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ROTHERHAM BOROUGH COUNCIL



THE CONSTITUTION OF THE COUNCIL

Revised April 2026

ROTHERHAM BOROUGH COUNCIL
THE CONSTITUTION

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THE CONSTITUTION

INTRODUCTION

Rotherham Borough Council

The Council is a metropolitan borough council, which means that it is responsible for providing all the services that a local authority provides to local people. These services or functions include adult services, children and young people's services, consumer protection, education, electoral registration, environmental health, highways and parking, housing, libraries, museums and art galleries, planning and development control, a variety of licensing and registration functions and refuse collection and disposal.

Rotherham is at the centre of the UK and in the heart of the South Yorkshire regeneration area. The borough spans some 118 square miles linked by a network of 706 miles of roads and 17 miles of motorway. While still a major steel producer, it has widely diversified its industrial base in recent years, with growth in sectors including information technology, high-value engineering, food, healthcare, construction and services.

Although 70 per-cent rural, Rotherham is a thriving centre for business. The Dukeries and the Peak District lie nearby, to the south and southwest, while to the north and northwest are the sweeping moors of West and North Yorkshire. The town of Rotherham itself is the main urban centre, surrounded by a variety of villages and townships, such as Anston, Aston, Dinnington, Kiveton Park, Maltby, Rawmarsh, Swinton, and Wath-upon-Dearne, as well as other smaller suburban and rural communities. Many act to some extent as dormitories for larger conurbations such as Rotherham itself, Sheffield, Barnsley, Doncaster and Worksop.

The children of the borough are educated at 3 Local Authority Maintained nurseries, 96 primary schools, 16 secondary schools and 7 special schools. Recreation is provided at 4 sports and leisure centres, 2 museums, 1 art gallery and 15 libraries.

Over a quarter of a million people living in the borough are served by 59 members of the Council. Some members of the Council also sit on joint authorities established to deal with passenger transport, police and fire and rescue services provided throughout South Yorkshire.

Three Members of Parliament serve the peoples of the borough. Their respective constituencies are Rotherham, Rother Valley and Rawmarsh and Conisbrough. The constituency boundary of Rawmarsh and Conisbrough extends into the Doncaster City Council area. The MP for this constituency, therefore, also represents electors from some electoral wards of Doncaster CC but the greater part of the constituency is contained within the Rotherham area.

The Operation of the Council

The Council's Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people.

The Constitution comprises 19 articles. The articles set out the basic rules governing the manner in which the Council conducts its business. The Appendices to the Constitution contain more detailed procedures and codes of practice regulating different aspects of the Council's business.

The Council has adopted the "strong" leader with a cabinet form of executive. The executive is responsible for most day-to-day decisions, including major decisions, which are publicised in advance in so far as they can be anticipated. Executive decisions are made in accordance with the Council's overall policies and budget. Any decision that falls outside the budget or policy framework must be referred to the full Council to decide.

The Council's overview and scrutiny committees monitor the work of the executive and enable local people to have a greater say in the Council's business by holding public inquiries into matters of local concern. The Council's Overview and Scrutiny Management Board can "call-in" certain executive decisions that have been made but not yet implemented and question the appropriateness of the decision. The executive can also consult overview and scrutiny select commissions before making a decision or shaping policy.

The Council's Licensing Board and Planning Board are responsible for discharging functions that are not the responsibility of the executive. These functions are regulatory in nature, for example the licensing of operators of hackney carriages and private hire vehicles and the determination of planning applications. Liquor licensing is dealt with by a Licensing Committee comprising members of the Licensing Board.

The Council's officers give advice, implement decisions and manage the day-to-day delivery of services. The Council's Service Director of Legal Services and Executive Director of Corporate Services have a duty to ensure that the Council acts within the law and manages its resources wisely.

The Council's Standards and Ethics Committee is responsible for ensuring high standards of conduct by councillors and co-opted members and overseeing other probity issues.

The Council is involved in partnership working through the Rotherham Together Partnership, the Children and Young People's Board and other arrangements.

PART I
THE CONSTITUTION, THE COUNCIL AND CITIZENS' RIGHTS

1 The Constitution

Exercise of powers and duties

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

The Constitution

1.2 This Constitution, together with the documents contained in the appendices to the Constitution, is the Constitution of Rotherham Borough Council.

Purpose of the Constitution

1.3 The purpose of the Constitution is to -

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

Interpretation of the Constitution

1.4 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option that it thinks is closest to the purposes stated in article 1.3.

2 Members of the Council

Composition and eligibility

2.1 The Council comprises 59 members or Councillors.

2.2 Only registered voters of the borough or those living, working or occupying premises in the borough are eligible to hold the office of councillor.

Election and term of councillors

2.3 The ordinary election of all councillors usually takes place on the first Thursday in May in every fourth year. The next ordinary election of councillors will take place in May 2028.

2.4 The term of office of councillors is four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

Roles and functions of all councillors

2.5.1 All councillors will -

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- represent their communities and bring their views into the Council's decision-making process, that is to say, become the advocate of and for their communities;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within the ward and represent the ward as a whole;
- be involved in decision-making;
- be available to represent the Council on other bodies; and
- maintain the highest standards of conduct and ethics.

Rights and duties

2.6 Councillors have the right of access to the documents, information, land and buildings that are owned or in the possession of the Council in so far as such access is necessary for the proper discharge of their functions and in accordance with the law.

2.7 Without the Council's consent, councillors must not make public information which is confidential or exempt or divulge information given in confidence to anyone other than another councillor or an officer entitled to know it.

2.8 The terms "confidential information" and "exempt information" are explained in the Council's *Access to Information Rules*.

Conduct

2.9 Councillors must at all times observe the *Members' Code of Conduct and the Member/Officer Protocol*.

Allowances

2.10 Councillors are entitled to receive allowances in accordance with the *Members' Allowances Scheme*.

3 The full Council

Policy framework

3.1 The policy framework means the following plans and strategies:–

- The Adult Learning Plan
- The Annual Library Plan;
- The Children and Young People's Plan;
- The Corporate Plan;
- The Crime and Disorder Reduction Strategy;
- The Development Plan documents and the plans and alterations which together comprise the Development Plan;
- The Licensing Authority Policy Statement;
- The Local Transport Plan;
- The Medium Term Financial Strategy;
- The plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the Council's minimum revenue provision;
- The Youth Justice Plan;
- The adoption or approval of any plan or strategy (whether statutory or non-statutory) that the Council has determined should be taken by the full Council;

Budget

3.2 The budget includes –

- the allocation of financial resources to different services and projects;
- proposed contingency funds;
- establishment and use of reserves and also review of reserves and balances;
- setting the council tax and decisions relating to the control of the Council's borrowing requirement;
- control of the Council's capital expenditure and the setting of virement limits.

Housing land transfer

3.3 "Housing land transfer" means –

- the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Housing and Regeneration Act 2008; or
- the disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Functions exercised by the full Council

3.4 Only the full Council will exercise the functions of –

- adopting and changing the Constitution;
- approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
- making decisions about any matter (subject to the urgency procedure contained in the *Access to Information Rules*) in the discharge of an executive function, where the decision-maker is minded to make it in a manner which is not covered by the policy framework or budget;
- electing the Mayor and Deputy Mayor;
- electing the Leader of the Council as and when required;
- agreeing and amending the terms of reference for committees, deciding on their composition and making appointments to them;
- appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- adopting an allowances scheme;
- changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- deciding which functions should be undertaken by the full Council rather than the Executive in matters where the Council has a choice as to this;
- confirming the appointment of the Chief Executive, who is the head of paid service; and
- making decisions about all other matters that by law must be reserved to the full Council.

Council meetings

3.5 A Council meeting is classified as an ordinary meeting, an extraordinary meeting or the annual meeting, but they are all conducted in accordance with the Council's *Procedure Rules*. The Council will set its budget and council tax at a meeting held before 10 March each year.

Responsibility for functions

3.6 The Council's arrangements for the discharge of functions are set out in the Council's *Delegation Scheme for Members and Officers.*

4. Chairing the full Council

Roles and functions of the Mayor

4.1 The Mayor and in his or her absence the Deputy Mayor have the roles and functions set out in article 4.2.

4.2 The Mayor is elected by the Council annually and performs a ceremonial role as the representative of the Council and its citizens as well as being responsible for –

- upholding and promoting the purposes of the Constitution, and interpreting the Constitution when necessary;
- presiding over meetings of the full Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- ensuring that the full Council meeting is a forum for the debate of matters of concern to local communities and the place at which councillors who are not members of the Cabinet are able to hold the Cabinet and individual Cabinet members and committee chairmen to account;
- resolving any dispute on the interpretation of the Council's *Procedure Rules* and any Council proceedings;
- promoting public involvement in the Council's activities; and
- attending such civic and ceremonial functions that the Council and he or she consider appropriate.

First citizen

4.3 The Mayor has precedence, that is to say he or she is the first citizen of the borough.

Promotion of the Council

4.4 The Mayor together with the Leader of the Council will promote the Council as a whole and act as a focal point for the community.

Ceremonial matters

4.5 The Mayor and Deputy Mayor will carry out civic and ceremonial duties throughout their year of office as they consider appropriate and (following discussions with officers) necessary. In so doing they will uphold the dignity and honour bestowed upon them.

5. Decision-making

Responsibility for decision-making

5.1 The Council will issue and keep up-to-date a record of which part of the Council, which individual member or which officer has responsibility for particular types of decisions or decisions relating to particular areas or functions.

5.2 The record is Part 9 of the Constitution – *Responsibility for Functions*.

Principles of decision-making

5.3 All decisions of the Council will be made in accordance with certain immutable principles, which are –

- proportionality (that is to say, the action proposed must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights (see below for further details);
- a presumption in favour of openness; and
- clarity of aims and desired outcomes.

Decisions reserved to full Council

5.4 Decisions relating to the functions listed in article 3.4 will be made by the full Council and not delegated.

Decision-making by the full Council

5.5 When considering any matter, the Council meeting will follow, subject to article 5.9, the Council's *Procedure Rules*.

Decision-making by the executive

5.6 When considering any matter, the executive will follow, subject to article 5.9, the *Executive Procedure Rules*.

Decision-making by overview and scrutiny committees

5.7 When considering any matter, overview and scrutiny committees will follow the *Overview and Scrutiny Procedure Rules*.

Decision-making by other committees and sub-committees established by the Council

5.8 When considering any matter, other Council committees and sub-committees will follow, subject to article 5.9, those parts of the Council's *Procedure Rules* that apply to them.

Decision-making by Council bodies acting as tribunals

5.9 In acting as a tribunal or in a quasi-judicial manner for either of the purposes specified in article 5.10, the Council, a councillor or an officer must follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in article 6 of the European Convention on Human Rights

5.10 Other than for the purpose of giving advice, the specified purposes are the determination or consideration of civil rights and obligations or the criminal responsibility of any person.

6. Citizens' rights and the Council

Right to vote and sign petitions

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

6.1A Any citizen may organise, sign and present a petition to the Council in accordance with the Council's Scheme for handling petitions.

Information

6.2 Citizens have the right to -

- attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is, therefore, held in private;
- attend meetings of the executive when key decisions (as defined in the *Executive Procedure Rules*) and other decisions are being considered, except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
- find out from the forward plan what key decisions will be taken by the executive and when;
- see reports and background papers and any records of decisions made by the Council and the executive; and
- inspect the Council's accounts and make their views known to the Council's external auditors.
- such other information as may be specified in the Council's *Publication Scheme* under the Freedom of Information Act 2000.
- make requests to the Council under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 for information not contained within the *Publication Scheme*.

Participation

6.3 Citizens have the right to submit written questions to meetings of the Council and to attend and ask questions at meetings of the Cabinet and overview and scrutiny committees. They may also contribute to investigations undertaken by overview and scrutiny committees.

Complaints

6.3 Citizens have the right to complain to -

- the Council itself under its complaints procedure;
- the local government ombudsman;
- the Council's Standards and Ethics Committee about a breach of the *Members' Code of Conduct.*
- The Information Commissioner about a refusal by the Council to disclose information.

PART II
THE EXECUTIVE, ETC.

7. The Executive

Role

7.1 The Council has adopted a “strong” Leader and Cabinet form of executive. The executive will carry out all of the Council’s functions that are not the responsibility of any other part of the Council, whether by law or under the Constitution.

Form and composition

7.2 The Cabinet will consist of the Council Leader together with up to nine councillors appointed to the Cabinet by the Leader.

Leader

7.3 The Leader will be a councillor elected to the position of Leader by the Council at its annual meeting for a term of four years, or until the day of the first annual meeting of the Council held after the expiry of their term of office as a councillor, if the latter is a shorter period. He or she will hold office until:

- he or she resigns from the office; or
- he or she is no longer a councillor; or
- he or she is removed from office by resolution of the Council, whereupon his or her term of office as leader shall end on the day of that Council meeting.

7.4 If any of the events in article 7.3 occurs, then the Council must elect a new leader either at the same meeting of the Council in which the event occurred or at the next following meeting of the Council after the event.

Deputy Leader

7.5 The Leader shall appoint one of the other members of the Cabinet to be his or her deputy.

7.6 The Deputy Leader shall hold office for the same term as the Leader unless –

- he or she resigns from the office
- he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension) or
- he or she is no longer a councillor or
- he or she is removed from office by decision of the Leader.

7.7 If the Leader removes the Deputy Leader from office he or she shall appoint another member of the Cabinet as Deputy Leader and shall immediately notify the Head of Democratic Services who will notify the other members of the Council as soon as reasonably practicable.

7.8 The Deputy Leader must act in place of the Leader if for any reason the Leader is unable to act or the office of Leader is vacant, until respectively the Leader is able to resume his or her duties or the Council appoints a new leader.

7.9 If for any reason the Leader and Deputy Leader are both unable to act or their offices are vacant, then the Cabinet shall act in the Leader's place or arrange for another member of the Cabinet to do so.

Other Cabinet members

7.10 Other Cabinet members will hold office until –

- they resign from office; or
- they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- they are no longer councillors; or
- they are removed from office, either individually or collectively, by decision of the Leader.

7.11 If the Leader removes a Cabinet member from office, or appoints a member of the Council as a Cabinet member, the Leader shall directly notify the Head of Democratic Services who will notify the other members of the Council as soon as reasonably practicable.

Proceedings of the Cabinet

7.12 Proceedings of the Cabinet will take place in accordance with the *Executive Procedure Rules* and the Council's *Procedure Rules*.

Responsibility for functions

7.13 The Cabinet shall have power to appoint a committee or committees to deal with such of its functions as it may determine or as may be determined by the Leader.

7.14 The Cabinet may establish a committee to deal with urgent executive matters arising during the month of August when the Council is in recess, but subject still to the *Executive Procedure Rules*, *Access to Information Rules* and *Council Procedure Rules* and *Financial and Procurement Procedure Rules* of the Council.

7.15 The Leader shall allocate Cabinet portfolios to the Cabinet members, which will be set out in the *Executive Procedure Rules* and *Responsibility for Functions*.

7.16 The Leader may discharge any executive functions himself or herself, and may arrange for them to be discharged by the Cabinet collectively, another member of the Cabinet, a committee of the Cabinet, an officer or by joint arrangements with another authority or authorities.

7.17 The responsibility for the discharge of executive functions will be set out in the *Responsibility for Functions*, which will be updated to include any changes made by the Leader.

Advisors

7.18 The Leader may appoint councillors to act as advisors to some or all of the Cabinet members. Such advisors are not part of the executive. Members of the Cabinet may consult their advisors before taking executive decisions but are not obliged to do so.

8. Overview and scrutiny committees

Terms of reference

8.1 The Council will appoint the overview and scrutiny committees specified in the *Responsibility for Functions* to discharge between them the functions conferred by section 21 of the Local Government Act 2000, and Overview and Scrutiny: Statutory Guidance for Councils, combined authorities and combined county authorities (2024) namely –

- to scrutinise the decisions that the executive function or Cabinet is planning to take, those it plans to implement, and those that have already been taken/implemented;
- to make reports or recommendations to the authority about the discharge of its respective functions;
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
- to make reports or recommendations on matters that effect the Borough or the Borough's inhabitants.

General role

8.2 Within their terms of reference, the Overview and Scrutiny Management Board and overview and scrutiny select commissions will between them –

- review or scrutinise decisions or review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- make reports or recommendations to the full Council or the Cabinet (or both) and to a joint committee, in connection with the discharge of any of the Council's functions;
- review and scrutinise the performance of other public bodies in the Borough and invite reports from them by requesting them to address the Committees and local people about their activities and performance;
- exercise in the case of the Overview and Scrutiny Management Board right to call-in for reconsideration decisions made but not yet implemented by the executive.
- consider under the Council's scheme for handling petitions, a public petition to Council reaching the threshold for debate at Council and/or referral to overview and scrutiny
- question and gather evidence from any person (with their consent);
- consider any requests submitted by a member of the Council under the Councillor Call for Action procedure.

8.3 The Overview and Scrutiny Management Board shall consider the plan of key decisions referred to in Rule 7 of the Executive Procedure Rules on a regular basis and shall identify decisions to be scrutinised and shall also meet prior to the each meeting of the Cabinet to consider what recommendations to make to the Cabinet to consider what recommendations to make to the Cabinet in respect of matters on the agenda for the Cabinet meeting.

Policy development and review

8.4 Overview and scrutiny select commissions may –

- assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- question members of the Cabinet and committees and chief officers about their views on issues and proposals affecting the Borough;
- question statutory partners and representatives of other partner agencies and public bodies about their views on issues, activities and proposals affecting the Borough;
- review and scrutinise the decisions made by, and performance of, the executive and committees and council officers both in relation to specific decisions and generally;
- conduct research, community and other consultation in the analysis of policy issues and possible options; and
- liaise with other external organisations operating in the borough, whether national, regional or local, to ensure that the interests of local communities are enhanced by collaborative working.

Scrutiny

8.5 The Overview and Scrutiny Management Board and overview and scrutiny select commissions may between them –

- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas;
- question members of the Cabinet and committees and chief officers about their decisions and performance, whether generally (in comparison with service plans and targets over a period of time) or in relation to particular decisions, initiatives or projects;
- review and scrutinise the performance and actions of other public bodies and statutory partners in relation to their activities in the borough;
- make recommendations to the Cabinet, the committees and the Council arising from the outcome of the scrutiny process.

Annual Report

8.6 The Overview and Scrutiny Management Board will report annually to the full Council on the operation of overview and scrutiny select commissions and make recommendations where appropriate for future work programmes and amended working methods.

Proceedings of overview and scrutiny committees

8.7 Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules.

9. Audit Committee

9.1 The Council has established an Audit Committee comprising five non-executive members of the Council. The Committee will be attended by a representative of the Council's external auditors as well as senior officers of the Council. The Committee's remit is –

- to consider all issues relating to audit matters, both internal and external;
- to monitor and review the effectiveness of risk management systems, including systems of internal control;
- to consider the preparation and monitoring of the internal audit plan;
- to consider summary reports of each internal audit and value for money study undertaken;
- to consider the external audit plan;
- to consider reports from the external auditor, including value for money, systems and final accounts audits;
- to review and monitor the performance of internal audit;
- to review and monitor the anti-fraud strategy and initiatives;
- to ensure the receipt of 'Best Value' from all audit resources;
- to review and monitor corporate governance matters in accordance with audit guidelines.

The Audit Committee will consider the external auditor's annual report on the Council's statement of accounts income and expenditure and will also consider the SAS 610 report from the external auditor. However, the external auditor's management letter will be presented to the full Council.

