

Meeting of Council

Monday 19 April 2010

Members of Cherwell District Council,

A meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Monday 19 April 2010 at 6.30 pm, and you are hereby summoned to attend.



Mary Harpley
Chief Executive

Friday 9 April 2010

AGENDA

1 Apologies for Absence

2 Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3 Communications

To receive communications from the Chairman and/or the Leader of the Council.

4 Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

5 Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

6 Thames Valley Police - Chief Constable Address

The Chief Constable of Thames Valley Police, Sara Thornton and her supporting officers will be invited to address Council, following which Members will be able to ask questions.

7 Minutes of Council (Pages 1 - 6)

To confirm as a correct record the Minutes of Council held on 22 February 2010.

8 Minutes

- a) Minutes of the Executive, Portfolio Holder Decisions and Executive Decisions made under Special Urgency.

The Leader of the Council to formally propose that the minutes of the meetings of the Executive and Portfolio Holder decisions as set out in the Minute Book (circulated separately) be received and to report that since the last meeting of Council, one urgent Key Decision has been taken by the Executive which was not included in the Forward Plan.

The urgent Key Decision related to an update to the pay and grading structure. Details of the decision are set out in the Exempt minutes of the Executive meeting held on 1 March 2010.

- b) Minutes of Committees

The Leader of the Council to formally propose that the minutes of committees as set out in the Minute Book (circulated separately) be received.

9 Questions

- a) Written Questions

To receive any written questions and answers which have been submitted with advance notice in accordance with the constitution. A written response to the question will be circulated at the meeting.

After receiving the written response the member submitting the question will be entitled to ask a follow up or supplementary question.

b) Questions to the Leader of the Council

The Chairman to invite questions to the Leader of the Council (including any matters arising from the minutes).

Following a response to their question being provided members will be entitled to a follow up or supplementary question.

c) Questions to Committee Chairman on the minutes

The Chairman to invite questions to Chairmen of Committees on any matter arising from the minutes of their committee (if any).

10 Motions

To debate any motions which have been submitted with advance notice, in accordance with the constitution.

Recommendations from Committees

11 Constitution Update (Pages 7 - 42)

This report will be considered by Executive on 12 April 2010.

Report of Head of Legal and Democratic Services

Summary

To approve amendments and updates to the Council's constitution

Recommendations

The Executive is recommended to ask Council to approve the following:

- (1) To approve the changes to the scheme of delegation detailed in this report and to delegate to the Head of Legal and Democratic Services the detailed reallocation of powers reflecting the recent review of the Extended Management Team and the retirement of the Head of Safer Communities and Community Development.
- (2) To approve the revised Proper Officer provisions (Appendix 1).
- (3) To approve the changes to the Contract Procedure Rules detailed in this report.
- (4) To approve the revised and updated Finance Procedure Rules (Appendix 2).

12 Standards Committee - Appointment of Parish Representative (Pages 43 - 46)

Report of the Head of Legal and Democratic Services/Monitoring Officer

Summary

To appoint a parish representative to the Standards Committee to fill a vacancy.

Recommendation

- (1) To appoint David Carr to serve on the Standards Committee as Parish Representative to take effect following the parish elections 2010.

13 Exclusion of the Press and Public

The Chairman will, if necessary, move the exclusion of the press and public if members have indicated (under the relevant agenda item) they wish to ask a question on any matter arising from an exempt minute.

In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to discuss the issue in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs of Schedule 12A of that Act, as set out on in the Minute Book”.

14 Questions on Exempt Minutes

Members of Council will ask questions on exempt minutes, if any.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 221587 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Queries Regarding this Agenda

Please contact James Doble, Legal and Democratic Services james.doble@cherwell-dc.gov.uk, (01295) 221587

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Agenda Item 7

Cherwell District Council

Council

Minutes of a meeting of the Council held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 January 2010 at 6.30 pm

Present: Councillor Mrs Diana Edwards (Chairman)
Councillor George Parish (Vice-Chairman)

Councillor Rick Atkinson
Councillor Luke Annaly
Councillor Ken Attack
Councillor Alyas Ahmed
Councillor Maurice Billington
Councillor Norman Bolster
Councillor Ann Bonner
Councillor Nick Cotter
Councillor Margaret Cullip
Councillor John Donaldson
Councillor Michael Gibbard
Councillor Timothy Hallchurch MBE
Councillor Eric Heath
Councillor Simon Holland
Councillor Alastair Milne Home
Councillor David Hughes
Councillor Russell Hurle
Councillor Victoria Irvine
Councillor James Macnamara
Councillor Kieron Mallon
Councillor Nicholas Mawer
Councillor Nigel Morris
Councillor P A O'Sullivan
Councillor D M Pickford
Councillor Neil Prestidge
Councillor G A Reynolds
Councillor Daniel Sames
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Carol Steward
Councillor Keith Strangwood
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Patricia Tompson
Councillor Nicholas Turner
Councillor Douglas Webb
Councillor Martin Weir
Councillor Douglas Williamson
Councillor Barry Wood
Councillor John Wyse

Also Present:: Simon Hughes, Environment Agency
Rosemary Redmond, Environment Agency

Apologies for absence: Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor Tony Ilott
Councillor Devena Rae
Councillor Leslie F Sibley

Officers: Mary Harpley, Chief Executive and Head of Paid Service
Ian Davies, Strategic Director - Environment and Community
John Hoad, Strategic Director - Planning, Housing and Economy
Mike Carroll, Head of Improvement
Liz Howlett, Head of Legal & Democratic Services and Monitoring Officer
Phil O'Dell, Chief Finance Officer
Karen Curtin, Head of Finance
Jo Smith, Communications Manager
James Doble, Democratic, Scrutiny and Elections Manager

48 **Declarations of Interest**

Members declared the following general interests:

Councillor Wood, Personal, as persons known to him have an interest in land the area of, but outside the eco zone.

Councillor G A Reynolds, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Kieron Mallon, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Michael Gibbard, , Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Nicholas Turner, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Councillor Norman Bolster, Personal, as a County Councillor due to the County Council having a land interest at Gowell's Farm.

Members declared interests in the following agenda items:

12. Constitutional Amendments - Planning and Licensing.

Councillor Nicholas Turner, Prejudicial, as a licensee in the district.

49 **Communications**

The Chairman welcomed young people who were attending the Council meeting from Banbury School and were participating in the Local Councillor Shadowing Programme to gain a greater understanding of what it is like to be a Councillor and how the Council works.

The Chairman noted that Councillor Blackwell was not at the meeting as he had broken his leg at Christmas, members joined the Chairman in wishing him a speedy recovery. The Chairman also noted that 2010 marked Councillor Blackwell's 40th year of local government service and invited Councillors to join her in marking this occasion in April.

The Chairman announced that her annual dinner would be held on Friday 8 April 2010 at Bicester Hotel, Golf and Spa in aid of her charities, with tickets costing £45.

