowances shall be made in 12 equal monthly instalments paid in arrears on the 20th day of each month or thereabouts, subject to compliance with the part-year payment provisions set out above.

11.2 Payment of travel and subsistence claims received by the first day of the month shall be made on the 20th day of the month or thereabouts.

12. Time Limit for Submission of Claims

12.1 Any claims submitted for the payment of:

- (a) dependant carer's allowance; or
- (b) travelling and subsistence allowance;

must be made within two months from the date on which the entitlement to the allowance arises.

13. Suspension/Repayment of Allowances

13.1 Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of the basic, special responsibility, or co-optee's allowance payable in respect of the period for which he/she is suspended or partially suspended in respect of the responsibilities or duties from which he/she is suspended or partially suspended will be withheld.

13.2 Where the allowances referred to in paragraph 13.1 have already been paid to the member and where the member concerned is:

- (a) suspended or partially suspended from his responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part; or
- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period.

such part of the allowance as relates to any such period shall be repaid to the Council.

14. Members of other authorities

14.1 Where a member is also a member of another authority, he/she may not receive allowances from more than one authority in respect of the same duties.

15. Renunciation

15.1 A member may by notice in writing given to the Chief Executive elect to forego all or any part of his or her entitlement to allowances payable under this scheme.

DEFINITIONS

In this scheme -

"Councillor" means an elected member of the New Forest District Council;

"Co-optee" means a member of a panel, committee or sub-committee of the Authority who is entitled to vote;

"ICT allowance" means a financial contribution towards members' own ICT support for the purposes of ICT usage on Council-related duties;

"Immediate member of the family" means a member of the Councillor's own household living at the same address as the Councillor and the dependant requiring care;

"Leader of the Council" means the Councillor elected by the Council to fill that office;

"Leader of Major Opposition Group" means the Councillor notified to the Chief Executive by the opposition group having the largest number of members on the Council, as the Councillor elected as that Group's Leader;

"Deputy Leader of Major Opposition Group" means the Councillor notified to the Chief Executive by the Opposition Group having the largest number of members on the Council, as the Councillor elected as that Group's Deputy Leader;

"Minority Group Leader" means the Councillor notified to the Chief Executive by a group having a lesser number of members than the Major Opposition Group as the Councillor elected as that Group's Leader;

"Member" in relation to co-optee's, travel or subsistence allowances means an elected member of the New Forest District Council or a person who is a member of a committee or sub-committee of the authority;

"Portfolio Holder" means a Councillor appointed by the Leader of the Council to be responsible for a particular portfolio as a member of the Executive;

APPENDIX 2

CALCULATION OF OPPOSITION GROUP ALLOWANCES

1.

Allowance	Calculation
Leader of Main Opposition Group*	£7,994 - on condition that the size of the Major Opposition Group consists of at least 20% of the Council membership, which equates to 12 seats. If it falls below the 20%, then the SRA is reduced by 25%, which equates to £5,995
Leader of Minority Opposition Group*	£1,133
Deputy Leader of Main Opposition Group*	£1,133 - Subject to the Group reaching the qualification criteria of 20% of Council Membership (12 seats)
*Opposition Groups of Equal Size If the situation arises where two or more Opposition Groups are of equal size, then the sum of the SRAs that would be payable to Opposition Group Leaders of differing group sizes should be divided equally between each Opposition Group Leader. For instance, where both Opposition Groups have <ul style="list-style-type: none">• 6 members each - the SRA payable to each Group Leader would be £4,564 ($£7,994 + £1,133 = £9,127$ divided by 2)• 5 or less members each - the SRA payable to each Group Leader would be £3,564 ($£5,995 + £1,133 = £7,128$ divided by 2)	

1. APPROVED DUTIES FOR THE PAYMENT OF TRAVEL, SUBSISTENCE AND DEPENDANT CARER'S ALLOWANCES

As a general principle, members may claim only for travel allowances when representing the District Council on official business. If in doubt, a member should seek the relevant officer's advice before the journey is undertaken. Any decision by the Chief Executive, an Executive Head or a Service Manager will be final. Travel allowances will be paid for:-

- (a) Attendance at a meeting of the Authority or of any Committee or Sub-Committee of the Authority, or of any other body to which the Authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body;
- (b) The attendance at any other meeting, the holding of which is authorised by the Authority, or a Committee or Sub-Committee of the Authorities, or a joint committee of the Authority and one or more Local Authority within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee provided that:
 - (i) where the Authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited; or
 - (ii) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited;
- (c) The attendance at a meeting of any Association of Authorities of which the Authority is a member;
- (d) The attendance at a meeting of the Executive or a meeting of any of its Committees;
- (e) The attendance at the opening of tender documents, where the attendance of a member has been specifically requested by the Chief Executive, an Executive Head or a Service Manager;
- (f) The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises;
- (g) Portfolio Holders', Overview and Scrutiny Panel and Committee Chairmen's visits to Council venues, partner organisations or appropriate sites on issues directly related to their portfolios or the work of the Panel/Committee;
- (h) Journeys by Overview and Scrutiny Panel or Committee members working on projects assigned to them by the Panel or Committee;
- (i) Journeys to planning or similar enquiries, or court proceedings, where the member is appearing to give evidence for the Council;
- (j) Journeys made by the political group leaders in their roles as group leaders;

- (k) Journeys to approved training sessions, conferences and courses (“approved” for this purpose will mean a session arranged by the Council or in respect of which the Council is bearing the cost);
- (l) In appropriate circumstances, journeys made for the purpose of resolving constituents’ problems;
- (m) Attendance at meetings of parish or town councils in the member’s role as a District Councillor (except where the member is also attending as a parish/town councillor);
- (n) Journeys to political group meetings called by the leader of the political group and designated by him/her as being necessary for the conduct of Council business;
- (o) Journeys undertaken by members of the Planning Development Control Committee and local members to view sites that are the subject of planning or tree work applications, when the member considers a visit essential;
- (p) Journeys by Chairmen, Vice-Chairmen and opposition group spokespersons to attend pre-meeting briefings;

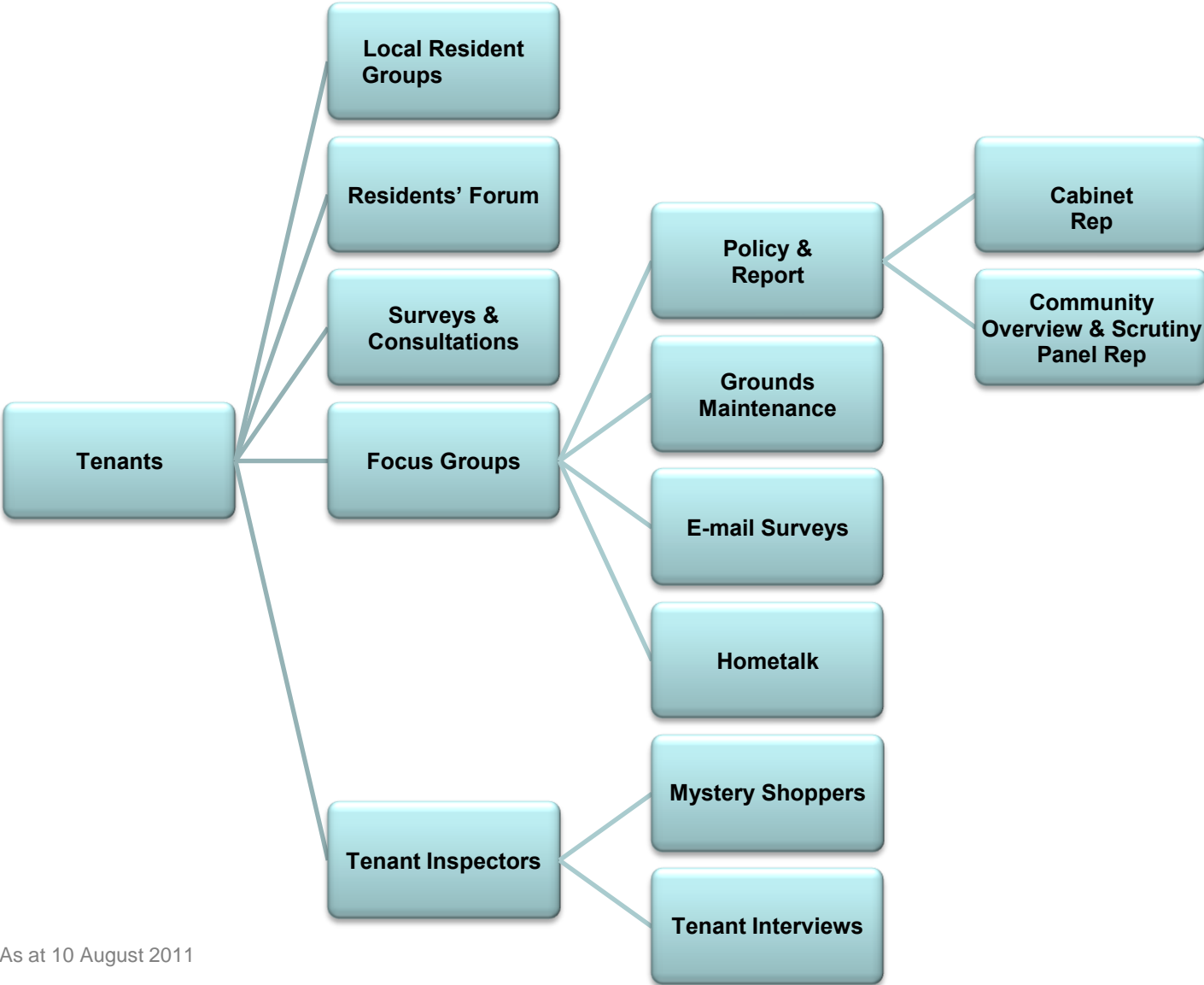
provided in all cases that the journeys are necessary for the carrying out of a duty which has been assigned to a member, either generally or specifically.

**CHAPTER 30 OF THE COUNCIL'S CONSTITUTION IS
DELETED**

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RESIDENT INVOLVEMENT

Structure of Involvement



As at 10 August 2011

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NEW FOREST DISTRICT COUNCIL
CODE OF CONDUCT (From 1 July 2012)

EXPLANATORY NOTE FOR COUNCIL MEMBERS

By law, all Councillors are required to follow their Council's Code of Conduct when acting in their capacity as a Councillor.

The Code set out below has been adopted by New Forest District Council to fulfil its obligations under section 27 (2) of the Localism Act 2011, and is consistent with the following principles of public life set out in the Act: selflessness; integrity; objectivity; accountability; openness; honesty, and leadership.

If you have any doubt about whether any action you propose to take may be in breach of the Code, you should seek advice from the Monitoring Officer beforehand. However, please remember that responsibility for your actions remains at all times with you.

Anyone who considers you have failed to comply with this Code may make a formal complaint about you. The Council has adopted procedures for dealing with complaints. If a complaint is upheld, this may lead to your formal censure, adverse publicity ("naming and shaming"), or the Council removing you from a Committee or other position.

Apart from the provisions of this Code, members are required to register and disclose both pecuniary and non-pecuniary interests, as set out in the law and the Council's Standing Orders. Failure to comply with the law as it applies to disclosable pecuniary interests is a criminal offence.

(This explanatory note does not form part of the Code).

NEW FOREST DISTRICT COUNCIL

CODE OF CONDUCT

Whenever you are acting in your capacity as a Councillor:

1. You must not use, or try to use, your position improperly to obtain an advantage or disadvantage for yourself or any other person or body.
2. You must not use your Council's resources improperly for political purposes or any other purposes forbidden by your Council.
3. You must not do anything that compromises, or is likely to compromise, the impartiality of those who work for the Council.
4. You must not bully anyone.
(Bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom you have some actual or potential influence).
5. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.
6. You must not disclose information that you know, or ought to know, is confidential, without authority or a legitimate reason.
7. You must not prevent, or try to prevent, anyone from obtaining information to which they are entitled by law.
8. You must not do anything that may cause your Council to breach any of the Equality laws that prohibit discrimination on grounds such as age, sex, race, disability, religion/belief, sexual orientation or pregnancy.

LOCAL CODE FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

1. Introduction

- 1.1 This Code contains guidance and best practice advice on probity in public office, including the common law principles of pre-determination and bias, in the specific context of planning.
- 1.2 It will be taken into account when a complaint is investigated, whether internally (e.g by the Monitoring Team or an Appeals Panel under the Code of Conduct), or externally (e.g by the Local Government Ombudsman).
- 1.3 The law on registering and disclosing pecuniary interests, and the rules in the Council's adopted Code of Conduct and Standing Orders, should be applied first, followed by the advice set out in this local Code.
- 1.4 This Code covers any planning matter in which the Council is, or is likely to be, involved that relates to a specific area of land. This includes planning applications, planning policy land allocations, enforcement etc.

2. Why Have a Local Code for Planning?

- 2.1 This local Code aims to ensure the integrity of the planning system, and that it is, and is seen to be, open and fair to all parties.
- 2.2 Much is often at stake in planning. Opposing views can be strongly held. Private interests have to be balanced with the wider public interest. It is important that decisions are made openly, impartially, with sound judgement and for justifiable reasons. An aggrieved party may:
 - a. seek judicial review of the way the decision was reached; and/or
 - b. complain to the Local Government Ombudsman on grounds of maladministration; and/or
 - c. allege a breach of the Code of Conduct; and/or
 - d. allege a breach of this local Code.

3. Who does the Code apply to?

- 3.1 This Code applies to all members of the Council who intend to participate as a member at a meeting, or vote, on a planning matter, that is:

Members of the Planning Development Control Committee (PDCC)

Members of the Executive when considering site or area specific policy issues

When planning applications or site or area specific policy issues are referred to full Council for decision, all members of the Council.

It also applies to officers (see sections 18 and 19).

- 3.2 In fulfilling their role as champions of their local community, Councillors may be encouraged to engage in pre-application discussions on development proposals. This may involve attending public meetings. Under common law, members who cannot show that they have an open mind on a matter when it comes to decision time, and then vote, run a risk of being deemed to have predetermined the matter when it comes to PDCC, the Executive, or Council. Members of PDCC (or the Executive or full Council where the matter is ultimately to be decided by those bodies) therefore need to decide, before becoming involved in pre-application or pre-decision discussions:
- a. whether they wish to preserve their right to vote, in which case they should not say or do anything to suggest they may be unable to approach decision-making with an open mind (such as making extreme comments or comments it may be difficult to depart from later) or
 - b. whether they wish to commit themselves and/or represent their community as advocate or opponent of any resulting proposal, in which case they will forego their right to vote on the matter.
- 3.3 Anyone with any doubts about whether or how the Code applies to his/her own circumstances should seek advice early from the Monitoring Officer.

4. Training

- 4.1 Planning Development Control Committee (PDCC) and Executive members will receive specialist training on planning law and procedures.
- 4.2 Members must be able to commit to a minimum level of planning training before agreeing to serve on the PDCC.
- 4.3 Attendance will be monitored.

5. Meetings – Pecuniary and Non-Pecuniary Interests

- 5.1 Members should not use, nor give grounds for suspicion that they have used, their position to further a private or personal interest rather than the general public interest.
- 5.2 Members who have substantial property interests, or other interests that would regularly prevent them voting, should not serve on the PDCC.
- 5.3 PDCC members who are also Parish/Town Councillors should declare a non-pecuniary interest in a planning application at the PDCC meeting if their Parish/Town Council has commented on the application. The interest need not prevent the member participating in the decision-making process solely because of the Parish/Town Council comment. However, if the Parish/Town Council is the applicant, or the Parish/Town Council's financial position will be

affected, the member should not vote as this could mean the decision would be set aside under common law rules on bias.

Members should also consider the guidance in section 9 of this Local Code before deciding whether to participate in circumstances where common law rules on predetermination and bias may apply.

- 5.4 PDCC members who are also Parish/Town Councillors need to carefully consider whether they should participate in debates and vote on development proposals at Parish/Town Council meetings and still participate fully at PDCC. If they wish to do so, at Parish/Town Council meetings they should make it clear, and ask to have minuted, that the views then expressed are based on the information before them at the time, and might change in the light of further information and/or debate at the PDCC meeting.

6. Gifts and Hospitality

- 6.1 Standing Orders require members to disclose to the Monitoring Officer any gifts or hospitality received in their official capacity with an estimated value of £50 or more. However, it is advisable for members to refuse all gifts offered to them in their official capacity, however low in value, if there is any reason to suspect the person offering them is or may become a planning applicant.
- 6.2 If such a gift is accepted, its receipt should be brought to the attention of the Monitoring Officer.
- 6.3 If receipt of a degree of hospitality is unavoidable, members should ensure it is of a minimum nature and its receipt is registered.
- 6.4 Members should consider whether it would be appropriate in a particular case to notify the Monitoring Officer when gifts or hospitality have been offered, but refused.

7. Acting as agent

- 7.1 Members should never act as agents for individuals or bodies pursuing planning applications to the Council.

8. Proposals for Council's Own Development/Development on Council Land

- 8.1 It is important that such proposals are dealt with, and seen to be dealt with, on an equal footing with other applications.
- 8.2 Decisions must be taken strictly on the basis of proper planning considerations.
- 8.3 Where the Council is the landowner or applicant for development, any member who has been involved in preparing or advocating the proposal is likely to be perceived as having fettered their discretion, and should not take part in its determination. (See the section on predetermination and bias

below). However, a member in this situation can make a public statement at Committee as set out in paragraph 11.1.

9. Predetermination and bias

- 9.1 Planning matters should be processed in a fair and open manner. Members making the decision must take account of all the evidence presented. If a member votes on a matter with a closed mind, or could be open to an accusation of bias, the decision may be set aside by the Courts as invalid under common law rules on bias and predetermination.
- 9.2 Section 25 of The Localism Act 2011 provides that a decision maker is not to be taken to have had a closed mind just because he or she had previously done anything that directly or indirectly indicated what view he or she took, would take or might take on the matter. The issue is whether a member might have a closed mind at the meeting where the decision is taken. Past actions or statements are a factor which may be taken into account when deciding this. Members who wish to vote on matters therefore need to take care not to give a prior impression that their mind is made up and cannot be changed, and should avoid making extreme comments, or comments from which it may be difficult to depart when it comes to decision time.
- 9.3 Members will naturally form preliminary ideas about how they are likely to vote on a matter. This is acceptable, providing they have an open mind as to the merits of the arguments, and only reach a final decision at the meeting after duly considering all the available information.
- 9.4 In particular, if members do any of the following they should be aware that it may be difficult for them to show that they have an open mind when it comes to decision making time:
 - a. organise support for or opposition to a proposal;
 - b. lobby other members;
 - c. act as an advocate;
 - d. seek to interfere with the impartiality of an officer's report, or put pressure on officers for a particular recommendation;
 - e. declare their voting intention before a meeting at which the matter is to be discussed;
 - f. indicate, or give the impression of, support for or opposition to a proposal in a manner suggesting they have a closed mind to any views or further information which may be available;
 - g. follow the lead of another member when voting, rather than reach an independent conclusion based on consideration of all the evidence. For example, a decision should not be based on the views of the Executive or a member of the Executive, or of a political group meeting.

- 9.5 Complying with the additional guidance in this Local Code on pre-decision discussions (paragraph 3.2), lobbying (paragraph 10.1), and the conduct of public meetings (paragraph 14.1 to 14.6) should enable members involved in decision-making to be seen to act impartially.

10. Lobbying

- 10.1 While it is inevitable that members will be subject to lobbying, where it occurs they should:
- a. simply listen to points of view;
 - b. explain that, whilst they can listen to what is said, it prejudices their impartiality to express a firm point of view or an intention to vote one way or another;
 - c. refer an applicant who requests planning or procedural advice to officers;
 - d. report any undue or excessive lobbying to the Monitoring Officer.

11. Procedure where a member has committed him/herself (predetermination) or could be open to an accusation of bias

- 11.1 If members do commit themselves to a particular view on a planning issue before a formal decision is reached, or feel that the public would reasonably believe they had done so, or would be biased, they should move to a designated area of the meeting room set aside for members who do not intend to vote, declare their position and explain that they will not be voting. They may then make a statement and answer any questions, and may remain in the meeting for the duration of the business. As well as not voting, they should not move or second any recommendation.

12. Applications relating to property in which a member has a Disclosable Pecuniary Interest.

- 12.1 Members should inform the Monitoring Officer if a planning application is submitted relating to property in which they have a disclosable pecuniary interest (this includes the interests of spouses and partners of which the member is aware). They should not assume that officers will otherwise be aware of this.
- 12.2 Members must not by law take any part in the decision-making on an application relating to such property, nor speak on the matter at the PDCC meeting that considers it, unless they have applied for and been granted a dispensation. It is an offence to do so. They will however have the right to make a written submission to explain and justify the proposal to an officer in advance of the PDCC meeting, just as has any member of the public. If a member is granted a dispensation to address the PDCC in connection with an application in which they have a disclosable pecuniary interest, they should do this from the area used by the public for making representations, not from a position amongst Committee members.

13. Decisions Contrary to Officer Recommendation

- 13.1 The reasons for all decisions should be clear, convincing, and supported by planning evidence.
- 13.2 Where a decision is made to approve or refuse an application against officer advice, or impose additional conditions on a permission, the reasons must be clearly stated when the proposition is moved.
- 13.3 Officers must be given the opportunity to explain the implications of a contrary decision before a vote is taken.

14. Conduct of Meetings

- 14.1 Members will conduct the business of the PDCC in a fair and sensitive manner, conscious of the public arena in which they are appearing.
- 14.2 Members and officers will address one another during the debate in a proper manner and will not refer to one another by first names.
- 14.3 Discussions about applications, as well as decisions, should be confined to the planning merits.
- 14.4 Senior Legal and Planning Officers will attend all PDCC meetings.
- 14.5 PDCC members should not communicate with members of the public (either orally or in writing) during the Committee's proceedings. This could give the appearance of bias.
- 14.6 PDCC members should not vote on a planning application unless they have been present for the entire debate, including any introduction by officers and representations from the public.

15. Appeals against Planning Decisions

- 15.1 Before deciding whether to make representations on an appeal, members should remember that their overriding duty as a Councillor is to the whole local community.
- 15.2 Members wishing to make representations on an appeal should give written notice to the Monitoring Officer and the appellant. Where the appeal is to be dealt with at an inquiry, this notice should be given at least 5 working days before the start of the inquiry.