10. Regulatory boards and other committees

10.1 The Council will appoint a Planning Board and a Licensing Board to discharge the planning and licensing functions which are the responsibility of those boards under the *Responsibility for Functions.*

10.2 The Council has established a separately constituted Liquor Licensing Committee. This Committee comprises fifteen members drawn from membership of the Licensing Board. The Committee will perform the functions described in the *Responsibility for Functions.*

11 The Council's Standards and Ethics Committee

Membership

11.1 The Council's Standards and Ethics Committee will be composed of –

- eight Councillors other than the Mayor and Leader;
- three members of town or parish councils within the Borough (parish members) to be appointed by the town and parish councils that have delegated their powers under Chapter 7 of the Localism Act 2011 to the Council; and
- five persons who are not councillors or officers of the Council (independent members).

Independent members

11.2 Independent members are not entitled to vote at meetings of the Council's Standards and Ethics Committee.

Parish members

11.3 Town and parish council members are entitled to vote at meetings of the Standards and Ethics Committee.

Chairing the Committee

11.4 The chair and vice-chair of the Committee shall be borough councillors.

Primary roles and functions

11.5 The Council's Standards and Ethics Committee's primary roles and functions are –

- promoting and maintaining high standards of conduct by councillors and co-opted members;
- assisting councillors and co-opted members to observe the *Members' Code of Conduct*;
- advising the Council on the adoption or revision of the *Members' Code of Conduct*;
- monitoring the operation of the *Members' Code of Conduct*;
- advising, training or arranging to train councillors and co-opted members on matters relating to the *Members' Code of Conduct*;
- granting dispensations to councillors and co-opted members from requirements relating to interests in the *Members' Code of Conduct in accordance with the Localism Act 2011 and the Council's previous delegation*;
- for a Panel composed of not less than 3 and not more than 5 independent members to receive initial referrals from the Monitoring Officer and consider whether to recommend to the Standards and Ethics Committee that the matter should be investigated;

- for a Complaints Hearing Sub-Committee, formed from voting members of the Standards and Ethics Committee, to consider and determine allegations of breaches of the Code of Conduct that have not been locally resolved;
- to perform similar functions in respect of all town and parish councils within the Borough that have delegated their functions under Chapter 7 of the Localism Act 2011 to the Borough.

Standards and Ethics Committee's additional roles

11.6 The Standards and Ethics Committee additional roles include –

- preparing and reviewing protocols, local codes, advice and guidance;
- overview of the whistle-blowing policy (the *Confidential Reporting Code);*
- review of the application of *Council Procedure Rules* and *Financial & Procurement Procedure Rules*;
- consideration of any reports or investigation which casts doubt on the honesty and integrity of the Council and recommending action to the Council or Cabinet.

PART III
JOINT ARRANGEMENTS

12. Joint arrangements

Arrangements to promote well-being

12.1 In order to promote the economic, social or environmental well-being of the borough and its inhabitants, the Council or the Cabinet may –

- enter into arrangements or agreements with any person or body**;**
- co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- exercise on behalf of that person or body any functions of that person or body.

Joint arrangements with other councils

12.2 The Council may establish joint arrangements with one or more councils or their executives (or both) to exercise non-executive functions in any of the participating authorities, or advise the Council.

12.3 The Cabinet may establish joint arrangements with one or more councils, or their executives, or both to exercise functions that are executive functions.

12.4 Joint arrangements may involve the appointment of joint committees with these other councils.

12.5 Where a joint committee is discharging executive functions the Cabinet may appoint executive members only to a joint committee and these members need not reflect the political composition of the Council as a whole.

12.6 The Council has entered into the following joint arrangements with the councils of Sheffield, Barnsley and Doncaster and created the following joint committees:-
The South Yorkshire Archaeological Joint Committee
The South Yorkshire Archives Joint Committee
The South Yorkshire Trading Standards Joint Committee
The South Yorkshire Police and Crime Panel

Access to information

12.7 The *Access to Information Rules* apply to joint committees.

12.8 If all the members of a joint committee are members of the executive in each of the participating councils, the parts of the *Access to Information Rules* applicable to the executive apply to the joint committee.

12.9 If the joint committee contains members who are not on the executive of any participating council, the parts of the *Access to Information Rules* applicable to non-executive meetings apply to the joint committee.

Delegation to and from other councils

12.10 The Council may delegate non-executive functions to another council or, in certain circumstances, the executive of another council.

12.11 The Cabinet may delegate executive functions to another council or, in certain circumstances, the executive of another council.

12.12 The decision whether or not to accept such a delegation from another council is reserved to the full Council in the case of a non-executive function and to the Leader in the case of an executive function.

Contracting out

12.13 The Council (for functions which are not executive functions) or the Cabinet (for executive functions) may contract out to another body or organisation functions which may be exercised –

- by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or
- under contracting arrangements where the contractor acts as the Council's agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision-making beyond what may be permitted by any such order.

Strategic Partnerships

12.14 The council may establish strategic partnerships with one or more public or private or voluntary organisations and may appoint members to any such strategic partnerships.

Rotherham Together Partnership (Local Strategic Partnership)

12.15 The Council participates in the Rotherham Together Partnership on which local organisations and agencies are represented. The Council has a statutory responsibility to produce the Sustainable Community Strategy and does this in consultation with its partners on the board.

12.16 The board is a single non-statutory multi-agency body which matches the Council's boundaries and aims to bring together at a local level the different parts of the public, private, community and voluntary sectors. The role of the Rotherham Partnership Board includes ensuring that the strategies of all participating organisations are consistent with the wider Sustainable Community Strategy and objectives. The board's roles include:-

- setting aspirational targets;
- overseeing performance management;
- overcoming obstacles to performance.

These responsibilities are shared by all partners, but are a key part of the Council's responsibility as community leader.

Rotherham Children and Young Peoples Board

12.17 Under the Children's Act 2004, the Council is under a duty to promote cooperation between itself, partners and certain other bodies with a view to improving the wellbeing of children within the Council's area. The Council, in conjunction with NHS Rotherham, the police, probation and voluntary sector has established the Rotherham Children's and Young People's Board, to ensure the effective development of partnership working and ensure that all Rotherham children and young people have the best life opportunities. It is the role of the People's Board to:

- agree the strategic policy framework for children and young people's services;
- raise standards and improve the quality and effectiveness of services;
- ensure cost effectiveness, including consideration of proposals for pooled budgets and lead commissioning.

PART IV
OFFICERS' ROLES

13 Officers

General

13.1 The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The Council has established a Staffing Committee whose remit includes:

- conditions of service and remuneration of the Chief Executive and chief officers;
- employment policies and procedures;
- responses to consultations;
- responses to emergency staffing matters.

Conduct

13.2 Officers must comply with the *Code of Official Conduct*.

Employment

13.3 The recruitment, selection and dismissal of officers is in accordance with rules established by the Council for that purpose. Appointments of all staff except the Chief Executive and designated chief officers are made by officers

Chief officers

13.4 The Council through its Appointments Panel engages persons who are designated chief officers, including the chief officers responsible for the functions described in articles 14 (the Chief Executive's role), 15 (the monitoring officer's role) and 16 (the chief finance officer's role).

Chief Executive
Designation of statutory posts

13.5 The Council has designated the Chief Executive as the head of paid service, the Executive Director of Corporate Services as the chief finance officer and the Service Director of Legal Services as the monitoring officer.

Duty to provide sufficient resources to chief finance officer and monitoring officer

13.6 The Council will provide the Executive Director of Corporate Services and the Service Director of Legal Services with the officers, accommodation and other resources that are in their opinion sufficient to allow their duties to be performed.

Management Structure

13.7 The Chief Executive will prepare and publicise a document called the *Management Structure* describing the overall departmental structure of the Council and showing the management structure and deployment of officers.

14. The Chief Executive's role

Responsibilities

14.1 The Chief Executive is the head of paid service and he or she is responsible for:–

- ensuring the overall corporate management and operation of the Council (including overall management responsibility for all Council officers);
- providing professional advice to all parts of the Council in the decision-making process;
- representing the Council on partnership and external bodies, as required by law or by the Council.

Discharge of council functions

14.2 The Chief Executive may report to the full Council as necessary on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of those functions and the organisation of officers.

Restrictions on Chief Executive's role

14.3 The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

15. The Monitoring Officer's role

Maintaining the Constitution

15.1 The Service Director of Legal Services will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

Unlawful decisions or maladministration

15.2 After consulting with the Chief Executive and the Executive Director of Corporate Services, the Service Director of Legal Services will report to the full Council or to the Cabinet (in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration.

15.3 A report submitted to the full Council or to the Cabinet by the Service Director of Legal Services under article 15 (2) will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Council's Standards and Ethics Committee

15.4 The Service Director of Legal Services will contribute to the promotion and maintenance of high standards of conduct by providing support to the Council's Standards and Ethics Committee.

Conducting investigations or taking other action

15.5 The Service Director of Legal Services will conduct investigations into matters referred by the Standards and Ethics Committee or take other action as may be directed by the Committee following allegations that members are in breach of the Council's Code of Conduct and make reports or recommendations in respect of them to the Standards and Ethics Committee.

Register of Members' Interests

15.6 The Service Director of Legal Services will maintain the *Register of Members' Interests* which members and co-opted members are required to complete under the terms of the Council's *Code of Conduct for Members and Co-opted Members*. The register is available for public inspection at the Council's offices at Riverside House, Main Street, Rotherham S60 1AE and on the Council's website.

Proper officer for access to information

15.7 The Service Director of Legal Services will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

Contributing to corporate management

15.8 The Service Director of Legal Services will contribute to the corporate management of the Council, in particular through the provision of professional, legal and constitutional advice and advising whether decisions of the executive are in accordance with the budget and policy framework.

Providing advice

15.9 The Service Director of Legal Services will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and the budget and policy framework, and will support and advise councillors and officers in their respective roles.

Legal proceedings

15.10 The Service Director of Legal Services is authorised to institute and defend matters on behalf of the Council in respect of legal proceedings in any court or tribunal.

Restrictions on posts

15.11 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

16. The Chief Finance Officer's role

Ensuring lawfulness and financial prudence of decision-making

16.1 After consulting with the Chief Executive and the Service Director of Legal Services, the Executive Director of Corporate Services will report to the full Council or to the executive (in relation to an executive function) and the District Auditor if he considers that any proposal, decision or course of action –

- will involve incurring unlawful expenditure;
- is unlawful and is likely to cause a loss or deficiency;
- will result in the Council entering an item of account unlawfully.

Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Administration of financial affairs

16.2 The Executive Director of Corporate Services will have responsibility for the administration of the financial affairs of the Council.

16.3 The Executive Director of Corporate Services will advise the Cabinet in making its proposals for the budget and the Council upon setting the budget, including advice as to the level of reserves and balances that should be maintained by the Council. He will also advise on the establishment and use of reserves.

Contributing to corporate management

16.4 The Executive Director of Corporate Services will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing advice

16.5 The Executive Director of Corporate Services will provide advice to all councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and the budget and policy framework, and will support and advise councillors and officers in their respective roles.

Provision of financial information

16.6 The Executive Director of Corporate Services will provide financial information to the media, members of the public and the community.

PART V
MISCELLANEOUS

17. Finance, contracts and legal matters

17.1 The Council's *Financial and Procurement Procedure Rules* govern the financial management of the Council, the financial management, the making of contracts, financial regulations and the use of the Common Seal of the Council.

18. Review and revision of the Constitution

Duty to monitor and review the constitution

18.1 The Chief Executive, the Service Director of Legal Services and the Executive Director of Corporate Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of the Constitution

18.2 In reviewing the operation of the Constitution, the Chief Executive, the Service Director of Legal Services and the Corporate Director of Corporate Services may -

- observe meetings of different parts of the member and officer structure;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with them by members, officers, the public and other relevant stakeholders; and compare Council practices with national examples of best practice or with the practices of other comparable authorities.

Changes to the Constitution

18.3 The full Council will only approve changes to the Constitution after considering proposals from the Chief Executive, the Service Director of Legal Services and the Executive Director of Corporate Services. However, the Service Director of Legal Services may make clerical amendments to the Constitution to reflect any changes in legislation or changes in the title and responsibilities of Council officers or bodies without need for reference to the Council.

18.4 The Council must take reasonable steps to consult with local electors and other interested persons in the borough when drawing up proposals to change from a leader and cabinet form of executive~~,~~ to an elected Mayor and Cabinet form of executive or vice versa.

19. Suspension and publication of the Constitution

Limit to suspension

19.1 The articles of the Constitution may not be suspended.

Publication

19.2 The Chief Executive will give a printed copy of the Constitution to each member of the Council upon delivery to him of that person's declaration of acceptance of office on the member first being elected to the Council.

19.3 The Head of Democratic Services will ensure that copies of the Constitution are available for inspection at council offices, libraries and other appropriate locations, including the internet, and can be purchased by members of the local press and the public on payment of a reasonable fee.

19.4 The Head of Democratic Services will ensure that a summary of the Constitution is made widely available within the area and is updated as necessary.

APPENDIX 1

ROTHERHAM BOROUGH COUNCIL

EXECUTIVE PROCEDURE RULES

PART I
THE OPERATION OF THE EXECUTIVE, ETC.

1 The operation of the executive
2 The Responsibility for Functions for Members and Officers
3 Conflicts of interest

PART II
EXECUTIVE MEETINGS AND RECORDS OF EXECUTIVE DECISIONS

4 Executive meetings
5 The conduct of executive meetings
6 Recording executive decisions

PART III
THE FORWARD PLAN OF KEY DECISIONS

7 Publicising preparation of the Forward Plan

8 The Forward Plan of Key Decisions
9 Content of the Forward Plan
10 Exceptions to requirement for details of key decisions to feature in Forward Plan

PART IV
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THE POLICY FRAMEWORK

12 The policy framework and the executive
13 Development of plans and strategies
14 Adoption or approval of plans or strategies

Schedule 1 Cabinet Member Portfolios
Schedule 2 Questions from the Public at Cabinet Meetings – Recommended Practice

PART I
THE OPERATION OF THE EXECUTIVE, ETC.

1 The operation of the executive

Who may make executive decisions?

(1) The arrangements for the discharge of executive functions are set out in Article 7 of the constitution, these Executive Procedure Rules and the Responsibility for Functions, as approved by Council.

(2) The Leader of the Council may decide how executive functions that are not set out in the above executive arrangements are to be exercised.

(3) The Leader may discharge any executive function and shall approve the Responsibility for Functions as regards executive functions, which may provide for such functions to be discharged by:-

- the Cabinet as a whole;
- a committee of the Cabinet;
- an individual member of the Cabinet;
- an officer;
- joint arrangements with another local authority; or
- another local authority.

Sub-delegation of executive functions

(4) Subject to any statutory provisions and except where the Leader specifies otherwise, where executive functions have been delegated to the Cabinet, they may be delegated further to any of the individuals or other bodies described in procedure rule 1(3).

(5) Unless the Leader specifies otherwise, where executive functions have been delegated to a committee of the Cabinet or to an individual Cabinet Member, they may be delegated further to an officer.

(6) The fact that executive functions have been delegated does not prevent the discharge of those functions by the delegator.

2 Responsibility for Functions for Members and Officers

(1) The Responsibility for Functions for Members and Officers may only be amended by the Leader as regards executive functions and will contain the details required in Article 5 of the Constitution.
(2) Amendments to the Responsibility for Functions, as regards executive functions will be reported to all members of the Council in accordance with Council Procedure Rules.

3 Conflicts of Interest

(1) A conflict of interest could either be a Disclosable Pecuniary Interest within the meaning of the Localism Act 2011 or an other relevant personal interest which might lead a member of the public reasonably to conclude that the councillor may not make a decision in the public interest.

(2) If a Member of the Cabinet has a conflict of interest in relation to a matter for his or her consideration, the Leader of the Council will substitute or in his absence the Deputy Leader.

(3) If both the Leader or Deputy Leader are absent or if they themselves have a conflict of interest then the Cabinet Member with responsibility for resources is authorised to substitute.

(4) Where all of the above have a conflict of interest then the matter will be referred to the full Cabinet.

PART II
EXECUTIVE MEETINGS AND RECORDS OF EXECUTIVE DECISIONS

4 Cabinet meetings

Frequency of meetings

(1) The Cabinet will meet in accordance with the agreed calendar of meetings.

Quorum

(2) The quorum for a meeting of the Cabinet shall be four. The quorum for a meeting of a committee of the Cabinet shall be one-third of the committee's membership.

Executive decisions

(3) Cabinet decisions which have been delegated to the Cabinet as a whole or a committee of the Cabinet will be taken at a meeting convened in accordance with the *Access to Information Rules*.

(4) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by the committee will be the same as those applying to those taken by the Cabinet as a whole.

5 The conduct of executive meetings

Chairing meetings

(1) Meetings of the Cabinet will be chaired by the Leader, or in his or her absence, by the Deputy Leader. In the absence of both the Leader and Deputy Leader, the Cabinet shall choose another Cabinet Member to preside.

Others' attendance at executive meetings

(2) All members of the public have a right to attend the public part of Cabinet meetings and speak, in accordance with Schedule 2 to these procedure rules, at the discretion of the Chair. The Chair of the Overview and Scrutiny Management Board may attend Cabinet meetings, and, at the invitation of the chair, may speak but not vote.

(3) The *Access to Information Rules* govern who may attend meetings of the Cabinet held in public.

(4) Twenty minutes at the beginning of each Cabinet meeting will be reserved for questions from the public, in accordance with the procedure to be found at Schedule 2 to these Executive Procedure Rules.

Consultation

(5) All reports to the Cabinet, from any member of the Cabinet or an officer, on proposals relating to the budget and policy framework, must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and details of the outcome of that consultation.

(6) Reports about other matters must set out the details and outcome of consultation as appropriate.

(7) The level of consultation required will be appropriate to the nature of the matter under consideration.

Adding items to the Cabinet's agenda

(8) The Leader may put on the agenda of any Cabinet meeting any matter which he or she wishes (whether or not authority has been delegated to the Cabinet, a committee of the Cabinet or any member or officer in respect of that matter) and the Democratic Services Manager will comply with the Leader's instructions in that respect.

(9) The Democratic Services Manager will, subject to the agreement of the Leader, comply with a Cabinet member's request to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for its consideration.

(10) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet.

(11) The Monitoring Officer or the Section 151/Chief Finance Officer (or both) may, following consultation with the Leader, include an item for consideration on the agenda of a Cabinet meeting, and may require the Democratic Services Manager to call such a meeting in pursuance of their statutory duties.

(12) Notwithstanding procedure rule 5(11), where any two of the Chief Executive, the Monitoring Officer and the Section 151/Chief Finance Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may, following consultation with the Leader, instruct the Democratic Services Manager to include the matter as an item on the agenda of the next scheduled meeting of the Cabinet.

(13) If a decision on the matter is required before the Cabinet is next scheduled to meet, the officers entitled to include an item on the agenda under procedure rule 5(12) may also, following consultation with the Leader,

require the Democratic Services Manager to convene an extraordinary meeting of the Cabinet to consider the matter.

6 Recording executive decisions

Executive decisions made at meetings

(1) As soon as reasonably practicable following a Cabinet meeting held in public or in private, the Democratic Services Manager (or an officer designated by him/her) will prepare a minute in respect of every executive decision made at the meeting.

(2) A minute prepared under procedure rule 6(1) will record –

- the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected when the decision was made;
- any disclosable pecuniary interests and other relevant personal interests declared by a member of the Cabinet participating in the making of the decision; and
- any dispensation granted to a member who declared a disclosable pecuniary interest or personal interest.