50 **Petitions and Requests to Address the Meeting**

There were no petitions and requests to address the meeting.

51 **Urgent Business**

There was no urgent business.

52 **Minutes of Council**

The minutes of the meeting of Council held on 19 October 2009 were agreed and signed by the Chairman.

53 **Protecting and improving your environment - Presentation Simon Hughes of the Environment Agency**

The Chairman welcomed Simon Hughes, Area Manager for this area and Rosemary Redmond, Planning Manager at the Environment Agency to the meeting.

Simon Hughes and Rosemary Redmond addressed the meeting regarding the work of the agency within the Cherwell district. A number of members asked questions and answers were duly provided.

The Chairman thanked Simon Hughes and Rosemary Redmond.

54 **Minutes**

a) Minutes of Executive, Portfolio Holder Decisions and Executive Decisions made under Special Urgency

Resolved

That the minutes of the meetings of the Executive and Portfolio Holder decisions as set out in the Minute Book be received and that it be noted that since the last meeting of Council, no executive decisions have been taken that were subject to the special urgency provisions of the constitution.

b) Minutes of Committees

Resolved

That the minutes committees as set out in the Minute Book be received.

55 **Questions**

a) Written Questions

There were no written questions.

b) Questions to the Leader of the Council

Questions were asked and answers received on the following issues:

Council Policy towards Evergreen III: Councillor Macnamara
Impact of snow on the district: Councillor Strangwood
Bicester Town Centre Redevelopment: Councillor Cotter
Bicester Eco Summit: Councillor Mawer
Evergreen III Islip Crossing: Councillor Sames
Refuse Collection alterations and communicating wish parishes: Councillor Hallchurch
Bicester Cottage Hospital: Councillor Hughes

c) Questions to Committee Chairmen on the minutes

Questions were asked and answers received on the following issues:

Chairman of Personnel Committee

Apprenticeship Scheme: Councillor Macnamara

56 **Motions**

There were no motions.

57 **Crime and Disorder Scrutiny ~ amendment to Constitution**

The Head of Legal and Democratic Services submitted a report to Council that outlined recent developments in legislation relating to overview and scrutiny.

Resolved

- (1) That the Overview and Scrutiny Committee should be formally designated as Cherwell District Council's crime and disorder scrutiny committee.
- (2) That the Constitution be amended to reflect the change in the terms of reference of the Overview and Scrutiny Committee as set out below:
 - Terms of Reference of Delegation
 - Overview and Scrutiny Committee (page 16 – 17)
 - Insert new bullet point (#7)

To exercise the powers assigned to a crime and disorder scrutiny committee (under the Local Government and Public Involvement in Health Act 2007 and Police and Justice Act 2006).

58 **Constitutional Amendments - Planning and Licensing**

The Head of Legal and Democratic Services submitted a report to Council to consider the constitutional amendments recommended to Council by Planning and Licensing Committees.

Resolved

- (1) That the constitutional amendments recommended to Council by the Planning committee relating to the Scheme of Delegation and Public Speaking Procedure Rules as set out in annex 1 and 2 to the minutes as set out in the minute book be approved.
- (2) That the constitutional amendments recommended to Council by the Licensing committee relating to the Scheme of Delegation and Committee Terms of Reference as set out in annex 3 and 4 to the minutes as set out in the minute book be approved.

59 **Calendar of Meetings**

The Head of Legal and Democratic Services submitted a report requesting Council to consider the calendar of meetings for 2010/2011.

Resolved

- (1) That the calendar of meetings as proposed by the Executive be agreed for 2010/11 as set out in annex 5 to the minutes as set out in the minute book.

- (2) That the Chief Executive in consultation with the Leader of the Council be delegated to make amendments to the calendar of meetings as and when required, including when the general election is called.

The meeting ended at 8.22 pm

Chairman:

Date:

Executive

Constitution Update

12 April 2010

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

To approve amendments and updates to the Council's constitution

This report is public

Recommendations

The Executive is recommended to ask Council to approve the following:

- (1) To approve the changes to the scheme of delegation detailed in this report and to delegate to the Head of Legal and Democratic Services the detailed reallocation of powers reflecting the recent review of the Extended Management Team and the retirement of the Head of Safer Communities and Community Development.
- (2) To approve the revised Proper Officer provisions (Appendix 1).
- (3) To approve the changes to the Contract Procedure Rules detailed in this report.
- (4) To approve the revised and updated Finance Procedure Rules (Appendix 2).

Executive Summary

Introduction

- 1.1 The Council approved a new scheme of delegation in April 2009. This now needs to be updated to reflect changed job titles and the reallocation of the duties of the Head of Safer Communities and Community Development who retired on 31 March together with the three changes set out in 1.5.
- 1.2 The Proper Officer provisions have been updated as part of an exercise to work towards all the Oxfordshire authorities having similar provisions. I have taken the opportunity to update and remove references to out of date legislation and to amend to reflect new Head of Service titles and responsibilities.

- 1.3 There are three changes to the Contract Rules of Procedure for consideration.
- 1.4 The Finance Rules of Procedure have been rewritten and slimmed down

Proposals

- 1.5 Other than reallocating the Head of Safer Communities and Community Development there are three key changes to the scheme of delegation. These are
 - To authorise the Head of Legal and Democratic Services to enter into a Traffic Penalty Tribunal (TPT) s.101 Joint Committee Agreement under the Local Government Act 1972 (such power is required should the Council choose to go down the civil parking enforcement route)
 - To authorise the Head of Environmental Services to commit the authority to the obligations of an Air Quality Management Area Order under the Environment Act 1995. This obliges local authorities, following an assessment of air quality in their area, to take action when objectives are not met.
 - To confirm that all the powers exercised by the former Head of Exchequer are now undertaken by the Head of Finance
- 1.6 There are three key changes to the Contract Procedure Rules. These are
 - Allow Heads of Service to authorise waiver of Contract Procedure Rules where procurement is under £10 000. This will prevent delays in procuring relatively small value contracts
 - Increase threshold for seeking two quotations from £5 000 to £10 000
 - Confirm that the regulatory role of the Procurement Steering Group continues unaffected but that there will now be a Procurement Strategy Group in line with the Council's corporate procurement strategy being considered elsewhere on this agenda.

Conclusion

- 1.7 The constitution needs to be kept updated so that it reflects the current structure. Powers must be exercised properly in order to minimise challenge.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Head of Safer Communities and Community Development has retired and his delegated powers need to be reallocated
- 3.2 Updating and streamlining will ensure the constitution remains fit for purpose

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One To approve the recommendations as drafted

Option Two To amend the recommendations

Consultations

Relevant Heads of Service Comments on which powers being allocated to which Head of Service

Implications

Financial: There are no financial issues arising from this report. Financial Rules of Procedure Rules shape best practice in how the Council should conduct its financial management. They explain how the Council meets its key principles and expectations as set out in Financial Regulations. The Rules also outline the responsibilities of service directors and the chief finance officer in applying the Rules within their areas of operations.