16. Site Visits

- 16.1. The PDCC has agreed criteria for deciding when it is appropriate to hold a site visit. These, and administrative considerations arising from them, are set out at Annex 1.
- 16.2 Applicants and objectors may not address members at site visits.

- 16.3 PDCC members may familiarise themselves with a site informally, before the application is debated at PDCC. When doing so, members should remember that:
- a. the Council's adopted Code of Conduct, and this local Code, applies to them at such times;
 - b. they should not become involved in any conversation with the public during such a visit;
 - c. they have no legal right to enter private land without the owner's or occupier's permission.

17. Review of Decisions

- 17.1 The Head of Planning and Transportation will monitor PDCC decisions continuously, and if concerns arise about decisions made contrary to officer recommendations these will be reported to the Committee.
- 17.2 The PDCC will monitor the quality of its decisions through an annual tour of sites.

PROVISIONS RELATING SPECIFICALLY TO OFFICERS

18. All Officers

- 18.1 The onus is on officers to inform their Head of Service if a planning application is submitted relating to a property in which they have an interest. The Employee Handbook contains instructions on how to do this. The officer should not assume that planning officers will otherwise be aware of this.
- 18.2 Proposals submitted by or on behalf of officers will be determined by the PDCC. Officers will have the same rights as a member of the public to explain and justify their proposal to a planning officer before it is referred to the Committee.

19. Planning Officers

- 19.1 Officers must always act impartially.
- 19.2 Officers involved in processing and determining planning matters must act in accordance with the Royal Town Planning Institute's Code of Professional Conduct.
- 19.3 The Code of Conduct for Employees contains general rules on the acceptance of gifts and hospitality. Officers involved in planning should also consider whether it would be appropriate in a particular case to notify instances where gifts or hospitality have been offered, but refused.
- 19.4 Officers should never act as agent for an individual or body pursuing a planning application.

- 19.5 In any discussion on planning issues, officers will always make it clear at the outset that any views they express are based on their provisional professional judgement and do not commit the Council to any particular decision.
- 19.6 Advice given will be consistent and based upon material planning considerations. Every effort will be made to ensure that there are no significant differences in interpretation of planning policies between officers.
- 19.7 Where officers consider it appropriate, a written note of discussions will be made, and/or a follow up letter sent explaining the conclusions of the discussion. Two or more officers will attend potentially contentious meetings.
- 19.8 Reports to PDCC must be accurate and cover all relevant points, including the substance of any objections and the views of those consulted.
- 19.9 All reports will have a written recommendation of action/decision, and oral reporting (other than to update an existing report) will only be used on rare occasions and carefully minuted when this does occur.
- 19.10 All reports will contain a technical appraisal that clearly justifies the stated recommendation.
- 19.11 All reasons for refusal, and conditions to be attached to permissions, must be clear and unambiguous.
- 19.12 If a departure from the development plan is recommended, the material considerations justifying the departure must be clearly stated.
- 19.13 Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversations.
- 19.14 Monitoring of record keeping will be undertaken on a continuous basis by Managers in Planning Services.

SITE VISITS

The agreed criteria for deciding when it is appropriate to hold a site visit are:

- a. where the proposal raises significant policy issues which cannot be readily understood without seeing the context of the site; or
- b. where the proposal is being considered under an exceptions policy and has a particular degree of sensitivity; or
- c. major developments which would have a significant environmental impact where the wider context of the proposal is important; or
- d. unusual or unconventional proposals where the context of the site is relevant to the determination of the proposals.

Even if one or more of the above criteria is met, a site visit shall only be held if the majority of Committee members indicate that they will attend on the appropriate day.

The purpose of a site visit is for members to gain knowledge of the proposal, the site, and its relationship to adjacent sites. It is not a formally convened meeting open to the public.

Applicants and objectors may not address members at site visits.

Officers will prepare a report including any relevant information obtained from the site visit to enable the Committee to decide the application.

The Monitoring Officer will ensure all correspondence about site visits clearly identifies its purpose, format, and conduct. Written procedures on this shall be maintained and communicated to all parties.

Conduct

The Council has various Codes of Conduct in operation which relate to confidentiality and general conduct. These include; Gifts and Hospitality, Financial and Non-Financial Interests, Council Owned Vehicles together with a Code for Member/Officer Relations. Some of the key points are mentioned below:

As an employee of the Council, you must remember that you are employed to serve our customers and must behave, at all times, according to the high standards which they are entitled to expect.

The Council, as the employer, is entitled to expect a high standard of integrity, conduct and loyalty from its employees.

You must not communicate to anyone, especially those outside of the Council the proceedings of any member or employee meeting held in private session, nor the contents of any document or other proceedings relating to the Council unless required by law or authorised to do so by your Service Manager.

Information concerning another employee's private affairs must not be supplied to any person outside the service of the Council unless the consent of that employee is first obtained.

You must ensure that your conduct is conducive with these high expectations of our customers. You are a representative of the Council at all times and should act accordingly. You are expected to conduct yourself in the course of your duties to the high standards of courteous and polite behaviour our customers, members, colleagues and suppliers expect.

Code of Conduct on Declaring Interests, Gifts and Hospitality

1. GENERAL CONSIDERATIONS

- 1.1 Local government employees must at all times be seen to act fairly and impartially. Your conduct is open to public scrutiny, and you should not be embarrassed to explain it to anyone. The public should never have reason to suspect your work-related actions or decisions are influenced by your private interests.
- 1.2 You must not engage in any additional employment or outside activity that conflicts with the Council's interests or could damage public confidence.
- 1.3 This Code sets out the general rules all employees should follow in two main areas:
 - (a) Pecuniary and other interests (that is, where something in your private life may be affected by an action or decision of the Council); and
 - (b) Offers of gifts or hospitality.
- 1.4 The examples given cannot cover every situation that may arise. If you are in any doubt, seek advice from your Service Manager and/or the Monitoring Officer.

INTERESTS

2. Pecuniary Interests in Contracts – The Law

- 2.1 You have a pecuniary interest if any of the following people or organisations has something to gain or lose financially from a contract the Council has entered into or proposes to enter into:
- (a) you
 - (b) your husband/wife or civil partner
 - (c) a company or body or partnership in which you or your husband/wife/civil partner is a member or partner
 - (d) an employer of you, or your husband/wife/civil partner.
- 2.2 If you have an interest of this type you must notify your Service Manager and the Monitoring Officer in writing or by email as soon as you know of it. Details will be entered in a register which District Councillors (but not the public at large) can see.

Note: If you fail to disclose an interest of this type of which you are aware you could be committing an offence.

3. Pecuniary Interests - General

- 3.1 You have a pecuniary interest if you, or your husband/wife/personal partner, has something to gain or lose financially from any matter the Council is dealing with. Examples might be:
- (a) applications for planning permission to the Council;
 - (b) applications for statutory licences from the Council (e.g., liquor or taxi licences).
 - (c) applications for grants from the Council.
 - (d) whether an area of land is to be designated for development.
- 3.2 You do not have a pecuniary interest under paragraph 3.1 where the matter affects the public at large (e.g., the level of Council Tax, or charges for parking or use of leisure facilities).
- 3.3 If you have a pecuniary interest in a matter the Council is dealing with you must notify your Service Manager and the Monitoring Officer in writing or by email as soon as you know of it. Details will be entered in a register.
- 3.4 If the interest is significant in relation to your position within the Council, you should also consider whether it would be appropriate to notify a pecuniary interest of a relative (other than your spouse/partner) or a close friend or associate, or an organisation you are a member of.

4. Other Interests

- 4.1 These can arise where a person or organisation close to you could gain or lose from a matter the Council is dealing with.
- 4.2 You need **ONLY** declare an interest of this type if in the normal course of your job you or a member of your team would be responsible for dealing with the matter. If this is the case, you should notify your Service Manager.
- 4.3 Examples of personal interests are where a close friend or family member (other than your spouse/partner), or a club or organisation you are a member of, has an interest of a type listed in 3.1 above.

5. GIFTS AND HOSPITALITY

- 5.1 The general rule is that, by law, you must not accept any fee or reward from an external source for carrying out your duties. You may commit an offence if you do so.
- 5.2 If you are offered a gift or hospitality because of your work for the Council, the following rules apply. If in doubt, seek advice from your Service Manager and/or the Monitoring Officer.
- 5.2.1 You can accept the following without having to disclose their receipt:
- (a) refreshments in the form of “working lunches” or similar,
 - (b) small items of low value (e.g., diaries, pens, stationery) where the donor freely gives these to a variety of customers.
- 5.2.2 You can accept the following, but you must notify receipt (in writing or by email) to your Service Manager and the Monitoring Officer
- (a) Hospitality (including for your spouse/partner) where you are representing the Council and, in the opinion of your Service Manager or Line Manager, the level and type of hospitality is not excessive
 - (b) Invitations where hospitality is included as part of the event and there is a genuine need to represent or impart information on behalf of the Council
 - (c) Modest gifts (e.g., chocolates, flowers), especially if these are intended as thanks for good service and refusal may cause embarrassment.
- 5.2.3 You should never accept the following
- (a) any expensive gift.
 - (b) any offer of a gift or hospitality if you suspect the giver has an ulterior motive (for example, that they are about to apply for planning permission).
 - (c) travel or accommodation when visiting an actual or potential customer, client, or contractor of the Council, unless approved by your line manager.
- 5.3 Officers in senior positions, or those whose duties include the power to influence the outcome of applications for planning permission, licences, grants etc, should consider whether it would be appropriate in a particular case to notify instances where a gift or hospitality has been offered but refused.

6. DEALINGS WITH MEMBERS

- 6.1 For guidance on dealing with members of the Council, see the Local Code for Member/Officer Relations

7. CONCERNS ABOUT IMPROPER CONDUCT OF OTHERS

- 7.1 If you have any concerns about fraudulent or corrupt acts concerning the Council, see the Council’s Anti-Fraud, Money Laundering and Whistle Blowing at Work Policies.

Code of Conduct for Member/Officer Relations

INTRODUCTION

- 1.1 The purpose of this code is to guide members and officers of the Council in their relations with one another to ensure the smooth running of the Council. In particular it:
 - a. offers guidance on some of the issues that most commonly arise.
 - b. serves as a guide to dealing with issues that are not specifically covered in this Code.
 - c. should ensure that members receive objective and impartial advice.
 - d. should ensure that officers are protected from accusations of bias and undue influence from members.
- 1.2 Much of this Code reflects the principles underlying the statutory Code of Conduct for members. The object of that Code is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct by elected members.

2. STATUTORY CODE OF CONDUCT FOR MEMBERS

- 2.1 The Council's Code of Conduct for Members is at Chapter 32 of the Constitution. Various provisions of the Code are relevant to member/officer relations. These are shown below.
- 2.2 The Code of Conduct requires members:
 - a. not to use their position improperly to obtain an advantage to themselves or any other person or body.
 - b. not to use Council resources improperly for political purposes or any other purposes forbidden by the Council.
 - c. not to do anything likely to compromise the impartiality of officers.
 - d. not to bully anyone, by displaying any offensive, intimidating, malicious, insulting or humiliating behaviour.
 - e. not to disclose any information that is confidential without authority or a legitimate reason.
 - f. not to prevent anyone from obtaining information to which they are entitled by law; and
 - g. not to do anything that may cause the Council to breach any of the Equality laws that prohibit discrimination on grounds such as age, sex, race, disability, religion/belief, sexual orientation of pregnancy.
- 2.3 It is important that any dealings between members and officers should observe these reasonable standards of courtesy and professionalism, and that neither party should seek to take unfair advantage of their position.

3. Member concern about officer's conduct or capability

- 3.1 Members should not raise matters relating to the conduct or capability of a Council employee, or of employees collectively, at meetings held in public. This is a long-standing tradition in public service. Employees have no means of responding to criticisms like this in public.
- 3.2 If a member feels that an officer has not treated him with proper respect or courtesy or has any concern about the conduct or capability of a Council employee, he should initially consider whether it would be appropriate to raise the matter through direct discussion with the employee concerned. Whether this is appropriate will depend largely on the nature and seriousness of the conduct, and the level of seniority of the employee. If the member fails to resolve the matter through discussion with the employee or feels that such an approach would not be appropriate, he should raise the matter with the relevant Executive Head. The Executive Head will look into the facts and report back to the member. If the member continues to feel concerned, he should then report the facts to the Chief Executive who will look into the matter afresh.

4. Officer concern about member's conduct

- 4.1 Where an officer:
 - a. feels a member has not treated him with respect and courtesy, or
 - b. is concerned about any action or statement by a member relating to himself, or to a colleague, he should raise the matter with the member concerned, or with his/her own Line Manager, Executive Head, or the Chief Executive, as appropriate. Line Managers should normally refer matters reported to them to their Service Manager. Where the matter is raised with an Executive Head or Chief Executive, he will take appropriate action which may include approaching the individual member and/or Group Leader. If the Executive Head or Chief Executive considers that the member has been in breach of the Code, he will discuss the matter with the Monitoring Officer who will consider reference to the Standards Committee.

5. Candidates for appointment to the Council

- 5.1 The Council's Standing Orders for General Procedures (Chapter 27) lay down procedures to be followed where a candidate for appointment to the Council is related to a member or senior officer. Standing Orders also specifically prevent candidates for appointment from canvassing members, and members from soliciting an appointment for any person.

6. Close Personal Relationships between officers and members

- 6.1 Mutual respect between members and officers is essential to good local government. However, close personal familiarity between individual members and officers can damage this relationship and prove embarrassing to other members and officers.
- 6.2 The Council recognises that in a large organisation it is inevitable that there may be close social or personal relationships between members and officers. These relationships may have commenced before, or after, a councillor is elected to the Council or before, or after, a person becomes employed by the Council. The councillor should disclose any such relationship to his Group Leader and the Monitoring Officer, and the employee to his Service Manager. The Monitoring Officer and appropriate Service Manager will arrange for the relationship to be entered in the Register of Member and Officer Interests respectively. In order to maintain the integrity of the individuals concerned and the Council such relationships should never be hidden. To do so can lead to suspicion and mistrust. The Group Leaders and Executive Head should take what steps they reasonably can to ensure that neither the member nor the employee is placed in a

position where their relationship will be seen to conflict with this Code or with the Council's Code of Conduct.

7. Officers and "senior" members - working relations

- 7.1 It is clearly important that there should be a close working relationship between Cabinet members, Group Leaders and Committee or Panel Chairmen, and Executive Heads and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal with other members and other party groups.
- 7.2 A Member of the Cabinet, or the Chairman of a Panel or Committee will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting. Sometimes an officer will be under a duty to submit a report to a meeting on a particular matter. An Executive Head or other senior officer will always be fully responsible for the contents of any report submitted by his/her Service. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council or Chairman of the Panel or Committee, as appropriate. If a report is issued in the name of a member of the Executive, it should make clear that any views or recommendations they contain are those of the member (or of the Cabinet as a whole, if appropriate).
- 7.3 In addition to the briefing before any meeting, minority group representatives will also be afforded the opportunity of a briefing through their appropriate spokesman.
- 7.4 Except where the Council's scheme of delegations enables a decision to be taken by a Cabinet member, the law only allows for decisions to be taken by the Council, Cabinet, a Committee, a Sub-Committee or an officer. If a meeting resolves to authorise a named officer(s) to take action in consultation with a member(s), it must be recognised that it is the officer, not the member, who takes the action and the officer who is accountable for it.
- 7.5 Where a Portfolio Holder takes a decision under delegated powers, the Portfolio Holder is personally accountable for the decision.
- 7.6 Officers within a Service are accountable to their Service Manager.
- 7.7 While officers should always seek to assist Portfolio Holders and Chairmen (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Service Manager. Members should not put staff in a position that could give rise to conflict between them and their Manager and/or Service Manager.

8. Officer Advice to Political Groups

- 8.1 Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual member of the Council.
- 8.2 It is common practice for political groups to give preliminary consideration to Council business before the matter is considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to deliberations by party groups, and the support provided can take many forms, ranging from a briefing meeting with a Chairman or spokesman before a formal meeting, to a presentation to a full party group meeting. However, the following rules must be followed:
 - a. Officers must at all times maintain political neutrality.

- b. Officers must treat all political groups and individual members in a fair and even-handed manner. Whilst in practice support is likely to be in most demand from whichever party group is for the time being in control of the Council, support is available to all party groups.
- c. Requests for officers to attend any party group meeting must be made through the appropriate Service Manager. The Service Manager will advise the Chief Executive of any requests made.
- d. Officer support must not extend beyond providing information and advice on Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings or part of meetings when matters of party business are to be discussed.
- e. Conclusions reached at party meetings must not be interpreted or acted upon as decisions on behalf of the Council.
- f. Officers must interpret any request for advice, and advice given, as confidential and not accessible to any other political group. They must not relay the content of any discussions at which they are present to another political group. However, factual information upon which the advice is based will, if requested, be available to all political groups.
- g. An officer's advice to a political group or member, or help in formulating a policy, must not be assumed to be support by the officer for the policy.
- h. Officers' advice to a party group cannot be a substitute for providing all necessary information and advice to the Cabinet, Panel or Committee when the matter in question is considered.
- i. Unless otherwise agreed in advance with the Chief Executive, officers will not attend party group meetings that include persons who are not members of the Council. Where, exceptionally, attendance in these circumstances has been agreed by the Chief Executive, officers must exercise special care in providing information and advice. Persons who are not Councillors will not be bound by the Code of Conduct, in particular, the provisions concerning the declaration of interests and confidentiality. For this and other reasons officers may not be able to provide the same level of information and advice as they would to a members only meeting.

8.3 Any particular cases of difficulty or uncertainty in this area must be raised with the Chief Executive, who will discuss them with the relevant group leader(s).

9. Support Services to Members and Political Groups

- 9.1 The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport etc) to members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 9.2 In particular the post distribution system should only be used by members for circulating correspondence and literature relating specifically to Council business. This can include Group correspondence directly relating to Council business.
- 9.3 Apart from accommodation and services that are specifically dedicated to members, the Council's offices, services and sources of information may be used only through the officers. Members should not go into, or use, any offices or sources of information without an officer in attendance.

10. Ceremonial Events

- 10.1 Any member taking part in a ceremonial event (see section 15 below) must not seek disproportionate personal publicity or use the occasion for party political advantage, bearing in mind that he or she is representing the Council as a whole.
- 10.2 See also section 11 concerning members' rights of access to information.
- 10.3 Any information not in the public domain provided by the Council to a member must only be used for the purpose for which it was provided, i.e., in connection with the proper performance of the member's duties as a member of the Council. Any member who obtains any information or documents from any source provided to another member should not make use of, or release that information or document(s), without the consent of the member for whom it was intended. Any information relating to employee matters should always be regarded as confidential. Confidential information provided to members should not be discussed with, or released to, any other persons. Confidential information provided to an individual member should not be discussed with other members without the permission of the person giving the information. In particular, confidential information should never be disclosed or used for the personal advantage of a member or of anyone known to him, or to the disadvantage or the discredit of the Council or anyone else.
- 10.4 It should be noted that agenda and reports for Council, Cabinet, Panel and Committee meetings are to be treated as confidential unless and until they become public in the ordinary course of the Council's business (see Standing Orders for General Procedures No. 8). Reports may be amended, or withdrawn from agenda, at any time up to agenda issue. If a member obtains an advance copy of a report, its contents should not be made public until the agenda containing it is issued.

11. OTHER LEGISLATIVE PROVISIONS CONCERNING MEMBER/OFFICER RELATIONS

11.1 Members' Rights of Access to Information and to Council Documents

- 11.2 The legal rights of members to inspect Council documents is covered partly by statute, and partly by common law. The following paragraphs give guidance on the circumstances in which members may legitimately require officers to give them access to Council documents.
- 11.3 It is however important to note that these rights only apply where members are undertaking Council business. Where a member has a private or personal interest in a matter, the member will only be entitled to the same access to documents as would be the case for a private individual. In these circumstances the member must make it clear to the employee that he is acting on his own behalf and not acting as a Councillor.
- 11.4 Members may approach any Council Service to obtain such reasonable information, explanation and advice about that Service's functions to assist in discharging their role as members of the Council or any particular role, e.g., representative on an outside body to which they have been appointed by the Council. This can range from a request for general information or research about some aspect of a Service's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Service Manager or another senior officer of the Service concerned. In cases of doubt, the appropriate Service Manager or the Monitoring Officer should be asked for assistance.
- 11.5 Members have a statutory right to inspect any Council document, including any relevant background papers, containing material relating to any business which is to be transacted in

public at a Council, Cabinet, Panel, Committee or Sub-Committee meeting. This right applies irrespective of whether the member is a member of any of the bodies concerned.

- 11.6 This statutory right does not, however, apply to documents or background papers appearing as private session items on agenda for meetings. Therefore, members not on the particular Committee etc do not have a statutory right to inspect confidential or exempt information, for example that 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. The only exception relates to Overview and Scrutiny Panels. Members of Overview and Scrutiny Panels have the right to exempt or confidential information that is in the possession or under the control of the Executive and contains material relating to:
- a. business transacted at a meeting of a decision-making body; or
 - b. a Portfolio Holder decision; or
 - c. a key decision made by an officer

if the information is relevant to an action or decision the Panel is reviewing, or to a review contained in the Panel's work programme.

- 11.7 The common law right of members is much broader. It is based on the principle that any member has a prima facie right to inspect Council documents provided 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.
- 11.8 The exercise of this common law right therefore depends 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".
- 11.9 This question must initially be determined by the particular Service Manager whose Service holds the document in question (with advice from the Monitoring Officer). A member will be expected to justify the request in specific terms. In the event of dispute, the question falls to be determined by the Standards Committee.
- 11.10 There will be a range of documents which, because of their nature, are either not accessible by members or are accessible only by the political group forming the administration and not by the other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft reports, the premature disclosure of which might be against the Council's and the public interest.

- 11.11 The term “Council document” is very broad. It includes, for example, any document produced with Council resources, but 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.
- 11.12 Further and more detailed advice regarding members’ rights to inspect Council documents may be obtained from the Monitoring Officer.

12. Public Relations and News Releases

- 12.1 The Council’s Public Relations Officer serves the Council as a whole and must operate within the limits of the Code of Recommended Practice on Local Authority Publicity issued under the Local Government Act 1986. Broadly, the 1986 Act prohibits the Council from publishing material that appears designed to affect public support for a political party.
- 12.2 Officers draft news releases on behalf of the Council. They will often contain quotations (within the limits of the Act and Code of Recommended Practice) from the Leader and/or Deputy Leader of the Council, a Portfolio Holder, the Chairman or Vice-Chairman of a Committee, or the Chairman and Vice-Chairman of the Council about ceremonial events. Such news releases are issued on behalf of the District Council and it would not, therefore, be appropriate when repeating quotations from members to indicate their party-political affiliation.