Executive decisions made by individual executive members

(3) Within three working days following the making of an executive decision by an individual member of the Cabinet, the member concerned will instruct the Democratic Services Manager to prepare a statement (or in his or her absence prepare the statement himself or herself) in respect of that decision.

(4) A statement prepared under procedure rule 6(3) will record –

- the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected by the member when he or she made the decision;
- any disclosable pecuniary interests and other relevant personal interests declared by the Cabinet Member or a member who was consulted by the Cabinet member in relation to the decision; and
- any dispensation granted to a member who was consulted by the Cabinet Member in respect of a disclosable pecuniary interest or a personal interest.

(5) As soon as reasonably practicable following the making of an executive decision by an officer, the officer must produce a written statement in respect of that decision.

(6) A statement prepared under procedure rule 6(5) will record –

- the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected by the officer when he or she made the decision;
- any disclosable pecuniary interests and other relevant personal interests declared by any Cabinet Member who was consulted by the officer in relation to the decision; and
- in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service.

(7) For the purposes of procedure rules 6(5) and (6) above an executive decision includes decisions made under specific delegation from a meeting of a decision making body but does not include decisions which are administrative or operational in nature or decisions about the awarding of contracts which are of a value less than £250,000.

(8) After a meeting of a decision-making body at which an executive decision has been made, or after an individual executive member or officer has made an executive decision the proper officer must ensure that a copy of;

- any records prepared in accordance with the requirements of this Rule; and
- any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with the requirements of this Rule or, where only part of the report is relevant to such a decision, that part; and
- any background papers

must be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of Council and on the Council's website.

(9) This Rule does not require the disclosure of exempt or confidential information.

PART III
THE FORWARD PLAN OF KEY DECISIONS

7 Preparation of the Forward Plan of Key Decisions

Document publicising preparation of forward plan

(1) The Service Director of Legal Services will arrange for the monthly publication of the plan of key decisions covering the forthcoming three months and shall circulate a copy of the plan to all councillors.

Notice period

(2) The plan must be published at least 28 days before the key decision is made.

Contents of document

(3) The document must state –

(a) that a key decision is to be made on behalf of the relevant local authority;
(b) the matter in respect of which the decision is to be made;
(c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
(d) the date on which, or the period within which, the decision is to be made;
(e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decisions is to be made;
(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
(g) that other documents relevant to those matters may be submitted to the decision maker; and
(h) the procedure for requesting details of those documents (if any) as they become available.

Meaning

(4) A key decision means –

- any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.
- any executive decision which is likely: –

to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the

relevant local authority's budget for the service or function to which the decision relates; or

to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority

with the exception of:-

(i) decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made;
(ii) bids by the Council for funding of £400,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet;
(iii) expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Executive Director of Corporate Services inevitable; and
(iv) expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.

The Council has determined that decisions that will result in expenditure or savings with a gross effect of £400,000 or greater are to be considered significant.

(5) If the date by which a key decision must be made makes it impracticable to comply with procedure rule 7(2), the key decision can only be made:-

- if there are more than 5 clear days notice available; and
- the Chair of the Overview and Scrutiny Management Board has been informed, or

(6) If the date by which a key decision must be made makes it impractical to comply with procedure rule 7(5) the key decision can only be made:-

- the Chair of the Overview and Scrutiny Management Board has agreed that the making of the key decision is urgent and it cannot reasonably be deferred; and
- the requisite notices regarding the above requirements have been published.

PART IV
REPORTS TO THE COUNCIL

8 Reports to the Council

Executive decision not treated as key decision

(1) The Overview and Scrutiny Management Board may require the decision-maker responsible for an executive decision to submit a report for consideration by the full Council, if the committee considers that the decision-maker should have treated the decision as a key decision but did not do so.

(2) The decision-maker must submit the report to the full Council within such reasonable period as is specified by the committee.

Contents of report to full Council

(3) The report must contain details of –

- the decision-maker;
- the decision and the reasons for the decision; and
- if the Cabinet share the opinion of the decision-maker that the decision was not a key decision, the reasons for that opinion,

Annual report on urgent key decisions

(4) Annually, the Leader will submit to the full Council a report containing details of urgent decisions taken in compliance with procedure rules 7(5) and 7(6) (special urgency).

(5) A report submitted under procedure rule 8(4) will include –

- particulars of each urgent decision made;
- summary of the matters in respect of which each decision was made; and
- the reasons used to justify the use of the urgency provisions.

PART V
THE POLICY FRAMEWORK

9 The policy framework and the executive

Development and implementation of plans and strategies

(1) The Cabinet is responsible for developing the plans and strategies that are adopted or approved by the Council and comprise the policy framework.

(2) Once the Council has adopted or approved a plan or strategy, the executive is responsible for implementing it.

Alteration or modification of plans and strategies

(3) Subject to procedure rules 9(4) and 9(5), the executive may not alter or modify any plans or strategies that comprise the policy framework, and must take executive decisions in accordance with them.

(4) Without the prior consent of the full Council, the executive may not take a decision that will have the effect of changing any plan or strategy comprised in the policy framework unless –

- the decision is necessary to ensure compliance with the law, ministerial direction or government guidance;
- the particular plan or strategy permits minor changes; or
- the decision is necessary to meet a budgetary constraint (an overspend).

(5) Without the prior consent of the full Council, the executive may not take a decision that falls outside the policy framework unless –

- the decision may reasonably be regarded as urgent; and
- the decision-maker has obtained from the Chair of the Overview and Scrutiny Management Board or, in his or her absence the Mayor or in his or her absence the Deputy Mayor a statement in writing that the decision needs to be made as a matter of urgency.

(6) The executive shall note the chairman or Mayor's consent on the record of a decision made under procedure rule 9(5).

Reporting decisions falling outside policy framework

(7) As soon as practicable after making a decision that falls outside the policy framework, the executive shall submit a report to the full Council, which includes details of –

- the decision;
- the emergency or other circumstances in which the decision was made; and
- the reasons for the decision.

10 Development of plans and strategies

Timetable for preparation of plans and strategies

(1) In respect of any plan or strategy comprised in the policy framework, the Cabinet will determine the timetable for –

(a) consulting as appropriate local stakeholders;
(b) preparing its initial proposals;
(c) consulting overview and scrutiny committees; and
(d) submitting the draft plan or strategy for the Council's adoption or approval.

(2) Details of consultation with local stakeholders will be included in the relevant forward plan or plans that are available for inspection at the Town Hall.

Preparation of initial proposals

(3) In preparing its initial proposals for a particular plan or strategy, the Cabinet will consider the outcome of any review of policy carried out by an overview and scrutiny committee in respect of the plan or strategy.

(4) The Cabinet's initial proposals for the particular plan or strategy will be referred for the consideration of relevant overview and scrutiny committees, who may consult with local stakeholders in so far as the executive has not already consulted them.

(5) Within such period specified by the Cabinet, the overview and scrutiny committees consulted by the Cabinet will report the outcome of their deliberations to the executive.

(6) Having considered the views of local stakeholders and any overview and scrutiny committees' reports, the Cabinet may amend its initial proposals then recommend to the Council the adoption of its firm proposals for the particular plan or strategy.

11 Adoption or approval of plans and strategies

Adoption or approval

(1) Having regard to the views of local stakeholders (where sought) and any overview and scrutiny committee reports, the Council will consider the Cabinet's firm proposals for the particular plan or strategy and may adopt them, propose amendments to them or refer them back to the executive for further consideration.

(2) The Council's decision to adopt the Cabinet's firm proposals for a particular plan or strategy will take immediate effect.

(3) If the Council has objections to the plan or strategy it must inform the Leader of them and request the reconsideration of the plan or strategy in the light of these objections.

(4) The Leader must be given at least 5 working days to arrange for the plan or strategy with any proposed amendments to be resubmitted to the Council or notify the Council of any disagreement with the Council's objections together with reasons for any such amendments or disagreements.

(5) The Council must when reconsidering the plan or strategy take into account any amendments made and the reasons for them and any disagreements with the Council's objections and the reasons for them

(6) The Council's final decision on the adoption or approval of a particular plan or strategy will be of immediate effect and will be publicised at the Town Hall and on the Council's website.

Schedule 1

Cabinet Member Portfolios as at 13th May 2026

The Leader (Cllr Read)

The Leader has responsibility for overall leadership of the Council and representing the borough at a national, regional and sub-regional level. The Leader will take personal responsibility for leading the drive towards corporate improvement, organisational and cultural change, and is responsible for the Council's governance and ethical framework.

- Overall leadership of the Council
- Overall responsibility for ensuring the Council sets and delivers a balanced budget
- Oversight of the Council's response to Child Sexual Exploitation
- Setting Corporate Policy including the Council Plan
- To lead on corporate performance management arrangements
- Reputation management and corporate communication
- Corporate Improvement, Innovation and Organisational change
- To lead on Standards & Governance
- Overall responsibility for Corporate Governance, including signing the Council's Annual Governance Statement to confirm the Council has appropriate rules, policies and procedures in place and operating effectively for managing its business
- To lead the Council's formal Conciliation and Consultation arrangements
- Member of the Rotherham Together Partnership Board
- To lead on City Region activity and devolution, including as member of South Yorkshire Mayoral Combined Authority
- Customer Services
- Democratic Services
- Community Cohesion
- To be responsible for Social Value through corporate Commissioning and Procurement strategies and their implementation including Community Wealth Building
- UK Shared Prosperity Fund
- Crisis and Resilience Fund and other local welfare assistance schemes, including the Food for People in Crisis Partnership, crisis loans schemes and development of the social supermarket
- Advocacy and Appeals (and the Single Advice Model)

Deputy Leader and Cabinet Member for Children and Young People (Cllr Victoria Cusworth)

The Deputy Leader will support the Leader in day-to-day activity and holds specific responsibility for child safeguarding, child protection and incorporates education and the early help strategy.

- Statutory position as lead member for Children
- Chair of the Children and Young People's Partnership
- Children's Safeguarding (including neglect, abuse, CSE and CCE) and prevention and early intervention strategies
- Family intervention, fostering, adoption and looked after children including out of borough placements; corporate parenting lead
- Transitional arrangements from childhood to adulthood for young people with complex needs
- Lead member for Education & 14-19 Strategy including early years, schools, special schools, and pupil referral units
- Healthy Holidays Programme
- School Admissions and Appeals
- Home to School Transport
- School Crossing Patrols
- School Catering
- Family Help services and youth provision including the Universal Youth Work offer
- Children and Adolescent Mental Health Services (CAMHS)
- To Lead on the Domestic Abuse Strategy
- Member neighbourhood working and the Thriving Neighbourhoods Strategy.
- Member Development

Cabinet Member for Housing (Cllr Beresford)

This portfolio is responsible for the council's housing stock and Rotherham Housing Strategy, increasing access to affordable housing and regulation of private sector landlords, and also has oversight of Registrars and associated services.

- Responsibility for management, improvement and adaptation of the housing stock
- Oversight of the Housing Revenue Account
- Housing Strategy and affordability policies
- Asset Management (in relation to Housing and HRA assets)
- Planning for future housing needs (alongside the Cabinet Member for Transport, Jobs and the Local Economy)
- Selective Licensing including the Community Impact elements (where appropriate alongside the Cabinet Member for Communities)
- Other regulation of private landlords
- Reducing homelessness and rough sleeping
- Cemeteries, crematorium and mortuary services, including the Dignity contract.
- Registrars Service
- The Welfare Rights Service
- Responsibility for complaints falling under the Housing Ombudsman (tenant to landlord complaints)

Cabinet Member for Waste Services, Leisure and Green Spaces (Cllr Marshall)

The portfolio holder leads on key Waste services, as well as libraries, cultural services, outdoor spaces and flood prevention. The portfolio holder will have specific responsibilities around:

- All matters relating to Waste Management, collection and recycling, including engagement with the BDR Waste Partnership
- Household Waste Recycling Centres
- Cultural Services (and the Cultural Partnership), including libraries, neighbourhood hubs, heritage, theatre and arts, and Children's Capital of Culture
- All matters relating to Leisure Services (including recreation, sport and the Leisure PFI)
- Development of an events programme in parks
- Green spaces (including Country Parks) and recreational facilities
- Tree Service
- All matters relating to Allotments (including liaison with the Rotherham Allotments Alliance)
- Local Flood Authority duties, including Whiston, Laughton Common, Catcliffe and other flood prevention investments
- All matters relating to Highway Drainage (including septic tank and cesspool emptying)

Cabinet Member for Adult Social Care and Health (Cllr Baker-Rogers)

This portfolio retains the oversight and all commissioning activities and provision of adult social care, public health functions and the interface with NHS. The main thrust is to provide services in a personalised manner around the citizen, including the "My Front Door" programme, and to lead on the integration of local health and adult social care services. The portfolio has responsibility for the delivery of modern Adult Social Care services, as well as Public Health functions.

- Adult Social Services including adult safeguarding, services for older people, a range of services to meet the needs of people with learning disabilities, support for people with mental health issues and dementia, and services to support people with physical disabilities
- Arrangements from childhood to adulthood for people with complex needs
- Lead member for preparation of the Joint Strategic Needs Assessment with health partners
- Lead for liaison with health partners to lead on the integration of local health services including prevention/early intervention activity
- Chair of the Health and Wellbeing Board
- Public Health, including overseeing the Health Protection Plan, health inequalities, prevention and improvement
- Health Watch Liaison

Cabinet Member for Communities (Cllr Allen)

This portfolio oversees essential council services, impacting the quality of life in all communities across the borough. Specific responsibilities are:

- Street Scene, Street Cleansing (including the Roadside Cleansing Team), Litter & Fly Tipping
- Towns & Villages and Our Places Funds
- Pride in Place programme
- Overall responsibility for Enforcement policy and performance (including Community Protection, Street Safe, and the joint agreement with Doncaster MBC)
- Love Where You Live
- Environmental Health and Food Hygiene
- Parish Council Liaison
- Voluntary and Community Sector liaison
- Community Cohesion (supporting the Leader)
- Net Zero, climate change & Biodiversity Planning requirements
- Rotherham Community Energy Scheme
- Electric Vehicle (EV) Charging Strategy and Implementation

Cabinet Member for Transport, Jobs and the Local Economy (Cllr Williams)

This portfolio has overall responsibility for securing jobs and investment in the local economy as well as strategic responsibility for Transportation and Planning.

- All matters relating to Planning (including the Local Plan) and Building Regulations
- Responsibility for Licensing Policy
- Economic Development and Regeneration Strategy and Services
- The major Wath and Dinnington centre investments and other capital regeneration schemes
- Business centres
- The development and co-ordination of partnership strategies for Lifelong Learning, Skills and Employment
- Employment Solutions and Pathways to Work
- Member of the Rotherham Together Partnership Business Growth Board
- The development and Implementation of Economic Growth Regeneration projects including Inward Investment and Business Growth
- Major town centre projects and development (including Town Centre Events)
- Supporting the High Streets Team (where appropriate alongside the Cabinet Member for Communities)
- Highways schemes, repairs and maintenance
- Active Travel, the Cycling Strategy, and issues relating to public transport
- Member of the Safer Roads Partnership

- Neighbourhood Road safety schemes and school safety schemes
- Highways Asset Management Policy and Strategy,
- All matters relating to car parking (including enforcement, parking appeals, parking permits and Blue Badge Scheme)
- Untaxed and Abandoned vehicle removal

Cabinet Member for Finance & Community Safety (Cllr Alam)

This portfolio is concerned with ensuring that residents and employees are treated fairly and with dignity. As such it has an overview the proper and efficient working of the council and its processes, and with key elements of the Community Safety agenda. Specific responsibilities are:

- Day to day working of financial activity (including Revenues and Benefits), and to support the Leader in development of the Budget and Capital Strategy
- Human resources strategies, policies and procedures
- To lead on ICT, particularly on new ways of working and Digital Inclusion
- To lead on Internal Audit and Risk Management
- To lead on Health, Safety and Equalities at Work
- Community Safety, Crime Reduction and Anti-Social Behaviour Strategies
- Chair of the Safer Rotherham Partnership
- All matters relating to the Channel Duty
- All matters relating to the Counter Terrorism and Security Act 2015 (including “Protect” and “Prepare”)
- All matters relating to the deployment of portable CCTV
- To lead on Emergency Planning issues
- Asset Management and Facilities Management
- To lead on all matters relating to Legal Services
- Responsibility for complaints falling under the Local Government and Social Care Ombudsman, and those falling under the Energy Ombudsman

Schedule 2

Questions from the Public at Cabinet Meetings – Procedure

The protocol for the receipt and consideration of public questions is in accordance with the protocols set out within RMBC Constitution - Council Procedure Rule 12 (Public Questions).

1. At the start of each meeting of the Cabinet, 20 minutes will be allocated for eligible members of the public to put questions.

2. An individual shall be permitted to ask one question only.

3. Following the answer to the original question, a questioner may ask one supplementary question. This may not introduce any new issue and shall only be by way of seeking further or clearer information regarding the original question and the answer given.

4. Questions should only concern matters which are within the Council's area of responsibility or influence.

5. Questions:
   (a) Must be reasonable and fair.
   (b) Must not be defamatory, offensive, or abusive.
   (c) Must not seek personal information regarding individual employees or users of Council services.
   (d) Must not relate to individual employment issues.
   (e) Must not relate to matters on which there is a pending right of appeal.
   (f) Must not relate to matters subject to litigation.

6. The Chair may determine the validity of any question, in accordance with the above guidance or otherwise. The Chair may curtail any debate which is, in their opinion, inappropriate or not constructive.

7. Subject to compliance with the above guidance, all individuals shall be treated equally and have fair access to the meeting.

ROTHERHAM BOROUGH COUNCIL

OVERVIEW AND SCRUTINY PROCEDURE RULES

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SCHEDULE 1

Questions from the public and press at overview and scrutiny meetings.

PART I
APPOINTMENT AND TERMS OF REFERENCE

1. Appointment of overview and scrutiny select commissions

(1) The Council will appoint the overview and scrutiny committees specified in the Responsibility for Functions to discharge between them the functions conferred by section 21 of the Local Government Act 2000, and Overview and Scrutiny: Statutory Guidance for councils, combined authorities and combined county authorities (2024)2. The Council will appoint to overview and scrutiny select commissions from time to time as it considers appropriate and those select commissions may appoint sub-commissions.

(2) In these Rules, unless the context otherwise requires, the term "overview and scrutiny select commission" means –

- Overview and Scrutiny Management Board (OSMB),
- Overview and scrutiny select commissions appointed annually by the Council, and any of its or their Review Groups.

(3) The Council may appoint informal commissions or working/review groups on an ad hoc basis, comprising members, council officers and others, such as representatives from local communities and businesses, to assist in the overview and scrutiny process. These informal commissions or groups shall be appointed for a fixed period with clear terms of reference, on the expiry of which they shall cease to exist.

2. Terms of Reference

(1) The terms of reference of OSMB and Commissions are set out in Appendix 9 of the Constitution – Responsibility for Functions. Details of the specific areas for scrutiny by each Commission are also set out in Appendix 9.

3. Membership

Appointment of members to overview and scrutiny select commissions

(1) All councillors except members of the Cabinet may be members of an overview and scrutiny select commission, but no member may be involved in scrutinising a decision in which he or she has been directly involved.

(2) All members of overview and scrutiny select commissions will be appointed annually by the Council, and each commission will be empowered to appoint members of the committee to its Review Groups.

(3) The Chairs and Vice-Chairs of overview and scrutiny select commissions will be appointed at the Annual Council meeting from the Councillors appointed to the committee.