Comments checked by Karen Curtin, Head of Finance 01295 221551.

Legal: It is essential that the constitution is kept up to date so that the Council is able to work as effectively as possible and actions are not open to challenge

Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686

Risk Management: The Council relies on the constitution as the legal framework within which to exercise authority and therefore manage the risk of any challenge to such authority

Comments checked by Rosemary Watts, Risk Management and Insurance officer 01295 221566

Wards Affected

All

Corporate Plan Themes

An accessible value for money Council

Executive Portfolio

Councillor Pickford
Portfolio Holder for Democratic Services and Member Development

Document Information

Appendix No	Title
Appendix 1	Proper Officer Provisions
Appendix 2	Finance Rules of Procedure
Background Papers	
Council's constitution	
Report Author	Liz Howlett, Head of Legal and Democratic Services
Contact Information	01295 221686 liz.howlett@cherwell-dc.gov.uk

Proper Officers and Authorised Officer Appointments

An officer with line management responsibility for an officer listed in the list of Proper Officer and Authorised Officer appointment may exercise the power in the absence of the Proper Officer / Authorised Officer. The relevant post holders listed below have been appointed or confirmed as Proper Officers / Authorised Officers for the purposes of the adjacent legislative provisions.

The Proper Officer (Medical) is Dr. Noel McCarthy from the Health Protection Agency but this shall be such other officer as the Health Protection Agency may wish to appoint in his place

Legislation in these tables includes any amendments, re-enactments and subordinate legislation. Legislation is listed in date order.

Legislation		Purpose of appointment	Proper Officer / Authorised Officer
Act	Section		
Landlord and Tenant Act 1927	S.23	To serve and receive notice on behalf of the Council	Head of Housing Services
Public Health Act 1936 (as amended)	S.45	To serve notice on owners of buildings with defective sanitary conveniences capable of repair	Head of Housing Services
	S.50	To serve notice on owners of overflowing cesspools or leaking	Head of Building Control & Engineering Services
NB prospectively removed by Control of Pollution Act 1974 s.109(2) but not yet in force	S.79	To serve notice to require removal of noxious matter	Head of Safer Communities, Urban and Rural Services
	S.83	{ { { { { Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Head of Housing Services or Head of Safer Communities, Urban and Rural Services
	S.84 and	{ To serve notice requiring	Head of Housing

Legislation		Purpose of appointment	Proper Officer / Authorised Officer
Act	Section		
	S.85 (see also s.35 Public Health Act 1961	remedial action where there are filthy and verminous premises, persons or articles	Services or Head of Safer Communities, Urban and Rural Services
	s.275	By agreement to carry out works in default on sewers or drains	Head of Building Control and Engineering Services
Prevention of Damage by Pests Act 1949	S.2 – S.7	Duty to control rats and mice in district	Head of Environmental Services or Head of Housing Services
National Assistance (Amendment) Act 1951	S.1(1)	Certification of the need for a person in need of care and protection to be removed to suitable premises without delay	Medical officer/community physician
	S.1(3)	The person who may make application to court of summary jurisdiction or to a single justice to obtain an order authorising the removal of a person in need of care and protection	
Landlord and Tenant Act 1954	S.66	To serve and receive notices on behalf of the Council	Head of Housing Services
Milk and Dairies (General) Regulations 1959 (as amended)	Reg.20	Milk treatment orders	Medical officer/community physician
Public Health Act 1961	S.34	Accumulation of rubbish	Head of Safer Communities, Urban and Rural Services or Head

Legislation		Purpose of appointment	Proper Officer / Authorised Officer
Act	Section		
			of Environmental Services
	S.36, SS.83, 84 and 85 (2) Public Health	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises including power to require vacation of premises during fumigation.	Head of Housing Services or Head of Safer Communities, Urban and Rural Services
	S.37	Prohibition of sale of verminous articles	Head of Housing Services
Local Government Act 1972	S.13 (3)	Appointment as a Parish Trustee	Head of Legal and Democratic Services
Local Government Act 1972	S.83 (1) to (4)	Witness and receipt of declaration of acceptance of office	Chief Executive
	S.84 (1)	Receipt of notice of resignation of councillor	Chief Executive
	S.88 (2) and Schedule 12	Convening a meeting of Council to fill casual vacancy in the office of Chairman	Chief Executive
	S.89 (1) (b)	Notice and filling of casual vacancy	Returning Officer
	Local Elections (Parishes and Communities) Rules 1986	Request for an election to fill a casual vacancy in respect of parish councils	Returning Officer
	S.96 (1) and (2)	Receipt of notices and recordings of disclosures of interests	Head of Legal and Democratic Services
	S.99	Convening of meetings	Chief Executive
	S.100 and	Access to information	Head of Legal and

Legislation		Purpose of appointment	Proper Officer / Authorised Officer
Act	Section		
	Schedule 12A		Democratic Services
	S.100 (except 100D)	Admission of public (including press) to meetings	Chief Executive
	S.100D	Listing background papers for reports and making copies available for the public to look at	Head of Legal and Democratic Services
Local Government (Access to Information) Act 1985	S.100D (1)A	Compilation of lists of background papers	Each Head of Service for their service area reports
	Section 100D (5)A	Identification of background papers	Each Head of Service for their service area reports

Local Government Act 1972	S.115 (2)	Receiving money due from officers	Chief Finance (section 151) officer
	S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Chief Finance (section 151) officer
	S.151	Financial administration	Chief Finance (section 151) officer
	S.173 - S178	Keeping of records of Members' Allowances	Chief Finance (section 151) officer
	S.191	To receive applications to undertake OS work under the Ordnance Survey Act, 1841	Head of Development Control and Major Developments

	S.204	Receipt of Licensing applications and make the appropriate representations in respect of the same	Head of Safer Communities, Urban and Rural Services
	S.210	To exercise powers in respect of charities	Head of Legal and Democratic Services
	S.214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive rights of burial and sign the necessary certificate.	Head of Legal and Democratic Services
	S.223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Head of Legal and Democratic Services
	S.225	Deposit of documents	Chief Executive
Local Government Act 1972	S.228	Inspection of documents	Head of Legal and Democratic Services
	S.228(3)	Accounts for inspection by any member of the Council	Chief Finance (section 151) officer
	S.229(5)	Certification of photographic copies of documents	Head of Legal and Democratic Services
	S.234	Authentication of documents	Head of Legal and Democratic Services
	S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and county council	Head of Legal and Democratic Services
	S.238	Certification of byelaws	Chief Executive
	S.251 and Schedule 29	Exercise all functions of any enactment passed before or during the same session of Parliament as the passing of the LGA 1972	Head of Legal and Democratic Services