13. OTHER LOCAL CONVENTIONS GOVERNING MEMBER/OFFICER RELATIONS

13.1 Correspondence

- 13.2 An officer should not normally copy correspondence between an individual member and an officer on a matter relating to a single constituent to any other member. Where, exceptionally, it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, a system of “silent or blind copies” should not be used.
- 13.3 Where a local member raises an issue relating specifically to a matter of interest in a District Council Ward or individual Parish or Town, copies of correspondence will normally be sent to all councillors for the particular area. The exception will be if the member specifically requests that correspondence is not copied to other members, or there is a political, or other reason, why this is not appropriate (for example because another ward member may have a declarable interest in the matter). Where correspondence is copied to other members this will be made clear to the original member.
- 13.4 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g., representations to a Government Minister) for a letter to be signed by a member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a member.

14. Involvement of Ward Councillors

- 14.1 Whenever the Council undertakes any form of consultative exercise on a local issue, the Ward members should be informed or involved, as appropriate, not later than at the outset of the exercise. Similarly, 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.

15. Ceremonial Events

- 15.1 The Chairman of the Council (or in his/her absence the Vice-Chairman) is the appropriate person to lead District Council ceremonial events which are of particular significance or are not specifically associated with a particular Committee. Similarly, the Chairman of the Council (or in his/her absence the Vice-Chairman) is the appropriate person to represent the District Council at ceremonial events of other organisations which are not specifically associated with the Cabinet or a particular Panel or Committee.
- 15.2 Subject to the above, Portfolio Holders or, where they are not available, another Member of the Cabinet is the appropriate representative for ceremonial events within the scope of their Portfolios. Where a Portfolio Holder or another Member of the Cabinet is not available, the Portfolio Holder may nominate another member.
- 15.3 Local members should always be informed of, and, where possible, invited to ceremonial events taking place within their own parishes/towns, as should County and Parish Councillors as appropriate.

16. Communication with Councillors (Members)

- 16.1 Councillors' (Members) and employees' common purpose is to deliver effective services to all customers including - residents, visitors, and businesses in the District. To do this it is essential that we all work together and that Councillors reasonable requests for information are met without delay. This does not mean that Councillors' have an absolute right of access to all information held on file or to demand extensive research. The following paragraphs provide some simple guidelines to help you when dealing with requests for information.
- 16.2 Councillors are encouraged to make their initial enquiries on new issues to an Executive Head or Service Manager. However, for day-to-day business where Councillors know which individual is dealing with a particular matter, the Councillor is entitled to speak to that person or the Section Head - whichever is most appropriate.
- 16.3 All information, except the response to the most simple, factual queries, must be given to Councillors in writing. This may sound bureaucratic, but it will avoid any misunderstandings in the future. Where information is required urgently by a Councillor, it may be given orally but then should be confirmed in writing.
- 16.4 If you do not fully understand the request, ask the Councillor if they would mind sending you a note so that you are able to respond fully to their enquiry. Remember, communication is everything and providing perfectly good information is useless if it doesn't answer the question, or worse, leaves the Councillor to believe the answer relates to their question when it doesn't.
- 16.5 Where information is provisional in nature (e.g., subject to confirmation or ratification of interim figures or results), the fact that it is provisional should always be clearly stated.
- 16.6 Councillors' queries should be retained on file. The file should not only contain copies all letters sent to Councillors, but also file notes of conversations during which information was supplied.
- 16.7 Where information needs to be obtained from another employee or Business Unit, it is the responsibility of the Employee to whom the query was originally addressed to either obtain the information and pass it back to the Councillor concerned or to let the Councillor know to whom their query has been passed for attention. Where Councillors request personal information on the basis that they are acting on behalf of a member of the public to whom it relates, evidence (e.g.,

a letter from the member of public concerned) should be sought to support the enquiry.

- 16.8 Sometimes Councillors may ask for information which is or may be commercially sensitive. This is particularly the case for contract work or economic development issues but could also relate to information obtained under the Best Value regime. In most cases, the information can be supplied but, as a matter of course, you must check with your Service Manager or Executive Head before releasing such information.

If you have any concerns about information requests or the type of information to be supplied to Councillors, please contact either your Service Manager or the Executive Head Housing and Governance.

Code of Practice – Safeguarding Children, Young People and Adults at Risk

- 1.1 New Forest District Council delivers a varied range of services and functions which can bring employees, Members, volunteers and Contractors into contact with children, young people and adults at risk.
- 1.2 The Council is under a legal (and a moral) duty to ensure that its functions are discharged having regard to the need to safeguard and promote the welfare of children, young people and adults at risk. The purpose of the safeguarding policy is to set out these legal duties, provide a framework and set out the procedures for discharging these safeguarding obligations, including promoting wellbeing, preventing harm and responding effectively to concerns.
- 1.3 The Council believes that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The Council is committed to safeguarding from harm all children, young people and adults using any of its services and involved in any of its activities, and to treat them with respect during their dealings with the Council irrespective of their age, gender, disability, race, religious belief, sexual orientation, transgender status or any other protected characteristic (Equality Act 2010).
- 1.4 The Council's role in safeguarding is not to establish or judge whether or not abuse is taking place, it is to report any concerns we have over the welfare of children, young people and adults at risk.
- 1.5 The Safeguarding policy covers four separate but closely related topics: Child Safeguarding, Adult Safeguarding, Domestic Abuse and Prevent and is written in accordance with the Children Act 2004, the Care Act 2014, the Counter Terrorism and Security Act 2015 and the associated statutory guidance.
- 1.6 This Safeguarding policy applies to all Council employees, volunteers ('Council staff') Members, and Contractors including sub-Contractors and organisations that are commissioned, funded by or working on behalf or in partnership with the Council ('Contractors') who come into contact with children, young people and/or adults at risk, whether in someone's home, on Council premises, or in the community.
- 1.7 This policy is not a standalone document and should be read in conjunction with the Council's other policies which contain important safeguarding information.
- 1.8 The Safeguarding policy is reviewed at least every three years and is updated whenever there is a change in applicable legislation and statutory guidance. Furthermore, the policy is updated to reflect any particular points of learning which arise out of the Council's duties. This will ensure the document is fit for purpose and up to date.

Code of Conduct for Councillors and Officers Dealing with Planning Matters

Any officer of the Council who is submitting a planning application, or an application for building regulations approval, must declare a pecuniary interest, in writing. This should be addressed to the Executive Head – Housing and Governance.

Any application submitted by an officer of the Planning Service will be reported to the Council's Planning Committee for a decision. The Chief Planning Officer will use discretion to decide whether proposals submitted by other officers outside the Service should be determined by Members.

For the purpose of this guidance the term planning application is defined as including any consent required by virtue of planning legislation.

1. Summary of General Principles

- 1.1 Every person involved in public life is under constant scrutiny by the people they seek to serve.
- 1.3 Rules governing Councillors' and employees' conduct are prescribed nationally and are in place to protect the public, Councillors and employees.
- 1.4 The overriding guiding principles are:
 - a. Do nothing which does, or even appears to, favour one person or group.
 - b. Do nothing which suggests you have made up your mind on an issue until you have heard all the arguments.
 - c. Comply fully with the law on pecuniary interests, and the National Code of Local Government Conduct.
 - d. For employees, comply with the Council's Code of Conduct and The Royal Town Planning Institutes Code of Professional Conduct.
 - e. Avoid taking gifts and hospitality, but if hospitality is unavoidable ensure that it is at a minimal level and for members its receipt is notified immediately to the Executive Head. Officers must report hospitality and gifts to their Service Manager.

2 Summary of Main Additional Principles with Particular Reference to Councillors who Determine Planning Matters

- 2.1 Councillors with substantial property or other interests which may be affected by planning proposals should avoid serving on the Planning Committee.
- 2.2 Councillors should never act as agents for individuals or organisations pursuing a planning matter.
- 2.3 Councillors should continue to discuss planning matters with their constituents. But in so doing should never commit themselves to unequivocal support or opposition to a particular point of view and make it clear that any views expressed may be changed when they have heard all arguments at a Committee or Sub-Committee meeting.

- 2.4 Councillors who attend public meetings should not commit themselves fully to unequivocal support or opposition to a particular point of view and make it clear that any views they may express may be changed when they have heard all the arguments at a Committee or Sub-Committee.
- 2.5 Councillors should not organise support for, or opposition to, a proposal.
- 2.6 Councillors should not determine their voting intentions on specific site proposals at Group meetings.
- 2.7 In relation to setting overall policies determining the emphasis to be placed in Structure and Local Plans in relation to, for example economic development, countryside preservation, Councillors are not precluded from taking part in political group or other meetings provided that such discussions are confined to policy issues without reference to specific site allocations.
- 2.8 Unless invited to do so by the appropriate Planning Officer, Councillors should not be involved in Officers' pre-application discussions with applicants for planning permission.
- 2.9 In determining planning application Councillors will confine themselves to considering the planning merits of the case and take no account of other issues.
- 2.10 Councillors who wish to support the Council or an appellant on a planning appeal must give notice of their intention to do so to the Executive Head and in the case of a Public Inquiry, not less than 5 days prior to the commencement of the Inquiry.
- 2.11 Councillors who have a pecuniary interest; or prior to the meeting at which the planning matter is to be determined, have committed themselves, and their voting intentions, in any way to a particular viewpoint, should declare an interest in the matter, leave the meeting and take no part in the debate or voting on the issue.

3 Golden Rule

- 3.1 Councillors and employees should always ensure that no matter what actions they take, or statements they may make, prior to the meeting at which the planning matter is determined, neither their actions or statements can be construed as their final decision on the planning matter.

POLICY STATEMENT - ACCESS TO INFORMATION

The Council is committed to open access to information and the principles on which this policy is based. The Council will comply with legislation on Freedom of Information and Access to Information, and in particular will –

- (a) Seek to make the public aware of their statutory rights to information.
- (b) Make information available in response to all reasonable requests from the public unless it falls within an exempted category, as defined in the Local Government Act 1972;
- (c) Give written reasons where it is decided to withhold access to information.
- (d) Respect fully personal privacy and confidentiality in accordance with the law.
- (e) Allow individuals to see and request the correction of all personal information held on them by the Council.
- (f) Give written reasons where it is decided not to amend the information.
- (g) Make available explanatory material on the Council's dealings with the public, including, where they exist, rules, procedures, internal guidance to officers and administration manuals; and
- (h) Will not grant access to –
 - (i) Information which, if disclosed, might prejudice enforcement action the Council is taking, or intending to take, to enforce legislation, regulations or rules;
 - (ii) Information which the Council is not permitted by law to disclose;
 - (iii) Information relating to the prevention, investigation or prosecution of a crime;
 - (iv) Information which is defamatory; and
 - (v) Requests for information which are vexatious or excessive.

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INDEMNITY OF MEMBERS AND OFFICERS

1. INDEMNITY PROVIDED UNDER THE LOCAL AUTHORITIES (INDEMNITIES FOR MEMBERS AND OFFICERS) ORDER 2004

(1) In this Indemnity:-

“employees” includes any person employed by the Council and any other person engaged as or appointed to be an officer of the Council.

- (2) The Council hereby indemnifies its employees and members, whether appointed or elected at the date of this resolution or at any time thereafter, against the damages costs or expenses set out in paragraph (3) below, subject to the exceptions set out in paragraph (4) below, and on the terms set out in paragraph (5) below. It will not itself make any claim against them in relation to any damages costs or expenses for which they are hereby indemnified.

Notwithstanding any limitation on the powers of the Council, the indemnity is effective to the extent that the employee or member in question –

- (a) believed that the action, or failure to act, in question was within the powers of the Council; or
- (b) where the action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the Council, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for that employee or member to hold that belief at the time when he or she acted or failed to act.

The indemnity is also effective in relation to an act or omission which is subsequently found to be beyond the powers of the employee or member in question but only to the extent that he or she reasonably believed that the act or omission in question was within his or her powers at the time at which he or she acted.

- (3) The costs, claims and expenses are those which arise from, or in connection with, any action of, or failure to act by, the employee or member in question, which:-

- (a) is or has been authorised by the Council; or
- (b) forms part of, or arises from, any powers conferred, or duties placed, upon that employee or member, as a consequence of any function being exercised by that employee or member (whether or not when exercising that function he or she does so in his or her capacity as an employee or member of the Council) –

- (i) at the request of, or with the approval of, the Council; or
- (ii) for the purposes of the Council.

(4) The exceptions are that:-

- (a) No indemnity is given in relation to any action by, or failure to act by, any employee or member which –
 - (i) constitutes a criminal offence; or
 - (ii) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that employee or member
- (b) Notwithstanding paragraph (4)(a)(i), the indemnity does relate to –
 - (i) (subject to paragraph 5) the defence of any criminal proceedings brought against the employee or member; and
 - (ii) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.
- (c) No indemnity is given in relation to the making by the employee or member indemnified of any claim in relation to an alleged defamation of that employee or member but the indemnity does relate to the defence by that employee or member of any allegation of defamation made against him or her.

(5) The terms of the indemnity are as follows:-

- (a) Where the indemnity has effect in relation to the defence of any criminal proceedings, if the employee or member in question is convicted of a criminal offence and that conviction is not overturned following any appeal, that employee or member shall reimburse the Council for any sums expended by it in relation to those proceedings pursuant to the indemnity, and those sums shall be recoverable by the Council as a civil debt.
- (b) The indemnity is subject to the employee or member notifying the Chief Executive immediately of any claim being made or intimated against him or her, and of any circumstances arising which may give rise to a claim
- (c) The indemnity will only extend to cover actual loss and expense incurred and evidenced by the employee or member to the satisfaction of the Section 151 officer in consultation with the Head of Legal and Democratic Services
- (d) The indemnity will not automatically apply if the employee or member without the written authority of the Chief Executive and insurers, as appropriate, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this indemnity
- (e) The indemnity shall not extend to any loss or damage directly or indirectly arising from any motor vehicle claims in which an employee using his or her own private vehicle on the Council's business has been involved in an accident

- (f) The Council or its insurers will be entitled to take over and conduct in the name of the employee or member the defence of any proceedings brought against the employee or member

2. INDEMNITIES PROVIDED UNDER POWERS IN SECTION 111 OF THE LOCAL GOVERNMENT ACT 1972

Where an indemnity cannot be granted under the terms of section 1 above (indemnity provided under the Local Authorities (Indemnities for Members and Officers) Order 2004), the Council will indemnify all officers and members of the Council against the whole or part of any damages costs or legal expenses which any such officer or member may have been ordered to pay, or may have incurred arising from duties performed by virtue of their being a member of, or being employed by, the Council, or by virtue of their being the Council's nominated representative in whatever capacity of any incorporated or unincorporated body, where:

- (a) the member or officer acted in good faith and
- (b) where such damages, costs or expenses arise from a criminal offence under:
 - (i) the Health and Safety at Work Act 1974 and related regulations; or
 - (ii) the Data Protection Act 1998 and related regulations.

The provisions of paragraph (5) (b) to (f) of section 1 above apply in respect of indemnities provided under section 111 of the Local Government Act 1972.

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**INFORMATION & COMMUNICATIONS TECHNOLOGY
SECURITY POLICY & GUIDANCE FOR MEMBERS**

JUNE 2006

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Section 1

POLICY SUMMARY

1.0 Policy Statement

New Forest District Council will ensure that:

- Information will be protected against unauthorised access and the confidentiality of information will be assured.
- The integrity of information will be maintained.
- All legislative and regulatory requirements will be met.
- Appropriate use of the Internet will be maintained.
- Use of email will meet required standards.
- The use of email and the Internet will be monitored in accordance with this policy.
- All breaches of the ICT Security Policy will be taken seriously and any action taken against individual Members will be in accordance with the Code of Conduct or the Council's guidelines for dealing with breaches of local codes or policies.
- An ICT Disaster Recovery Plan will be maintained and tested.

2.0 Policy Overview

- 2.1 Information & Communications Technology (ICT) equipment and networks must be used responsibly and legally. Members must not misuse them by taking any action that could bring the Council into disrepute, cause offence, interfere with the work of the Council or, jeopardise the security of data, networks, equipment or software. Members should not interfere with any pre-established operational and/or anti virus settings established by the Council or it's agents without express authority.
- 2.2 The guiding principle is that, despite its immediacy and ease of distribution, electronic communication and information should be treated no differently from that on paper.
- 2.3 Adherence to this policy is a condition for using Council equipment and networks. Failure to adhere to this policy is a serious offence, any breach of this policy (actual or suspected) will be reported to the Chief Executive who with the ICT Security Officer will carry out an internal investigation. Where the breach is in excess of a minor indiscretion it will be reported to the Monitoring Officer in line with the Council's Complaints Procedure. Where illegal material has been accessed, the matter will also be reported to the Police.
- 2.4 **Section 2** defines the applicability of this policy. It also considers personal use of the Council's ICT resources, training and health and safety matters.
- 2.5 **Section 3** details the ICT Security Standards that form the basis of the Council's ICT Security Policy and conform to BS7799 security standards.
- 2.6 **Section 4** defines the roles and responsibilities of officers in the management of this Policy.
- 2.7 The Council approved this policy in July 2006.

3.0 Policy Summary – Do’s and Don’ts

3.1 Members are required to read this ICT Security Policy in full and will be required to certify that they have done so. However, here are some basic “**do’s and don’ts**” as an aide-memoir:

3.2 **DO:**

- Keep passwords and confidential data secure.
- Keep personal use to a minimum. As far as practicable this should be limited to just two hours a week as ratified by Cabinet in April 2003.
- Password protect any confidential or sensitive documents emailed or transferred by other media to or from your computer. Try and avoid transferring confidential, sensitive or personal information unless you are certain that only the intended recipient will see the content. [*Guidance – verify addressee **before** transmitting and avoid using global addresses such as info@ or admin@ in these circumstances*].
- Remember when sending emails it is easy to be misunderstood. Emotional meaning can often be lost in email messages and humour is easily misinterpreted. Keep your message to the point and do not be ambiguous.
- Be aware that emails can be used as evidence in internal investigations as well as more formal external settings. Defamatory comments may result in legal action.
- Restrict the size of attachments where possible (a 2Mb maximum is recommended). Remember colleagues may be receiving your email over lower speed communication links and messages with high graphical content may fail to download.
- Have regard for relevant legislation. [*Guidance – refer to Section 3 Paragraph7 of this policy*].
- Ask for help if you think you may need to install any additional hardware or software.
- Inform the ICT Security Officer (Janet Clarke) if you accidentally enter an inappropriate web site.
- Seek advice if in doubt through the ICT Helpdesk.

3.3 **DO NOT:**

- Use Council equipment for personal gain or personal business interests.
- Allow others to log in to and use your computer.
- Interfere with pre-set anti virus protection settings.
- Send contentious or libellous electronic communication.
- Send offensive material, including jokes, on the Council’s email system.
- Access Internet sites that may cause offence to others or breach this policy.

- Use the Council's Internet domain to play games, gamble or register with other ISP or email providers.
- Import or download executable programs/software without the express permission of ICT. This includes software upgrades.
- Download wallpapers or screensavers from the Internet
- Put the Council's reputation at risk.

3.4 Policy Advice & Guidance

- 3.4.1 Should you require any help or guidance with any matter concerning ICT Security, please phone Janet Clarke, ICT Security Officer on (023) 8028 5677 or *email*:
janet.clarke@nfdc.gov.uk
- 3.4.2 All technical problems or issues should be referred via the Council's ICT Help Desk. Telephone 02380 285797 or *email*:
help.desk@nfdc.gov.uk

Section 2

GENERAL GUIDANCE:

This section defines who is covered by this policy and considers matters of personal use, training and health & safety.

1.0 Applicability of this Policy:

1.1 This policy applies to:

- All Council Members, using Council equipment or when connected to the Council's Network from whatever location, including home.
- All Members using their own equipment or equipment not belonging to the Council, when connected to the Internet for browsing and email via the Council's Telecoms and Internet Service Provider or accessing the Council's Network.
- Any other use by Members, which identifies the user as a Councillor.

2.0 Personal Use

2.1 The facilities should be used primarily for Council business. However, the Council wishes to encourage Members to explore the Internet in a constructive manner. Consequently, occasional personal use of two hours a week is permitted provided it conforms to this policy and is not associated with personal business interests.

2.2 In respect of wallpapers and screen savers preference is given to the use of pre-installed Microsoft products. Personalisation of desktops is permitted e.g. with the use of photographic images etc., provided that they are not offensive to others and are subject to virus checking procedures as specified in Section 3 (paragraph 6.0) of this policy. PC wallpapers and screen savers must **not** be downloaded from the Internet.

2.3 The Council's equipment must not be used for personal gain. Running a business would fall into this category.

2.4 To ensure that electronic storage space is not compromised, resulting in denial of service, personal material (e.g. personal letters, CV's and digital photographs) must not be stored on the Council's Information Systems Network. However, personal material may be stored on local drives outside of the "My Documents" folder (see also Section 3 paragraph 5.1) but should not be regarded as private and will not be recovered in the event of system failure or reloading of the computer's default setup. This applies equally to the storage of personal emails.

2.5 If a Member wishes additional hardware or software not currently provided by the Council to be installed, a request must be made to ICT who will determine if the requirement will conflict with the computers configuration and advise on the installation. If this results in the Council's computer becoming unreliable the standard configuration will be reloaded.

2.6 All requests for business expenditure are managed through the Democratic Services Unit to maintain proper budgetary control. Therefore the use of personal Credit Cards to purchase goods and services of a business/constituency nature online via the Council's computer is **not** permitted. However the occasional on-line purchase of a personal nature is permitted with the caveat that the Council takes no responsibility for the transaction or the security of personnel details submitted in the transaction or the debt itself.

3.0 Personal Use of Email

3.1 The Ukerna naming committee has assigned the domain names of "@nfdc.gov.uk" & "@newforest.gov.uk" to the Council. These domain names must not be used to conduct personal business interests or to transmit offensive text or images (including jokes however inoffensive they appear). Failure to adhere to this requirement may seriously damage the Council's reputation.