Education representatives

(4) The Improving Lives Select Commission shall include in its membership the following voting representatives ("the education representatives") –

- at least one Church of England diocese representative (if the Council maintains one or more Church of England schools);
- at least one Roman Catholic diocese representative (if the Council maintains one or more Roman Catholic schools);
- between two and five parent governor representatives; and
- at the direction of the Secretary of State for Education representatives of other faiths or denominations.

(5) Where the Improving Lives Select Commission deals with other than educational matters, the education representatives shall not vote on those other matters, though they may stay in the meeting and speak to them.

Membership of particular committees

(6) The membership of OSMB and the Commissions is set out in Appendix 9 of the Constitution – Responsibility for Functions.

4. Meetings

(1) Each overview and scrutiny select commission will hold ordinary meetings at the frequency determined by the Council within its *Calendar of Council and Committee Meetings*, and, in addition, extraordinary meetings may be called by the chair or vice-chairperson as and when appropriate.

(2) All such meetings are subject to the Access to Information Procedure Rules.

5. Quorum

(1) The quorum for an overview and scrutiny select commission meeting will be one-third of its members.

PART II
ADMINISTRATION, BUDGET AND POLICY REVIEW AND DEVELOPMENT AND ACCESS TO DOCUMENTS

1. Administration

Chairs of committees

(1) The chairs and vice-chairs of the overview and scrutiny select commissions will be appointed at the Annual Council meeting from the Councillors appointed to the committee.

Work programme

(2) Overview and scrutiny select commission work programmes will be set subject to any direction of the OSMB, taking into account the wishes of all members of the commission including those who are not members of the largest political group on the Council.

Agenda items

(3) A member of the Council may notify the Statutory Scrutiny Officer that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the commission.

(4) The Statutory Scrutiny Officer will inform the chair and vice chair of the particular overview and scrutiny selct commission of the request at the earliest opportunity and make arrangements for the matter to be considered by the commission for inclusion on a future agenda. Where the Chair and Vice-Chair do not accept the request, this will be reported to the next commission meeting.

Expeditious response to requests for reviews

(5) OSMB and overview and scrutiny select commissions must respond, as soon as their work programme permits, to requests from the Council to review particular areas of Council activity.

2. Budget, policy framework, and related matters

Policy review and development

(1) The role of overview and scrutiny select commissions in relation to the development of the Council's budget and policy framework is set out in Part V of the *Executive Procedure Rules* and is in line Overview and Scrutiny: Statutory Guidance for councils, combined authorities, and combined county authorities (2024).

(2) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview

and scrutiny select commissions may make proposals to the Cabinet for policy developments in so far as they relate to matters within their terms of reference.

(3) Overview and scrutiny select commissions may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process.

Site visits, public surveys, etc. and attendance of witnesses

(4) Overview and scrutiny select commissions may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.

(5) Overview and scrutiny select commissions may ask witnesses to attend to address them on any matter under consideration.

PART III
REFERRAL, CONSIDERATION AND RESPONSE TO REPORTS

1. Reports from overview and scrutiny select commissions

Referral of report

(1) On completion of a review, an overview and scrutiny select commission must report its findings and any recommendations in a formal report to OSMB within three months. The findings and recommendations will then be referred to a scheduled meeting of the Cabinet for its consideration.

(2) The OSMB may refer the matter to Council and shall do so if the matter relates to a responsibility of Council, (e.g. if the recommendation would require a departure from or a change to the approved budget and policy framework).

(3) The response of the Cabinet to recommendations which are the responsibility of the executive shall be reported back to Cabinet within two months of the report's receipt from OSMB and then onto a scheduled meeting of the Council.

PART IV
ACCESS TO DOCUMENTS AND ATTENDANCE AT COMMITTEE MEETINGS

1. Access to documents

Rights of overview and scrutiny select commission members to documents

(1) In addition to their rights as councillors, members of overview and scrutiny select commissions have the additional right to documents and to notice of meetings, as set out in the Access to Information Procedure Rules.

2. Attendance of members and officers, etc at overview and scrutiny select commission meetings

Members and officers giving account

(1) In fulfilling its scrutiny role, an overview and scrutiny select commission may require any Cabinet Members or any senior officer to attend before it to discuss or explain in relation to matters within the commission's remit -

- any particular decision or series of decisions taken in relation to their portfolio responsibility,
- the extent to which the actions taken implement Council policy,
- his, her or their performance in relation to their portfolio responsibility,
- and it is the duty of those persons to attend if so required.

(2) Where any Cabinet Member or officer is required to attend an overview and scrutiny select commission under this provision, the chair of that commission will inform the Statutory Scrutiny Officer.

(3) The Statutory Scrutiny Officer will inform the Cabinet Member or officer in writing that the commission requires their attendance, giving at least 10 working days' notice of the meeting at which he or she is required to attend.

(4) The notice to the Cabinet Member or officer will state the nature of the matter on which he or she is required to attend to give account and whether any papers are required to be produced to the commission.

(5) Where the account to be given to the commission will require the production of a report, the Cabinet Member or officer concerned will be given sufficient notice to allow for preparation of the report.

(6) If in exceptional circumstances the Cabinet Member or officer is unable to attend on the required date, the commission must, in consultation

with officer, arrange an alternative date for attendance or acceptable substitute.

Attendance by others

(7) An overview and scrutiny select commission may invite other persons, such as residents, partners, stakeholders, contractors and members and officers in other parts of the public sector, to address it and discuss issues of local concerns. Those asked to address any panel will have access to support and guidance from the Statutory Scrutiny Officer.

PART V
CALL-IN

3. Call-in

Publication of Cabinet decisions

(1) A decision of the Cabinet or a committee of the Cabinet, will be published online, ordinarily within three working days of the decision being made.

(2) A notice of such decisions and the date on which they were made will be published and state that any decision specified in the notice will come into force on the expiry of 7 working days after its publication ("the notification period"), and may then be implemented, unless the decision is called-in.

Decisions that may be called-in

(3) Any decision of the Cabinet may be called-in unless it is –

- in the form of a recommendation to the full Council;
- an urgent decision (as defined by rule 14 (2)) and the reason for urgency is recorded in the body of the decision;
- a decision of the Adoption Panel;
- concerned with procedural matters; or
- in connection with an appeal.

(4) Where a Cabinet decision takes the form of an approval of details only, the principle having been established by an earlier Cabinet decision, then call-in shall be confined to those details.

Call-in of decision for scrutiny

(5) During the notification period –

- in the case of a decision that does not relate to an education function, a member of the Council who is supported by at least

three other members may request the chair of OSMB to call-in the decision for scrutiny by that board; and

- in the case of a decision that relates to an education function, a member or education representative who is supported by three members or three education representatives (or a combination of both members and education representatives) may request the chair of OSMB to call-in the decision.

(6) If the decision relates to an education function, the education representatives will be invited to the meeting of OSMB where the call-in will be considered.

(7) The Statutory Scrutiny Officer will record –

- the decision to which the call-in relates;
- the name of the member, or in the case of a decision that relates to an education function the name of the member or education representative, requesting call-in of the decision;
- the names of the members, or in the case of a decision that relates to an education function the names of the members or education representatives or members and representatives, supporting the request;
- the reason for the call-in.

(8) The Statutory Scrutiny Officer will notify the decision-maker and the relevant executive director concerned of the call-in request and advise him or her that implementation of the decision be delayed until conclusion of the call-in process.

(9) Where appropriate, and after consulting the chair of the OSMB, the Statutory Scrutiny Officer will add the call-in request to the agenda for the next following meeting of the board.

Consideration of Call-In

(10) If OSMB does not object to the decision called-in, it will come into force and take effect immediately. If having considered the decision the OSMB is still concerned about it, the board may refer it back to the decision-maker for reconsideration with reasons or refer the decision to full Council for consideration with reasons.

(11) If the full Council –

- meets but does not object to the decision called-in and referred by the OSMB
- meets but does not refer the decision back for reconsideration by the decision-maker

the decision shall come into force and take effect on the date of the Council meeting.

Decision referred back by Council

(12) If the full Council objects to a decision called-in and referred to it by OSMB, the Council will refer the decision back to the decision-maker together with the Council's views on the decision, and the decision-maker may amend the decision or not before reaching a final decision and implementing it.

(13) If the Cabinet as a whole or a committee or sub-committee of the Cabinet made the called-in decision, a meeting of the Cabinet or committee or sub-committee (as the case may be) will be convened within ten working days of the Council's request to reconsider it.

4. Call-in and urgency

Urgent Cabinet decisions

(1) The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent.

(2) A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

(3) The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-maker, the decision is an urgent one and therefore not subject to call-in.

(4) The Chair of Overview and Scrutiny Management Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The leader of the main opposition group shall be consulted on any decision to designate a Cabinet decision as urgent.

(5) In the absence of the Chair, the Vice Chair's consent must be obtained and in the absence of both the Chief Executive's consent, or his/her nominee's consent in their absence, must be obtained.

Reporting and monitoring urgent Cabinet decisions

(6) Where the Chair of Overview and Scrutiny Management Board, Vice Chair or Chief Executive consents to exempting a decision from call-in on grounds of urgency, the Statutory Scrutiny Officer will be informed as soon as possible after the decision is made.

(7) Decisions taken as a matter of urgency must be reported to a meeting of the Cabinet, together with the reasons for urgency.

(8) The operation of the procedures relating to scrutiny, call-in and urgency will be monitored annually, and a report submitted to the full Council with proposals, if necessary, for review of the procedures.

PART VI
PETITIONS

1. Petitions

The Council's scheme for handling petitions

(1) OSMB has the following responsibilities in respect of petitions submitted under the above scheme.

Petitions referred by the Council

(2) The Council may refer to the Overview and Scrutiny Management Board a petition received or debated at the Council meeting, which has received 600 or more signatures.

(3) The petition will be reported to the next convenient meeting of the Board. The Board shall consider the petition and make a report in response to the Council or the Cabinet. The report may make recommendations as to the steps to be taken by Council or Cabinet in response to the petition.

PART VII
PROCEDURE AT OVERVIEW AND SCRUTINY MEETINGS

1. Order of business at overview and scrutiny committee meetings

Order of business

(1) The order of business at overview and scrutiny committee meetings will be determined in accordance with the Council's Procedure Rules for Council Meetings.

Questions from the public and Press

(2) An overview and scrutiny committee will allocate time at its meetings for questions from members of the press and public on matters to be considered on the agenda for the meeting, in accordance with Schedule 1 to these procedure rules.

Investigations

(3) Where an overview and scrutiny committee conducts investigations (for example with a view to policy development), the committee may invite persons to attend to give evidence at panel meetings.

(4) In conducting an investigation, a committee will ensure that

- the investigation is conducted fairly and that all members of the committee are given the opportunity to ask questions of attendees and to contribute and speak;
- those assisting the committee by giving evidence are treated with respect and courtesy; and
- the investigation is conducted so as to maximise the efficiency of the investigation or analysis.

(5) Following an investigation or review, the committee will prepare and submit a report to the Council and shall make the report and findings public.

2. The party whip

(1) When considering any matter, in respect of which a member of a committee is subject to the operation of a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter.

(2) The declaration and the detail of the operation of whipping arrangements will be recorded in the minutes of the meeting.

3. Councillor Call-for-Action

(1) In accordance with Section 119 of the Local Government and Public Involvement in Health Act 2007 and Sections 19 and 20 of Part 3 of the Police and Justice Act 2006, any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter. This is intended only to be used when all the usual channels for resolving such issues have been exhausted.

(2) Referral is by way of notice to the Statutory Scrutiny Officer that an item be placed on the next available meeting of the OSMB and will be dealt with under the procedure set out in these Rules.

(3) Any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter.

(4) A local government matter means a matter which:
- (a) relates to the discharge of any function of the Council;
- (b) affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and;
- (c) is not an excluded matter.

(5) A local crime and disorder matter, in relation to a member of a local authority, means a matter concerning –

- (a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (b) The misuse of drugs, alcohol and other substances.

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

(6) Specifically excluded from becoming a CCfA is –
- (a) any matter relating to a planning decision;
- (b) any matter relating to a licensing decision;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the OSMB or at a meeting of a sub-committee of the OSMB.

(7) Procedure Rule 6(a) to (d) shall not apply if the CCfA relates to an allegation that the Council has failed wholly or partly to provide a service on an individual or systematic basis. This will apply even though the matter might relate to a planning or licensing decision or one concerning an individual or entity who have a right of review or

appeal.

(8) Unless specifically excluded, with regard to crime and disorder matters, the OSMB has the power to –

(a) review or scrutinise decisions made, or other action taken, in connection with, the discharge by the responsible authorities* of their crime and disorder functions;
(b) to make reports or recommendations to the Safer Rotherham Partnership with respect to the discharge of those functions.

Notes:

A licensing decision means any decision in relation to:

- an application for any authorisation within the meaning of section 2 of the Licensing Act 2003 (b), or
- a request for a review of any such decision; or
- any enforcement decision made under that Act or subordinate legislation made under that Act.

Planning decision means –

- any decision on an application under the planning Acts or subordinate legislation made under those Acts for any agreement, approval, consent or permission; or
- any enforcement decision relating to any development within the meaning of those Acts; and
- “right of recourse to a review” does not include any right to make a complaint to the Commission for Local Administration pursuant to the Local Government Act 1974.

*Responsible authorities means the bodies or persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998. Namely –

(i) the council for the area;
(ii) the police and police and crime commissioner for the area;
(iii) the fire and rescue service and fire and rescue authority for the area; and
(iv) the NHS.

Schedule 1

Questions from the public and press at overview and scrutiny meetings

Public questions are taken at this meeting at the discretion of the Chair. For the purposes of this meeting, the procedure for the receipt and consideration of public questions are in accordance with the protocols set out within the RMBC Constitution - Council Procedure Rule 12 (Public Questions) and Part VII of the Overview and Scrutiny meeting procedure rules, paragraph14(2) Questions from the public and press.

1. At the start of the meeting, 20 minutes will be allocated for eligible members of the public to put questions.

2. An individual shall be permitted to ask one question only.

3. Following the answer to the original question, a questioner may ask one supplementary question. This may not introduce any new issue and shall only be by way of seeking further or clearer information regarding the original question and the answer given.

4. Questions should only concern matters to be considered on the agenda for the meeting.

5. Questions:
   a) Must be reasonable and fair.
   b) Must not be defamatory, offensive, or abusive.
   c) Must not seek personal information regarding individual employees or users of Council services.
   d) Must not relate to individual employment issues.
   e) Must not relate to matters on which there is a pending right of appeal.
   f) Must not relate to matters subject to litigation.

6. The Chair may determine the validity of any question, in accordance with the above guidance or otherwise. The Chair may curtail any debate which is, in their opinion, inappropriate or not constructive.

7. Subject to compliance with the above guidance, all individuals shall be treated equally and have fair access to the meeting.

APPENDIX 3

ROTHERHAM BOROUGH COUNCIL

ACCESS TO INFORMATION RULES

1. Introduction

PART I
BEFORE THE MEETING

2. Right of access to meetings and exceptions
3. Notice of meetings
4. Public access to agenda and connected reports
5. Members additional rights of access to documents

PART II
THE MEETING AND AFTER THE MEETING

6. Exclusion of the public and press from public meetings
7. Inspection of minutes and other documents after public meetings
8. Inspection of minutes and other documents after executive meetings held in private, etc.
9. Overview and scrutiny members right of access to executive documents
10. Fee for inspecting or copying documents

PART III
RECORDING OF DECISIONS MADE BY OFFICERS

12. Recording of decisions made by officers

PART IV
SUMMARY OF THE RULES

13. Summary

APPENDIX – Schedule 12A of the Local Government Act 1972

THE APPENDIX
SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972

Para. 1 Information relating to any individual

Para. 2 Information which is likely to reveal the identity of an individual

Para. 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Para. 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council

Para. 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Para. 6 Information which reveals that the Council proposes

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

Para. 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Para. 7A Information which is subject to any obligation of confidentiality.

Para. 7B Information which relates in any way to matters concerning national security.

Para. 7C The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

1. Introduction

(1) These Rules concern the right of the public to have access to meetings of the full Council, its committees and sub-committees and to documents submitted to the meeting for consideration by the councillors present at the meeting.

(2) The Rules apply to all meetings of the full Council and to –
- (a) public and private meetings of the executive;
- (b) the Council's regulatory committees;
- (c) the Council's overview and scrutiny committees; and
- (d) the Council's Standards and Ethics Committee.

(3) The Rules do not affect any more specific rights of the public to information by virtue of the Constitution or the law.

PART I
BEFORE THE MEETING

2. Right of access to meetings and exceptions

Right of access to full council and committee meetings and executive meetings held in public

(1) In general full council and committee meetings and executive meetings held in public are open to the public, but the public:-

(a) must be excluded from a full council or committee meeting or executive meeting held in public where it is likely that if they were allowed to stay confidential or exempt information would be disclosed to them;

(b) may be excluded from an executive meeting held in public (if the members of the executive present pass a resolution to that effect) where there is an item of business on the agenda for the meeting that, in view of the nature of the item, is likely to result in the advice of a political adviser or assistant being disclosed to the public if they were allowed to stay.

Executive meetings concerning key decisions must be held in public

(2) An executive meeting may be held in public or in private, but the meeting or part of the meeting must be held in public (unless there is an item of business on the agenda for the meeting, or that part of the meeting, which is likely to result in confidential or exempt information being disclosed to the public if the public were to be allowed access to the meeting or allowed to stay for that part of the meeting) where the Leader of the Council or anyone else chairing the meeting reasonably believes that –

(a) a decision to be made at the meeting or part of the meeting will be a key decision;

(b) a matter is likely to be discussed at the meeting or part of the meeting which relates to a key decision included in the executive's current forward plan or which is the subject of a notice under procedure rule 2(3); and:–

(i) the decision is likely to be made at a meeting of the executive within 28 days of the meeting, and
(ii) an officer (other than a political adviser or assistant) will be present at that meeting or the part of the meeting at which the item is discussed,

but a meeting need not be held in public if the principal purpose of the officer's presence is to brief the executive decision-maker on matters connected with the making of the decision;

(c) a matter relating to a key decision to be made by the executive is to be discussed with an officer (other than a political adviser or assistant) present; or

(d) a decision is to be made at the meeting or part of the meeting in relation to which notice has been given in accordance with procedure rule 2(3).

General exception to key decision to be made in public

(3) Where it has been impracticable to include a matter on the plan of key decisions and the matter would be a key decision, the executive must only make the decision if the Head of Democratic Services has –

(a) notified in writing the chair of the Overview and Scrutiny Management Board or, if there is no chair, each member of the Board by notice in writing of the matter about which the decision is to be made,

(b) placed a copy of the notice at the Town Hall or the place of the meeting and on the Council's website, and

5 clear days have elapsed since the notice was given and made available for public inspection.

Exception to key decision to be made in public on ground of special urgency

(4) If the date by which a key decision must be made makes it impracticable to comply with procedure rule 2(3), the key decision can only be made if the decision-maker has obtained the agreement of –

(a) the chair of the Overview and Scrutiny Management Board, or

(b) if there is no chair of the Overview and Scrutiny Management Board or the Chair is unable to act, the Mayor, or

(c) if there is no chair of the Overview and Scrutiny Management Board or Mayor or they are both unable to act, the Deputy Mayor

that the making of the key decision is urgent and it cannot reasonably be deferred.

Meaning of "information"

(5) "Information" includes an expression of opinion, any recommendation and any decision made.