	S.270	Except in the case of financial powers or matters, to act as the Proper Officer in respect of any other statute where specific arrangements have not been made in the Scheme	Head of Legal and Democratic Services
	Various Sections	Any requirement in relation to parish authorities specified in the Act (or other legislation).	Head of Legal and Democratic Services
Local Government Act 1972	Schedule 12 para 4 (2) (b)	Signing of summons to Council meeting	Chief Executive
	Schedule 12 para 4 (3)	Receipt of notice regarding address to which summons to meeting is to be sent	Chief Executive
	Schedule 14 Para 25	Certification of resolution passed under this paragraph	Head of Legal and Democratic Services
	Schedule 16 Para 28	Deposit of lists of buildings of special architectural or historic interest	Head of Planning Policy and Economic Development
	Schedule 16 S.191(2)	Applications under Section 1 of the Ordnance Survey Act 1841	Head of Planning Policy and Economic Development
		The purposes of issuing planning decision notices and for all building regulation purposes	Head of Development Control and Major Developments
	Schedule 16	Receipt of deposit lists of protected buildings	Head of Planning Policy and Economic Development
	Schedule 29	Adaptations, modifications and amendments of enactments.	Head of Legal and Democratic Services
	Part VA	Access to information	Head of Legal and Democratic Services
Health and Safety at	S.19 – S.25 /	Appointment of and termination	Head of Recreation

Work Act 1974	39	of appointment of Inspectors and various enforcement powers	and Health
Local Government Act 1974	S.30 (5)	To give notice that copies of a Local Commissioner's (Ombudsman) report are available	Monitoring Officer
Control of Pollution Act 1974	S.60 – S.61	Construction site noise	Head of Safer Communities, Urban and Rural Services
Local Land Charges Act 1975	S.9	To act as local registrar for the registration of local land charges and the issue of official search certificates	Head of Legal and Democratic Services
Local Government (Miscellaneous Provisions) Act 1976	S.16	Requests to obtain particulars of persons interests in land	Heads of Service
	S33	Restoration of supply of water, gas or electricity	Head of Housing Services
	S.41 (1)	To certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions	Head of Legal and Democratic Services
Local Authorities Cemeteries Order 1977 (as amended)	Article 10	To sign exclusive rights of burial	Head of Legal and Democratic Services
Refuse Disposal (Amenity) Act 1978 (as amended)	S.2A	Fixed penalty notice in respect of abandoned vehicles	Head of Environmental Services
Local Government (Miscellaneous Provisions) Act 1982	S.13 – S.17	Skin piercing	Head of Recreation and Health
	S29	Protection of buildings	Head of Housing Services or Head of Building Control and Engineering Services (depending on type of premises)

	S.27	Repair of drains, private sewers etc	Head of Building Control and Engineering Services
	S.35	Blocked private sewers	Head of Building Control and Engineering Services
Local Government (Miscellaneous Provisions) Act 1982		Control of sex establishments	Head of Safer Communities, Urban and Rural Services
Representation of the People Act 1983	S.28	Acting Returning Officer at Parliamentary Elections	Returning Officer
	S.67(1)	Receipt of appointment of election agents	Returning Officer
	S.67(6)	Publication of names and addresses of agents	Returning Officer
	S67(7)(b)	Appropriate officer for local election purposes	Returning Officer
	S.81(1)	Receipt of return of election expenses	Returning Officer
	S.82(1)	Receipt of declaration of election expenses	Returning Officer
	S.87A(2)	Delivery of copy of returns to Electoral Commission	Returning Officer
	S89(3)	Copy and inspections of returns and declarations.	Returning Officer
	S.131	Providing accommodation for holding election count	Returning Officer
Building Act 1984	S.59 – S.61	Authorisation of repair, reconstruction or alteration of drains	Head of Building Control and Engineering Services
	S.64 – S.65	Replacement of sanitary conveniences	Head of Building Control and

			Engineering Services
	S76	Defective premises (expedited procedure relating to s80 EPA 1990)	Head of Housing Services
	S.78	To act as “the surveyor” empowered to take and authorise emergency action in respect of damaged and dangerous buildings.	Head of Building Control and Engineering Services
	S.84	Paved yards	Head of Building Control and Engineering Services
	S.93	Authentication of documents	Head of Building Control and Engineering Services
Public Health (Control of Disease) Act 1984	S.11	Cases of notifiable disease and food poisoning to be Reported	Medical officer/community physician
	S.11	To receive certificates from medial practitioners concerning patients suffering from notifiable diseases and to take all other action necessary relating to those certificates	Head of Recreation and Health
	S.18	Obtaining information from any occupier of premises concerning any person suffering from a notifiable disease or food poisoning	Head of Recreation and Health
	S.20	Stopping of work to prevent spread of disease	Medical officer/community physician
	S.21	Exclusion from school of child liable to convey notifiable disease	Medical officer/community physician
	S.22	List of day pupils at school having case of notifiable	Medical officer/community

		disease	physician
	S.23	Exclusion from places of entertainment	Medical officer/community physician
	S.24	Control of infected articles intended to be washed at laundry or wash houses	Head of Recreation and Health
	S.25	Library books to be disinfected or disposed of	Head of Recreation and Health
	S.26	Infectious matter not to be placed in dustbins	Head of Environmental Services
	S.29	To issue certificates in respect of houses or rooms to be let after being properly disinfected following a case of a notifiable disease	Medical officer/community physician
	S.31	Certification by officer of need for disinfection of premises	Head of Recreation and Health or Medical Officer
	S.32	Certification by officer of need to remove person from infected house	Head of Recreation and Health or Medical officer
	S.34	Duty of owner etc of public convenience	Head of Environmental Services
	S.35	To obtain a Justice's Order requiring a person to be medically examined	Medical officer/community physician
	S.36	Medical examination of group of persons believed to comprise carrier of notifiable disease	Medical officer/community physician
	S.37	To obtain a Justice's Order requiring a person with notifiable disease to be removed to hospital	Medical officer/community physician
	S.38	To obtain a Justice's Order requiring detention in hospital of	Medical officer/community

		a person with a notifiable disease	physician
	S.39 – S.40	Getting a warrant to examine residents of a common lodging house	Medical officer/community physician
	S.42	Closure of common lodging house on account of notifiable disease and certifying a common lodging house to be free from infection	Medical officer/community physician
	S.43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except taken to a mortuary or immediately buried or cremated	Medical officer/community physician
	S.48	Removal of body to mortuary or for immediate burial and certifying that it would be a health risk to keep a body in a building	Medical officer/community physician
	S.49 – S.51	Regulations concerning canal boats	Head of Housing Services
	S.59	Authentication of documents relating to matters within their province	Medical officer/community physician
	S.61	Power of entry	Medical officer/community physician
Food Act 1984	S.8	Enforcement of provision relating to working conditions	Head of Recreation and Health
	S.28	Service of notice to prevent spread of disease by ice-cream	Head of Recreation and Health
	S.31	Service of notice requiring food not to be used for human consumption where it appears to be infected	Head of Recreation and Health
Housing Act 1985	S.265	Demolition Order	Head of Housing