3.2 Members should have regard to what is deemed misuse at Section 3 (paragraph 10.0) of this policy.

4.0 Training

4.1 All Members will be trained to use email, the Internet and the Intranet correctly and will be made aware of the security issues. Additionally, ICT Services and/or their agents will monitor "user" competency during home visits and offer advice accordingly.

4.2 Members will be required to certify that they have read and understood the ICT Security Policy.

5.0 Health & Safety

5.1 Members must have regard to the corporate policy on health and safety matters relating to display screen equipment, which is shown on the Council's Intranet.

[# Link to Intranet](#)

5.2 ICT Services and/or their agents will monitor "user" adherence to health and safety matters during home visits and offer advice accordingly.

Section 3

ICT SECURITY STANDARDS:

These standards set the framework for the ICT Security Policy. Whilst these are New Forest District Council's own standards they are compliant with BS7799 national security standards.

INFORMATION WILL BE PROTECTED AGAINST UNAUTHORISED ACCESS AND THE CONFIDENTIALITY OF INFORMATION WILL BE ASSURED.

1.0 Passwords

- 1.1 Access to the Council's Information Systems is controlled by the use of User ID's and secure passwords.
- 1.2 Passwords are a means of preventing access to systems or parts of systems by unauthorised users. They also identify Members on system audit trails. The password should be made up from characters and numerals as a combination. It should not have repeated characters and should not be a name or any string that can be identified with the user easily i.e. surname, other family names, car registration, telephone numbers, etc.
- 1.3 All Members will be set up with an individual User ID and password. To ensure the integrity of data and the verification of electronic authorisation these are not to be divulged to anyone (including family members) under any circumstance. It is advisable not to keep a manual record of individual password/s but if this cannot be avoided then such records must be kept secure at all times.
- 1.4 It should be noted that if a breach of security occurs because a Member has made their User ID and password known to another, then **both** will have been deemed to have breached security.
- 1.5 Should a Member forget their User ID or password or believe that another user knows their ID **and** password they should contact the ICT Help Desk immediately.

2.0 Other Access Controls

- 2.1 If Members need to leave their computer or laptop for any length of time they should ensure that current data is "saved" and access is prohibited, by logging out of all major applications and using a screen saver with a password or using the "lock workstation" option that Microsoft Windows offers.
- 2.2 If Members need help with setting any of the above up they should call the ICT Helpdesk on 02380 285797

3.0 Connecting To The Council's Network via Unknown Computers

- 3.1 The remote access system enables Members to connect into the Council's network for email and Intranet systems from any computer and location e.g. cyber cafes worldwide. Members will need the "Forestweb" website address and their login and password. Once connected the email system that will be available is Web Outlook.

[Guidance - be aware there are some differences between Web Outlook and standard Outlook. ICT will be able to advise and give training on these differences. Please call the ICT Helpdesk on 02380 285797].

- 3.2 When connecting to an unknown computer, Members must ensure that they do not save any information to that computer. For example when reading emails with an attachment, the attachment should be opened in a browser window. This will ensure that the data is not downloaded and the integrity of the information maintained.

4.0 Laptops

- 4.1 When travelling with portable computers Members must ensure that they are put out of sight. The use of a plain carrying case, rather than one that is branded with the computer supplier's name, is recommended.
- 4.2 Any sensitive or confidential information that Members have had to save on the local drive of the laptop/notebook must be password protected or saved in an encrypted folder.

THE INTEGRITY OF INFORMATION WILL BE MAINTAINED

5.0 Data Security & Back Up:

- 5.1 Back-up software is installed and configured on Members computers and is set to take a back-up copy of the data stored in the "My Documents" folder only. Members must ensure that data is saved to this folder if they require a backup copy to be created.
- 5.2 This process will only run when members connect to the Council's network.
- 5.3 Members must ensure that they check on a regular basis that any data stored is still required and if not that it is deleted or archived. Members will be trained on archiving routines.

6.0 Virus Protection

- 6.1 Viruses can seriously disrupt operations. Anti-virus and Internet security software has been installed and should automatically check downloads, floppy disks, CDs and memory sticks inserted into the computer.
- 6.2 Virus checking software is installed and configured to be updated automatically this process must be allowed to run without interruption or change.

REGULATORY AND LEGISLATIVE REQUIREMENTS WILL BE MET

7.0 Legislation

- 7.1 All Members are subject to the following legislation. The list is not exhaustive and other relevant legislation would include for example the Obscene Publications Act 1959, Protection of Children Act 1978, Telecommunications Act 1984, Malicious Communications Act 1988, Criminal Justice Act 1988, Human Rights Act 1998, Race Relations Act 1998 and Electronic Communications Act 2000. Further information can be obtained on the Intranet, Internet or by contacting the Council's ICT Security Officer.

7.2 Computer Misuse Act 1990

- 7.2.1 It is an offence for anyone to access or modify computer held data or software or attempt to do so without authority. These offences can carry a penalty on conviction of an unlimited fine or imprisonment for up to five years.
- 7.2.2 Using any of the Council's Systems or Internet access to attempt to access any Council or third party IT facility without authority is an offence under this act.

7.3 Copyright Design and Patents Act 1988 (as amended by the Copyright (Computer Programs) Regulations 1992)

- 7.3.1 Essentially copyright is a right given to authors or creators of works such as books, films or computer programs to control the copying or other exploitation of their work. It is an offence to copy/install or authorise someone else to copy/install any of the above without the correct license or consent of the author. This offence can carry a penalty on conviction of a maximum imprisonment of two years.
- 7.3.2 Loading of unlicensed software is forbidden and may result in action being taken against the offender. In order to ensure compliance with the law and maintain security, software may only be loaded by ICT Services or their agents.
- 7.3.3 Using the Internet to download or otherwise copy copyrighted software, information or other material without adhering to its licensing conditions is an offence under this act.

7.4 Data Protection Act 1998

- 7.4.1 The Data Protection Act 1998 sets out rules for the processing of personal information and applies to some paper records as well as those held on computer. The Act regulates the collection, processing and disclosure of information relating to individuals and ensures that the information is safeguarded against accidental destruction or misuse.
- 7.4.2 Members must be aware that some of their work will have data in it that will be protected by the Data Protection Act and they should be aware of the personal responsibilities, including criminal liability, that this brings. This will include not giving sensitive or confidential data to unauthorised colleagues or members of the public.
- 7.4.3 Laptops or visual display units should not be located in such a position that screen displays are visible to unauthorised users or members of the public.
- 7.4.4 Before committing personal data to newsgroups or web-sites, Members must ensure the Data Protection Principles are adhered to.

7.5 Freedom of Information Act 2000

- 7.5.1 The Freedom of Information Act ("the Act") gives access to information held by public authorities. A member of the public can make a request for such information. Information is only deemed to be held by the authority when it relates to the business of the authority. Whilst personal written communications between members such as e-mails are retained on the authority's server, the Council would not 'hold' this information (for the purposes of the Act) as it has no interest in it. However, where e-mails or other communications between members contain a mixture of council business and personal content, it would be appropriate (subject to a very limited number of exemptions) to disclose those parts of the

e-mail relating to council business. Therefore you should not mix personal or political content with council business in e-mails.

- 7.5.2 The business of political parties does not form part of the functions of the authority. Information passing (electronically or otherwise) between members on party political matters are not 'held' by the Council and therefore would not be discloseable under the Act. The same general principle applies to information held by Councillors when they conduct constituency business (although it could be subject to the Data Protection Act). However, information held electronically as part of their council duties (e.g. as a Committee or Cabinet member) will be subject to the Act. Members could therefore be asked by officers to search their records and to confirm or deny the existence of information in their possession. It is an offence to destroy information that is the subject of a request for disclosure, unless the information is destroyed in accordance with the Council's policy on destruction of documents. As far as members are concerned, information which would be potentially discloseable under the Act should be kept for at least 28 days. Thereafter it can be destroyed. If in any doubt, Members should contact either Rebecca Drummond, Senior Auditor and Data Protection Officer (telephone: 02380 285785) or Grainne O'Rourke, Head of Legal & Democratic Services (telephone: 02380 285285) for advice.

7.6 Libel & Defamation

- 7.6.1 Libel law extends to electronic communication. Action may be taken against both the Council and the originator in respect of any libellous communication.

USING THE INTERNET

8.0 Internet Connections

- 8.1 All connections to the Internet will be arranged through ICT Services.
- 8.2 All Internet access will be through the Council's network management software and Internet Service Provider who protects the Council's network from viruses and unauthorised entry via the Internet.
- 8.3 Access to certain sites will be blocked via the network management software, if they are deemed to be unsuitable for Council usage.

9.0 Access

- 9.1 Members may only join newsgroups that relate to areas of the Council's work or professional interest.
- 9.2 Members posting information to newsgroups should not include any information that brings the Council into disrepute.
- 9.3 Access to chat lines, chat rooms and other similar services will not be permitted.
- 9.4 Members may only use the email systems provided by the Council. Establishing email accounts with other service provider e.g. MSN Hotmail or BT/Yahoo Mail is not permitted.

10.0 Misuse

10.1 It is incumbent on Members not to misuse the Council's Internet facilities. Misuse will include:

- Creation, viewing, use, transmission or encouragement of material, which is illegal, obscene or libellous, offensive or annoying, defamatory or infringes another person's copyright. Obscenity includes all levels of pornography and nudity (see paragraph 11.0 below).
- Transmission of unsolicited advertising or commercial material
- Obtaining unauthorised access to the Council's or another organisation's ICT facilities.
- Violating other people's privacy.
- Using chat lines or similar services.
- Online banking facilities.
- Payment of bills in respect of Council business or personal debts. However, occasional on-line purchase using personal credit cards is permitted at the users' risk.
- Playing games and gambling on-line.
- Illegal activities including breaching the Data Protection, Computer Misuse and Design Copyright and Patents Acts.
- Wasting network and other resources.
- Disrupting the work of others in any way by introducing viruses or by corrupting data.
- Expressing personal views, which could be misinterpreted as those of the Council.
- Importation or downloading of executable program files.
- Downloading copyrighted or confidential information without the authors permission.
- Failing to adhere to this policy.

This list is not exhaustive but is an indication of the types of conduct that may result in action being taken against the Member.

10.2 A good test is whether, with hindsight, you could justify your actions to a member of the public.

11.0 Offensive And Illegal Material

- 11.1 For the purposes of this policy offensive material is anything that is pornographic; involves threats or violence; promotes illegal acts, racial or religious hatred or discrimination of any kind. It also covers material, which the person knows, or could have reasonably expected to know would have offended other persons with particular sensitivities, even if it is not explicitly offensive, e.g. religious views or nudity.
- 11.2 The Internet contains huge volumes of useful information. It also contains some offensive material. Any member using Council facilities for viewing or downloading such material will face appropriate formal action. If illegal material is accessed the Council will inform the Police and criminal prosecution may follow.
- 11.3 Members should be aware of the risk of inadvertently accessing inappropriate sites. Any member accidentally accessing offensive material should inform the ICT Security Officer immediately. Accidental access will not result in formal action being taken, but failure to report it may do so.
- 11.4 Members who receive offensive or sexually explicit mail or pop-ups should inform the ICT Security Officer immediately. Whilst Members are required wherever possible to verify authenticity of senders and therefore validity of content such material may not be identifiable until an email is opened and in these circumstances Members will not be held responsible provided they promptly report it.

12.0 Members Web Pages

- 12.1 Councillors' individual web pages have been constructed and are intended to assist Councillors to communicate with their constituents. While the Council will retain responsibility for maintaining the Councillors' area as a whole, and for each Councillor's home page, Councillors are responsible for editing and maintaining the other pages of their web sites. The Council does not accept responsibility for the content of the sites, with the exception of the home pages.
- 12.2 In posting information on their web sites, Councillors must comply with all of the security standards set out above. In addition to possible action against members for breaches of security as set out in Section 1 of this policy, or possible criminal proceedings in case of breaches of legislation, the Council reserves the right to suspend an individual Councillor's site for failure to adhere to the principles set out in this policy.

Political Publicity

- 12.3 Members may not use their sites to promote political campaigns or to advocate political stances on issues. They may not use the site to promote a political party or persons identified with a political party. They may, however, provide links from their sites to those of political parties or other organisations promoting a particular point of view, providing that these links do not otherwise contravene this security policy. Members are referred to the following extract from the Government's Code of Practice on local authority publicity that deals with publicity about individual councillors;

- 12.3.1 “Publicity about individual councillors may include the contact details, the positions they hold in the Council and their responsibilities. Publicity may also include information about individual Councillor’s proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the council, personalisation of issues or personal image making should be avoided.
- 12.3.2 Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to his/her position and responsibilities within the council, and to put forward his/her justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party, or directly attacking policies and opinions of other parties, groups or individuals.”

Restrictions During Election Periods

- 12.4 During election times (from the publication of the Notice of Election to the date of the election) most parts of the Councillors’ web sites will be suspended.

USING EMAIL

13.0 Security & Content of Email

- 13.1 Email either internal or external should be regarded as public and permanent. It is never completely confidential or secure, and despite its apparent temporary nature, it can be stored, re-sent and distributed to large numbers of people.
- 13.2 Email must not be used for sending offensive, threatening, defamatory or illegal material. The transmission of jokes on the Council’s email system is prohibited.
- 13.3 Members should be particularly careful about what they commit to email as it may be used in actions against them. Sending an email is the same as sending a letter or publishing a document in law, so defamatory comments could result in legal action. Internal email has been used successfully as evidence in libel cases. Members should also reflect on the areas of misuse noted at Section 3 (paragraph10.0).
- 13.4 The use of email offers the opportunity to send personal information electronically. However due to its nature, members deciding to transmit personal data via email should take regard of the appropriateness of this transmission to ensure that Data Protection Principles are adhered to. Members may like to consider alternative methods of delivery i.e. internal or external mail. If there is any doubt as to the appropriateness of the content of an email advice should be sought from the Council’s Data Protection Officer.

[Guidance – please note that information retained or stored electronically may be required to be produced under the Data Protection and/or Freedom of Information Acts].

- 13.5 Email must not be used to harass recipients. Harassment can take the form of argumentative or insulting messages or any other messages the sender knows or ought to know would cause distress to the recipient (the reasonable person test).

- 13.6 Email must not be used for personal business or gain.
- 13.7 Members posting information to newsgroups should not include any information that brings the Council into disrepute (see paragraph 9.2).
- 13.8 It is easy to be misunderstood when writing email messages. People often treat email like phone calls but forget that the emotional meaning is often lost in text. Humour can be misinterpreted. Email should be unambiguous and authors should carefully consider the context of whether this is the best tool for conveying the message.
- 13.9 Circulating general email messages to groups of recipients is a useful way of conveying information. However, it can alienate and offend recipients if they are subjected to frequent irrelevant mail. Senders should carefully select the addressees to whom they wish to send their mail.
- 13.10 Members should not re-send email chain letters and should exercise caution with any email that asks the reader to forward it to others. If in doubt seek advice by contacting the ICT Security Officer.
- 13.11 Junk mail (spam) is a hazard of Internet life. To minimise the risk of spamming Members should avoid registering their email address on the Internet wherever practicable.
- 13.12 The Council has facilities to block individual junk email addresses. Refer repetitive junk mail received to the ICT Security Officer for action.
- 13.13 Restrict the size of email attachments wherever possible. The Council's filter systems will generally prohibit attachments over 2mb. Use "zip" files where necessary.
- 13.14 The use of "away from the office" messaging should not include personal details such as home address and telephone numbers and should not state specific dates of holiday absences. Messages should be kept to a minimum and as bland as possible e.g. "I am unable to deal with your enquiry at the moment but if you require an immediate response please contact..."

THE USE OF THE INTERNET, ELECTRONIC MAIL WILL BE MONITORED IN ACCORDANCE WITH THE ICT SECURITY POLICY

14.0 Monitoring

- 14.1 The ICT Security Officer will monitor email traffic and file transfers or networks connections, irrespective of whether the use is for Council business or private. The content of email will only be examined as part of an investigation. Members should not expect any Internet related activities to be considered private.
- 14.2 Browser connections to the Internet will be challenged by management software. This software provides a detailed account of all incoming and outgoing network connections by individual users. From this automated monitoring system the ICT Security Officer will be able to determine Internet usage, including details of which sites have been accessed, services used and time spent at each site by individual users.

- 14.3 The Council also has an email management system, which enables high level reports on inbound and outbound traffic to the Council's mail servers. This traffic is monitored and may provide information, which indicates actual or potential misuse. Depending on the type and severity of the misuse, the ICT Security Officer will refer the reports to the Audit Manager for an impact assessment on the necessity to examine the content of the emails. Again misuse could result in an investigation. Where necessary the ICT Security Officer seek advice on the suitability of material and may seek the opinion of the Police.
- 14.4 Recipients of external email are informed via the disclaimer that their email may be subject to monitoring.

15.0 Reporting Offences (Whistle Blowing)

- 15.1 The Public Interest Disclosure Act 1998 has made it possible for an individual who encounters a malpractice, which could threaten the public interest, to raise his concerns without fear of reprisal.
- 15.2 Members are asked to refer to the Anti-Fraud and Corruption Policy and the Council's Whistle Blowing at Work policy where any Member who suspects a breach of the Security Policy must inform the S.151 Officer or Audit Manager promptly.

[# Intranet Link to the Anti Fraud & Corruption and Whistle Blowing at Work policies](#)

16.0 Suspected Breaches of the Security Policy will be Investigated

- 16.1 Alleged breaches will be taken seriously. Preliminary investigations will be conducted by the Audit Manager and may be referred to the Chief Executive and/or the Council's Monitoring Officer and dealt with in accordance with the Members codes.
- 16.2 Any potential criminal investigation will be conducted in accordance with the Police and Criminal Evidence Act 1984.

AN ICT DISASTER RECOVERY PLAN WILL BE MAINTAINED AND TESTED

- 17.0 An ICT Disaster Recovery Plan will be maintained and tested in consultation with business units and directorates.

Section 4

ROLES AND RESPONSIBILITIES

1.0 The main contacts relating to the management of this policy are:

Chief Executive	Head of Paid Services. To be consulted on any breach of policy
Monitoring Officer	Democratic and legal advice. Dealing with possible breaches of policy in relation to members
Assistant Director of Resources (ICT Services)	Head of ICT
Assistant Director of Resources (Financial Services)	Overall responsibility for ICT Security, Data Protection and Freedom of Information
Audit Manager	Audit & Investigations
ICT Security Officer	ICT Security Policy & Monitoring
Senior Auditor and Data Protection Officer	Data Protection & Freedom of Information advice
Corporate Health & Safety Risk Manager	Health & Safety advice

2.0 The roles and responsibilities of employees and managers are:

Council	To endorse and fully support the application of the policy across the authority
Chief Executive	To Investigate breaches in the Security Policy. Where the breach is in excess of a minor discretion report it to the Monitoring Officer in line with the Council's Complaints Procedure.
Monitoring Officer	To advise on associated legislation as required. To conduct actions against Members
Assistant Director of Resources (ICT Services)	To manage the Council's ICT environment. To ensure that ICT maintains a Disaster Recovery Plan. To ensure ICT employees only install software for which a valid licence is held.
Assistant Director of Resources (Financial Services)	Overall responsibility for ICT Security, Data Protection and Freedom of Information

Audit Manager	To ensure that all suspected breaches are investigated.
ICT Security Officer	<p>To implement the access standards across ICT infrastructure and liaise with all systems administrators ensuring that all user details are maintained and up-to-date.</p> <p>To check system logs of Members access to systems and all monitoring reports for breaches in Policy.</p> <p>To provide information to the Audit Manager on any attempted or actual security breaches.</p> <p>To check regular data and system back ups of corporate systems are carried out and completed and ensure that the data is recoverable.</p> <p>Co-ordinate the ICT Disaster Recovery Plan in relation to technology based services across the Council's sites and verify its adequacy.</p>
Senior Auditor and Data Protection Officer	To ensure that Members understand the implications of maintaining the integrity of data and to ensure that all information systems holding data are (where applicable) properly registered with the Information Commissioner
Corporate Health & Safety Risk Manager	To offer Health & Safety advice
Members	To comply with the Policy, Standards and Legislation



**INFORMATION, COMMUNICATIONS & TECHNOLOGY
SECURITY POLICY & GUIDANCE**

February 2012
(Version 2.1)

New Forest District Council

ICT Security Policy

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Foreword:

Why have a security policy?

The massive growth in the use of computers at work has brought with it issues of computer security. There have been some highly publicised cases in the national media of loss of data or data falling into the wrong hands. The Council has to abide by some very strict government rules about the handling of restricted information. Working and sharing data with other agencies must also be done under controlled conditions.

The ICT Security policy will ensure the confidentiality, integrity and availability of information needed to do the Council's business.

Isn't our network secure then?

Our network is very secure. This policy ensures that we keep it that way.

Who's it for?

The ICT Security policy lays down this Council's rules for using ICT facilities and must be followed by all staff, as well as any contractors, software suppliers and anyone else having access to the Council's ICT systems.

Strict rules are needed but hopefully you will find that this document presents them in a readable style, using plain English.

Won't it stop me doing my job?

It is not our intention to prevent you accessing the programs and data you need to do your job. The intention is to give you that access but under well-controlled conditions.

New job?

Your manager will tell ICT Services about any new member of staff and what systems you need to use.

You need to sign up to the Security Policy

Firstly, you'll get security policy training, then you'll sign to say you understand the policy. No-one gets access to ICT systems without it.

Then you'll need to **apply the policy in your everyday work.**

As ever, ICT Services staff are here to help you; if you have any queries on this document or on ICT Security generally, ring the ICT Service Desk (ext. 5300) and select Option 6.

Ken Connolly - Head of ICT Services

SECTION 1: INTRODUCTION

1.1 Policy Statement

1.1.1 This Policy aims to:

- Ensure that information will be protected against unauthorised access and the confidentiality of information will be assured.
- Ensure that information is accurate, complete and available.
- Minimise Information Security Incidents.
- Ensure the Council gets maximum benefit from technology.
- Ensure technological resources are managed effectively.
- Prevent inappropriate use of the Council's equipment and data.
- Help the Council meet legislative requirements, including the Government Connect Code of Connection.
- Maintain the security of data handling.
- Define how the use of ICT systems will be monitored and how security breaches will be dealt with.