Meaning of "confidential information"

(6) "Confidential information" means –

(a) information given to the Council by a government department on condition that it is not made available to the public; and

(b) information which must not be made available to the public because an Act of Parliament or a court order prohibits its disclosure to the public.

Meaning of exempt information

(7) "Exempt information" means information which falls into one or more of the categories of information specified in Schedule 12A to the Local Government Act 1972 (please see the Appendix).

(8) Information is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(9) The Secretary of State may vary the categories of exempt information, in accordance with parliamentary procedures.

Meaning of "key decision"

(10) A key decision means:-

(a) any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.

(b) any executive decision which is likely –

to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or

to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

(c) with the exception of:-

(i) decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made.
(ii) bids by the Council for funding of £400,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet.
(iii) expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Executive Director of Corporate Services inevitable.
(iv) expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.

(11) The Council has determined that decisions that will result in expenditure or savings with a gross effect of £400,000 are to be considered significant.

3. Notice of meetings

Notice of full council and committee meetings and executive meetings held in public

(1) The public must be given notice of full council and committee meetings and executive meetings to be held in public; the Head of Democratic Services will post the notice of the meeting on the Council's website –

(a) at least 5 working days before the meeting; or

(b) at the time it is convened, if the meeting is called at shorter notice.

Meaning of "working days"

(2) "Working days" means the day on which the notice is given and the day of the meeting are excluded in calculating the period of 5 days' notice.

4. Public access to agenda and connected reports

Copies of agenda and connected reports

(1) The Head of Democratic Services will ensure that a copy of the agenda and the reports that will be debated in the open part of a committee meeting or executive meeting held in public are available for inspection by the public on the Council's website:–

(a) at least 5 working days before the meeting; or

(b) at the time it is convened, if the meeting is convened at shorter notice.

(2) Where a decision making body (Cabinet, a committee of Cabinet, a Joint Committee, a sub committee of a joint committee or an area committee) is to meet in private:-

(a) a notice of the meeting, including the reasons why the meeting is to be held in private, must be published at least 28 clear days before the meeting;

(b) a notice including the reasons why the meeting is to be held in private, together with any representation made as to why the meeting should be open to the public and a statement of the Council's response, shall be published at least 5 clear days before the private meeting;

(c) where compliance with the rules 4(2)(a) and 4(2)(b) is impracticable agreement must be sought from the chair of the Overview and Scrutiny Management Board or if the chair of the Overview and Scrutiny Management Board is unable to act, the Mayor, that the meeting is urgent and cannot reasonably be deferred; and

(d) as soon as is reasonably practicable after obtaining the agreement described in rule 4(2)(c) a notice must be published on the Council's website setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

Reports not for publication

(3) Copies of reports that:–

(a) contain or may contain confidential information, or

(b) contain or are likely to contain exempt information, or

(c) contain or are likely to contain, in the case of an executive meeting, the advice of a political adviser or assistant,

must be marked "not for publication".

(4) On every copy of the whole or part of a report containing confidential information there must be stated that it contains confidential information.

(5) On every copy of the whole or part of a report likely to contain exempt information must be stated the reason, by reference to Schedule 12A to the 1972 Act, why the public is likely to be excluded from the meeting while the report is debated.

(6) On every copy of the whole or part of a report containing the advice of a political adviser or assistant there must be stated that it contains political advice.

Copies of agenda and reports for use of public

(7) The Head of Democratic Services will ensure that a reasonable number of copies of the agenda and reports to be discussed in the open part of a full council or committee meeting or executive meeting held in public are available for the use of the public at the meeting.

Extra items added to the agenda

(8) Subject to procedure rule 4(9), from the time when an extra item of business is added to the agenda for a full council or committee meeting or an executive meeting held in public, the Head of Democratic Services will make available for inspection by the public a copy of the revised agenda and copies of any reports on extra items added to the agenda to be debated during the open part of the meeting.

(9) Members of the public will not be entitled to inspect a copy of the revised agenda and copies of extra items until they are available, as the case may be, to full council or committee members or executive members.

Failure to comply with rule 3 (notice of meetings) and this rule
In respect of full council and committee meetings

(10) A full council or committee meeting cannot consider an item of business unless –

(a) Procedure rule 3 (notice of meetings) and this rule have been complied with, or

(b) the chair of the meeting is satisfied that there are special circumstances justifying consideration of the item at the meeting as a matter of urgency.

(c) the minutes of the meeting must specify the special circumstances upon which the chairman exercised his discretion to allow consideration of the item at the meeting.

Failure to comply with rule 2.3 or 2.4 in respect of key decisions

(11) An executive meeting convened at short notice cannot consider an item of business that requires a key decision unless procedure rules 2(3) or 2(4) (exceptions to key decisions being made in public) has been complied with, and the Head of Democratic Services has made available a copy of the agenda including the item for inspection by the public from the time that the meeting was convened.

5. Members' additional rights of access to documents

Members' general right to inspect council documents

(1) A member of the Council has the right to inspect documents held by the Authority.

(2) The right stems from the general duty of a member of the Council to keep himself or herself informed of council business as an elected representative on a "need to know" basis.

Limitations on general right of inspection

(3) Members have a general right to inspect documents to undertake their various roles as an elected member of the Council. The right does not, however, entitle a member to inspect council documents for an improper motive.

Members' specific right to inspect council documents

(4) In relation to reports to be considered at full council or committee meetings or executive meetings held in public, a member of the Council has, subject to procedure rule 5(5), the right to inspect any document that:–

(a) contains material that relates to an item to be considered at a full council or committee meeting, or

(b) is in the possession or under the control of the executive and contains material relating to any business to be transacted at an executive meeting held in public,

whether or not he or she is a member of the particular committee or the executive.

(5) The right mentioned in rule 5.4 does not extend to a document or part of a document that in the opinion of the Service Director of Legal Services –

(a) contains confidential or exempt information (please see the Appendix), or

(b) discloses advice provided by a political adviser or assistant to the executive,

but this procedure rule 5(5) does not apply –

(i) to exempt information that falls within paragraph 3 (information relating to the financial or business affairs of any particular person (including the Council)) of Schedule 12A to the Local Government Act 1972, except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, or

(ii) to exempt information that falls within paragraph 6 (information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment) of Schedule 12A.

PART II
THE MEETING AND AFTER THE MEETING

6. Exclusion of the public and press from public meetings

Public and Press not to be excluded from meeting open to public

(1) The Council must not exclude members of the public or the press, who must be given facilities for reporting the proceedings at their own expense, from a meeting which is open to the public.

Content of resolution excluding public from meeting

(2) A resolution to exclude members of the public from a full council or committee meeting or executive meeting held in public must identify the proceedings or the part of the proceedings to which it applies, and describe the exempt information in terms of Schedule 12A to the 1972 Act (please see the Appendix) and confidential information.

(3) Council Procedure Rule 18 (Appendix 4 of the Constitution) details the rules regarding the filming and recording of Council and committee meetings.

Chairman's powers to control meeting

(4) If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor or Chair shall warn the person(s) concerned. If the interruption continues, the Mayor or Chair shall order their removal from the meeting room.

(5) In the case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held, the Mayor or Chair will order that part to be cleared. If in the Mayor or Chair's view, this is not practicable and it is not possible to continue the meeting in the light of the disturbance, he/she may rule that the meeting adjourn and/or that the meeting should be reconvened in a different venue.

6. Inspection of minutes and other documents after public meetings

Documents available for public inspection after meetings

(1) For a period of six years, beginning with the date of a council or committee meeting or an executive meeting held in public, there must be open to public inspection, via the Council's website –

(a) the minutes, or a copy of the minutes of the meeting, which have been edited to remove any minutes relating to the closed part of the meeting, and which would result in the disclosure of confidential or exempt information if the removed minutes were made available for public inspection;

(b) a summary prepared by the Head of Democratic Services (without disclosing confidential or exempt information or the advice of a political adviser or assistant) of the whole or part of the meeting, if the edited minutes do not give a reasonably fair and coherent record of the whole or part of the meeting;

(c) a copy of the agenda for the meeting; and

(d) a copy of the reports prepared for the open part of the meeting.

Inspection of background papers

(2) For four years beginning with the date of the meeting, the Head of Democratic Services will keep –

(a) copies of a list of the background papers relating to the reports or parts of the reports open to public inspection, and

(b) make available for public inspection at least one copy of each of the papers included in that list,

on the Council's website and at all reasonable hours at the Town Hall, The Crofts, Moorgate Street, Rotherham, S60 2TH.

Meaning of "background papers", etc

(3) "Background papers" for a report means those documents other than published documents which relate to the subject matter of the report or a part of the report (as the case may be) and which in the opinion of the Head of Democratic Services:–

(a) disclose facts or matters on which the report or an important part of the report is based; and

(b) were relied on to a material extent in preparing the report.

(4) Background papers are considered to be open to public inspection if available as soon as reasonably practicable after a member of the public has requested sight of them.

7. Inspection of minutes and other documents after executive meetings held in private, etc.

Executive meetings, etc.

(1) As soon as practicable following –

(a) the date of an executive meeting held in private,

(b) the date on which an individual member of the executive made an executive decision, or

(c) the date on which an officer made an executive decision that was a key decision,

the Head of Democratic Services will arrange for the documents mentioned in procedure rule 8(2) to be available for public inspection on the Council's website.

Documents available for public inspection

(2) The documents are –

(a) in the case of –
(i) an executive meeting, the minute or a copy of the minute of the meeting,
(ii) an executive decision made by an individual member, the statement or a copy of the statement recording the decision, and
(iii) a copy of any report or part of a report relevant to the particular minute or statement, except where the report or part of the report contains confidential or exempt information or the advice of a political adviser or assistant.

Copies of documents supplied for use of media

(3) At the request of a newspaper, the Head of Democratic Services will supply copies of the documents mentioned in rule 8.2 on payment of postage or any other necessary forwarding charge.

Inspection of background papers

(4) Where in accordance with this rule a report or part of a report for an executive meeting held in private is made available for inspection by the public at the same time as the agenda and other connected reports for the meeting are made available to the public in accordance with rule 4 (public access to agenda and connected reports), the Head of Democratic Services will ensure that –

(a) the report or part of the report contains a list of the background papers to the report; and

(b) as soon as reasonably practicable following a request by a member of the public to see the background papers to the report, a copy of each of the documents in the list is available for inspection by the public at all reasonable hours at the Town Hall, The Crofts, Moorgate Street, Rotherham, S60 2TH.

Private meeting of executive, etc.

(5) On the conclusion of a private meeting of the executive or immediately after an executive decision has been made by an individual member or a key decision made by an officer, members of the Council have the right to inspect any of the documents specified in procedure rule 8(6).

(6) The documents referred to in procedure rule 8(5) are the documents that are in the possession or under the control of the executive and contain material relating to –

(a) any business transacted at the private meeting of the executive;

(b) any decision made by the individual member of the executive; or

(c) any key decision made by the officer in accordance with executive arrangements.

(7) The right mentioned in procedure rules 8(4) and 8(5) does not extend to a document that in the opinion of the Head of Democratic Services –

(a) discloses confidential or exempt information (please see the Appendix); or

(b) discloses advice provided by a political adviser or assistant to the executive,

but this procedure rule 8(7) does not apply –

(i) to exempt information that falls within paragraph 3 (information relating to the financial or business affairs of any particular person (including the Council)) of Schedule 12A to the Local Government Act 1972, except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, or

(ii) to exempt information that falls within paragraph 6 (information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment) of Schedule 12A to the 1972 Act.

9. Overview and scrutiny members right of access to executive documents

(1) Members have a general right to inspect documents to undertake their various roles as an elected member of the Council. A member of an overview and scrutiny committee has, subject to procedure rule 9(2), the right to a copy of any document which is in the possession or under the control of the executive and which contains material relating to –

(a) any business that has been transacted at a public or private meeting of the executive,

(b) any decision made by an individual member of the executive; or

(c) any key decision made by an officer in accordance with executive arrangements.

(2) The right mentioned in rule 9(1) does not extend to a document or part of a document that in the opinion of the Service Director of Legal Services:–

(a) contains confidential or exempt information unless that information is relevant to –

(i) an action or decision that the member is reviewing or scrutinising,
(ii) any review contained in a programme of work of the committee or subcommittee of which he is a member; or
(iii) contains the advice of a political adviser or assistant.

10. Fee for inspecting or copying documents

(1) The Council may charge a member of the public wishing to inspect background papers under procedure rules 7 or 8 (inspection of minutes and documents) a reasonable fee for doing so.

(2) Subject to copyright, the Council may charge a member of the public or member of the Council wishing to make a copy of the whole or part of a document available for inspection under these Rules a reasonable fee for doing so or for the Council itself supplying him with a copy.

PART III
RECORDING OF DECISIONS MADE BY OFFICERS

11. Recording of decisions made by officers

(1) Where an officer makes a decision which is not an executive decision, including under specific delegation from a meeting of a decision-making body, the effect of which is

(a) to grant a permission or licence,
(b) to affect the rights of an individual; or
(c) to award a contract or incur expenditure which, in either case, materially affects the Council's financial position,

the decision-making officer must produce a written record of the decision as soon as reasonably practicable after the decision has been made which must contain the following information –

- the date the decision was taken
- a record of the decision taken along with reasons for the decision;
- details of alternative options, if any, considered and rejected; and
- where the decision was made under specific delegation from a decision-making body, the names of any member of the relevant body who has declared a conflict of interest in relation to the decision.

(2) The Council has determined that where the effect of an officer decision is to award a contract or incur expenditure, the value of the contract or expenditure above which it is to be considered as materially affecting the Council's position is to be £250,000.

(3) The duty imposed by Procedure Rule 11(1) above is satisfied where, in respect of a decision, a written record, containing the date the decision was taken and the reasons for the decision, is already required to be produced in accordance with statute, and the duty does not require administrative and operational decisions to be recorded.

(4) All written records produced in accordance with Procedure Rule 11(1) above, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public:–

- at all reasonable hours, at the offices of the Council; and
- on the Council's website,

(5) All written records produced in accordance with Procedure Rule 11(1) above must be retained and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

(6) Any background papers must be retained and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.

(7) Nothing in Procedure Rules 11(1) to 11(6) requires the disclosure of exempt or confidential information.

PART V
SUMMARY OF THE RULES

12. Summary

The Access to Information Rules are summarised as follows –

BEFORE THE MEETING

(1) The public has a general right of access to meetings of the full Council and to committee meetings and executive meetings held in public.

(2) A full council or committee or executive meeting (or part of the meeting) must not be held in public where the item for discussion contains confidential information.

(3) The public may be excluded from a full council or committee or executive meeting (or part of the meeting) by resolution of the members present if an item to be discussed is likely to contain exempt information.

(4) The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 (a summary of the provisions of Schedule 12A is appended to these Rules).

(5) The public may be excluded from a committee or executive meeting (or part of the meeting) by resolution of the members present if an item to be discussed is likely to contain the advice of a political adviser or assistant.

(6) An executive meeting (or part of an executive meeting) may be held in private but, subject to procedure rule 12(7), must be held in public if –

(a) a key decision is to be made;

(b) a matter is likely to be discussed that relates to a key decision included in the current plan and the executive is likely to make the decision within 28 days of the meeting, and an officer will be present at that meeting or part of the meeting when the matter is discussed;

(c) a key decision is to be discussed with an officer other than a political adviser or assistant.

(7) A key decision may be made in private if but only if –

(a) the decision relates to a matter that it was impracticable to include on the plan and appropriate notice has been given and 5 working days have elapsed since the publication of the notice; or

(b) the date by which the decision must be made makes it impracticable to comply with the notice requirements set out in procedure rule 12(7)(a) and certain members of the Council have agreed to the decision being made on the ground of special urgency.

(8) The public must be given at least 5 working days' notice of a committee or executive meeting or part of a meeting to be held in public, unless the meeting is called at shorter notice when the notice must be given at the time the meeting is convened.

(9) Copies of the agenda and reports to be debated in the open part of a full council or committee or executive meeting (or part of the meeting) must be available for inspection by the public at least 5 working days before the meeting, unless the meeting is called at shorter notice when they must be available at the time the meeting is convened.

(10) Reports or parts of reports containing confidential or exempt information or the advice of a political adviser or assistant must be marked "not for publication", and the reason must be stated on the face of the report or part of the report.

(11) Copies of the agenda and the open reports or the open parts of reports prepared for a full council or committee meeting or an executive meeting held in public must be available for inspection by the public before the meeting.

(12) Members of the Council have certain general and additional rights of access to council documents forming the basis of a report to members or the executive.

THE MEETING AND AFTER THE MEETING

(13) Members of the public cannot be excluded from the open part of a meeting unless they are disruptive when the chairman may exclude them.

(14) The resolution excluding the public from a full council or committee or executive meeting (or part of the meeting) must satisfy certain criteria (see procedure rule 6(2)).

(15) The minutes, a summary of the meeting (if the minutes are not a fair and coherent record of the meeting after editing to remove confidential or exempt information or the advice of a political adviser or assistant), the agenda and the reports of the open part of a full council or committee or executive meeting must be available for public inspection for at least 6 years after the meeting.

(16) Background papers relating to the open part of a full council or committee or executive meeting must also be available for public inspection for at least 4 years after the meeting.

PRIVATE MEETINGS OF THE EXECUTIVE, ETC.

(17) Following an executive meeting held in private, the making of an executive decision by a member of the executive or the making of a key decision by an officer, the Head of Democratic Services will make available for public inspection –

(a) the minute or a copy of the minute of the meeting;

(b) the statement or a copy of the statement recording the executive decision made by the member, or

(c) the statement or a copy of the statement recording the key decision made by the officer, and

(d) a copy of any report or part of a report that relates to the minute or statement,

which have been edited to remove confidential or exempt information or the advice of a political adviser or assistant.

(18) The Head of Democratic Services will ensure that any report made available for public inspection under procedure rule 12(17) contains a list of background papers to the report and copies of the documents listed are available for public inspection.

(19) Following –

(a) a private meeting of the executive, or

(b) the making of an executive decision by an executive member

members of the Council have the right to inspect any documents containing material relating to the business transacted at the meeting or relating to the decision or key decision, which have been edited to remove confidential or exempt information or the advice of a political adviser or assistant.

OVERVIEW AND SCRUTINY

(20) A member of an overview and scrutiny committee has the right to a copy of any document containing material relating to –

(a) any business transacted at a public or private meeting of the executive,

(b) any decision made by an executive member,

which has been edited to remove confidential or exempt information or the advice of a political adviser or assistant.

APPENDIX
SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

1. Information relating to any individual

Exemption

(1) A report contains exempt information if it contains information relating to any individual – paragraph 1 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. Information which is likely to reveal the identity of an individual

Exemption

(1) A report contains exempt information if it contains information which is likely to reveal the identity of an individual – paragraph 2 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. Information relating to the financial or business affairs of any particular person (including the Council)

Exemption

(1) A report contains exempt information if it contains information relating to the financial or business affairs of any particular person (including the Council) – paragraph 3 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(3) The information is not exempt if it is required to be registered under –

(a) the Companies Act 1985;
(b) the Friendly Societies Act 1974;
(c) the Friendly Societies Act 1992;
(d) the Industrial and Provident Societies Acts 1965 to 1978;
(e) the Building Societies Act 1986; or
(f) the Charities Act 1993.