			Services
	S.289	Clearance Area Declaration	Head of Housing Services
	S.300	Determination to Purchase	Head of Housing Services
	S.606	Submitting reports on particular houses or areas	Head of Housing Services
Local Elections (Principal Area) Rules 1986	All	All functions	Returning officer
Local Elections (Parishes and Communities) Rules 1986	Rules 46, 47 and 48	Keeping documents after an election and making them available for the public to look at	Returning Officer
Public Health (Infectious Diseases) Regulations 1988	Reg.6	Special reporting of infectious diseases	Medical officer/community physician
	Reg.8	Statistical returns	Medical officer/community physician
	Reg.9	Prevention of spread of disease	Medical officer/community physician
	Reg.10	Immunisations and vaccination	Medical officer/community physician
	Reg.11	Measures against rats	Medical officer/community physician
	Schedule 3	Typhus and relapsing fever	Medical officer/community physician
	Schedule 4	Food poisoning and food borne infections	Medical officer/community physician
Local Government and Finance Act 1988	S.112 – S.115, S.115A	Responsible officer for the purposes of the financial	Chief Finance (section 151)

		administration of the Council's affairs	officer
	S.116	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the Chief Finance Officer under this Act	Chief Finance (section 151) officer
Local Government and Housing Act 1989	S.2(4)	Maintenance and review of the Council's List of Politically Restricted Posts	Head of Human Resources
	S.4	Functions as Head of Paid Service.	Head of Paid Service
	S.5	Functions of Monitoring Officer within the meaning of this section of the Act	Monitoring Officer
	S.15 - 17	Allocating seats on Committees	Head of Legal and Democratic Services
	S.18	Arrangements in respect of the Scheme of Members' Allowances	Chief Finance (section 151) officer / Head of Legal and Democratic Services
	S.19	Arrangements in respect of the Register of Members' interests	Head of Legal and Democratic Services
	Part 7	Declaration of Renewal Areas	Head of Housing Services
Environmental Protection Act 1990 (as amended)	S.6 – S.15	Prescribed processes	Head of Environmental Services
	S.78	Contaminated land	Head of Environmental Services
	S.79 – S.82	Statutory nuisance	Head of Safer Communities, Urban and Rural

			Services or Head of Housing or Head of Environmental Services
	S.88	Fixed penalty notices for leaving litter	Head of Environmental Services
	S.149 – S.150	Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized	Head of Environmental Services
Food Safety Act 1990	S.9	Seizure of food	Head of Recreation and Health
	S.29 – S.30	Sampling food	Head of Recreation and Health
	S.11, S37 – S.39	Improvement / prohibition notices	Head of Recreation and Health
	S.49(3)	To sign documents on behalf of the authority	Head of Recreation and Health
Town and Country Planning Act 1990	S.215	Waste land	Head of Development Control and Major Development s
Local Government (Committees and Political Groups) Regulations 1990	Regs.8, 9, 10, 13 and 14	Dealing with political balance on committees and nominations to political groups	Head of Legal and Democratic Services
Water Industry Act 1991	S.80 – S.83	Private water supply	Head of Recreation and Health
Clean Air Act 1993	S.1 – S.2	Prohibition of dark smoke	Head of Safer Communities, Urban and Rural Services
	S.51 and S.56	To exercise all functions conferred by these sections	Head of Safer Communities, Urban and Rural Services

Criminal Justice and Public Order Act 1994	S.77 – S.80	Removal of unauthorised encampments	Head of Regeneration and Estates
Environment Act 1995	S.80	Local air quality management	Head of Environmental Services
	S.84	Air quality management areas	Head of Environmental Services
Dogs (Fouling of Land) Act 1996	S.4	To issue fixed penalty notices	Head of Environmental Services
Housing Grants, Construction & Regeneration Act 1996	Part 1	Disabled Facilities Grants	Head of Housing Services
Noise Act 1996 (as amended)	S.8	Fixed penalty notices in respect of noise nuisance	Head of Safer Communities, Urban and Rural Services
Party Wall Act 1996	S.10(8)	To act as the ‘appointing officer’ as required by of the Party Wall Act 1996	Head of Building Control & Engineering Services
	S.10	To select a third surveyor, if required, during a neighbour dispute about building projects	Head of Building Control & Engineering Services
Local Government (Contracts) Act 1997	S.3	Signing certificates in respect of Certified Contracts	Head of Legal and Democratic Services
	S.4	To maintain a register of certificates in respect of Certified Contracts to be open to public inspection	Head of Legal and Democratic Services
Data Protection Act 1998	All	Ensuring compliance with the statutory provisions and principles of the Act	Head of Legal and Democratic Services
Crime and Disorder Act	S.5	To work in partnership with the	Head of Safer

1998		police and other responsible bodies to reduce crime	Communities, Urban and Rural Services
	S.17	To consider crime and disorder implications of any decisions	Head of Safer Communities, Urban and Rural Services
	S.115	Power to disclose information in the interest of community safety and other purposes of the Act	Head of Safer Communities, Urban and Rural Services
Local Government Act 2000	S.34	Determine whether a petition is valid	Electoral registration officer
	S.81	Establishment and maintenance of the Register of Members' Interests including voting co-opted members	Monitoring officer
	S.99 and S.100	Regarding Members' allowances and pensions and having regard to all relevant regulations, including The Local Authorities (Members' Allowances) (England) Regulations 2003, and The Local Government Pension Scheme and The Discretionary Compensation (Local Authority Members in England) Regulations 2003	Head of Legal and Democratic Services
	Various	Dealing with the holding of referendums	Returning officer / Electoral Registration Officer
		All other responsibilities in the Act and any subordinate legislation	Head of Legal and Democratic Services
Local Government Act 2000: Section 22: The Local Authorities (Executive Arrangements) (Access to Information)	Regs.3 - 5	Written statements of Executive / Cabinet decisions	Head of Legal and Democratic Services