1.1.2 This Policy applies to:

- Employees engaged in work for the Council while working from home, in the Council offices or any other location.
- Other individuals engaged in work for the Council, such as agency personnel, contractors, students on work experience /placement and employees from partner organisations or using Council equipment and/or networks and data.
- Work carried out using privately owned computer equipment when a connection is made to the Council's network.
- Use of Council equipment by any individual for personal reasons or any other use by an individual, which identifies the user as a Council employee, that may bring the Council into disrepute.

1.1.3 The policy applies, in full, to business use, formal home use, remote or mobile working and personal use of the Council's ICT resources.

1.1.4 A separate ICT Security Policy is applicable to NFDC Councillors.

1.2 Signing up to the Policy

1.2.1 Everyone using the Council's information systems and network facilities is required to complete online security training and sign a memorandum of understanding. By signing the memorandum of understanding, you are agreeing to adhere to this Policy.

1.2.2 Adherence to this Policy is a condition of using the Council's equipment and networks. Failure to do so is considered a serious offence. This could lead to disciplinary action and dismissal for employees or immediate termination of work for contractors. It could also lead to criminal or civil action if illegal material is involved or legislation is contravened.

1.2.3 Equipment is provided to staff to enable them to perform their Council duties. This equipment shall remain the property of the New Forest District Council and shall be returned when staff are no longer entitled to the equipment under the Council's policies, procedures or decisions.

1.2.4 All managers are responsible for ensuring that staff are familiar with and regularly reminded of their obligation under the policy.

1.1 History of this Policy

1.3.1 The history of this policy is detailed below.

Version	Author	Date	Comments
V1	Janet Clarke ICT Security Officer	2000	
V1.1	Janet Clarke	2004	
V2.1	Janet Clarke / Keith Kensley ICT Records Manager	January 2012	This policy supersedes the ICT Security Policy that was originally issued in 2000 and revised in 2004

1.3.2 This policy has been produced in consultation with the following Services and Groups:

- ICT Services
- HR Services
- Legal Services
- Executive Management Team
- Unison

1.3.3 This policy has been ratified by Cabinet on 7th March 2012 and has the full support of the Executive Management Team.

1.3.4 This Policy will be reviewed annually by the ICT Security Manager, or more regularly to meet legislative requirements and technology developments, to ensure its content is relevant. Updates will be communicated directly to staff and also made available on Forestnet.

SECTION 2: USE OF TECHNOLOGY

You have been provided with the appropriate IT hardware and software to enable you to do your job. It is important that you understand the various types of IT facilities available to you and that you use them in accordance with this policy.

2.1 Types of information technology

The ICT Security Policy applies to all types of information technology, including:

The Internet and Intranet (ForestNet)

Desktop applications (Word, Excel, PowerPoint, etc.)

Outlook (e-mail and calendar)

Line of business applications, e.g. Orchard (Housing), Acolaid, Anite, Northgate Tax & Benefits, etc.

Corporate systems (Agresso, ICT Service Desk, Complaints, ForestMap, ForestNet, NFDC Website, Telephone Payments, Travel Claims, Meridio EDRMS, etc.)

2.1.1 Internet

- 2.1.1.1 Access to the Internet is provided where you need it to carry out your work.
- 2.1.1.2 Your Director or Head of Service will be responsible for authorising your connection to internet services. Authorisation cannot be delegated to any officer below Head of Service level. Access will not be provided without this authorisation.
- 2.1.1.3 Before you can be connected to the Internet, you must complete the online ICT Security Training, details of which are available from your manager.
- 2.1.1.4 Your connection to the Internet will be controlled by management software. This software will provide an account of all your incoming and outgoing network connections.
- 2.1.1.5 Access to the Internet must only be via the Council network to ensure maximum protection. The use of a modem to make a direct connection with the Internet is not allowed, as this would bypass the necessary protection. However, you should contact your manager and the ICT Service Desk if you believe that there is an appropriate business reason to make a direct connection.
- 2.1.1.6 You should be aware that, as with paper sources, not all information on the Internet is accurate, complete or reliable. You should evaluate its validity, as you would a printed publication, before using it.

2.1.1.7 Personal Use

Occasional personal use of the Internet is allowed in your own time at the discretion of your manager, provided:

- It does not interfere with Council business.
- It is not related to a personal business interest.
- It is not misuse as detailed in this policy.
- Personal use of the Internet is not allowed during working hours*.

*You may have different working patterns to “normal office hours”. For the purpose of this policy, “working hours” will mean “paid hours”.

Your manager is responsible for controlling time spent on personal use.

If you wish to spend significant time outside working hours using the Internet (e.g. for study purposes) you should obtain specific approval from your manager.

2.1.1.8 Offensive Material

Offensive Material is anything that is pornographic, involves threats or violence, promotes illegal acts, racial or religious hatred or discrimination of any kind. It also covers material, which you know, or could have been reasonably expected to know would have offended a colleague with particular sensitivities, even if it is not explicitly offensive, e.g. religious views or nudity.

The Internet contains volumes of useful information. It also contains some offensive material. Any individual using Council facilities for viewing or downloading such material will be in breach of this policy. If you access illegal material the Council will inform the Police and criminal prosecution may follow.

You should be aware of the risk of inadvertently accessing inappropriate sites. If you accidentally access offensive material you must inform your manager and the ICT Security Manager immediately. Accidental access will not result in disciplinary action, but failure to report it may do so.

2.1.1.9 Inappropriate sites

Many sites are made unavailable to you since they have no relevance to the business of the Council. These include:

- Gambling sites
- Auction sites
- Video sharing websites (e.g. YouTube)
- Film and music download sites
- Pornography sites

You must not attempt to access any sites of this nature on the Council’s equipment. A good test is whether, with hindsight, your actions could be justified to your manager or to a member of the public.

2.1.1.10 Social Networking sites

As part of a strategy to provide easy access to services for customers, NFDC will utilise appropriate Social Media tools to promote its activities and to engage with customers and visitors. Initially this activity will be confined to *Facebook* and *Twitter*. Given the unstructured nature of these social media tools it is necessary to provide some flexibility in the council's ICT Security framework to make the best use of these tools.

It is necessary to permit the limited sharing of passwords in order to access and update some of our *Twitter* and *Facebook* accounts. The sharing of passwords by authorised users will be limited to sharing the password between two users only for each account. For example:

Housing Needs – “New Forest Homeseach” *Facebook* account
Password shared between the primary and secondary account holder.

The use of Social Media tools by authorised users can be monitored and analysed and this limited permission to share passwords when using these tools will be regularly monitored to ensure compliance with best practice.

Access to social networking sites is strictly restricted to those individuals who require it for the purposes of their employment with the Council. Each request must have the support of the appropriate Head of Service and meet the Council's criteria set out in the Social Media Protocol (Appendix A). The Head of ICT Services will review all requests.

2.1.1.11 E – Safety – Children and Young People

In an age when electronic communication is ever more to the fore and is increasingly used by the Council, there is a responsibility to ensure that children and young people are safeguarded in the “virtual” environment. E-safety is the process of limiting risks to children and young people when using Information and Communications Technology. It relates to the use of all ICT (fixed or mobile); current and emerging.

The use of ICT is a significant benefit to our communities and the Council is encouraging its use for service delivery. It can be an attractive medium which helps children and young people engage with Council services. However, in moving in that direction we have to be aware of the potential risks. For services aimed at children and young people, the guidance of the Four Local Safeguarding Children's Boards is used. This guidance also contains useful links to training and support materials. This subject is also included in the Council's training programme.

2.1.2 E-Mail

2.1.2.1 E-mail is available to all employees with access to a PC. It is accessible from desktop PCs and available to assist in legitimate Council business. It is subject to all aspects of both this Policy and the Email Charter. The Council has developed the E-mail Charter and Corporate Standards for Communications, which you should make yourself familiar with. Both are available on ForestNet,

2.1.2.2 You should have regard to what is deemed misuse at Section 2.2 of this policy.

2.1.2.3 Personal Use

You should not use e-mail for personal use during work time. However, it is recognised that, as with telephone calls, a certain amount of private usage is acceptable. Personal usage must be agreed with your line manager, kept to a minimum, not interfere with work, should not be regarded as private and will be monitored.

You are not permitted to use the Council's internet access for connecting to any Internet e-mail sites and must only use the e-mail system provided by the Council. (An example of this could be personal email accounts at btyahoo or hotmail).

2.1.2.4 Offensive Material

If you receive an offensive or sexually explicit e-mail, you must inform your manager and the ICT Security Manager immediately. Such material may not be identifiable until an e-mail is opened and in these circumstances you will not be held responsible provided it is promptly reported.

2.1.2.5 "Spam" and "Phishing" emails

Spam is email that is unsolicited and unwelcome. Sometimes it is also designed to spread computer viruses.

The Council's internet service provider has an effective spam filter that intercepts most spam messages. However, you may occasionally receive obvious spam messages, in which case, preferably without opening the item, use the Junk E-mail / Add sender to Blocked Senders List option in Outlook or simply delete the email making sure your 'deleted items folder' is also cleared. If you think the spam may be harmful to the network, you must report it to the ICT Security Manager.

Phishing is an illegal way of attempting to acquire information such as usernames, passwords and credit card details by masquerading as a trustworthy person or organisation. Communications purporting to be from popular social web sites, auction sites, online payment processors or IT administrators are commonly used to lure the unsuspecting public. Phishing often directs users to enter details at a fake website whose look and feel are almost identical to the legitimate one.

You will **never** receive a legitimate email asking for your security details (private or work related) and you should **never** reveal them either by email or phone. If you are asked for this information then please forward the emails to the ICT Security Manager.

2.1.3 Telephones

There is guidance on the Council's Corporate Standards when communicating via the telephone which you should make yourself familiar with.

2.1.4 Personal Digital Assistants (PDAs) and Smart phones

The Council provides PDAs and Smart phones to employees who require them to carry out their work. The appropriate Head of Service agrees the need and the Central Purchasing Unit purchase the devices. Their use is subject to all aspects of both this Policy and the Remote Working Policy (Appendix B). If you purchase your own PDA or Smartphone, ICT Services are not permitted to enable synchronisation with the Council's network.

2.1.5 Computer Equipment

- 2.1.5.1 You may only use the Council's computer equipment for personal use with the express permission of your manager and in your own time. This includes the creation of CVs, letters and spreadsheets and the playing of pre installed Microsoft games (no other games are permitted).
- 2.1.5.2 You must not use the Council's equipment for personal gain. This can apply to both fraudulent and non-fraudulent activity. Running a business would fall into this category, as would the use of the Council's name and/or logo with a view to obtaining goods or services or registering NFDC's contact details e.g. telephone number or email address.
- 2.1.5.3 To ensure that electronic storage space is not compromised, you must not store personal material (e.g. personal letters, CVs, photographs, etc.) on the Council's Information Systems Network or on the local drives of the Council's computers. This applies equally to the storage of personal e-mails. The ICT Security Manager will monitor the Council's Information Systems Network and local drives of the computer equipment and address any issues directly with users.
- 2.1.5.4 Only Council provided equipment can be used or physically connected directly onto the Council's equipment and Information Systems Network. Under no circumstances is the use of privately owned portable media, including detachable hard-drives, CDs, memory cards and USB flash drives/memory sticks permitted, not even for festivities at Christmas, birthdays or other celebrations. Only Council owned portable media can be used in approved circumstances. You must without exception submit all removable media including disks, CDs and memory sticks to ICT Services for virus checking before you use them. Their use is subject to all aspects of both this Policy and the Remote Working Policy (Appendix B).
- 2.1.5.5 The loading of any software, including shareware or freeware, is restricted to ICT Services and other authorised persons only. You must not try to install executable programmes or download them from the Internet. If you get an on-screen message saying that a software update is available (e.g. to Adobe viewer) you must take no action to install it and refer it to the ICT Service Desk.

- 2.1.5.6 In respect of wallpapers or screensavers preference is given to the use of pre-installed Microsoft products in the personalisation of desktops. Use of photographic images for example of friends and family will be permitted provided that they are not offensive to others, are not otherwise stored on the Council's equipment and are subject to virus checking procedures as specified in Section 4.6 of this policy. PC wallpapers must not be downloaded from the Internet.
- 2.1.5.7 If, to ensure work can continue, access to data is required while another user is on leave or unexpectedly absent, a temporary access request form – available on ForestNet - must be completed by your manager; if your manager is not available, access can be requested via the ICT Security Manager.
- 2.1.5.8 For areas in the view of the public, consideration must be given to the location of monitors to ensure that members of the public cannot view the screen.
- 2.1.5.9 To ensure security of the hardware, software and data, all moves relating to hardware and software must only be undertaken by ICT Services.

2.1.5.10 Laptops and Portable PCs

The use of laptops and Portable PCs is subject to all aspects of both this Policy and the Remote Working Policy (Appendix B) and to the following additional provisions.

2.1.6 Home working and Remote Working

The Council maintains a formal "Homeworking" policy. Installation, maintenance and support of computer equipment and matters of health and safety are subject to that policy. Refer to Human Resources for advice.

Access to the Council's data and information systems network from a remote location including home is only permitted via the secure remote access system. Before individuals are issued with an authentication token for the system, they must first obtain approval from their Manager. Details of the cost (software licence, etc.) and enrolment process can be found on ForestNet.

Home and Remote Working is subject to all aspects of both this Policy and the Remote Working Policy (Appendix B).

2.1.7 The Council's Website and Intranet

The Council's web site and internal Intranet site are important parts of the communication framework.

The Council's policy is to operate a single public web site. If there are exceptional circumstances, which warrant an additional web site, this may be achievable in consultation with ICT Services, subject to a compelling business case. Any such site must be approved by EMT and follow standards set by ICT Services.

Any publication of unsuitable material on either the Council's web site or Intranet will be regarded as misconduct. Advice on suitability should be sought from the Web Content Manager.

Each item of information provided for publication must include the author's name and the date.

Data owners should ensure that there are named employees responsible for ensuring that information provided is accurate, up-to-date and conforms to the Council's corporate design standards.

There is an established review programme to ensure all information on the Website and Forestnet is reviewed on a regular basis. In addition, all information made available to the public in printed form should be published simultaneously on the web site.

All associated websites must be designed in line with the Corporate Website Standards and in liaison with the Web Content Manager.

For further information using the Intranet and the Council's website contact the Web Content Manager.

2.2 Misuse of technology

The following is not exhaustive but is an indication of the types of conduct that may result in disciplinary action and possibly dismissal.

A good test is whether, with hindsight, your actions could be justified to your manager or to a member of the public.

2.2.1 The following comprehensive but not exhaustive list constitutes misuse of Computer and Internet Access :

- Revealing your log-in name and password to another person
- Using another person's log-in name and password
- Creation, use, transmission or encouragement of material that is illegal, obscene or libellous, is offensive or annoying, defamatory or infringes another person's copyright.
- Transmission of unsolicited advertising or commercial material.
- Obtaining unauthorised access to the Council's or another organisation's ICT facilities.
- Violating other people's privacy.
- Causing nuisance or distress.
- Harassment.
- Participating in instant messaging using applications like windows messenger.
- Participating in chat rooms, blogs, social networking sites etc. without your manager's permission
- Online banking facilities other than the business of the Council.
- Any online sale or purchase of goods and services for personal purposes or undertaking personal commercial activities.

- Payment of personal bills.
- Playing games and gambling.
- Illegal activities including breaching the Data Protection, Computer Misuse and Design Copyright and Patents Acts.
- Wasting network and other resources.
- Disrupting the work of others in any way by introducing viruses or by corrupting data.
- Expressing personal views, which could be misinterpreted as those of the Council.
- Committing the Council to purchasing or acquiring goods or services without proper authorisation or following appropriate Financial Regulations, Standing Orders and without regard to the Council's Procurement Strategy.
- Downloading music, films, games or any other entertainment media from the internet
- Unauthorised downloading of material including copyrighted or confidential information.
- Downloading software from the internet
- Importation or downloading of executable program files without the express permission of ICT Services.
- Hacking.
- Accessing "offensive" sites.
- Putting the Council's reputation at risk.
- Connecting to Internet e-mail sites; only the e-mail system provided by the Council must be used
- Registering with another Internet service provider.
- Using the Council equipment, network and services for any type of personal gain.
- Failing to adhere to any aspect of this policy.

2.2.2 Email

The following comprehensive but not exhaustive list constitutes misuse of e-mail:

- Excessive personal use
- Illegal activities.
- Undertaking personal commercial activities.
- Causing nuisance or distress.
- Harassment.
- Creation and transmission of "offensive" material (definition of "offensive" in section 2.1.2)
- Sending Data Classified as RESTRICTED or above via the @nfdc.gov.uk email system using Microsoft Outlook
- Sending contentious or libellous electronic communication.
- Sending threatening, defamatory, offensive material, including jokes, on the Internal and External e-mail system.
- Registering with e-mail providers.

E-mail must not be used to harass recipients. Harassment can take the form of argumentative or insulting messages or any other messages the sender knows or ought to know would cause distress to the recipient (the reasonable person test).

Should an email be received that falls into the category of misuse, the user should advise their Manager and only retain the material if the user or the manager wish to take further action on the issue. Otherwise, the e-mail must be deleted immediately.

2.2.3 Computer games

Standard Microsoft computer games, for example Solitaire, can be played in users' own time (at the discretion of their line manager). If games are allowed, they must never be used in areas that may be viewed or are accessible to the public.

Any other games used on the Council's equipment are regarded as misuse.

2.2.4 Action on misuse

Misuse will be investigated and acted upon in accordance with this policy and the Council's disciplinary procedures.

All managers are responsible for regularly reminding staff of their obligations under this Policy. Section 8 of this Policy deals with how to report a security breach and how it would be investigated.

SECTION 3: MONITORING THE USE OF TECHNOLOGY

3.1 Why is monitoring taking place?

3.1.1 The Council has the ability to monitor electronic data and communications. The reasons for monitoring communications is to:

- Ensure standards of behaviour from employees and others working for the Council meet the requirements laid out in this, contracts of employment and other policies.
- Help avoid criminal activity.
- Help identify criminal activity.
- Safeguard the Council's network and providing protection for the organisation and its employees.

3.2 What will be monitored?

Users should not expect activities detailed in this section to be considered private.

3.2.1 The following activities will be monitored:

- Internet
- E-mail

- Software on PC
- PCs
- Network storage areas
- Office telephones
- Mobile phones
- Approved Social Networking activity

3.3 How will it be monitored?

3.3.1 Internet

Browser connections to the Internet will be challenged by management software. This software provides a detailed account of all incoming and outgoing network connections by individual users. From this automated monitoring system the ICT Security Manager will be able to determine Internet usage, including details of which sites have been accessed, the number of visits, services used and time spent at each site by individual users.

This monitoring software automatically blocks access to specific categories of websites, for example gambling and pornography.

The blocking software is not infallible. If you are unable to access a web site that you believe is legitimate for work purposes, you should contact the ICT Service Desk.

The ICT Security Manager will produce reports for Heads of Service on Internet usage in their service. These reports detail the number of recorded browsing hours, where there are concerns about the number of hours browsing by an individual, their Head of Service will make a formal request to the Audit Manager for further investigation.

Investigations whether at the request of Management or where a breach/misuse has been reported will include detailed analysis of the sites that have been accessed, the number of visits, services used and time spent at each site by the individual under investigation.

3.3.2 E-Mail

The Council has an e-mail management system, which can report on in and out bound traffic to the mail servers. These reports detail information such as: Sent to/ Received from/Subject /Attachment type/Date and Time.

The management system automatically filters e-mails for inappropriate or “offensive” material such as offensive language and viruses.

All emails sent and received via the Council’s network are the property of the Council and should not be perceived as private. Although not regular practice, emails may be reviewed as part of an internal investigation. In such cases steps are taken to only review relevant communications, but it cannot be guaranteed that private emails will not be read.

3.3.3 Software on PC

All software being run on Council owned PCs must be authorised by ICT Services and properly licensed. To ensure the Council meets the legal requirements of any licence, continuous monitoring of software being run on PCs will be undertaken. The computer normally undertakes this monitoring automatically, but ICT Services regularly review the data.

3.3.4 Office Phones

Managers are responsible for monitoring levels of usage on a day to day basis.

The HPSN voice system enables phone usage to be monitored and is able to report on duration and destination of calls made, these reports are restricted to itemised call records and do not monitor call content. A separate system operates in some areas of the Council, e.g. Revenues, that enables monitoring to a greater extent. This includes the ability to record and listen to calls made and received to ensure good customer service and to identify training needs.

3.3.5 Mobile Phones

Detailed mobile phone statements are received from the network supplier for each mobile phone and will be checked by your Manager and periodically by Internal Audit. Any misuse will be fully investigated and may result in disciplinary action being taken, which could result in dismissal.

3.4 **Legal Considerations**

All monitoring is carried out in line with the relevant legislation, which primarily includes the Data Protection Act 1998 and Lawful Business Practices Regulations 2000.

SECTION 4: SECURITY OF DATA

- 4.1 The Data Protection Act 1998 sets out rules for the processing of personal information and applies to some paper records as well as those held on computer. The Act regulates the collection, processing and disclosure of information relating to individuals and ensures that the information is safeguarded against accidental destruction or misuse.

The Act also provides individuals with a right to access information held about themselves. To ensure compliance with Act the Council has a formal set of procedures for the dealing with these types of requests. All employees must adhere both to these procedures and the eight data protection principles. More information including the Council's Data Protection Policy and the eight principles of the Data Protection Act can be found on Forestnet.

You should bear in mind that in your day to day work, much of the information you deal with will contain personal data. You should be aware of your personal responsibilities in dealing with personal information, and the fact that you could commit a criminal offence if you don't deal with personal information in accordance with the Act. In particular, the Data Protection Act restricts what personal information

you can disclose to colleagues, third parties and members of the public. If in doubt, you should contact the Data Protection Officer in Legal and Democratic Services.

Display screen equipment must not be located in such a position that screen displays are visible to unauthorised users or members of the public.

Before committing personal data to newsgroups, social networking sites or any other web-sites, you must ensure the Data Protection Principles are adhered to.

4.2 Types of Data

4.2.1 Personal data

Personal data is information about a living person, which by itself or with other information held by the Council would enable them to be identified (not necessarily by name). The information may relate to the person's personal life, business or profession and include information about their activities. For example:

- Name, address, age, marital and employment status, their photo and signature.
- Personal finances.
- Personal contact details.