(4) The information is not exempt if it relates to proposed development for which the Council, in its capacity as local planning authority, may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

(5) For the purposes of this exemption –

(a) "financial or business affairs" includes contemplated, as well as past or current, activities;
(b) "registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

4. Information relating to any consultations or negotiations, or contemplated negotiations, in connection with any labour relations matter

Exemption

(1) A report contains exempt information if it contains information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council – paragraph 4 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(3) For the purposes of this exemption –

(a) "employee" means a person employed under a contract of service;
(b) "labour relations matter" means –

(i) any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act), or
(ii) any dispute about a matter falling within the preceding paragraph (i),

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the Council as they apply in relation to employees of the Council;

(4) "office-holder", in relation to the Council, means the holder of any paid office appointments to which are or may be made or confirmed by the Council or by any joint board on which the Council is represented or by any person who holds any such office or is an employee of the Council.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Exemption

(1) A report contains exempt information if it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings – paragraph 5 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment

(1) A report contains exempt information if it contains information which reveals that the Council proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment – paragraph 6 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Exemption

(1) A report contains exempt information if it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime – paragraph 7 of Part I of Schedule 12A.

Qualification

(2) The information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

ROTHERHAM BOROUGH COUNCIL

COUNCIL PROCEDURE RULES

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PART I
COUNCIL MEETINGS

Annual meeting etc

1. Annual Meeting and other Council meetings

(1) Dates and times of Council meetings will be agreed by the Council at the Budget Council Meeting. Additional meetings will be agreed by the Council as required. They will start at 2.00pm, unless otherwise determined by the Mayor.

(2) There will be an Annual Meeting, a Budget Council meeting and no fewer than six further ordinary meetings of the Council in each municipal year.

2. Timing and Business of the Annual Council Meeting

(1) In the year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days following the retirement of the outgoing councillors. At this meeting, the Council will elect a Leader to serve for a four-year term or until the next Annual Meeting after ordinary whole Council elections.

(2) In any other year, the Annual Meeting will take place at a time of the Council's determination in April or May and will consider the following business:

- (i) Elect a person to preside if the Mayor or Deputy Mayor of the Council are not present.
- (ii) Elect the Mayor of Rotherham as Chairperson of the Council.
- (iii) Elect the Deputy Mayor of Rotherham as Vice-Chairperson of the Council.
- (iv) Approve the minutes of the last meeting.
- (v) Receive any announcement from the Mayor, as chairperson of the meeting.
- (vi) Note the decision of the Leader as to the number of Members of the Executive; who he/she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and officers.
- (vii) Appoint Members to all committees, boards and panels, as appropriate, to deal with matters which are neither reserved to the Council nor are executive functions.
- (viii) Agree the scheme of delegation (*Responsibility for Functions*); and
- (ix) Consider any urgent business requiring consideration at the meeting.

(3) The Council will:

- (i) decide which member level bodies to establish for the municipal year;

(ii) decide the size and terms of reference for those bodies;
(iii) decide the allocation of seats to political groups in accordance with the political balance rules;
(iv) receive nominations of Members to serve on committees and joint committees; and
(v) appoint to those committees and joint committees, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

3. Ordinary Council meetings

(1)Ordinary meetings of the Council will take place in accordance with the calendar of meetings decided at the Budget Council Meeting.

(2)The order of business at ordinary meetings will be as follows:

(i) elect a person to preside if the Mayor and Deputy Mayor are not present;
(ii) Mayor's announcements;
(iii) to approve as a correct record and sign the minutes of the last meeting of the Council;
(iv) receive any declarations of interest from councillors;
(v) to deal with any business required by statute to be done before any other business;
(vi) to receive and consider any petitions received in accordance with the Council's Petition Scheme
(vii) to deal with any other business expressly required by statute (not required under (v) above) or specified in the summons including reports from the Executive, Proper Officers, Overview and Scrutiny Committees or Joint Committees and Partners;
(viii) to answer questions asked under Procedure Rule 11;
(ix) to consider motions; and
(x) other business, if any, specified in the summons

4. Budget Council Meetings

(1)A meeting of the Council will take place before 10 March each year in order to calculate the budget requirement and set the Council Tax.

(2)This meeting will be deemed to be a Budget Council (as a standard agenda meeting) operating outside the parameters of an Ordinary Meeting

(3)The standard agenda will include Budget and Council Tax Setting for the forthcoming financial year; the HRA Business Plan, Rent Setting and Service Charges for the forthcoming financial year (if not approved at a prior Council meeting) and the Calendar of Meeting for the forthcoming municipal year. In exceptional circumstances and at the discretion of the Mayor, urgent items are permitted on the agenda.

(4)The Calendar of Meetings for the forthcoming municipal year, including dates

and times of Council and Committee meetings, will be submitted for approval to this meeting annually. Any in-year changes to the regular schedule of a Committee can be proposed by any member of that Committee for discussion, with notice to be given with the meeting papers in advance of any decision to be taken. A simple majority of all Members of the relevant Committee in a formal vote is required to approve any changes.

5. Extraordinary Council Meetings

(1)Those listed below may request the Chief Executive to call extraordinary Council meetings:

(i) the Council by resolution.
(ii) the Mayor, on advice from the Chief Executive and/or Monitoring Officer.
(iii) the Monitoring Officer.
(iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she refused to call a meeting or has failed to do so within seven days of the presentation of the requisition.

(2)The business to be carried out at an extraordinary meeting shall be restricted to those items referred to in the notice convening the meeting unless the Mayor decides otherwise.

6. Declarations of interests

(1)In discharging his/her duties as a councillor, a Member of the Council shall abide by the guidance contained in the Council's *Code of Conduct for Members and Co-opted Members and the Member/Officer Protocol.*

(2)Officers of the Council must abide by the provisions of the Council's *Code of Official Conduct* and any guidance issued from time to time by the Council's Standards and Ethics Committee.

(3)At the start of a Council meeting, or upon reaching the relevant item in the agenda, Members and officers shall make any declarations of interests that they are required to make in accordance with this procedure rule.

(4)On and after the coming into force of the provisions in relation to disclosable pecuniary interests in Chapter 7 (standards) of Part 1 of the Localism Act 2011, except where the Monitoring officer or the Standards and Ethics Committee, as the case may be, has granted a Member a dispensation in relation to an item of business of which the Member has a disclosable pecuniary interest, the Member must not take part in the discussion or vote on the item and must withdraw from the meeting room, including the public gallery, before the item is considered by the meeting.

(5)In the case of personal interests under the Code of Conduct, except where

the Monitoring Officer or Standards and Ethics Committee as the case may be, has granted a Member a dispensation in relation to an item in which a Member has a personal interest, the Member must not take part in the discussion or vote on the item and consider whether the interest is of such significance that it warrants withdrawal from the meeting.

(6)Declarations of interests by Members shall be recorded in the minutes of the meeting at which the interest is declared.

(7)The Service Director of Legal Services shall keep a Register of Members' Interests.

7 Quorum for Council meetings

(1)The quorum for any meeting of the Council is at least one third of the total number of Members of the Council.

(2)No business will be considered at a meeting of the Council unless there is a quorum present. If during any meeting the Mayor, after counting the number of councillors present, declares the meeting to be inquorate, the meeting will be adjourned. Any business not carried out will be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

8 Appointment of Mayor and Deputy Mayor of the Council

(1)The members of the Council shall elect annually a chairperson and vice-chairperson of the Council (the Mayor and Deputy Mayor), who shall hold office on the terms and conditions set down in the Local Government Act 1972 and preside at Council meetings.

(2)In a year with no all-out elections, consideration will be given to the designation of a Mayor-Elect and Deputy Mayor-Elect at the final Council meeting of a municipal year. Nominations will be invited to be proposed in accordance with Council Procedure Rule 15(5), with notice having been provided by 12noon on the sixth clear day before a Council meeting. The members designated as Mayor-Elect, and Deputy Mayor-Elect will be nominated for election as Mayor and Deputy Mayor at the Annual Meeting of the Council.

(3)In a year with all-out elections, consideration will be given to the designation of a Mayor-Elect and Deputy Mayor-Elect at the Annual Council meeting. Nominations will be invited to be proposed in accordance with Council Procedure Rule 15(5), with notice having been provided by 12noon on the sixth clear day before the Council meeting.

(4)In the absence of the Mayor and Deputy Mayor, another Member of the Council, who is chosen by the Members of the Council present at the meeting, shall preside and exercise the powers and duties conferred on the Mayor by these Procedure Rules.

9. Leader's Statement

(1)The Leader of the Council may make a report or statement to the meeting providing an update on any matters relating to the Borough or the Council.

(2)Following 9(1), the Leader of the Majority Opposition Group will have the opportunity to respond to the Leader of the Council on any matters relating to the Borough or the Council for a period of no more than ten minutes.

(3)The Leader of the Council will then respond to the Leader of the Majority Opposition Group before responding to all other questions.

(4)There will be an opportunity for questions to be put to the Leader of the Council, on the content of the statement, by any Member for a period of up to 10 minutes.

10 The minutes of Council meetings

(1)The minutes of the proceedings of Council meetings shall be drawn up and entered in a book or books kept for that purpose and a copy sent to Members with the summons for the next following Council meeting.

(2) The following minutes of meetings will be submitted to Council for noting:

- the minutes of meetings of the Cabinet;
- the minutes of meetings of the Audit Committee;
- the minutes of meetings of the Health and Wellbeing Board;
- the minutes of meetings of the Licensing Board and Licensing Board Sub-Committee;
- the minutes of meetings of the Licensing Committee and Licensing Sub-Committee;
- the minutes of meetings of the Planning Board;
- the minutes of meetings of the Staffing Committee; and
- the minutes of meetings of the Standards and Ethics Committee.

(4)The Mayor shall put the question that the minutes of the preceding Council meeting be approved as a correct record.

(5)Except upon the question of their accuracy, the minutes of a Council meeting shall not be debated.

(6)A question on the accuracy of a minute or minutes shall be raised by motion.

(7)If the minutes are approved without question, or any question on their accuracy is resolved, the Mayor shall certify and sign them as a true record of the Council meeting on the specified date.

(8)Where an extraordinary meeting of the Council is called between programmed Council meetings, the next programmed meeting of the Council shall be treated as a suitable meeting for the purposes of certifying and signing the

minutes of the extraordinary meeting.

(9)At the invitation of the Mayor, members of the Council may ask questions regarding items of business referred to in the minutes of Cabinet meetings (for a period of no more than 20 minutes) or committee meetings which are included within the Council agenda. Where questions are put, the Mayor will invite the Leader of the Council, the relevant Cabinet Member or Chairperson of a committee to:

(a) respond directly to the question put;
(b) refer the Member to a publication of the Council; or
(c) undertake to provide a written answer for circulation to the Members of the Council.

11 General questions by Members at Council meetings

General questions to Members of the Cabinet and committee chairpersons

(1)A Member may, subject to Procedure Rule 11(7), ask a general question of a Member of the Cabinet (or his/her representative) or the chairperson (or his/her representative) of a committee that is relevant to the affairs of the Council or the Borough.

(2)A general question asked under Procedure Rule 11(1) must not exceed 60 words in length and –

(a) must not relate to an individual case; and

(b) must not, without the Mayor's consent, repeat or substantially repeat any question that has been asked and answered in the preceding three Council meetings.

(3)Following the reply to a question put under Procedure Rule 11(1), the Member who asked the question may ask a supplementary question of the Member of the Cabinet (or his/her representative) or the chairperson of the committee (or his/her representative) who responded to the question.

(4)A supplementary question under Procedure Rule 11(3):

(a) must relate to the subject matter of the original question and answer;

(b) must be fair and reasonable; and

(c) must take no longer than one minute to ask.

Questions to be put to representatives nominated to joint authorities and other bodies

(5)A Member may, subject to Procedure Rule 11(7), ask a question of a Member

(or his/her representative) who –

(a) sits as a member of one or more of the joint authorities or other bodies specified in Procedure Rule 11(6); and

(b) who has been nominated by the authority concerned to answer questions on the discharge of the functions of the authority;

and following the reply to a question put under this procedure rule, the Member who asked the question may ask the member who responded to the question a supplementary question in accordance with Procedure Rule 11(4).

(6)The authorities and bodies referred to in Procedure Rule 11(5) are –

(a) the South Yorkshire Police and Crime Panel;

The Police and Crime Panel representative will answer questions relating to the business of the Police and Crime Panel, as a designated spokesperson, rather than the affairs of South Yorkshire Police or the Police and Crime Commissioner for South Yorkshire.

(b) the South Yorkshire Fire and Rescue Authority;

(c) the South Yorkshire Pensions Authority; and

(d) the South Yorkshire Mayoral Combined Authority.

Notice of questions

(7)A Member must submit a question to be put at the Council meeting, in writing to Democratic Services by 10.00am three working days before the day of the Council meeting (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday),

(a) to a Member of the Cabinet or the chairperson of a committee; or

(b) to a Member who is both a representative of the Council and the nominee of a joint authority specified in Procedure Rule 11(6).

(8)A Member may submit fifteen questions under Procedure Rule 11(1) and Procedure Rule 11(5) respectively, but the number of questions to be put verbally by a Member at the Council meeting until Procedure Rule 11(1) and 11(5) will be limited to five respectively. Members who submit more than fifteen questions will be required to indicate which questions they wish to submit verbally to the Council meeting. Written responses will be provided by the Leader of the Council, relevant Cabinet Member or Chairperson of a committee for any outstanding questions which were not put by the Member after their fifth verbal question at the Council meeting. A

record of the response provided will be reported with the minutes of the meeting to the next Council meeting.

(9)A Member may submit questions, in accordance with 11(7), but indicating that the question is not put at the meeting and confirming a written response would be accepted and included in the minutes of the meeting.

(10) (a) The Director of Policy, Strategy and Engagement, or the officer delegated by him/her to carry out this task, shall draw up a list of questions, and may group together questions addressed to the same Member of the Cabinet or chairperson of a committee that relate to the same subject matter. If a question from a Member substantially duplicates a question of which another Member has already given notice, the Service Director of Legal Services may exclude the latter question after consulting the Member who submitted it.

(b) If a question is determined to substantially duplicate a question from another Member and is excluded from the agenda, the original Member asking the question is allowed to ask a supplementary question that relates to the subject of his/her original question.

Manner of answering questions

(11) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the Member to whom a question has been addressed may decline to answer.

(12) Questions may be answered by:

(a) responding directly to the question put;

(b) referring the Member to a publication of the Council; or

(c) undertaking to provide a written answer for circulation to the Members of the Council.

Absence of Member

(13) In the absence of a Member who gave notice of a question and who has submitted his or her apologies, the question will receive a written answer.

(14) In the absence of either a Cabinet Member or Committee Chair, the Leader of the Council or the Vice-Chair of the relevant committee will answer a question on behalf of the absent Member.

(15) If an emergency issue or event occurs in the period between the deadline for submission of questions and 12.00pm on the day of the Council meeting, a Member may approach the Chief Executive to ask that a question relating to the event can be asked to a Member of the Cabinet, the chair of a committee or to a Member who is both a representative of the

Council and the nominee of a joint authority or other body specified in Procedure Rule 11(6).

Time Limit

(16) Questions will be asked and answered under 11(1) and 11(5) for a period of no more than one hour. Any questions not asked and answered during this period will receive a written response.

12 General questions by members of the public at council meetings (council and all sub-committees of council)

General questions to the Mayor, Members of the Cabinet and committee chairpersons

(1)A member of the public may ask one general question of the Mayor, a Member of the Cabinet or the chairperson of a committee in relation to the affairs of the body for which they are responsible.

(2) Eligibility to ask questions is restricted to members of the public who, in respect of the borough, are:

- in residence (as an elector (or resident with) an elector of the borough)
- in employment (as your principle or only place of work)
- in education (at one of the borough's education establishments)

Eligibility will be checked

(3) Questions must relate to the affairs of the borough

(4) Questions which repeat or substantially repeat any question that has been asked and answered in the preceding three Council meetings will be rejected. The member of the public will be informed and referred to the previous question and answer.

(5) The Chief Executive, in consultation with Mayor or Chair or any sub-Committee, reserves the right to filter/edit questions which they deem to be using offensive or discriminatory language.

Notice of questions

(6)A member of the public must submit a question to be put to the Mayor, a Member of the Cabinet or the chairperson of a committee, in writing to Democratic Services by 10.00am three working days before the day of the Council meeting, (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday)

(7)The notice must contain the text of the question and the question must not exceed 60 words in length.

Acknowledgement of receipt of notices etc

(8)A record of the questions received will be kept by Democratic Services.

(9)The Mayor, after taking such advice from the Service Director of Legal Services that he/she considers appropriate, may:–

(a) exclude a question from the order of business for the meeting on the ground that the question concerns a matter which is outside the Council's area of responsibility or influence or is offensive or unlawful; or

(b) make clerical amendments to a question in order to render it fit for adding to the order of business for the meeting.

Manner of answering questions

(10) The Mayor shall invite the member of the public to read aloud any question submitted in accordance with this procedure rule and invite the appropriate Member of the Cabinet or chairperson of the appropriate committee to reply.

(11) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the Member to whom a question has been addressed may decline to answer.

(12) A question may be answered by:

(a) responding directly to the question put;

(b) referring to a publication of the Council; or

(c) undertaking to provide a written answer and to circulate the answer to the Members of the Council.

Supplementary questions

(13) If a question put in accordance with this procedure rule is answered, the member of the public may ask with the Mayor's permission one supplementary question, which must relate to the initial question or response received to the initial question. They will not be permitted to make a statement and the Mayor’s discretion will be applied to determine whether a question or statement has been made.

(14) A supplementary question must take no longer than one minute to ask.

(15) The Member to whom a supplementary question has been put may decline to answer, may reply in one of the ways specified in Procedure Rule 12(8), or may nominate another member of the Council to reply on his/her behalf.

Time Limit

(16) Questions will be asked and answered under Procedure Rule 12 for a period of no more than 20 minutes. Any questions not asked and answered during this period will receive a written response.

(17) The Mayor is entitled to use discretion in relation to the time limit.

Questions by members of the public at the Annual Council Meeting

(18) A member of the public may submit a written question prior to the Annual Meeting in accordance with this procedure rule. Any such questions will not be considered at the Annual Meeting or listed upon the agenda. However a written response will be provided in accordance with Procedure Rule 12(c).

13 Petitions

(1)A member of the public may present a qualifying petition and speak for a maximum of five minutes.

(2)A member of the public may ask a Member to present a qualifying petition on his/her behalf, and the Member may speak for a maximum of five minutes in presenting the petition.

(3)A petition will not be considered if it meets the criteria set in paragraphs 3.1 and 3.3 of the Council's Guidance on Petitions and/or it has not been received by the Council at least ten days before the date of the next Council meeting.

(4)A qualifying petition with signatures meeting the threshold set out in paragraph 1.1 of the Council's Guidance on Petitions will automatically trigger a debate of the Council, except where the petition is asking for a senior Council officer to give evidence at a public meeting.

(5)A petition meeting the criteria set out in Procedure Rule 13(4) may be debated at the meeting at which it is presented, or at a later meeting.

(6)If debated the vote will be put

(7)The Council shall decide how to respond to the petition and shall decide either:

(a) to take the action the petition requests;

(b) not to take the action the petition requests for reasons stated in the debate;

(c) to commission further investigation into the matter, which may include reference to a particular committee for its views, prior to consideration at a future meeting of the Council; or

(d) to refer the petition to the Cabinet where it relates to an executive function, in which case the Council may make recommendations to the Cabinet, but Cabinet will not be bound by those recommendations in discharging its executive functions.

14 Report of the chairperson of the Overview and Scrutiny Management Board

(1)At alternate meetings of the Council, the chairperson of the Overview and Scrutiny Management Board ("OSMB") (or his/her representative) shall make a written report to the Council on the work currently being undertaken by the OSMB and the Select Commissions since the previous meeting at which he/she last addressed the council meeting.