Regulations 2000) (as amended)			
	Reg.6	Inspection of background papers	Head of Legal and Democratic Services
	Reg.11(2)	Exclusion of reports	Head of Legal and Democratic Services
	Reg.12	Annual notice relating to key decisions of the Authority	Head of Legal and Democratic Services
	Reg.13	Publish the Forward Plan	Head of Legal and Democratic Services
	Reg.16	Authority to seek agreement regarding decisions to be made which are not in the Forward Plan and where requisite notice required within Reg 15 cannot be given	Head of Legal and Democratic Services
	Reg.17	Determining whether documents contain exempt information	Head of Legal and Democratic Services
	Reg.(17)(c)	Provision to the press of documents supplied to the Executive / Cabinet	Head of Legal and Democratic Services
	Reg.18	Confidential / exempt information and exclusion of public from meetings	Head of Legal and Democratic Services
Freedom of Information Act 2000	S.36	Application from exemption disclosure	Monitoring Officer
	All others	All responsibilities associated with the act	Head of Legal and Democratic Services
Regulation of Investigatory Powers Act 2000 (RIPA)	S.27 – S.29	Designation of officer empowered to grant authorisations for the carrying out of directed surveillance and	Heads of Service in accordance with Council's RIPA policy

		authorize the use of covert human intelligence sources under the Act	Chief Executive to authorise operations against children and vulnerable adults
Local Authorities (Referendums) (Petitions and Directions) Regulations 2000 (as amended)	Reg. 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under S.34 of the Local Government Act 2000	Chief Executive
	Reg.8 and all others	Amalgamation of petitions	Chief Executive
Local Authorities (Model Code of Conduct) (England) Order 2001	Schedule 1 para 17	Establish and maintain a Register of Gifts and Hospitality received by Members	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1 Part II	Giving notice of appointments and dismissal of officers to the Executive in accordance with the Regulations	Head of Legal and Democratic Services
Private Security Industry Authority Act 2001		Enforcement of actions by licensed door supervisors	Head of Safer Communities, Urban and Rural Services
Criminal Justice and Police Act 2001	S.19(2)	Power of closure where the sale of alcohol is not in accordance with any authorisation	Head of Safer Communities, Urban and Rural Services
The Representation of the People (England and Wales) (Amendment) Regulations 2002	Reg.107	Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements	Head of Legal and Democratic Services
Money Laundering Regulations 2003	Reg 7	Nominated officer to receive disclosures about suspected money laundering	Chief Finance (section 151) officer
Anti-Social Behaviour Act 2003 (as amended)	S.30	Approval for dispersal orders	Head of Safer Communities, Urban and Rural Services

	S.40	Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it	Head of Safer Communities, Urban and Rural Services
	S.43	To issue penalty notices for graffiti and flyposting	Head of Safer Communities, Urban and Rural Services or Head of Environmental Services
Accounts and Audit Regulations 2003	All Regs	All responsibilities	Chief Finance (section 151) officer or person nominated by him/her under Section 114 of the Local Government Finance Act 1988 where the Chief Finance Officer is unable to act
Housing Act 2004	S.239	Determining if a survey or examination is necessary	Head of Housing Services
	Part 1	Enforcement of Housing Standards	Head of Housing Services
	Part 2	Licensing of HMOs	Head of Housing Services
	Part 3	Selective Licensing of Residential Accommodation	Head of Housing Services
	Part 4	Additional controls in relation to residential accommodation	Head of Housing Services
	Part 6	Other provisions about housing	Head of Housing Services
	Part 7	Supplementary and final provisions	Head of Housing Services
The Clean Neighbourhoods and Environment Act 2005	Part 2	Nuisance parking	Head of Safer Communities, Urban and Rural Services

	Part 3	Litter	Head of Environmental Services
	Part 4	Fly posting	Head of Environmental Services
	S.59	Dog control fixed penalty notices	Head of Environmental Services
Food Hygiene Regulations 2006	Reg.6	Hygiene improvement notice	Head of Recreation and Health
	Reg.7	Hygiene prohibition orders	Head of Recreation and Health
	Reg.8	Hygiene emergency prohibition orders	Head of Recreation and Health
	Reg.9	Remedial action/detention notice	Head of Recreation and Health
	Reg.12	Food sampling	Head of Recreation and Health
	Reg.14	Powers of entry	Head of Recreation and Health
	Reg.17	Food premises registration	Head of Recreation and Health
Smokefree (Premises and Enforcement) Regulations 2006		Enforcing smokefree legislation in premises and vehicles	Head of Recreation and Health
Criminal Justice and Police Act 2006	S.14	Broader definition of S.17 of the Crime and Disorder Act 1998, to consider crime and disorder implications of any decisions, to include anti social behaviour	Head of Safer Communities, Urban and Rural Services
	S.22	To share depersonalised data	Head of Safer Communities, Urban and Rural Services

The Chief Finance (section 151) officer shall act as the proper officer in respect of any other statute where specific arrangements for financial matters have not been made under this scheme.

The Head of Legal and Democratic Services shall act as the proper officer for any other legislative provisions where specific arrangements have not been made under this scheme.

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(f) Financial Rules of Procedure

1 Introduction

1.1

To conduct its business efficiently, the Council needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the Financial Rules that set out the financial policies of the Council, the practical detail for managers of how these policies are to be delivered and instructions on how the procedures are to be implemented and followed.

1.2

The purpose of the Financial Rules is to provide a framework of financial control. It is not intended to act as a constraint upon service delivery. The Council is committed to innovation, within the regulatory framework, and with the necessary risk assessment and safeguards in place.

1.3

Full Council is responsible for approving the Financial Rules, which are part of the Council's Constitution.

1.4

Any reference to writing includes all electronic communication including e-mail.

1.5

Minor changes to these rules or any updating required because of changes to legislation shall be made by the Head of Finance.

2 Definitions

For the purposes of the Financial Rules the terms used shall be as defined in the Council's constitution. The statutory posts are defined in the introduction to the constitution. The term "Head of Finance" shall be deemed to be "Chief Finance Officer" and "Section 151 Officer". The nominated deputy to act in the absence of the Head of Finance is the Corporate Systems Accountant. The Section 151 Officer is the person currently appointed by Council to act in that role.

3 Status and Application

3.1

The Council's governance structure is in the Constitution, which sets out how the Council operates, how decisions are made and the procedures that are followed.

3.2

The Financial Rules are part of the Constitution and provide the framework for managing the Council's financial affairs. They apply to all Members and staff of the Council and anyone acting on its behalf, including contractors.

3.3

The Head of Finance will maintain a continuous review of the Financial Rules and submit any significant additions or changes necessary to the full Council for approval. The Head of Finance is responsible for reporting, where appropriate, breaches of the Financial Rules to the Council and/or to the Executive Members.

3.4

The Head of Finance will issue advice and guidance on the Financial Rules to Members, staff and others acting on behalf of the Council.

3.5

The Head of Finance may issue such supporting Financial Instructions or working practice notes as he or she deems appropriate.

3.6

Heads of Service are responsible for ensuring that all staff in their departments are aware of the existence and content of the Council's Financial Rules and all financial procedures and guidance issued by the Head of Finance.

4 Delegation of Financial Responsibilities

4.1

The Scheme of Delegation is contained in Part 1 of the Constitution. This sets out general and specific delegated powers relating to finance and the power to act in the absence of certain officers

4.2

If the Head of Finance is unavailable the Corporate Systems Accountant is nominated to act as their deputy.

4.3

Where expenditure is incurred directly because of an emergency, be it internal or external to the Council, Financial Procedure rules may be waived.

4.4

Where the Financial Rules are waived, appropriate records must be maintained to verify expenditure.

4.5

All such emergency events will be reported to the first available meeting of the Executive following the event.

5 Financial Management

Introduction

5.1

Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.