4.2.2 Sensitive personal data

Sensitive personal data is a type of personal data that can only be held or used if stringent requirements are met, and access is strictly controlled. For example:

- Racial or ethnic origin
- Political opinions
- Religious beliefs
- Trade union membership
- Physical or mental health
- Sexual life
- Criminal offences/record

4.2.3 Business sensitive data

Business sensitive data is a type of data or information that is not in the public domain and could be damaging to the authority, a company, business or individual. For example:

- Building plans
- Security details
- Contact information
- Minutes of some meetings

4.3 Data Classification

The Government has a Protective Marking System comprising five markings. In descending order of sensitivity they are:

- Top Secret
- Secret
- Confidential
- Restricted
- Protect

Local Authorities are encouraged to follow the Protective Marking System.

The criteria for marking data are detailed in Appendix C.

The Council network is cleared up to the level of RESTRICTED. Data Classified by Government as RESTRICTED or above must not be saved to mobile devices or removable media under any circumstances. Only approved NFDC equipment will be enabled to access and transmit (which includes emailing) data classified at these levels via the Government Secure Intranet (GSI). Details can be found in section 12 of this document.

4.4 System access

4.4.1 Giving access to Council systems

Everyone using the Council's data, information systems and network facilities is required to complete online ICT Security Training and sign the memorandum of understanding.

Line Managers should advise ICT Service Desk of the need for access for an employee at least 5 working days prior to the access being needed by completing a new starter or access request form, both of which can be found on ForestNet.

All ICT users will be set up with an individual User ID and password. They identify users on system logs and audit trails which are reviewed by system administrators on a regular basis and will be used by the ICT Security Manager in the event of a breach or suspected breach of security. Group working will be permitted utilising shared drives and systems areas. However, access to such group work areas will only be granted via (personal) User ID and password to provide an adequate audit trail of activity on an individual user basis.

Access to the Council's computer systems is authorised by managers and is set to the requirements of the job. Some employees are given appropriate access levels to allow them to carry out specific tasks. **It is very important that users do not share passwords or log on details – this would constitute computer misuse by both parties.**

System administrators are employees responsible for the management of a computer system. It is their role to ensure that access is given only to those that need it and at the correct level. Periodic reviews of access to systems must be undertaken by the systems administrator to ensure only current employees and authorised people have access.

4.4.2 Removing access from Council systems

To request removal of access for individuals, line Managers should advise the ICT Service Desk by completing an ICT leaver's form (e-form) which can be found on ForestNet. This is required when a person leaves the Council's employment or there is a change of duties.

Before an employee leaves the Council, managers should ensure data stored on their network drive is transferred to an area colleagues can access, where appropriate. When the person has left, their network account will be suspended. Data will be held for a further month, but access will only be available through ICT Services. After the month data will be deleted from the network and therefore irretrievable.

4.4.3 Logging off

Computers should not be left unattended when you are logged on. If you need to leave your computer or laptop for any length of time you should ensure that current data is saved and access is prohibited, by logging out of all major applications and using the "lock workstation" option that Microsoft Windows offers. Before leaving your desk for the day, you must ensure that your PC and monitor have been turned off.

4.5 Passwords

4.5.1 Access to the Council's Information Systems is controlled by the use of User IDs and secure passwords.

Passwords are a means of preventing access to systems or parts of systems by unauthorised users. The password should be made up from a minimum of 7 characters and numerals as a combination, for example Summer01. It should not have repeated characters and should not be a name or any string that can be easily identified with the user, e.g. surname, other family names, car registration, telephone numbers, etc.

Passwords are case-sensitive

4.5.2 You will be required to change your network log-in password every 90 days.

4.5.3 Do not keep a manual record of individual User IDs and passwords.

4.5.4 It should be noted that if a breach of security occurs because a user has made their ID and password known to another, then **both** users will have been deemed to have breached security.

4.5.5 Using another person's password is misuse under this policy.

4.5.6 Should you forget your User ID or password or believe that another user knows your User ID and password you should contact the ICT Service Desk immediately.

4.6 Viruses

4.6.1 A computer virus is a computer program specifically designed to spread itself from one computer to others and, in some cases cause annoyance and damage.

4.6.2 ICT Services will ensure that computers are virus free when they are installed. To keep the computers free from viruses:

- ICT Services will keep all anti-virus software up-to-date with the latest virus signatures.
- You must without exception submit all removable media including disks, CDs and memory sticks to ICT Services for virus checking before you use them.
- You must not irresponsibly introduce a computer virus into Council computers.
- Anyone recklessly transmitting a virus to or from Council computers will be in breach of this policy.
- Any dangerous file types such as executables and scripts must be validated and virus checked before being loaded onto the Council' computers or network.
- If you suspect that your computer has been infected by a virus, you must call the ICT Service Desk immediately.

Please contact the ICT Service Desk (ext 5300) for advice on the above.

4.7 Portable equipment and removable media

4.7.1 **Portable equipment** includes any piece of electronic equipment that is removed from the Council Offices, such as:

- Personal Digital Assistants (PDAs)
- Laptops
- Netbooks
- Tablets

Removable media includes:

- approved USB memory sticks
- card readers
- cameras
- mobile phone memory storage devices
- CDs
- DVDs.

4.7.2 Data should only be placed on Portable equipment or removable media in exceptional (and approved) circumstances and **must** be protected by encryption (contact ICT Security for further advice)

- 4.7.3 Storing data on mobile devices (rather than the network) is actively discouraged. Only where the local drives have been encrypted should data be saved locally (Guidance on how to do this is on ForestNet). You should not transfer significant quantities of data simply for convenience; it must be kept to what is necessary for the business requirement and the data should be securely deleted as soon as it is no longer required.
- 4.7.4 You are responsible for the security of the equipment and the data it contains, while you have taken it away from the offices. Practical steps should be taken, e.g. basic home security, and you must never leave equipment unattended, for example in cars.
- 4.7.5 If a piece of equipment does go missing, report it immediately to your Head of Service, ICT Services and the Performance Improvement Manager (for insurance purposes).

4.8 Data transfer

- 4.8.1 Any manual or electronic data being transferred outside of the authority, which could be covered by the Data Protection Act, information that is RESTRICTED (See 4.3 and Appendix C) or could be damaging to the authority if it was misplaced, lost or stolen must be protected.
- 4.8.2 Electronic data being transferred must be encrypted to recognised industry standards. Where encryption is not possible, you must seek advice from the ICT Security Manager before any data is transferred.
- 4.8.3 For manual transfer of data a transfer log must be created by ICT Security before despatch and the package sent by recorded/tracked means with a recognised carrier. The package must be signed for at despatch and on receipt to form part of the Audit Trail.
- 4.8.4 Data that has been classified as RESTRICTED or above can only be transferred electronically via the Government Secure Intranet (GSI). Details on connecting to the GSI can be found in section 12 of this document. Relevant staff will receive GSI training.
- 4.8.5 Transferring or sending data to private email accounts to undertake work at home is prohibited.
- 4.8.6 It is the sender's responsibility to ensure that any transferred data, electronic or manual, is secure.

4.9 Data sharing

- 4.9.1 The term "data sharing" refers to the sharing of personal and sensitive data held by an organisation internally and externally with other organisations.
- 4.9.2 Where Data is shared this must be done fairly and lawfully in accordance with the Data Protection Act. It is your responsibility to ensure that any data sharing is in accordance with the Data Protection Act. Before sharing data with another service within the Council, or with any external organisation (including the police) you must seek advice from the Data Protection Officer.

- 4.9.3 Employees using the Government Secure Intranet are required to read and sign up to an additional set of guidelines which complement this Policy. This additional security introduces stringent controls on the particularly sensitive data used in this area. The scheme is managed by the Head of **Customer and Financial Support Services** and the Benefits Manager.

SECTION 5: PHYSICAL SECURITY

In the Council Offices

- 5.1.1 Personal data in paper format must be locked away when unattended, and only authorised people have access to it.
- 5.1.2 Portable ICT equipment must also be held securely while in the office.
- 5.1.3 To ensure that the physical security is not compromised, access to the Council offices is via an electronic door entry system, activated by staff identity cards. Access must only be given to authorised individuals. Approved contractors will be given an access card for the duration of their visit. Visitors must sign in and will be issued with a temporary visitor card detailing emergency information. There will be no access facility with this card and all visitors will be collected from Reception by the meeting organiser. Each Head of Service will be issued with a small number of access cards to be issued at their discretion on a temporary basis for unusual/ad hoc requirements. These must be kept securely. It is the Head of Service's responsibility to ensure these are controlled appropriately. To activate the card, the Head of Service must contact the ICT Security Manager.
- 5.1.4 Security doors should not be propped open and any unknown people within the secure area of the Council Offices must be approached to confirm they are legitimate visitors.

Outside of the Council Offices

- 5.1.5 To carry out Council business you may be required to take personal data out of the Council Offices either in paper format or on a portable device. When doing this you must:
- Only take the information needed
 - Not leave it unattended
 - Not leave it on view in a locked car
 - Ensure that, if you are reading it in a public place, nobody can read it over your shoulder

5.1.6 Particular care should be given if passing personal data out of the building. This includes data in a range of formats, but includes paper, e-mail, phone and USB sticks. Each case should be considered individually as it is a form of data sharing. Questions to ask before you send out data include:

- Are there good business reasons for sending out the data?
- How sensitive is the data being sent?
- What volume of data is being sent?
- How can I be sure the correct recipient receives the data sent?
- If lost what impact would that have for the individuals affected and the Council as an organisation?
- What options are there to ensure the security of data in transit?
- Are there any other alternative more secure options to passing on the data?

SECTION 6: BACKING UP OF DATA

6.1 Backing up of all computer data ensures that it can be retrieved should the network or server fail. ICT Services undertake comprehensive backing up procedures of all the Council's systems.

6.2 Users must save all work on the appropriate network server. A storage area, usually a grouped area by department or section, will be established for this purpose. Only the work/data on the server will be backed up automatically.

6.3 An ICT Disaster Recovery Plan will be maintained and tested by ICT Services in consultation with business units and directorates.

SECTION 7: RETENTION AND DISPOSAL OF DATA

How long should I keep data?

7.1 Most records should be retained for various time periods. Some will be subject to statutory retention periods, others will be subject to "common practice".

7.2 Guidance can be found for records retention on the Council's website under Information Management or advice can be sought from your manager or the Council's Records Manager.

How should I dispose of paper files and documents?

7.3 Any hardcopy information containing personal details must be disposed of securely. For disposal options contact the Procurement Manager.

All I.T. equipment that has been used for work must be returned to ICT Services for disposal. An image of all files saved to the equipment can still be retrieved even if users believe they have deleted the information and if not removed could allow sensitive data to be accessed by unauthorised people.

SECTION 8: DEALING WITH SECURITY BREACHES (INCIDENTS)

8.1 What is a security incident?

8.1.1 A security incident is:

- an event that has resulted, or could have resulted in the loss of or damage, to the Council's information.
- an action that is in breach of the Council's ICT Security policies and procedures.

8.1.2 Security incidents can happen for a number of reasons:

- Misuse of technology.
- Loss, misplaced or theft of data or equipment on which data is stored.
- Unauthorised access to data.
- Equipment failure, weakness or malfunction.
- Human error or negligence.
- Hacking.
- "Blagging" where information is obtained by deceit.
- Unforeseen circumstances such as fire or flood.

The scope includes potential loss, damage or disclosure to manual records as well as electronic ones.

8.2 Reporting a security incident

8.2.1 All incidents (large or small), or suspected incidents, are taken seriously and should be reported immediately to Managers or the ICT Security Manager, who may discuss or escalate these breaches to the Head of ICT Services for further investigation.

8.3 Investigations

Investigations will be undertaken at the direction of the Head of ICT Services and will be conducted in line with the severity of the breach.

For criminal offences, investigations will be conducted in accordance with the Police and Criminal Evidence Act.

All other investigations will be conducted in accordance with the Council's disciplinary rules. This could lead to dismissal for employees or immediate termination of work for contractors.

8.3.1 In some cases access by the investigators to email, network drives, PCs and system logs may be required. A clear process for this has been set out and is attached as Appendix D. It ensures that all employees are treated fairly and in line with relevant legislation.

SECTION 9: PURCHASING AND INSTALLING TECHNOLOGY

9.1 Purchase and installation

9.1.1 All ICT equipment and software must be purchased through ICT Services in accordance with the Council's ICT Asset Management Policy and the Financial Regulations. The reasons for this are that ICT Services will:

- help to identify the best solution for the job.
- ensure all hardware and software is compatible.
- Add / remove equipment to / from the hardware maintenance schedule.
- ensure adequate storage space and optimum configuration of any software
- register equipment and software on the ICT inventory and schedule for replacement

9.2 Software licensing

9.2.1 All software operated on the Council's network and equipment must be correctly licensed to meet legislative requirements.

9.2.2 As noted in section 3, the use of software on the network is continuously monitored. If unlicensed software is identified on any PC, the user will be given 5 working days to either produce a valid licence or ICT Services will remove the software.

9.3 Registering Council equipment (assets)

All equipment purchased through ICT Services is allocated an asset tag and recorded electronically. This allows support to be given without users having to supply hardware and configuration details and allows all items to be tracked throughout their life-cycle.

SECTION 10: TRAINING AND SUPPORT

10.1 New starter induction

ICT users will be made aware of ICT Policies as part of their induction package and will be required to complete the on-line training (see 4.4.1). Managers will be responsible for ensuring that employees are trained on ICT systems applicable to their job role and service.

10.2 ICT Service Desk

The ICT Service Desk is the first port of call for all ICT queries and support. Contact them on extension 5300.

SECTION 11: OTHER RELATED LEGISLATION AND GUIDANCE

11.1 Related legislation and guidance include:

- Lawful Business Practices Regulations 2000
- Data Protection Act 1998
- Regulation of Investigatory Powers Act 2000
- Human Rights Act 1998
- Criminal Justice and Immigration Act 2008
- Freedom of Information Act 2000
- Copyright Designs and Patents Act 1988
- Computer Misuse Act 1990
- Data Handling Procedures in Government June 2008
- Communications Act 2003

11.2 Other related Council Policies and Procedures

Related policies and procedures include:

- ICT Security Policy for Councillors
- Disciplinary Procedure
- ICT Strategy
- Members Code of Conduct
- Employee Code of Conduct
- Remote Working Policy
- Government Connect Code of Conduct
- Corporate Risk Management
- ICT Asset Management Policy
- Financial Regulations
- Communications Corporate Standards
- Email Charter
- Whistleblowing Policy
- Road Safety Procedures

SECTION 12: GOVERNMENT SECURE INTRANET

The Government has established a project to develop a secure ICT infrastructure for shared services. The idea is to have a fully secure system known as the GSI (Government Secure Intranet) that will enable central and local government to share RESTRICTED electronic data safely.

NFDC is connected to the GSI and compliant to the Code of Connection (COCO) which outlines the minimum set of security standards that organisations must adhere to when joining the GSI.

Systems that are Live on the GSI System

*DWP Customer Information System
GSI Secure email system
Her Majesty's Court Services*

NFDC

*Council Tax and Benefits Teams
Council Tax and Benefits Teams
Electoral Services*

If access is required to a system that is available on the GSI, the user will need to complete the application form which can be found on Forestnet under ICT Security / Government Connect.

SECTION 13: ROLES AND RESPONSIBILITIES

13.1 The main contacts and their responsibilities relating to the management of this policy are:

Person / Group	Responsibilities
Council	To agree the policies
EMT	To endorse and fully support the application of the policy across the authority.
Head of ICT	To manage the Council's ICT environment.
	To ensure that ICT Services maintains a Disaster Recovery Plan.
	To ensure ICT employees only install software for which a valid licence is held.
	To ensure that all suspected breaches are investigated.
	To ensure that appropriate "housekeeping" of systems, including the regular backing up of data, is undertaken.
Head of Legal & Democratic Services	To advise on associated legislation as required.
	To manage Data Protection and Freedom of Information
	To ensure that employees understand the implications of maintaining the integrity of data and to ensure that all information systems holding data are (where applicable) properly registered with the Information Commissioner.
ICT Security Manager	To monitor employees' use of systems and recommend disciplinary action when required.
	To implement the access standards across ICT infrastructure and liaise with all systems administrators ensuring that all user details are maintained and up-to-date.

	To provide information to the Head of ICT Services on any attempted or actual security breaches.
	To check regular data and system back ups of corporate systems are carried out and completed and ensure that the data is recoverable.
ICT Security Manager (contd)	To co-ordinate the ICT Disaster Recovery Plan in relation to technology based services across the Council's sites and verify its adequacy.
Managers	To ensure that employees are aware of the policy and standards and relevant legislation at induction and have the relevant training.
	To inform the ICT Service Desk promptly about employees joining and leaving or access being terminated.
	To ensure that software is only installed by ICT employees.
	To ensure that employees comply with the Policy and standards and legislation.
	To monitor use and refer suspected computer misuse to the Head of ICT Services.
	To control time spent by employees on personal use of email and the internet.
	To create relevant business continuity plans prioritised across the business unit.
	To ensure that all employees receive training on computer systems applicable to their job role and service.
Systems Administrators	To ensure that access at the correct level is given to systems for those who need it
	To undertake periodic reviews of access to systems to ensure only current employees and authorised people have access.
Records Manager	To advise on good Information Management practice and records retention periods.

Employees	To comply with the Policy, Standards and Legislation.
	To report any breaches of ICT Security to managers or to the ICT Security Manager
Employees (contd)	To ensure that any software to be installed is registered with ICT Service Desk for installation by ICT employees.

Social Media Protocol

This protocol is for the use of New Forest District Council employees, and aims to help them make responsible decisions and get the most out of social media tools i.e. Facebook and Twitter.

'Social media' is the term commonly given to websites and online tools allowing users to interact with each other in some way – by sharing information, opinions, knowledge and interests.

The use of social media presents new and interesting opportunities for the council to reach out to its residents and service users.

Alongside these opportunities it must be recognised that there are risks attached to the use of social media. Distribution of material cannot be controlled. Once posted to an initial target audience, material can be posted anywhere through the networks of each individual in that audience and beyond. It is therefore important that users of social media understand the pitfalls as well as the benefits of the technology.

These guidelines have been introduced to ensure appropriate legal and effective use of social media as a communication channel for New Forest District Council. It will interact with other council guidance in this area of work, including the ICT Strategy 2009 - 2013, the ICT Internet Security Policy and Email Charter.

Content

- Objective
- Scope
- Exceptions
- Definitions
- Protocol
 - Creation
 - Operation
 - Review
 - Closure

Objective

The objective of this protocol is to protect the reputation of the council by providing a framework for the effective and safe use of social media to promote and develop the council's vision, services and achievements.

Scope

This protocol on how to use social media applies to all council employees.

Further information regarding conduct and Internet usage can be found in the Council's [ICT Security Policy for Employees](#).

Failure to comply with this protocol may result in disciplinary action.

Exceptions

If the nature of your project requires you to operate outside the protocol, you must not do so without requesting an exception.

Exceptions can only be granted by the Executive Management Team (EMT).

Definitions

In the following protocol, the term “**profile**” refers to an account, page or website representing the council, one of its services or an officer.

Protocol

Creation

1. New profiles should only be created following agreement by the Head of Information and Communication Technology (ICT) Services.
2. Before creating a new profile, check whether one already exists serving the same audience. It may be more appropriate for the council to join an existing group than create a rival group.
3. New profiles will only be agreed if a clear business need can be proven, and sufficient resources by the relevant services are made available to maintain it, and respond to feedback generated by the service or project lead.
4. ICT Services (via the Service Desk, where they can be logged) will set up all new profiles.
5. The profile will be the responsibility of the service area in terms of content management and must be updated on a regular basis to ensure content is fresh and relevant.
6. A single, named person in the service area requesting the site must be responsible for maintaining the profile. Other approved employees may also be nominated to assist them.
7. Any such approved employees must also comply with this protocol.

APPENDIX A – Social Media Protocol

Operation

1. Know and follow New Forest District Council's Codes of Conduct for Employees in Section 6a of the Employee Handbook - [Gifts and Hospitality](#); [Financial and Personal Interests](#); [Local code for Member/Officer Relations](#) and the [ICT Security Policy for Employees](#).
2. When using third-party websites (such as Facebook), know and follow their terms of use.
3. No content should be published unless already added in some way to the council's corporate website – www.newforest.gov.uk. Do not publish any information which is not already in the public arena.
4. Assess any risks and make sure you have plans in place to manage and mitigate them – refer to [Risk management guidelines](#).
5. You must clearly identify yourself and your role within the Council. Make it clear that you are acting in a professional capacity. Your comments will affect the way the Council is perceived and therefore brings responsibilities.
6. Make sure that social media is the appropriate way to engage with customers for the particular purpose you are intending to use it for. Respect your audience; be aware of any language, cultural or other sensitivities you may need to take account of. You should be particularly mindful of any interaction with children and/or vulnerable people and observe the Council's policy on [Safeguarding Children, Young People and Vulnerable Adults](#)
7. Do not publish anything that would not be acceptable in the workplace. You should also show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory, such as politics and religion.
8. Be accurate, fair, thorough and transparent.
9. Be mindful that what you publish may be public for a long time
10. Respect copyright laws if linking to other online material, including images.
11. Always stay within the legal framework and be aware of Data Protection regulations.
12. Do not publish or report on conversations that are meant to be private or internal to New Forest District Council without permission. Do not cite or reference customers, partners or suppliers without their approval. When you do make a reference, link back to the source where possible.
13. Write in the first person ("I" or "we").
14. Wherever possible, disclose your position as a representative of your service, business unit or team.
15. Remember that you are an ambassador for the council and be cordial at all times

APPENDIX A – Social Media Protocol

16. Think not only about whom you are engaging with but how you wish to engage. Having a purpose in mind, allows you to maximise the efficiency of the contact / communication. Turn around conversations wherever possible pointing customers to web content and / or appropriate online service to complete a transaction.
17. Encourage constructive criticism and deliberation.
18. Do not correct contributors' spelling or grammar.
19. Edit other people's contributions only when necessary. Instead of editing or removing significant factual errors, you should either make a public response or directly contact the person who made the original comment, or both.
20. If a contributor makes a comment that is defamatory or likely to cause extreme offense, edit or remove it where possible. If this is not possible, report it to the operator of the website. Contact the user to explain why you took this action, and if appropriate ask them to post the comment again without the offensive content.
21. All feedback to the council through social networking sites should be monitored by the responsible service. Feedback that requires a response must be acknowledged within one working day. Where action is required, bear in mind that excessive delay will have a negative impact on the council's reputation.