(2)Questions upon the chairperson's report may be asked by any Member of the Council and shall be answered by him/her.

15 Notices of motions, order of motions, consideration of motions and unconnected business

Notice of motion

(1)A notice of motion must be signed by the proposer and seconder and given in writing to the Director of Policy, Strategy and Engagement, or the officer delegated by him/her to carry out this task, who shall date and number the motion on receipt and enter it in a book kept for that purpose in his/her office.

(2)The book shall be open for inspection by every Member during office hours.

(3)Every motion shall relate to the authority's powers or duties or an issue that affects the Borough.

(4)The Mayor, after taking such advice from the Service Director of Legal Services that he/she considers appropriate, may:

(a) exclude a motion from the order of business for the meeting on the ground that the proposal is offensive or unlawful; or

(b) make clerical corrections to the motion, in order to render it fit for adding to the order of business for the meeting.

Order of motions

(5)In each summons for a Council meeting, the Director of Policy, Strategy and Engagement, or the officer delegated by him/her to carry out this task, shall add to the order of business –

(a) in the case of a Council meeting on Wednesday, motions for which

notice has been received before 12 noon on the Monday of the preceding week; and

(b) in other cases, motions for which notice has been received before 12 noon on the day preceding the day for summoning the meeting.

(6) Motions for which the Director of Policy, Strategy and Engagement, or the officer delegated by him/her to carry out this task, has duly received notice, shall be considered by the Council in the order in which they were received.

(7) Such motions may be submitted by email and the identification of the proposer and seconder in the email (or any form of Motion attached to the email) shall be deemed to satisfy the requirements of Procedure Rule 15(1) above.

Consideration of motions

(8) If a motion set out in the summons is not moved and seconded, either by a Member who gave notice or by some other Member, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Limit on number of motions

(9) A Member shall not give more than two notices of motion in all, at any one meeting of the Council.

Time Limit

(10) A period of no more than 90 minutes will be permitted for the discussion of Notices of Motion under Procedure Rule 15.

(11) Any Motion still to be considered when the time limit has been reached will be moved, seconded and voted on in turn without debate.

16 Motions that may be moved without notice

The following motions may be moved without notice:

- A motion to appoint a chairperson at the meeting at which the motion is made.
- A motion to use the electronic voting system for the whole of the meeting or for an item of business on the agenda for the meeting.
- A motion relating to the accuracy of the minutes.
- A motion that an item of business specified in the summons should take precedence.
- A motion that an item of business should be referred to the Cabinet or a particular committee or a council meeting.
- A motion to appoint a committee or working party (comprising members or officers or both) to deal with an item on the agenda for the meeting.
- A motion to amend the recommended minutes being discussed.
- A motion to adopt the reports and recommendations of the Cabinet, committees or officers and any consequent resolutions.
- A motion that leave be given to withdraw a motion.
- A motion that another motion be amended.
- A motion that the Council proceed to the next item of business.
- A motion that the motion being debated be put to a vote.
- A motion that the debate be adjourned.
- A motion that the Council meeting be adjourned.
- A motion that a procedure rule be suspended, in accordance with Procedure Rule 31(Suspension of Procedure Rules).
- A motion to exclude the press and public from the meeting or part of the meeting.
- A motion that a Member named under Procedure Rule 19 (Misconduct by a Member at a Council meeting) be not further heard or must leave the meeting.

- A motion that the consent of the Council be given, where the consent of the Council is required.

17 Previous Decisions and Motions

(1)A motion or amendment to rescind a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion is signed by at least five Members.

(2)A motion of amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least seven Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18 Rules of debate for Council meetings

Respect for the chairperson

(1)If the Mayor rises during the meeting, any Member then standing will resume his seat and the Members of the Council shall be silent. Only one Member may rise at one time

(2)A Member must rise and address the Mayor when speaking.

(3)If two or more Members simultaneously rise to their feet, the Mayor will call on one to speak and the other or others to return to their seats.

(4)Except where a Member rises to a point of order or to give a personal explanation, Members must remain seated when one of their number rises to speak.

(5)Members must address each other by their formal titles when transacting Council business.

Motions and amendments

(6) Motions and amendments must be formally moved and seconded <u>before the mover introduces the Motion, the right of the seconder to speak to the motion will not be prejudice by the seconding of the motion</u> as set out on the agenda. If a motion or amendment is not moved and seconded, it is treated as withdrawn and cannot be moved without fresh notice.

(7)The proposer of a motion may, with the permission of the meeting, withdraw the motion. If a motion is withdrawn, a Member cannot speak on it.

(8)Usually only one motion may be discussed at a time, but the Mayor may allow two or more motions to be discussed together if this is conducive to the efficient conduct of business.

(9)An amendment to a motion must be in writing and contain the names of the proposer and seconder. It must be delivered to the Service Director of Legal Services at least twenty four hours before the start of the meeting (no later than 2.00pm the day prior to the meeting). Amendments will be listed for each agenda item in the order in which they were received. Copies of every amendment received will be made available to every Member at 5.00pm on the day prior to the meeting.

(10) A motion submitted by members of a political group cannot be amended by members of the same political group.

(11) An amendment must directly relate to the subject matter of the motion and may:

(i) Refer the motion to a committee or sub-committee for consideration.
(ii) Leave out words.
(iii) Add words.
(iv) Leave out words and add words.

(12) Amendments must not have the effect of nullifying the motion before the meeting.

(13) An amendment may be moved and seconded either by the Members who submitted it or other members on their behalf.

(14) The proposer of an amendment may withdraw it with the permission of the meeting. If the proposer asks to withdraw an amendment, there shall be no discussion on the amendment until the vote has been taken.

(15) The proposer of a motion may, with the consent of the mover of an amendment, incorporate the amendment into the motion. Where the proposer of a motion has accepted a proposed amendment prior to the meeting, the amendment will be incorporated into the Motion for debate before Council and will therefore not need moving and seconding separately. If this happens, the proposer of the amendment will still have the same speaking rights as if the amendment had been dealt with separately.

(16) Amendments will be discussed together unless the Mayor decides to discuss each one separately.

(17) Amendments will be put to the vote in the reverse of the order in which they were moved at the meeting. The first amendment to be carried will become the substantive motion and other amendments will not be put to the vote.

(18) The order of speeches on a motion and any amendment shall be:-

(i) Proposer of the motion.
(ii) Seconder of the motion

(iii) Proposer of the first amendment.
(iv) Seconder of the first amendment
(iii) Proposer and seconder of the second amendment and so on until all movers of amendments have spoken.
(iv) Any member who has not already spoken under paragraphs (i) to (iii) above.
(vii) Right of reply of proposer of motion.

(19) A Member may only speak once on a motion except:-

(i) In reply at the conclusion of the debate.
(ii) On a point of order.
(iii) On a point of personal explanation.
(iv) If the first speech was formally to move or second a recommendation or amendment.

(20) A Member may nominate another Member to exercise any of the rights to speak in 18(19).

(21) When a motion is being debated, the only motions that may be moved are to:

(i) Put the question to the vote immediately.
(ii) Move immediately to the reply of the chairperson of the committee or sub-committee about whose work the motion is concerned, then the reply of the proposer of the motion, then to the vote.
(iii) Refer the matter to the next ordinary meeting or to the Executive, a committee or sub-committee.
(iv) Move to the next business.
(v) Adjourn the debate or the meeting.
(vi) Exclude the public.

Seconder's speech

(22) In seconding a motion or an amendment to a motion, a Member may declare his/her intention to reserve his/her speech on the motion or amendment until a later part of the debate.

Length and contents of speeches

(23) A Member must restrict his/her comments to the matter being discussed.

(24) The following time limits shall apply to speeches:

- a proposer of a motion or an amendment to a motion must restrict his/her speech proposing the motion or amendment to a maximum of five minutes; (ten minutes for motions or amendments relating to the Budget proposals);

- a seconder of a motion or an amendment to a motion must restrict

his/her speech seconding the motion or amendment to a maximum of three minutes; (five minutes for motions or amendments relating to the Budget proposals);

- a Member who speaks to a motion or an amendment to a motion must restrict his/her speech to a maximum of three minutes.

When a Member may speak again

(25) Having spoken to a motion, a Member must not speak again to the motion while it is being debated, except –

(a) to speak once on an amendment to the motion moved by another Member;

(b) to move a further amendment if the motion has been amended since he/she last spoke;

(c) to speak to the motion if his/her first speech was on an amendment moved by another Member (regardless of whether the amendment to which he/she first spoke was carried);

(d) to exercise a right of reply in accordance with Procedure Rule 18(24);

(e) to speak once on a point of order; or

(f) to give a personal explanation to the meeting.

Alteration of a motion

(26) With the consent (given without discussion) of the Members of the Council, a Member may:

(a) alter a motion of which he/she has given notice, or

(b) alter with the consent of his/her seconder a motion which he/she has moved;

providing that the alteration is administrative only and does not introduce new substantive information.

Withdrawal of a motion

(27) With the consent of his/her seconder and the Members (given without discussion), a Member may withdraw a motion or an amendment to a motion.

(28) Where the Members have consented to the withdrawal of a motion, a Member may not speak to the motion or propose its amendment.

Right of reply of the proposer of a motion

(29) Immediately before a motion is put to a vote, the proposer of the motion has the right of reply at the close of the debate. The right of reply will be permitted for five minutes.

(30) Once an amendment has been determined, the proposer of an amendment does not have the right of reply at the conclusion of the debate on the original or substantive motion.

Closure of motions

(31) At the conclusion of a Member's speech, another member may move without comment:

- that the question be put;
- that the meeting proceed to the next item of business;
- that the debate be adjourned; or
- that the meeting be adjourned.

(32) Unless he/she is of the opinion that the item of business being considered by the meeting has been insufficiently discussed, on the seconding of a motion under Procedure Rule 18(31) the Mayor shall –

(a) put to a vote a motion that the question be now put or that the meeting proceed to the next item of business, then if the motion is passed, give the proposer of the original motion the right of reply under Procedure Rule 18(29) before putting the motion to a vote; or

(b) put to a vote a motion to adjourn the debate or the meeting without giving the proposer of the original motion the right of reply.

Points of order

(33) A Member may only raise a point of order at the end of the speech to which it relates. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The Members' speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the matter will be final.

Personal explanation

(34) A Member may only make a point of personal explanation at the end of a speech to which it relates. A personal explanation may only relate to some

material part of the earlier speech by the Member, which may appear to have been misunderstood in the present debate. The Member's speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

19 Voting

(1)The method of voting at Council meetings shall be by a show of hands or, where requested or required by law, a recorded vote.

(2)Before a vote is taken, a Member may request a recorded vote. That Member must be supported by five other Members who show their support by standing in their places. The Mayor will have the discretion to refuse a recorded vote if he/she considers the request to be unreasonable to impede the proper discharge of the business of the meeting. The vote will then be recorded in the minutes of the meeting to show how each Member present voted (or whether they abstained from voting). The Mayor will announce the numerical result as soon as it is known.

(3)In the case of an equality of votes, the Mayor shall have a second or casting vote.

(4)Subject to Procedure Rule 19(5), where a Member present at a Council meeting requires the manner in which he/she cast his/her vote or abstained from voting to be recorded in the minutes of the meeting, immediately after the vote is taken the Clerk to the meeting (Head of Democratic Services) shall record in the minutes of the meeting whether that Member cast his/her vote for the question or against the question or whether he/she abstained from voting.

(5)For the purpose of Procedure 19(4), the leader of the majority opposition group may indicate to the Clerk to the meeting (Head of Democratic Services) how his/her colleagues had cast their votes for or against the question put to the vote or abstained from voting.

(6)Where the Council votes to set its budget and on any decision relating to the making of a calculation in respect of setting the level of Council Tax, the names of those voting for or against the decision or who abstained from voting will be recorded in the minutes of the meeting by means of a recorded vote in accordance with Procedure Rule 19(2) above.

(7)For the avoidance of doubt, the rule detailed in Procedure Rule 19(2) above applies to proposed amendments, as well as to a substantive motion.

20 Misconduct by a Member at a Council meeting

Misconduct

(1)No Member shall impute unworthy motives to, or use offensive or unbecoming words about another Member or be guilty of tedious repetition.

Member not to be heard further

(2)If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

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

General disturbance

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

21 Disruption of a Council meeting by a member of the public

(1)If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor shall warn the person(s) concerned. If the interruption continues, the Mayor shall order their removal from the meeting room.

(2)In case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held, the Mayor will order that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in the light of the disturbance, he/she may rule that the meeting should be reconvened in a different venue.

22 The Council in committee

(1)The Council may by vote resolve itself into a committee of the whole Council.

(2)While sitting as a committee of the whole Council, the restriction on the number of times a Member may speak to a question will not apply.

23 Recording Council meetings

(1)In accordance with the Openness of Local Government Bodies Regulations 2014 the filming and recording of the public sessions of any Council, Cabinet, committee or panel meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.

(2)The Chairperson of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example, through flash photography, intrusive camera or lighting equipment, noise interrupting the meeting or those observing the meeting or the behaviour of the person filming the meeting.

(3)Subject to Procedure Rule 23(1) and (2) above, reasonable facilities will be provided for anyone wishing to record or film at a meeting. Whilst notice is not formally required, anyone intending to film or record at a meeting is asked to contact the relevant Democratic Services Officer in advance of the meeting so that the Chairperson, other Members and any members of the public present can be informed, and the necessary arrangements made.

(4)All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording Members, officers and the public directly involved in the conduct of the meeting. Should any member of the public participating in the meeting object to being filmed then the Chairperson will, wherever possible, make arrangements for that individual to be excluded from the recording.

(5)Covert recording/filming at meetings will not be permitted and the person filming will be asked to provide an assurance that:

(a) recordings will include sound and vision;

(b) the original version will be available to the Council on request; and

(c) that recordings will not be edited in a potentially misleading way.

(6)If a meeting passes a motion to exclude the press and public then all right to record the part of the meeting to which the exemption applies will be removed.

24 Members' record of attendances

(1) The Director of Policy, Strategy and Engagement, or the officer delegated by him/her to carry out this task, shall keep a record of the attendances of each Member of the Council at meetings of the Council, the Cabinet, a committee of the Cabinet or a committee.

PART II
ELECTION OF THE LEADER AND APPOINTMENT OF COMMITTEES OF THE COUNCIL

25 Election of the Leader

(1) At any Annual Meeting held on a day when the Leader's term of office is to end, or any ordinary meeting where the Leader's term of office is not co-terminous with the Annual Meeting, the Members of the Council shall elect a Leader.

(2) The Leader may announce at the Annual Meeting of the Council the names of the Members he/she has appointed to the Cabinet, their portfolios and any amendments made to the Council's *Responsibility for Functions* in relation to executive functions. If the Leader does not do this at the Annual Meeting of the Council, he/she must notify such appointments, portfolios and changes to the Director of Policy, Strategy and Engagement directly when they are made. The Service Director of Legal Services will amend the Council's *Responsibility for Functions* in relation to executive functions, accordingly, notify all Members of the Council of such appointments, portfolios and changes and formally report these to the next ordinary meeting of the Council.

(3) The process outlined in Procedure Rule 25(2), with any necessary modification, will apply on any other occasion when the Leader:

- removes a Member of the Cabinet from office;
- appoints another Member of the Council as a Member of the Cabinet;
- makes any changes to the portfolios of Members of the Cabinet; or
- makes any changes to the Council's *Responsibility for Functions* in relation to executive functions.

26 Appointment of committees

(1)At the Annual meeting of the Council, the Members of the Council shall determine:

(a) the committees that they consider necessary to discharge the Council's non-executive functions for the municipal year;

(b) the terms of reference of each committee; and

(c) the delegation arrangements as set out in the Council's *Responsibility for Functions* in relation to Council committees and officers in relation to non-executive functions.

(2)A committee of the Council shall continue in being until the next following annual meeting of the Council, unless the committee is dissolved by

resolution of the Council at an earlier date.

(3)A Member of a committee shall hold that position until the next following Annual Meeting of the Council, unless before that date the Member is removed from that position by resolution of the Council, or he/she retires or resigns from office or is suspended from being a Member or is disqualified from holding the office of councillor.

(4)Councillors may nominate substitutes from within their political group for committees, joint committees, sub-committees, working groups and panels (and the Monitoring Officer shall have authority to give effect to those nominations in accordance with this procedure rule), provided that in the case of the:

(a) Regulatory committees, sub-committees and Audit Committee, substitutes must have received suitable training;

(b) Scrutiny committees, all councillors except Cabinet members are permitted to be substitutes.

Notice of substitution (or any cancellation) stating the name of the substitute must be given to Democratic Services before the commencement of the meeting concerned. Notification is for each meeting or until further notice. If the original appointed member arrives when the meeting is in progress, the substitution will remain effective and the original appointed member will not be allowed to participate in the decision making. It is not possible to substitute for part of a meeting only. The meeting shall be informed of any substitutions before the commencement of the meeting. Substitute members have all the powers and duties (including compliance with any mandatory training requirements) of any appointed member but are not able to exercise any special powers or duties exercisable by the appointed member.

27 Appointment of the Chairperson and Vice-Chairperson of the Cabinet and each committee

(1)The Leader shall be the chairperson of the Cabinet and the Deputy Leader shall be the vice-chairperson.

(2)The chairperson and vice-chairperson of each committee shall be appointed at the Annual Council meeting, failing which the members of each committee shall choose a chairperson and vice-chairperson at the first meeting of the committee, who shall hold office until such time as appointments to those positions are made or ratified at a subsequent meeting of the Council.

(3)In the absence of the chairperson, the vice-chairperson shall preside, and in the absence of both the chairperson and vice-chairperson, the Members of the Cabinet or the particular committee shall appoint a chairperson for the meeting.

(4)The chairperson and vice-chairperson of a committee will hold those positions until the next following Annual Meeting of the Council unless, as the case may be, the chairperson or vice-chairperson –

(a) retires or resigns from office or is suspended from being a councillor or is otherwise disqualified from being a Member of the Council or removed from that position by resolution of the Council; or

(b) the particular circumstances make it impractical for him/her to perform his/her duties in that position.

(5)In the event of the office of chairperson or vice-chairperson of a committee becoming vacant during the municipal year for any reason, the Council shall make an appointment to that position at an ordinary meeting of the Council.

28 The summoning of meetings of the Cabinet and committees

(1)The Director of Policy, Strategy and Engagement, or the officer delegated by him/her to carry out this task, shall summon a meeting of the Cabinet, a committee of the Cabinet or a committee at the request of the chairperson or, in the absence of the chairperson, the vice-chairperson.

29 Procedure Rules in Part I to apply to committees

(1)Procedure Rules 3 (Ordinary Council Meetings), 17 (Previous Decisions and Motions), 18 (Rules of debate for Council meetings), 19 (Voting), 20 (Misconduct by a Member at a Council meeting), 21 (Disruption of a Council meeting by a member of the public), 23 (Recording Council meetings) and 24 (Members' record of attendances), in Part I, shall apply with any necessary modification to meetings of the Cabinet and committee meetings.

30 Attendance by a non-Member of the Cabinet or a committee at the invitation of the Chairperson of the Cabinet or committee

(1)A Member invited to attend a meeting of the Cabinet or a committee shall not be entitled to vote on any matter before the Cabinet or the committee.

PART III
SUSPENSION ETC AND INTERPRETATION OF PROCEDURE RULES

31 Suspension of Procedure Rules

(1)Procedure Rules 1 to 9 and 19 may not be suspended.