Full Council

5.2

The full Council is responsible for adopting the Council's Constitution and Members' code of conduct and for approving the policy framework and budget within which the Executive operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in the Constitution. The full Council is also responsible for monitoring compliance with the agreed policy and related Executive decisions.

5.3

The full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by the Council and all decisions taken by the Council and its committees. These delegations, and details of who has responsibility for which decisions, are set out in the Scheme of Delegation in the Constitution.

5.4 In relation to finance, Council is responsible for:

- a. approving the budget

- b. setting the council tax
- c. establishing the council tax base
- d. approving the capital programme
- e. financial strategies
- f. financial planning
- g. financial management and control
- h. external financial arrangements
- i. the Financial Rules of Procedure

The Executive

5.5

The Executive is responsible for proposing the policy framework and budget to the full Council, and for implementing the Council's policies, objectives and strategies in accordance with the policy framework and budget. The Executive has overall responsibility for the implementation of the Council's financial strategies and revenue and capital budgets and may make decisions in respect of these matters subject to them being consistent with approved policy and budget framework and the constitution.

6 The Statutory Officers

Chief Executive

6.1

The Chief Executive is responsible for the overall corporate management and operation of the Council. He or she must report to and provide information for the Executive, the full Council, the scrutiny committees and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

Monitoring Officer

6.2

The Monitoring Officer is responsible for maintaining an up-to-date version of the Constitution and ensuring that it is widely available.

6.3

The Monitoring Officer is responsible for reporting any actual or potential breaches of the law or maladministration to the full Council (or to the Executive, in relation to an Executive function) and for ensuring that procedures for recording and reporting key decisions are operating effectively.

6.4

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Standards Committee.

6.5

The Monitoring Officer must ensure that Executive decisions and the reasons for them are made public; that Council Members are made aware of decisions made by the Executive and by officers who have delegated executive responsibility.

6.6

The Monitoring Officer is responsible for advising the Executive or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

6.7

The Monitoring Officer is responsible for advising all Members and officers on the scope of powers and authority to

take decisions, maladministration, financial impropriety and probity.

Head of Finance

6.8

The Head of Finance (sometimes referred to as “Chief Finance Officer” or “Section 151 Officer”) has statutory duties in relation to the financial administration of the Council. This statutory responsibility cannot be overridden.

The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 2003.

6.9

The Head of Finance is responsible for:

- the proper administration of the Council’s financial affairs
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme treasury management.

6.10

The Head of Finance is responsible for advising all Members and officers on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.

6.11

Section 114 of the Local Government Finance Act 1988 requires the Head of Finance to report to the full Council, Executive and external auditor if the Council or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted, or would result in, a loss or deficiency to the Council
- is about to make an unlawful entry in the Council’s accounts.

6.12 Section 114 of the 1988 Act also requires:

- the Head of Finance to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally. The Head of Finance has nominated the Corporate Systems Accountant for this purpose.
- the Council to provide the Head of Finance with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

Strategic Directors and Heads of Service

6.13 Strategic Directors and Heads of Service are responsible for:

- ensuring that Executive Members are advised of the financial implications of proposals and that the financial implications have been previously agreed by the Head of Finance where necessary, in accordance with the scheme of Delegation.

7 Who is responsible for what?

Treatment of year-end balances

7.1 The Executive is responsible for agreeing procedures for carrying forward under and overspending on budget headings.

Accounting policies

7.2

The Head of Finance is responsible for determining and interpreting accounting policies procedures and records and ensuring that they are applied consistently.

The annual statement of accounts

7.3

The Head of Finance is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Accounts and Audit Regulations 2003, and the Code of Practice on Local Council Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC). The Accounts Audit and Risk Committee is responsible for approving the annual statement of accounts.

8 Financial Planning

Introduction

8.1

The full Council is responsible for agreeing the Council's Budget and Policy Framework and budget, which will be proposed by the Executive. In terms of financial planning, the key elements are:

- the annual report and performance plan
- the medium term financial strategy
- the budget
- the capital programme.

The Budget and Policy Framework process is described in part 2, section 2.2 of the constitution on page 61.

8.2

The full Council is responsible for approving the Financial Regulations governing variations to approved budgets, plans and strategies (forming the Budget and policy framework) and for determining the circumstances in which a decision will be deemed to be contrary to the Budget and Policy framework.

9 The Budget

9.1

Guidelines on budget preparation are issued to Members and staff by the Executive. The guidelines will take account of:

- legal requirements and government guidance
- medium-term planning prospects
- the corporate plan
- available resources
- spending pressures
- inflationary pressures
- relevant government guidelines

- other internal policy documents
- cross-cutting issues (where relevant).

Budget format

9.2

Budgets allow the Council to plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit. Prudential borrowing is permitted

9.3

The budget will be approved by full Council and proposed by the Executive on the advice of the Head of Finance. The draft budget should include allocation to different services and projects, properly reflecting the service plans and priorities of the Council, proposed taxation levels and contingency funds.

Budget preparation

9.4

The Head of Finance is responsible for ensuring the preparation of an annual revenue budget and a three-year general revenue forecast for consideration by the Executive, before submission to the full Council. The full Council may amend the budget or ask the Executive to reconsider it before approving it.

9.5

The Executive is responsible for issuing guidance on the general content of the revenue budget in consultation with the Head of Finance as soon as possible following approval by the full Council.

9.6

It is the responsibility of Heads of Service to ensure that all budget estimates submitted to the Executive are prepared in line with guidance issued by the Executive and are consistent with agreed medium term plans and strategies and the emerging annual service plans.

9.7

The approval of the revenue estimates by the full Council will constitute authority to incur expenditure as detailed in the budget.

Preparation of the capital programme

9.8

The Head of Finance is responsible for ensuring that a three-year capital programme is prepared on an annual basis for consideration by the Executive before submission to the full Council.

9.9

The approval of the capital programme by the Council will constitute authority to incur expenditure as detailed in the capital programme.

Budget monitoring and control

9.10

The Head of Finance is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Executive on the overall position on a regular basis.

9.11

It is the responsibility of Heads of Service and other budget holders to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Head of Finance. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Head of Finance to any potential financial problems.

Virement

9.12

The full Council is responsible for agreeing guidelines for the virement of expenditure between budget headings.

9.13

Virements shall not be made across funds or across ring-fenced accounts. On no account should resources be vired between revenue and capital accounts.

9.14

Virement does not apply to capital charges, loan repayments, interest receipts, any transactions to or from other public authorities, items of taxation or other non-service items.

9.15

Any proposal to vire resources involving internal charges or recharges must not result in any overall increase in expenditure.

9.16

Any proposed virement in excess of £250,000 must have the prior approval of the Council. The rules governing the virement of sums below this amount are detailed in the Financial Procedures.

9.17

Heads of Service, in consultation with the Head of Finance, are responsible for agreeing in-year virements within delegated limits, in accordance with the Financial Procedures.