Review

1. The ICT Security Officer will monitor social networking in line with ICT Security Policy.
2. The Web/Intranet Content Manager will carry out periodic reviews of the Council's Social Networking sites. This will include reviewing content and feedback.

Closure

1. Profiles must not be deactivated without prior approval from the Head of Information and Communication Technology (ICT) Services.

About this document

This protocol was approved by the Executive Management Team (EMT) on 22 November 2011. It was written by the Intranet/Web Content Manager (Web Team) on behalf of the Social Media Project Team.

Related information / websites

Social Media Management Advice Note

[Blogging Quick Guide \(Standards for England website\)](#)

APPENDIX A – Social Media Protocol

DECLARATION

Terms and Conditions for access to social networking on behalf of New Forest District Council.

I confirm that:

I have read and understood the NFDC Social Media Protocol.

I have received training and have had the opportunity to ask any questions regarding the Protocol that I felt were unclear.

I agree to abide by the Protocol.

NAME:

SERVICE:

DATE:

SIGNED:

A copy of this agreement will be held on your personnel file.

Monique Conley
Intranet/Web Content Manager
ICT Services
January 2012

APPENDIX B – Remote Working Policy



New Forest District Council Remote Working Policy

Ver	Date	Team / Author	Overview of Changes
1.0	July 2011	Janet Clarke	
1.1	January 2012	Kim Grey / Keith Kensley	Amendments to original draft

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APPENDIX B – Remote Working Policy

Introduction

Remote working enables individuals to work from any appropriate environment. It can be thought of as working anywhere other than the traditional office. This may include remote access to data and the Council's information systems. For the avoidance of doubt remote working will include:

- Home working;
- Working when “on the move” (e.g. on the train);
- Working at rest, including in hotels and coffee shops;
- Working in the office but using remote access technologies;
- Working from the premises of customers, delivery partners, contractors, or any other organisations.

The Council's secure remote access system allows controlled access to the Council's data and information systems.

Document Purpose

This document provides the detailed policy statements for working remotely and accessing NFDC data and information systems. It supports the Council's ICT Security policy.

Policy Overview

Information & Communications Technology (ICT) systems must be used responsibly and legally. Maintaining the confidentiality, integrity and availability of data and information systems is critical to the effective operation of the Council. Users must not misuse them by taking any action which could bring the Council into disrepute, cause offence, interfere with the work of the Council or jeopardise the security of data, networks, equipment or software.

Adherence to both this Policy and the ICT Security Policy is a condition for using the Council's data and information systems remotely. Use may be monitored and any breach of this policy (actual or suspected) will be reported to and investigated by ICT Security. The ICT Security Manager, in consultation with management, may recommend formal disciplinary action against employees, and in cases of breach of Statute, the Police and other agencies may be consulted with a view to instigating legal action.

This policy details how remote working, the Council's secure remote access system and mobile devices should be used which includes the following:

- Working with manual records and files;
- Working with removable media, to include approved USB memory sticks, card readers, cameras and mobile phone memory storage devices;
- Working with a Personal Digital Assistant (PDA) or Smartphone;

APPENDIX B – Remote Working Policy

- Accessing the Council's data and information systems network remotely using personally-owned equipment;
- Accessing the Council's data and information systems network remotely using Council owned equipment;

Before being enabled for remote working individuals will receive training on and be required to sign up to this policy.

Policy Applicability

This policy applies to:

- Individuals using Council equipment, data and information systems network remotely from whatever location, including home.
- Individuals accessing the Council's data and information systems network remotely using personally-owned equipment from whatever location, including home.
- Other individuals working for the Council, agency personnel or contractors, sub-contractors, third parties with remote access to NFDC information and information systems and services whilst engaged on Council business or using Council equipment and/or networks.
- Any other remote use by Council employees, which identifies the individuals as an employee, working on behalf of the Council or which could bring the Council into disrepute.

4 Policy details

The confidentiality and security of personal, sensitive or classified data is paramount. This applies to data whether held in either electronic or manual form. Individuals should take regard to the appropriateness of working with this type of information remotely. All reasonable precautions must be taken to safeguard both data and equipment.

When working remotely, individuals are subject to the same rules governing the use of personal, sensitive or classified data as if they were working from the Council offices. Individuals must be aware of the personal responsibilities, including criminal liability that this brings together with a full understanding of the Council's ICT Security Policy. **Sensitive information and data** includes both personal data and business sensitive data (i.e. building plans or information that is not in the public domain and could be damaging to the authority or an individual)

Storing data on mobile devices (rather than the network) is discouraged. Normally when working remotely data should be accessed via our approved remote connection (contact ICT Service Desk for details).

APPENDIX B – Remote Working Policy

Exceptionally data may be saved using the 'briefcase' method onto a local drive that has been encrypted (contact ICT Service Desk for details). Individuals should not transfer significant quantities of data simply for convenience it must be kept to what is necessary for the business requirement and the data should be securely deleted as soon as it is no longer required.

Data that has been classified as RESTRICTED or above must not be saved to mobile devices or removable media under any circumstances. Only approved NFDC equipment will be enabled to access data classified at these levels.

Individuals need to consider the security of the surroundings they are working in. Care should be taken when working in public places to avoid the risk of being overlooked by unauthorised persons.

Access to the Council's data and information systems either electronic or manual by unauthorised individuals, third parties, family members or visitors etc. is not permitted.

Council owned equipment (PCs, Laptops or PDAs) must not be connected directly into an untrusted network i.e. only on the Council's network.

4.1 Working with data in manual form

When travelling, manual records and files should not be left unattended and when not in use should be secured out of sight.

Waste produced as a result of your work, must not be disposed of in normal domestic waste. It should be brought into the Council offices for secure disposal.

4.2 Working with removable media, which includes approved USB memory sticks, card readers, cameras and mobile phone memory storage devices and CDs:

Data should only be placed on removable media in exceptional (and approved) circumstances and **must** be protected by Encryption.

Data that is sensitive or classified should not be loaded on removable media. Secure file transfer or remote access arrangements will be made available in these circumstances.

Only official NFDC USB devices will be able to be used on the Council's equipment and network. Non NFDC USB devices are blocked. If the use of a memory stick or similar device is required then the device will be issued under a controlled process co-ordinated by the ICT Service Desk. The individual requesting to work on portable data, the device type, duration of the loan and type of data will be recorded and the user will be required to sign a request register.

It is recognised that information may be received by third party on removable media, Individuals must without exception submit all removable media including disks, CDs and memory sticks to ICT Services for virus checking before using them on the Council's equipment and network.

APPENDIX B – Remote Working Policy

If the user frequently requires access to sensitive data away from the office the individual will be encouraged to enrol for secure remote access. This will attract a cost and a manager would need to approve this type of access. In cases of regular requests for the loan of portable media from the same user or business unit, the Service Desk will contact the manager to review the need for a more permanent solution.

4.3 Working with a Personal Digital Assistant (PDA) or Smartphone

Only Council provided PDAs or Smart phones can be enabled to connect to the Council's data and information systems. All devices will be setup with a password. This password must be kept secure and is not to be divulged to anyone else.

The security of the mobile device and the data held is the individual's responsibility and all reasonable precautions must be taken to safeguard both data and equipment.

You Must:

- Activate a password when the device is idle to ensure that access to it is prohibited;
- Ensure that the mobile devices are put securely out of sight when not in use;
- Be aware of the security of your surroundings when using the device

You Must Not

- Leave the mobile device unattended;
- Make any changes to the setup of the device;

Provided that you have taken all reasonable care to prevent such loss or damage, the business units will bear the costs of loss or damage to equipment.

If the equipment is lost or stolen it must be reported to the ICT Service Desk as soon as possible, at which point the device will be reset and all data will be erased, rendering it unusable.

4.4 Remote Access

Access to the Council's secure remote access systems, which enables individuals to remotely access data and information systems, is via an enrolment process. This does attract costs and a manager would need to approve this type of access. Details on the enrolment process and cost can be found on ForestNet under IT then Homeworking.

The system operates with two factor authentication, which is made up of a user name and password together with a pin and a number generated by a token.

APPENDIX B – Remote Working Policy

The PIN for two factor authentication or the token must not be shared, written down or left with the device. Unless by prior agreement for support purposes, if needed for support the PIN will be reset afterwards.

Any two factor authentication token supplied remains the property of NFDC and must be returned upon request.

Individuals should be aware that remote printing is not currently supported.

Systems containing sensitive or classified data must not be used in, or accessed from, public places (e.g. airports, trains, internet cafés).

Remote access sessions are terminated after 120 minutes (2 hours) of inactivity. The maximum remote access session is 450 minutes (7 hours 30 minutes). Session details will be logged. These logs will be reviewed as part of the system management and support process and as part of an investigation.

4.5 Accessing the Council's data and information systems network remotely using personally-owned equipment

Remote access using this type of equipment will only be provided via the Council's secure remote access system and will be restricted to the following systems:

- Web mail (which is a limited version of the Council's email system) enabling access to email and calendar.
- ForestNet, which enables access to Agresso Web Services, and Envoy Travel System.

Individuals must not leave personally-owned equipment unattended while logged on to the remote access system. If users need to leave their computer or laptop for any length of time they should ensure that current data is "saved" and access is prohibited by using a screen saver with a password or using the "lock workstation" option that Microsoft Windows offers.

Access to the Council's data and information systems by unauthorised individuals, third parties, family members or visitors etc must not be permitted. Care should be taken when working in public places to avoid the risk of being overlooked by unauthorised persons.

Sensitive or classified data should not be printed. However where printing is unavoidable printed matter should be brought into the Council offices for secure disposal.

ICT Services must be consulted before individuals dispose of personally-owned equipment that has been used to undertake Council business.

APPENDIX B – Remote Working Policy

4.6 Accessing the Council’s data and information systems network remotely using Council owned equipment (PCs, Laptops or PDAs).

Remote access using this type of equipment will only be provided via the Council’s secure remote access system and will be restricted to the following systems:

- Outlook, enabling full access to email and calendar;
- ForestNet, which enables access to Agresso Web Services, and Envoy Travel System;
- Applications that have a Web or Citrix based client which have been approved for remote working by ICT Services;
- The ability to retrieve, create, amend and save documents to a network drive;
- Internet access for browsing.

Sensitive or classified data should not be printed. However where printing is unavoidable printed matter should be brought into the Council offices for secure disposal.

Access to the Council’s equipment, data and information systems by unauthorised individuals, third parties, family members or visitors etc must not be permitted. Care should be taken when working in public places to avoid the risk of being overlooked by unauthorised persons.

Individuals must not leave equipment unattended whilst logged in. If users need to leave their computer or laptop for any length of time they should ensure that current data is “saved” and access is prohibited by using a screen saver with a password or using the “lock workstation” option that Microsoft Windows offers.

When travelling with a laptop or when they are not in use, users must ensure that it is secured and where possible put out of sight. The use of a plain carrying case rather than one that is branded with the computer supplier’s name is recommended.

If the equipment is lost or stolen it must be reported to ICT Service Desk on [023 8028 5300](tel:02380285300) as soon as possible.

4.7 Dealing with a breach of this policy

Misuse will be investigated and acted upon in accordance with the ICT Security policy and the Council’s disciplinary procedures.

Section 8 of the ICT Security Policy deals with how to report a security breach and how it would be investigated.

APPENDIX C – Protective Marking Criteria

Criteria for Protective Markings

The Government protective marking system is designed to help individuals determine, and indicate to others, the level of protection required to help prevent the compromise of valuable or sensitive assets. The markings are a means of signalling quickly and unambiguously, the value of an asset and hence the level of protection needed.

The underlying principle is that the consequences of compromise are clearly indicated by the protective marking applied to documentary assets held on paper or electronically.

The criteria below provides a broad indication of the type of material at each level of protective marking.

Criteria for assessing TOP SECRET assets:

- threaten directly the internal stability of the United Kingdom or friendly countries;
- lead directly to widespread loss of life;
- cause exceptionally grave damage to the effectiveness or security of United Kingdom or allied forces or to the continuing effectiveness of extremely valuable security or intelligence operations;
- cause exceptionally grave damage to relations with friendly governments;
- cause severe long-term damage to the United Kingdom economy.

Criteria for assessing SECRET assets:

- raise international tension;
- to damage seriously relations with friendly governments;
- threaten life directly, or seriously prejudice public order, or individual security or liberty;
- cause serious damage to the operational effectiveness or security of United Kingdom or allied forces to the continuing effectiveness of highly valuable security or intelligence operations;
- cause substantial material damage to national finances or economic and commercial interests.

Criteria for assessing CONFIDENTIAL assets:

- materially damage diplomatic relations (i.e. cause formal protest or other sanction);
- prejudice individual security or liberty;
- cause damage to the operational effectiveness or security of United Kingdom or allied forces or the effectiveness of valuable security or intelligence operations;
- work substantially against national finances or economic and commercial interests;
- substantially to undermine the financial viability of major organisations;
- impede the investigation or facilitate the commission of serious crime;
- impede seriously the development or operation of major government policies;

APPENDIX C – Protective Marking Criteria

- shut down or otherwise substantially disrupt significant national operations.

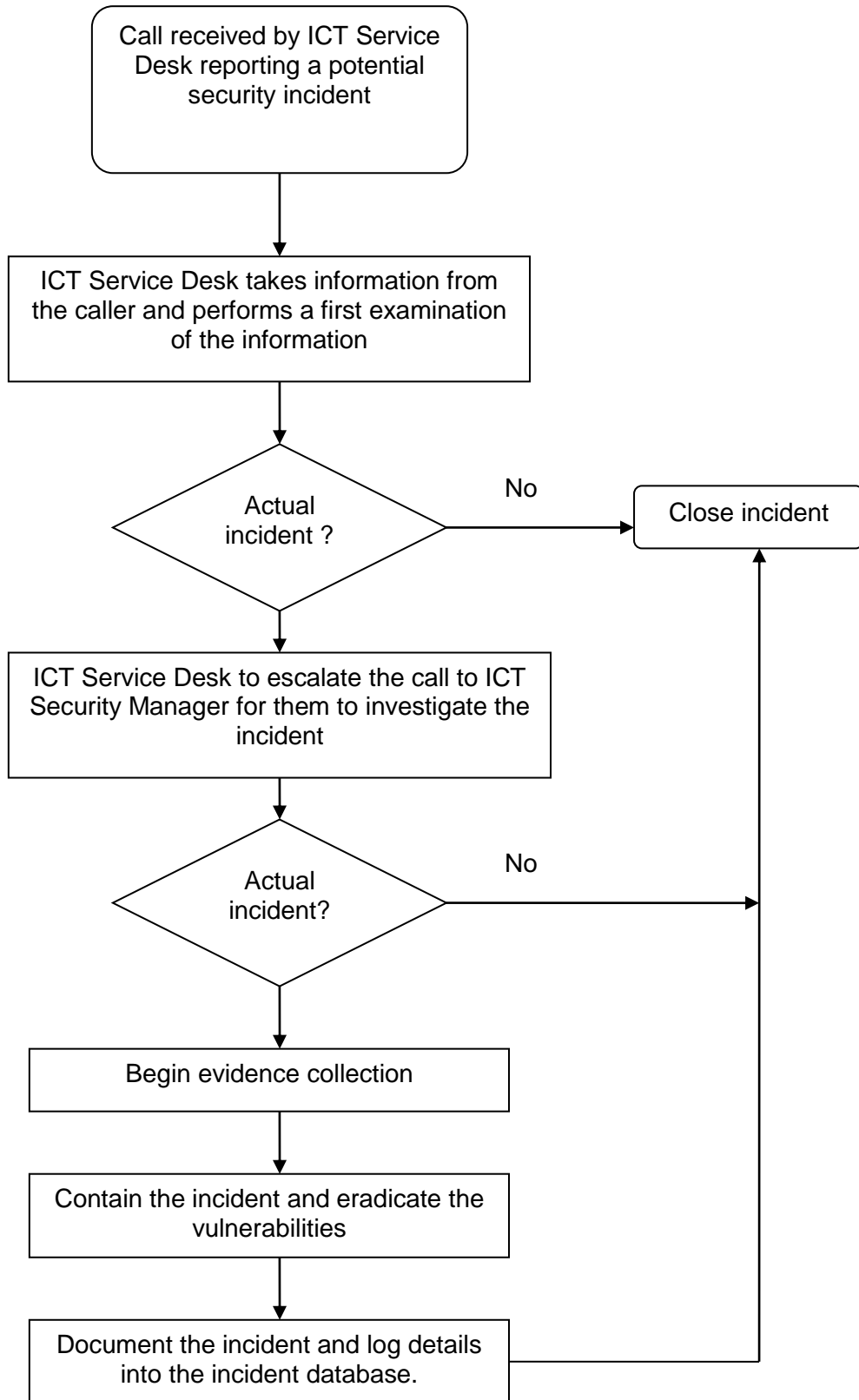
Criteria for assessing RESTRICTED assets:

- affect diplomatic relations adversely;
- cause substantial distress to individuals;
- make it more difficult to maintain the operational effectiveness or security of United Kingdom or allied forces;
- cause financial loss or loss of earning potential, or to facilitate improper gain or advantage for individuals or companies;
- prejudice the investigation or facilitate the commission of crime;
- breach proper undertakings to maintain the confidence of information provided by third parties;
- impeded the effective development or operation of government policies;
- to breach statutory restrictions on disclosure of information;
- disadvantage government in commercial or policy negotiations with others;
- undermine the proper management of the public sector and its operations.

Criteria for assessing PROTECT assets:

- cause distress to individuals;
- breach proper undertakings to maintain the confidence of information provided by third parties;
- breach statutory restrictions on the disclosure of information;
- cause financial loss or loss of earning potential, or to facilitate improper gain;
- unfair advantage for individuals or companies;
- prejudice the investigation or facilitate the commission of crime;
- disadvantage government in commercial or policy negotiations with others.

NFDC ICT Incident Response Procedure



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ANTI FRAUD, BRIBERY AND CORRUPTION POLICY

1. Introduction

- 1.1 This policy sets out the requirements for the Council in relation to combating fraud, bribery, corruption and dishonest dealings within and against the council.

2. What is fraud, bribery, corruption and dishonesty

- 2.1 The Fraud Act 2006 came fully into force on 15th January 2007. There is no simple definition of fraud although the courts have provided definitions applicable to specific cases. The 2006 Act provides for a general offence of fraud with three ways of committing it, which are by:

- False representation,
- Failing to disclose information
- Abuse of position.

It creates new offences of obtaining services dishonestly and of possessing, making and supplying articles for use in frauds.

- 2.2 The Bribery Act 2010, which was implemented 1st July 2011, creating two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive or accepting an advantage. It also creates a new offence of failure by an organisation to prevent a bribe being paid for or on its behalf. In simple terms it is the act of taking or receiving something with the intention of influencing the recipient in some way favourable to the party providing the bribe.
- 2.3 The Council defines the term “corruption” as the giving or obtaining advantage through means which are illegitimate, immoral and or inconsistent with employees/ Councillors duties or the rights of others.
- 2.4 Dishonesty is an element of fraud and this has been judicially described as requiring knowledge by the defendant that what s/he was doing would be regarded as dishonest by honest people, although s/he should not escape a finding of dishonesty because s/he sets his or her own standards of dishonesty and does not regard as dishonest what s/he knows would be the normal standard of honest conduct.

3. Statement of intent

- 3.1 New Forest District Council is a public body, which administers substantial funds and property and is committed to protecting those funds to which it has been entrusted.

3.2 We expect the highest standards of conduct from Councillors, staff and all with whom we have any kind of business including:

- Other organisations
- Contractors
- Suppliers
- Partners
- Agents
- Intermediaries
- And users of our services

3.3 We will not tolerate any level of fraud, bribery and corruption or dishonesty. Any suspected cases will be investigated promptly and thoroughly with appropriate action taken including, referral to the police and other relevant bodies.

3.4 The Council will take all steps to minimise the risk of fraud, bribery, corruption and dishonesty by ensuring that we:

- Carry out appropriate risk assessments
- Vet all potential employees prior to their employment with NFDC
- Have a robust internal control framework, including clear and practical policies and procedures, which are effectively implemented, monitored and reviewed.
- Perform our business activities with due diligence in a transparent and ethical manner
- Encourage the reporting of suspected wrong doings
- Seek prosecutions and impose appropriate sanctions
- Take appropriate action to recover any losses

3.5 The Code of Conduct for Employees includes a duty to report any suspected cases of fraud or corruption or dishonesty as an essential part of the process of protecting the Council, its property and reputation.

3.6 You should have no doubt that:

Fraud, bribery, corruption and or dishonest dealings involving the Council by members of staff will normally be regarded as gross misconduct and may well result in summary dismissal.

4. Scope

4.1 This policy applies to any actual or suspected internal or external fraud, bribery, corruption and dishonest dealing that involve the Council and or its Councillors and

staff. It also covers contractor, supplier, partner, agents, intermediaries and service users.

5. Responsibility for the implementation of this policy

5.1 The primary responsibility for the prevention and detection of fraud, bribery and corruption rests with management. However we are all responsible for the implementation of this policy. In the context of this policy:

5.2 The Section 151 Officer has been designated with the statutory responsibilities as defined by s151 of the Local Government Act 1972. These responsibilities outline that every local authority in England & Wales should:

- make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility for the administration of those affairs

5.3 Under the Section 151's Officers responsibilities, proper administration encompasses all aspects of local authority financial management including:

- Compliance with the statutory requirements for accounting and internal audit and ensuring the Authority's responsibility for ensuring proper administration of its financial affairs
- The proper exercise of a wide range of delegated powers both formal and informal
- The responsibility for managing the financial affairs of the local authority in all its dealings
- The recognition of the fiduciary responsibility owed to local taxpayers.

5.4 Under these statutory responsibilities the Section 151 Officer contributes to the anti-fraud, bribery and corruption framework of the Council.

5.5 The Council's Monitoring Officer is a statutorily appointed officer who has duties, inter alia, under the probity and ethical framework concerning Elected Members.

5.6 If a Member is suspected of committing an act of Bribery or Fraud this should be immediately brought to the attention of the Monitoring Officer and Chief Executive. Any subsequent investigation will be carried out by the most appropriate Officer and could involve other agencies.

5.7 Managers are responsible for:

- Maintaining internal control systems and ensuring that the Council's resources and activities are properly applied in the manner intended
- Identifying the risks to systems and procedures

- Developing and maintaining effective controls to prevent and detect fraud, bribery and corruption
- Ensuring that controls are complied with
- Responding to suspected cases of fraud and dishonesty pertaining to users of services within their area.

5.8 You are responsible for:

- Your own conduct
- Contributing towards the maintenance of corporate standards
- Acting properly in the use of the Council's resources and in the handling and use of corporate funds
- Considering whether you should raise a concern under the Whistle Blowing Policy if you believe you have good reason for thinking that there has been fraud, bribery, corruption or dishonest dealing with the Council.

5.9 Internal Audit is responsible for:

- The independent appraisal of control systems and their operation
- Carrying out investigations, by suitably qualified staff, into suspected corporate irregularities
- Recording all suspected or detected fraud, bribery or corruption

5.10 External Audit is responsible for:

- Reviewing the stewardship of public money
- Considering whether the Council has adequate arrangements in place to prevent fraud, bribery, corruption and dishonesty

5.11 Each Councillor and Independent Member is responsible for:

- Their own conduct
- Contributing to the maintenance of corporate standards.

6. Prevention and Detection

6.1 The Council acknowledges that it is the responsibility of all its managers to establish and maintain sound systems of internal control and to ensure that the Council's resources are properly applied on the activities intended. This includes responsibility for the prevention and detection of fraud, bribery and corruption. This responsibility is supplemented by the work of the Internal Audit Section which independently examines, evaluates and reports on the adequacy and effectiveness of the Council's internal controls. Internal Audit works closely with managers to

ensure a comprehensive system for the prevention and detection of fraud, bribery and corruption.

- 6.2 The Council's main rules and internal control procedures aimed at preventing fraud, bribery and corruption are set out in Appendix 1. Whilst the list is not exhaustive it serves to demonstrate the wide range of policies and other measures that have been established with the aim of combating fraud, bribery and corruption.

7. Reporting Suspected Fraud, Bribery, Corruption and or Dishonest Dealings within the Council

- 7.1 Please be alert to the possibility that someone is not, or may not be, dealing honestly with the Council.
- 7.2 If you think you have grounds for suspicion of dishonesty, you should raise it with your manager, Internal Audit or raise it under the Whistle Blowing Policy. Such concerns will, so far as possible, be dealt with confidentially as described in that policy.

The Council's Procedures, Rules and Codes of Conduct

The Council's main rules and procedures aimed at preventing fraud, bribery and corruption are as follows:

- Financial Regulations
- Contract Standing Orders
- Anti Money Laundering
- Internet and E-mail Policy
- Procurement Strategy
- Whistleblowing Policy

The following items can be found in the Employee Handbook:

- Council's Code of Conduct for Members (as per Constitution)
- Employee Code of Conduct
- Code of Conduct for Councillors and Officers Dealing with Planning Matters
- Effective Recruitment and Selection Procedures
- An Effective Complaints Procedure
- Effective Disciplinary Procedures
- Gifts and Hospitality Protocols
- Register of Employee Interests

In addition, the following internal control measures are also in place:

- Staff from the Internal Audit section and the Benefit Fraud Investigation Team are members of the online National Anti Fraud Network. This is an intelligence agency that provides local authorities with access to a network of best practice in fraud prevention and detection.
- Internal Audit evaluates risk management processes and reviews the adequacy and effectiveness of internal control throughout the authority.
- The Council supports the Central Government anti-fraud policies regarding the Benefits Sector and has, in response, established a dedicated Benefit Fraud Investigation Team. The team is staffed with fully trained investigators. The Council fully supports the work of the team in the prevention, detection, deterrence and prosecution of fraud in the Benefits Sector.

- A Fraud hotline has been set up enabling the public to notify the Council of any concerns regarding benefit fraud in total confidence.
- A rigorous recruitment and selection process seeks to establish, as far as possible, the previous record of potential employees in terms of their propriety and integrity. Written references for potential employees are obtained before employment offers are made and CRB checks are carried out where appropriate.
- A Fraud Risk Register has been compiled and is regularly reviewed.
- The Council subscribes to local and national data matching initiatives.

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WHISTLE BLOWING AT WORK POLICY

1. POLICY

- 1.1 New Forest District Council is committed to the highest standards of corporate governance and to full accountability for all of its services. It is also committed to the prevention, deterrence, detection and investigation of all forms of fraud, corruption, malpractice and unethical conduct.
- 1.2 The Whistle Blowing policy is specifically intended to ensure that any employee who raises an issue or concern regarding suspected malpractice or serious wrongdoing in the workplace, will not be subject to any detriment, e.g. dismissed, denied promotion, ostracised or transferred to another department. The aim is to encourage employees to raise concerns about malpractice in the workplace, promoting honesty and openness.
- 1.3 The policy is intended to supplement, rather than replace, the existing complaints procedures whereby Council employees, Members and members of the public may already raise complaints or matters of genuine concern with the Council. Members of the public will always be referred in the first instance to the Council's Corporate Complaints Procedures.
- 1.4 The policy gives clear guidance to employees for bringing attention to any wrongdoing, which they feel is harmful to individuals or could affect the reputation of the Council.
- 1.5 If a Member is concerned about any aspect of an employee's conduct (including conduct which would be covered by this policy), they should follow the procedure set out in the Local Code for Member/Officer Relations i.e. the matter should be reported to the relevant Director.
- 1.6 Alternatively, if an employee is concerned about the conduct of any Member, their Line Manager, their Director, the Chief Executive or the Monitoring Officer should be informed. The matter will be taken seriously. Members are under an obligation to comply with a statutory Code of Conduct as well as the Council's own local codes.

2. INDIVIDUALS AFFECTED

- 2.1 All employees of New Forest District Council.

3. DEFINITION

- 3.1 The term 'Whistle Blowing' is used to define the disclosure, by an employee, of information that relates to suspected malpractice, corruption, fraud and illegal or unethical conduct by employees and/or agents of the Council.
- 3.2 The following list is not exhaustive but gives examples of malpractice, unethical conduct or potential malpractice:
 - Danger to the health and safety of any individuals

- Damage to the environment
- Unauthorised use of public funds
- Misappropriation of public funds
- Breach of regulatory, administrative or common law
- Abuse of those living within our sheltered housing schemes or other Council controlled premises.
- Fraud and Corruption or any criminal offence that has or is likely to take place.
- Breach of contract
- Negligence
- Attempting to conceal any of the above, including omission to document any issues of concern or preventing persons from reporting such concerns.

4. AIMS AND SCOPE OF THE POLICY

- 4.1 The Council's employees are an important element in its stance against fraud, corruption or any form of malpractice and are positively encouraged to raise any concerns that they may have on these issues where they are associated with the Council's activity. They can do this in the knowledge that such concerns will be treated in confidence, properly investigated and dealt with fairly.
- 4.2 The policy is aimed at encouraging employees to feel confident in raising serious concerns, on an anonymous basis if necessary, and to have confidence that those concerns will be dealt with appropriately. It will also reassure them that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made the disclosure in good faith.

5. EMPLOYEE RESPONSIBILITIES

- 5.1 Employees are expected to maintain the highest levels of honesty and integrity as defined by the Council's Employee Code of Conduct as well as any code of conduct related to, or required by, their professional institute or association.

6. HOW TO RAISE A CONCERN

- 6.1 Employees are urged to raise concerns, often before problems have a chance of becoming serious, with their line manager or Head of Service. Employees have the right to engage the services of their Trade Union if they so wish. They may in any circumstance raise it directly with any of the following officers:

- Chief Executive
- Executive Directors
- Head of Human Resources
- Internal Audit
- The Council's Monitoring Officer
- The Council's S151 Officer

NOTE: It is a specific requirement of the Council's Financial Regulations that all matters of fraud, misappropriation or other financial irregularity are referred immediately, by the

employee raising a concern or the officer to whom they have initially reported, to the Council's Section 151 Officer (currently the Executive Director) and/or Internal Audit.

6.2 Concerns can be raised verbally or in writing. If written, the concern should be addressed to one of the officers set out in paragraph 6.1 and sent in an envelope marked '*Personal, Private and Confidential*'. If the concern is of an extremely serious nature, the envelope should be hand delivered to the person to whom the matter is being reported. Concerns expressed anonymously are much less powerful and employees are encouraged to put their names to allegations. However, in order to ensure that maximum facilities are available to employees they are free to report anonymously on any areas of concern. Such anonymous allegations will be fully investigated.

NOTE: If anonymity is preferred, complainants may use the Council's secure (and untraceable) 24 hour Fraud Hotline. The number is 0800 085 1637. Concerns (of any nature) may be e-mailed using fraud@nfdc.gov.uk in total confidence

6.3 New Forest District Council is proud of its reputation as a Council with the highest standards of probity and will ensure that any complaints received are properly investigated. However any false or malicious allegations that are received will be viewed very seriously and the making of such allegations by an employee of the Council will be regarded as a disciplinary issue (refer to the Council's Disciplinary Procedures). False or malicious allegations by a Councillor may be dealt with as a potential breach of the Code of Conduct for Members.

6.4 If employees still have reason to feel unable to report their concern as outlined above, they may report their concern to a prescribed organisation such as: -

- Public Concern at Work: Tel: 020 7404 6609 www.pcaw.co.uk
- Hampshire Police: Tel: 0845 045 4545
- Audit Commission: Tel: 020 7828 1212
- Health & Safety Executive Tel: 0845 345 0055

7. INVESTIGATING A CONCERN

7.1 For all matters concerning allegations of fraud, corruption and financial malpractice on the part of an employee, the Council's Internal Audit services will conduct the investigation or refer the matter to the Police as appropriate. It is critical that complainants and/or line managers do not instigate their own investigation in these circumstances as this may frustrate the ability to proceed with criminal action.

7.2 In all other cases where there is prima facie no breach of regulation or legislation and/or abuse of persons which could give cause for legal action the line manager will fully investigate the matter, in consultation with appropriate service professionals. Although employees will be-informed of progress, in some cases detailed feedback will not be possible. However the employee will receive information that will demonstrate that the Council has investigated the matter thoroughly, including any changes in working practices.

7.3 If the employee feels that the investigation has failed to resolve the matter, they should ask for a confidential meeting with their Head of Service-

7.4 Complaints against Members will be conducted in accordance with the procedures adopted by the Council.

8. LEGISLATION

8.1 Public Interest Disclosure Act 1988: The Act protects employees who expose serious wrongdoing in the workplace and prohibits any recrimination by employers or individuals against employees who raise concerns of malpractice, unethical conduct or serious wrongdoing.

8.2 Employment Rights Act 1996: This brings together many of the individual employment rights found amongst a number of different statutes. It repeals in their entirety the Employment Protection (Consolidation) Act 1978 and the Wages Act 1986. It requires employers to provide employees with information about their rights and entitlements and to treat them fairly.

8.3 Health and Safety at Work Etc. Act 1974: responsibilities of the employer to establish and maintain a safe and healthy workplace

8.4 Sex Discrimination (Gender Reassignment) Regulations 1999: Prohibits direct discrimination against employees on the grounds of gender reassignment.

8.5 Protection from Harassment Act 1997: Contains provisions designed specifically to deal with 'stalkers'.

8.6 The Employment Equality (Religion or Belief) Regulations 2003: Extends discrimination rights to cover belief systems.

9. OTHER SOURCES OF INFORMATION

See Intranet Links referred to in this report, and additionally:

Anti-Fraud Bribery and Corruption Policy	(see Audit Services/Intranet)
Grievance & Disciplinary procedure	(see Employee Handbook/Intranet)

Chapter 40

NEW FOREST DISTRICT COUNCIL

CODE OF PRACTICE

ROLE AND RESPONSIBILITIES of the MONITORING OFFICER

A. GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

1. The Monitoring Officer is a statutory appointee under section 5 of the Local Government and Housing Act 1989. This Code of Practice provides some general information on how the Monitoring Officer's function will be discharged in New Forest District Council.
2. The Monitoring Officer undertakes to discharge her statutory responsibilities in a manner that enhances the overall reputation of the Council. In doing so she will, so far as possible, safeguard Members and Officers acting in their official capacities from legal difficulties and/or criminal sanctions.
3. A summary of the statutory responsibilities is at Annex 1. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will largely depend on Members and Officers:-
 - a) complying with the law of the land (including any relevant Codes of Conduct);
 - b) complying with any Local Codes adopted by the Council;
 - c) complying with any general guidance issued from time to time by the Monitoring Officer;
 - d) making lawful and proportionate decisions; and
 - e) not taking action that would bring the Council, their offices or professions into disrepute.

B. WORKING ARRANGEMENTS

4. Excellent working relations between the Monitoring Officer and Members and Officers will help her discharge her statutory responsibilities and keep the Council out of trouble. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will help her fulfill her responsibilities. Members and Officers must, therefore, work with the Monitoring Officer (and her staff) to discharge the Council's statutory and discretionary responsibilities.
5. The following arrangements are designed to ensure the effective discharge of the Council's business and functions.

The Monitoring 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 about legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of Members or of the Executive Management Team at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken);
- (c) have the right to attend any meeting of Members or of the Executive Management Team (including the right to be heard) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- (d) in carrying out any investigation(s) have unqualified access to:
 - i. any information held by the Council and
 - ii. any Officer who can assist her in the discharge of her functions;
- (e) ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer) 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;
- (f) 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;
- (g) report to Members, as and when necessary, on any necessary or desirable changes to the Council's Constitution following consultation with other officers as appropriate;
- (h) report to Members, as and when necessary, on the staff, accommodation and resources she requires to discharge her statutory functions;
- (i) have a relationship of respect and trust with the Chairman and Vice-Chairman of the Council, the Leader and Deputy Leader of the Council, Portfolio Holders, the Leaders of Opposition Groups, and the Chairmen of the Regulatory Committees and Overview and Scrutiny Panels, with a view to ensuring the effective and efficient discharge of Council business;

- (j) develop an effective working relationship with the Council's external Auditor and the Local Government Ombudsman (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 procedures, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council;
 - (k) maintain the statutory registers for the declaration of members' interests (including those for Parish and Town Councils in the District);
 - (l) give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint)
 - (m) in consultation, as necessary, with the Chairman of the Council and the Executive, defer making a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
 - (n) make arrangements to ensure effective communication between her office and the Clerks to Parish and Town Councils in the District on Monitoring Officer and ethical issues;
 - (o) have sufficient resources to enable her to address any matters concerning her Monitoring Officer functions;
 - (p) be responsible for preparing any training programme for Members and/or officers of the District Council and/or of Parish and Town Councils on ethical standards and Code of Conduct issues; and
 - (q) nominate a deputy during any period of absence from work, and keep the deputy briefed on any relevant issues that s/he may be required to deal with.
6. 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 constitutional concerns to the Monitoring Officer, as soon as practicable.
 7. The Monitoring Officer is also available for Members and Officers to consult on any issues about the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (such as Standing Orders, policy framework, terms of reference, scheme of delegations etc).
 8. To ensure the effective and efficient discharge of this Code of Practice, 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.

C. SANCTIONS FOR BREACH OF THE CODE OF CONDUCT AND THIS CODE OF PRACTICE

9. Complaints about any breach of the Council's Code of Conduct must be referred to the Monitoring Officer who will arrange for them to be dealt with under the Council's agreed procedures. Complaints against any breach of this Code of Practice by a Member will be referred to the Monitoring Officer and, if the Member is a member of a Political Group, to the Leader of that Group. Complaints against any breach of this Code of Practice by an Officer will be referred to the relevant Head of Service, Executive Director and/or the Chief Executive.

SUMMARY OF MONITORING OFFICER FUNCTIONS

Description		Source
1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
5	Advise on the Public Interest Disclosure Act 1998 concerning disclosure of information in the public interest	Whistleblowing at Work Policy in Council Constitution
6	Investigate misconduct in compliance with Code of Conduct and Council's agreed procedures	Section 28 Localism Act 2011
7	Establish and maintain registers of members' interests	Section 29 Localism Act 2011
8	Advice to members on interpretation of Code	Code of Conduct
9	Key role in promoting and maintaining high standards of conduct	Section 27 Localism Act 2011
10	Ethical framework functions in relation to Parish Councils	Chapter 7 Localism Act 2011
11	Compensation for maladministration	Local Government Act 2000 Section 92
12	Advice on constitutional issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members	Statutory Government Guidance on Council Constitutions, paragraph 8.21

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NEW FOREST DISTRICT COUNCIL

CODE OF PRACTICE

ROLES AND RESPONSIBILITIES of the CHIEF FINANCE OFFICER

1.0 STATUTORY RESPONSIBILITIES OF THE COUNCIL

- 1.1 The Council recognises its responsibilities under Section 151 of the Local Government Act 1972 (LGA; this imposes a requirement on every local authority in England and Wales to **'make arrangements for the proper administration of their financial affairs and to secure that one of their officers has responsibility for the administration of those affairs'**. This role is referred to as the Chief Finance Officer (CFO).
- 1.2 Section 114 of the Local Government Finance Act 1988 in England and Wales significantly extended the duties of the CFO, requiring that officer to report to all elected members of the local authority, in consultation with the Monitoring Officer, any unlawful expenditure incurred or to be incurred or an unbalanced budget.
- 1.3 The Council recognises its responsibilities under Section 113 of the Local Government Finance Act 1988 in England and Wales (LGFA) that requires **that the officer with the designated responsibility for financial administration (i.e. the CFO) be a member of a specified accountancy body**. The Council will therefore delegate the duties of the CFO to a member of one of the professional accountancy bodies identified in section 113 of the LGFA 1988.
- 1.4 The Accounts and Audit Regulations places the responsibility for maintaining an adequate and effective system of internal audit with the authority. The Council will delegate the discharge of this responsibility to the S151 Officer.
- 1.5 The Local Government Act 2000 places the responsibility for advising the Council whether particular decisions are likely to be contrary to the policy framework jointly with the CFO and Monitoring Officer.
- 1.6 The Local Government Act 2003 imposes a statutory responsibility on the Council to set and arrange its affairs to remain within prudential limits for borrowing and capital investment. The CFO will be given additional powers to ensure that the legal requirements are complied with in discharging their responsibilities for capital finance.
- 1.7 The Act also requires the CFO to report to the Council, at the time the budget is considered and the council tax set, on the robustness of the budget estimates and adequacy of financial reserves. The Council

recognises the independent responsibility of the CFO to report in a public forum on these specific issues and will adopt the relevant professional Codes of Practice in relation to the management of these functions.

2. FINANCIAL ADMINISTRATION AND STEWARDSHIP ROLE FOR THE SECTION 151 OFFICER

- 2.1 The Council recognises that it is the trustee of the local tax-payers' money, and the CFO has a prime duty of stewardship on behalf of the general public to ensure that the local authority's resources are properly managed.
- 2.2 It also recognises that this responsibility extends into partnerships, joint ventures and controlled companies that the local authority is engaged in.
- 2.3 In ensuring proper financial administration and stewardship of the Council's affairs, the following duties are vested in the Section 151 Officer:
- **Securing effective systems of financial administration** to meet the requirements of the law and of other authorities.
 - **Securing effective arrangements for treasury management** of the cash flows, borrowing and investments of the Council's own funds, ensuring effective management of risk together with pursuit of optimum performance
 - **Ensuring financial management arrangements are in line with broad policy objectives** by providing advice on implementing effective financial management arrangements within changing service delivery arrangements.
 - **Advising on effective systems of internal control** which provide assurance of effective and efficient operations, internal financial controls and compliance with laws and regulations
 - **Ensuring effective systems of internal financial control are in place** which encompass budgetary systems, accounting procedures, information systems, segregation of duties, authorisation processes, physical safeguards, management reviews.
 - **Ensuring anti-fraud and anti-corruption strategies are adopted** to deter, prevent, detect and investigate allegations of fraud and corruption by external parties or from within the Council.
 - **Advising on corporate risk management and profiling, including safeguarding assets, risk avoidance and insurance** by assisting the Council to develop an appropriate risk strategy and procedures

- **Preparation of statutory and other accounts and grant claims** ensuring compliance with the law, appropriate regulations and approved accounting standards
- **Ensuring there is an effective internal audit function** which has sufficient authority to undertake duties in accordance with professional standards
- **Advising management in providing effective arrangements for financial scrutiny**
- **Ensuring a prudential financial framework is in place** that ensures the Council maintains its commitments in balance with available resources.

2.4 In addition to these responsibilities, the Council requires the Chief Finance Officer:

- To support the democratic process by providing impartial advice to all councillors as individuals, to all political groups, and to both executive and scrutiny functions, maintaining the confidentiality of that advice where appropriate.
- To contribute to corporate management by assisting the Council to put in place appropriate corporate governance arrangements, appropriate codes of conduct and an ethical framework which define the standards of behaviour to which all councillors and employees subscribe

3. ROLE OF THE RESPONSIBLE CHIEF FINANCE OFFICER UNDER SECTION 114 OF THE LGFA 1988

3.1 The Council acknowledges the statutory responsibilities of the CFO within section 114 of the LGFA 1988 and will provide the designated officer with such staff, accommodation and other resources as are in his opinion sufficient to allow his duties under this Act to be performed.

3.2 The Council acknowledges that the CFO will make a report under this section if it appears to him that the Council, a committee or officer of the Council, or a joint committee on which the Council is represented:

- (a) has made or is about to make a decision which involves the Council incurring expenditure which is unlawful;
- (b) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council;

- (c) is about to enter an item of account, the entry of which is unlawful, or
 - (d) has incurred or proposes to incur expenditure in a financial year which is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- 3.3 The Council acknowledges that the report prepared by the CFO under Section 114 will not be subject to approval by the Executive or called in under the Council's scrutiny arrangements and will be sent to the Council's external auditor and every member of the Council at that time.

4.0 ROLE OF THE CFO AND MONITORING OFFICER UNDER THE LOCAL GOVERNMENT ACT 2000

- 4.1 The Council recognises the need to ensure that the CFO and Monitoring Officer have access as necessary to meetings and papers and that members must consult these officers regularly.
- 4.2 The Council acknowledges the mandatory standing order by the Secretary of State, to provide statutory protection in relation to the dismissal of the CFO.
- 4.3 To ensure the CFO is able to fully undertake the statutory functions delegated by the Council, and particularly to ensure the legality of all financial transactions, the CFO will be entitled to receive copies of all reports prepared by officers or members which contain any financial implications for the current or future years. This will be provided in sufficient time (as to be determined by the CFO) to enable proper consultation with the Council's Monitoring Officer and advice to be formulated for the Executive or Council.