Supplementary Estimates

9.18

Supplementary estimates shall only be sought with the agreement of the Head of Finance and where increased expenditure cannot be financed

- i. from virement in accordance with the specified virement rules; and
- ii. from additional specified sources of income.

9.19

All supplementary estimates require prior approval from the Executive or full Council in accordance with the criteria laid down in the Financial Procedures.

Resource allocation

9.20

The Head of Finance is responsible for developing and maintaining a resource allocation process that ensures due consideration against the competing priorities within the Council's Budget and Policy framework.

Maintenance of Reserves

9.21

It is the responsibility of the Head of Finance to advise the Executive and/or the full Council on prudent levels of reserves for the Council. This will normally fall within any guidelines published by the Chartered Institute of Public Finance and Accountancy from time to time but will always take full account of associated risks and the assessed needs of the Council

10 Risk Management and Control of Resources

Introduction

10.1

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant

operational risks to the Council. This should include the proactive participation of all those staff involved with planning and delivering services.

Risk Management

10.2

The Executive is responsible for approving the Council's risk management strategy and for reviewing the effectiveness of risk management. The Executive is also responsible for ensuring that insurance is in place where appropriate.

10.3

The Head of Finance is responsible for preparing the Council's risk management strategy, for promoting it throughout the Council, and for advising the Executive on proper insurance cover where appropriate.

Internal Assurance

10.4

Internal assurance refers to the system of monitoring devised by management to help ensure that the Council's objectives are achieved in a manner which promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

10.5

The Head of Finance and the Head of Legal and Democratic Services, as Monitoring Officer, are responsible for advising on effective systems of internal assurance. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

10.6

It is the responsibility of Heads of Service to establish sound arrangements for planning, appraising, authorizing and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit Requirements

10.7

All the activities of the Council are subject to both internal and external audit.

10.8

The Accounts and Audit Regulations 2003, issued by the Secretary of State, require every local authority to maintain an adequate and effective internal audit of its accounting records and of its system of internal assurance.

10.9

The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by The Code of Audit Practice.

10.10

The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise, Benefits Fraud Inspectorate and the Inland Revenue, who have statutory rights of access.

Preventing Fraud and Corruption

10.11

The Head of Finance and the Head of Legal and Democratic Services, as Monitoring Officer, are responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

Assets

10.12

Heads of Service should ensure that assets are correctly recorded in the asset register, properly maintained and

securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

10.13

The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.

10.14

The Head of Finance is responsible for reporting to the Executive a proposed treasury management strategy for the coming financial year at or before the start of each financial year.

10.15

The full Council is responsible for approving the Treasury Management Policy Statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the full Council by the Executive. The Head of Finance has delegated responsibility for implementing and monitoring the statement.

10.16

All money in the hands of the Council is controlled by the Head of Finance as designated for the purposes of section 151 of the Local Government Act 1972.

10.17

All Executive decision-making relating to borrowing, investment or financing shall be delegated to the Head of Finance, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

10.18

The Head of Finance is responsible for reporting to the Executive on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

11 Systems and Procedures

General

11.1

The Head of Finance is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records, all of which must allow compliance with the Account and Audit Regulations 2003, as amended. Any changes made by Heads of Service to the existing financial systems or the establishment of new systems must have the prior approval of the Head of Finance. However, Heads of Service are responsible for the proper operation of financial processes in their own departments.

11.2

Any changes to agreed procedures by Heads of Service to meet their own specific service needs must first be agreed with the Head of Finance.

11.3

Heads of Service should ensure that their staff receive relevant financial training that has been approved by the Head of Finance.

11.4

Heads of Service must ensure that, where appropriate, computer and other systems are registered and compliant with data protection legislation. Heads of Service must ensure that staff are aware of their responsibilities under freedom of information legislation.

Income and Expenditure

11.5

It is the responsibility of Heads of Service to ensure that a clear written scheme of delegation has been established within their area and that it is operating effectively. The scheme of delegation should identify staff authorised to act on the Heads of Service's behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of their authority. The Executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to Employees and Members

11.6

The Head of Finance is responsible for making all payments of salaries and wages to all staff, including payments for overtime.

Taxation

11.7

The Head of Finance is responsible for advising Heads of Service, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.

11.8

The Head of Finance is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts/Business Units

11.9

It is the responsibility of the Head of Finance to advise on the establishment and operation of trading accounts and business units.

12 External Arrangements

Partnerships

12.1

The Head of Finance must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

12.2

Heads of Service are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

12.3

The Head of Finance is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

Council

Standards Committee – Appointment of Parish Representative

19 April 2010

Report of the Head of Legal and Democratic Services/Monitoring Officer

PURPOSE OF REPORT

To appoint a parish representative to the Standards Committee to fill a vacancy.

This report is public

Recommendations

The meeting is recommended:

- (1) To appoint David Carr to serve on the Standards Committee as Parish Representative to take effect following the parish elections 2010

Executive Summary

Introduction

- 1.1 The Standards Committee currently has two parish representatives appointed to the Committee and two parish reserves. Bernard Lane will be stepping down as a parish councillor at the elections in 2010 and will be relinquishing his role as a parish representative on the committee

Proposals

- 1.2 The parish representatives carry out an extremely important role on the Standards Committee. The Standards Assessment Subcommittees are responsible for the initial assessment of all code of conduct complaints received by the Council. If the assessment subcommittee is considering a complaint relating to a parish council there must be a parish representative on the subcommittee. It is important to maintain this pool of trained parish representatives to attend subcommittee meetings especially as all complaints received in 2009/10 related to parish councils.
- 1.3 At the Standards Committee meeting held on 18 March 2010 the committee considered the membership of the committee and decided to recommend to

Council that David Carr is appointed as parish representative, Mr Carr is currently a parish reserve. The committee will seek to recruit a parish reserve to replace Mr Carr following the parish elections in 2010.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Standards Committee needs to maintain a certain number of parish representatives to assist in the local assessment of complaints.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One Agree the recommendations as set out.

Option Two Amend the recommendations.

Consultations

Standards Committee The appointment of David Carr has been recommended to Council by the Standards Committee who considered the committee membership at the meeting held on 18 March 2010

Implications

Financial: None
Comments checked by Denise Westlake, Service Accountant, 01295 221982

Legal: The committee has a responsibility to comply with the Standards for England guidance on committee membership. It is necessary to maintain a certain level of parish representatives to ensure the committee can carry out the local assessment of complaints.
Comments checked by Pam Wilkinson, Principal Solicitor 01295 221 688

Risk Management: The Council has a requirement to follow the Standards for England guidance relating to Standards Committee membership, failure to comply with the guidance could result in intervention by Standards for England which would be damaging to the Council's reputation.
Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

Wards Affected

All

Document Information

Appendix No	Title
Appendix	None
Background Papers	
Standards Committee Report – Committee Membership 18 March 2010	
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