(2)Subject to Procedure Rule 31(1), a Member may request the Mayor's permission to move the suspension of a procedure rule for a stated purpose.

(3)On the granting of permission under Procedure Rule 31(2), the question shall be put immediately and without amendment or debate to a vote of the Members.

(4)If on the question being put or a division being taken it appears that not less than two-thirds of the Members present and voting are in favour of the request, the motion for the suspension of the procedure rule shall be put immediately and without amendment or debate to a vote.

32 Variation, revocation or supersession of Procedure Rules

(1)These procedure rules shall not be altered, revoked or superseded without the prior recommendation of the Cabinet.

33 Interpretation of Procedure Rules

(1)The ruling of the Mayor on the construction or application of any of these Procedure Rules, or on any proceedings of the Council, shall be final and not challenged at any Council meeting.

(2)Except for the powers and duties conferred or imposed on the Executive Director of Corporate Services and the Service Director of Legal Services, any power or duty conferred or imposed on a director of service, in accordance with these Procedure Rules, may be exercised by the Executive Director for the directorate concerned or the Chief Executive.

(3)A reference in these Procedure Rules to the masculine gender includes the feminine and, where the context requires, the singular includes the plural and vice-versa.

(4)The term "committee" includes a joint committee or joint authority and a sub-committee.

PART IV
PROCEDURE RULES FOR THE APPOINTMENT OF COUNCIL REPRESENTATIVES TO EXTERNAL ORGANISATIONS AND PARTNERSHIPS

34 Scope of Rules

(1)These Procedure Rules relate to those external organisations and partnerships (referred to as Outside Bodies) which have requested the Council to appoint an Elected Member (or suitable nominee) to them

(2)For the avoidance of doubt, these Procedure Rules do not apply to appointments to Joint Committees/authorities which are reserved to Council.

(3)Additionally, it is recognised that, often at a local level, individual Elected Members may be personally approached to attend meetings of a variety of organisations in their personal capacity rather than in their capacity as a Councillor. Such instances are not covered within the scope of these Procedure Rules

35 Determination of Outside Bodies to which an appointment should be made

(1)The Head of Democratic Services will maintain a list of all Outside Bodies to which the authority appoints an Elected Member.

(2)Each year the Cabinet will review the list of notified Outside Bodies and will determine whether the authority should make/continue to make an appointment to those bodies.

(3)Determination will be based on one or more of the following criteria being met:

(a) the proposed appointment is a statutory requirement
(b) the proposed appointment would be consistent with the Council's policy or strategic objectives; and/or
(c) the proposed appointment would add value to the Council's activities.

(4)Requests to make an appointment received after such an annual review will be similarly referred to the Cabinet for determination by reference to the same criteria.

36 The Appointment Procedure

(1)In April each year (and after elections have taken place every fourth year after 2016), the Head of Democratic Services will circulate the list of positions on outside bodies to the political groups of the Council for nominations to be submitted to the first Cabinet meeting of the new municipal year.
(2)The Cabinet will be responsible for making any appointment. In doing Cabinet should have regard to a Member's current interests prior to making any appointment. Whilst not being bound by the requirements of political

balance, a key consideration for the Cabinet in appointing representatives will be to ensure appropriate representation of the Council's views and policies.

(3)The Cabinet will be responsible for making any appointment. In doing Cabinet should have regard to a Member's current interests prior to making any appointment. The Cabinet will also have regard to, but not be bound by, the principle of securing an overall allocation of places which reflects the proportion of Members from each Political Group on the Council as a whole.

(4)All appointments will be subject to annual change unless otherwise stated in the constitution of the external organisation. Each appointment (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.

(5)Elected Members will fill all available appointments, but it is recognised that Political Groups may not wish to take up vacancies which are made available to them. In such circumstances vacancies will be notified to the Cabinet and a decision sought as to whether the vacancy will be filled.

(6)A vacancy occurring during the municipal year will normally be referred to the Cabinet for an appointment to be made, having regard to the principles as described above.

37 Support for Appointees to Outside Bodies

(1)Lead officer: A lead officer will be identified by the Head of Democratic Services in consultation with the relevant Executive Director for all relevant appointments. This officer will work closely with the appointed Member(s) to provide briefings and support. Further advice will also be offered by the Chief Finance Officer and/or the Monitoring Officer, as appropriate.

(2)Briefings: For organisations which are community focussed and/or about encouraging local engagement, a lead officer will not be allocated unless the Executive Director and/or relevant Cabinet Member for the service area deem that this will be beneficial. However, the representative may still seek support and briefings from Council officers.

(3)Induction: External organisations are expected to provide an induction into their affairs for newly appointed Council representatives. In the case of those organisations that are of a strategic interest to the Council, it is the lead officer's responsibility to ensure that an induction is arranged.

PART V
PETITION SCHEME

ROTHERHAM BOROUGH COUNCIL

PETITION SCHEME

1. Guidelines for submitting a petition
2. How the petition will be dealt with
3. Matters excluded from the petition scheme
4. The Council's response to petitions
5. Review
6. E-petitions

1. Guidelines for submitting a petition

1.1 Petitions to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take. The petition should be directed at the Council, not to specific Members or officers.
- The subject matter of the petition must relate to a function of the Council, or its partner authorities if the petition relates to an improvement in the economic, social or environmental wellbeing of the borough which a partner authority could contribute to. Petitions may also
relate to matters which are sub-regional and cross-authority.
- The petition should contain the name, address and signature of at least 20 people who either are resident, work or study in the borough of Rotherham. This includes under 18 year olds.

1.2 Petitions should be accompanied by the contact details of the lead petitioner, including an address and/or telephone/email details. This is the person the Council will contact to explain the process for considering petitions. The contact details of the lead petitioner or any of the petitioners will not be published by the Council. If the petition does not identify a lead petitioner, we will contact signatories to the petition to agree who should act as the lead petitioner.

1.3 If the petition does not follow the guidelines set out above a letter will be sent to the lead petitioner explaining that the guidelines have not been met and that the petition has been forwarded to the appropriate Executive Director for consideration.

2. How the petition will be dealt with

2.1 The petition will normally be acknowledged in writing within 5 working days of receipt although there may be a delay if it is not clear from the petition who the lead petitioner is.

2.2 The lead petitioner will need to confirm how he/she would prefer the petition to be dealt with and assistance will be provided by Democratic Services to help the lead petitioner decide which is the most appropriate route. Petitions will be progressed in one of the following ways:

Officer (relevant Executive Director)
On receipt the petition will be forwarded to the relevant Executive Director who has responsibility for the subject matter of the petition. The Executive Director will nominate a Named Senior Officer to deal with the petition and the Named Senior Officer will contact the lead petitioner within 3 weeks to inform them of what action will be taken on the petition. As a lead petitioner you will be informed within the 3 week period if action has already been taken on the matter before the petition was received, or is in the process of being taken.

The Named Senior Officer will consult with the councillor who is the Member of the Cabinet holding the relevant portfolio for the service area, and if the subject matter of the petition is concerned with a particular locality, the ward councillors, to determine the action to be taken. The lead petitioner will be notified of the outcome in writing. However, it may be appropriate for the Named Senior Officer to take a report to a meeting of the Cabinet or another council committee. The lead petitioner and local ward councillors will be informed of the date of the meeting with an invitation to attend. After the meeting the Named Senior Officer will confirm the outcome to the lead petitioner, local ward councillors and any other relevant Member in writing within 10 working days.

Meetings of Full Council
Petitions can be presented to a meeting of Council. All Councillors on the Metropolitan Borough Council of Rotherham are Members of Council, so attending one of these meetings will provide the opportunity for the views in the petition to reach all Councillors.

The ordinary meetings of Council are held approximately every six weeks, and as a limit of 5 petitions are considered at each meeting, the lead petitioner should contact Democratic Services at the earliest opportunity. If there are more than 5 petitions then it will be necessary to consider the petitions that were received latest at the next meeting. At the Council meeting, a representative of the petitioners may speak on the subject matter of the petition for 5 minutes after presenting their petition to the Mayor. Council will not debate the petition but can refer the petition to the appropriate committee, panel or officer for response.

Full Council debates

If a petition contains more than 2,000 signatures it will be debated at a meeting of Council. Normally the petition will be considered at the next ordinary meeting of the Council, although on some occasions this may not be possible, and consideration will then take place at the following meeting. A representative of the petitioners will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will then decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for the reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will be sent written confirmation of this decision within 10 working days. This confirmation will also be published on the Council's website.

Consideration by Overview and Scrutiny Management Board

If the petition contains at least 600 signatures, the call for action will considered by the Overview and Scrutiny Management Board. The Overview and Scrutiny Management Board may decide to call a relevant councillor to attend the meeting such as the member of the Cabinet who holds the portfolio for the service mentioned in the petition.

A report will be presented to a meeting of the Overview and Scrutiny Management Board setting out the background to the matter. The lead petitioner will be able to attend the meeting to present the petition for up to 5 minutes. At the meeting the relevant councillor and/or senior officer will be questioned by the Committee members. If the public is to be excluded during any part of the meeting under the provisions of Schedule 12A of the Local Government Act 1972 this will be set out in the attendance notification to the lead petitioner. The Committee will then make recommendations in accordance with the Council's Constitution to the relevant decision-making body. It may be necessary for the Committee to defer making the recommendations to a future meeting, for instance, if further information is requested. When the Committee has finalised, its recommendations written notification will be sent to the lead petitioner within 10 working days and be published on the Council's website.

3. Matters excluded from the Petitions Scheme

3.1 A petition cannot be dealt with through this scheme if it addresses or includes:

- a planning or licensing application for which other arrangements are in place.
- Matters subject to prescribed statutory requirements, e.g. an elected mayor.
- Matters where there is already an existing right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.
- Repetitive or vexatious correspondence
- Potentially libellous, false or defamatory statements.
- Material which is commercially sensitive
- Material generated by local political parties
- The names of individuals in relation to criminal accusations or information which easily identifies an individual
- Statements which contravene equalities and anti-discrimination legislation
- Matters subject to appeal processes or legal actions, e.g. enforcement action, investigation by a public body, court cases or tribunals.
- Refers to an official of a public body
- Material which is vexatious, abusive or is deemed otherwise inappropriate by the Monitoring Officer. A petition will be deemed to be vexatious where it is manifestly unjustified, inappropriate or an improper use of a formal procedure.

3.2 Where a petition raises issues of possible competence or misconduct by an officer, the petition will be considered under the Council's complaints and/or disciplinary procedures, and not under this petitions scheme.

3.3 If the petition contains any of the above the lead petitioner will be informed of the reason for not accepting the petition in writing.

3.4 If the petition is about a matter over which the Council has no direct control your petition will be forwarded to the relevant organisation. However, if the petition relates to a partner organisation the Council will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. The lead petitioner will be informed of any action the Council has taken to progress the petition.

Please consult with Democratic Services if clarification is required.

4. The Council's response to petitions

4.1 The Council's response to a petition will depend upon what the petition is asking for and which of the options is taken for dealing with the petition, but the response will include one or more of the following:

- Writing to the lead petitioner and relevant Ward Councillors setting out the Council's views about the request in the petition
- Taking the action requested in the petition
- Commissioning research on the matter
- Holding a consultation
- Holding a meeting with petitioners
- Holding a public meeting
- Undertaking a referendum in a locality
- An inquiry
- Referring the petition for consideration by the Cabinet or relevant Scrutiny Committee (committees responsible for scrutinising the work of the Council and holding the decision makers to account)
- Discussing the petition with other relevant organisations
- Publish notification on the Council's website on how the petition is being dealt with.

5. Review

5.1 There is no right of review to the response of the Council in respect of petitions. Where a lead petitioner is dissatisfied with the response provided by the Council, they may submit a complaint and it will be considered under the Council's complaints procedures, and not under this petitions scheme.

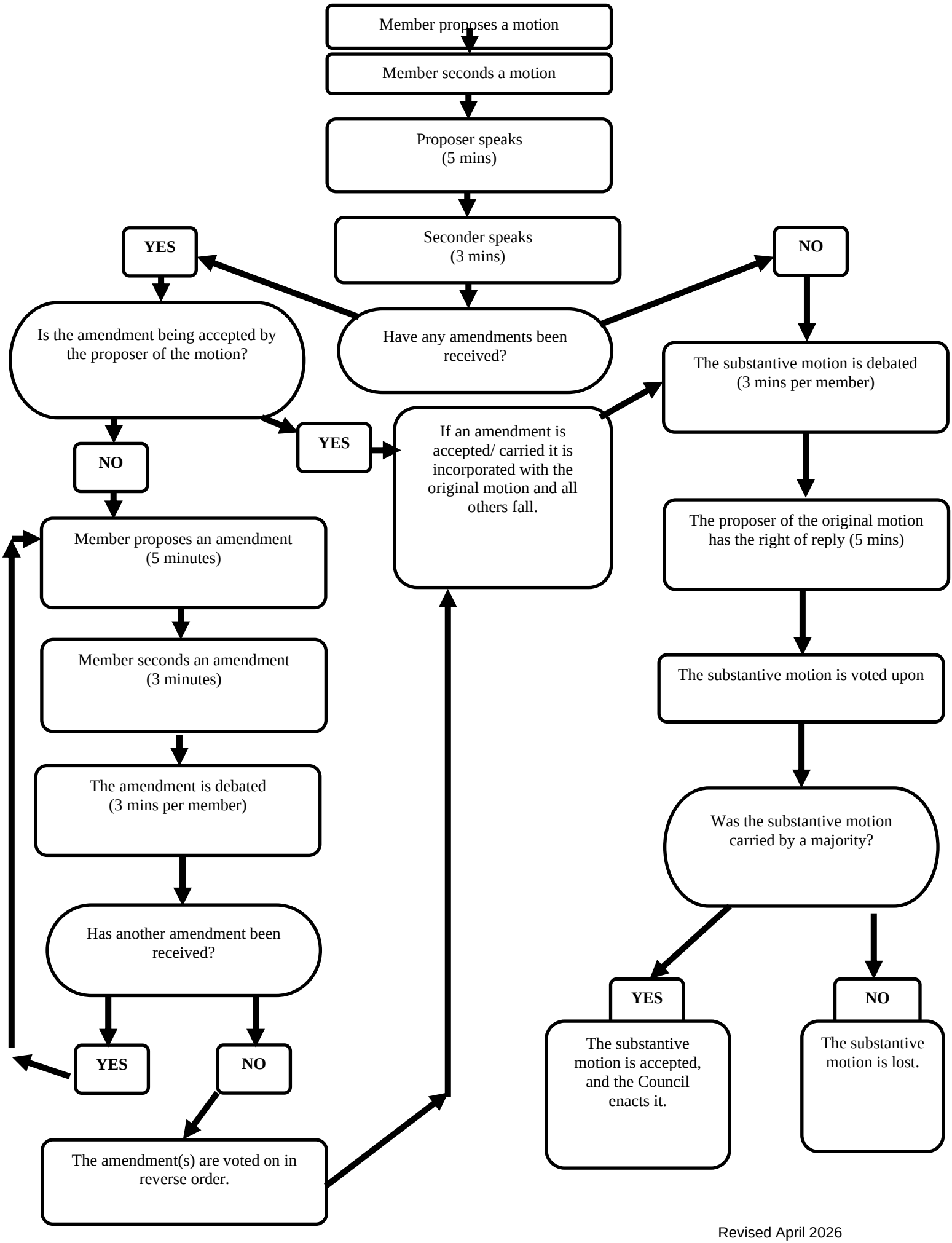
6. E-petitions

6.1 The Council welcomes petitions which are created and submitted through the Council's website. E-petitions must follow the same guidelines as paper petitions as outlined above. The petition organiser will need to provide the Council with their name and email address. They will also need to decide how long they would like their petition to be open for signing.

6.2 When an e-petition is created, it may take five working days before it is published online. This is because the Council has to check that the content of the petition is suitable before it is made available for the public to sign. If the Council feels it cannot publish the petition for some reason, they will contact the petition organiser within this time to explain why. The petition organiser will then be able to change and re-submit their petition if they wish.

6.3 When an e-petition has closed for signing, it will automatically be submitted to Democratic Services in the same way as a paper petition and the petition organiser will receive an acknowledgement within five working days. It will ask them how they prefer to progress the petition in line with the Council's petition scheme. Assistance will be provided to help them decide which is the most appropriate route.

Motion/Amendment Flowchart



Revised April 2026

APPENDIX 5

FINANCIAL AND PROCUREMENT PROCEDURE RULES

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PART I
FINANCIAL REGULATIONS

1. Status and Scope of these Regulations

1.1. Article 18 of the Council's Constitution says "The Council's Financial Regulations govern the financial management of the Council."

1.2. The Regulations shall apply to all of the Council's activities (except schools with delegated budgets) including any activities undertaken on behalf of third parties or under separate financial/funding regimes.

1.3. These Regulations do not apply to schools with delegated budgets in respect of the administration of those delegated budgets, and for which separate, specific, Financial Regulations shall apply.

1.4. These Financial Regulations shall not be changed, revoked or otherwise set aside without the prior agreement of the Council acting on a recommendation from the Cabinet or the Standards & Ethics Committee. The Section 151Officer shall comment in writing upon any proposal to change, revoke or otherwise set aside any part of these Regulations, prior to any decision of the Council on this matter.

2. Interpretation

2.1. These Financial Regulations and Procedures should be read in conjunction with any other instructions of the Council relating to financial matters, particularly:-

- the Constitution;
- the Council's Terms of Reference and Scheme of Delegation;
- the "Proper Officer" arrangements approved by the Council under the Local Government Act 1972; and
- Procurement Procedure Rules.

2.2. The Constitution sets out the responsibilities of the Full Council, Cabinet, executive members, committees and panels, the Chief Executive, the Monitoring Officer, the Section 151 Officer, Executive Directors, etc.

2.3. Executive Directors may delegate responsibility to officers for some aspects of financial management. Executive Directors should maintain a written record where responsibility for financial decision making has been delegated to members of their staff, including to seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to Executive Directors in these Financial Regulations should be read as referring to them.

2.4. The Section 151 Officer, along with the Service Director Legal Services, shall determine any dispute as to the interpretation of these Financial Regulations.

Guidance Notes

2.5. The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that members, officers and others acting on behalf of the Council are required to follow.

2.6. To assist officers and members in their roles the Section 151 Officer may, from time to time, issue written guidance or procedure notes which set out in more detail how the Council's financial arrangements shall operate. Officers and Members must comply with the procedures in all such guidance notes.

2.7. Upon issuing a new or revised guidance note the Section 151 Officer shall ensure that it is communicated to appropriate officers and members and is made available on the Council's intranet.

3. Definitions

3.1. In these regulations the terms below shall be interpreted as follows:

Executive Director means an officer who is a member of the Strategic Leadership Team and reports directly to the Chief Executive (irrespective of their actual job title) and other than a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

Service Director means an officer who reports directly to a Executive Director (irrespective of their actual job title) and other than a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

Budget Manager means an officer who is given responsibility for controlling the expenditure for one or more cost centres or projects.

Section 151 Officer (or S151) means the person designated as the Section 151 Officer (currently the Executive Director – Corporate Services).

Chief Internal Auditor means the Head of Internal Audit.

Financial Signatory means an officer approved by a Executive Director to authorise requisitions for specified service areas and within specified financial amounts as set out in the Scheme of Delegation.

Monitoring Officer means the person designated as the Monitoring Officer (currently the Service Director – Legal Services).

Property Officer means person designated as the Corporate Officer

(currently the Service Director – Property and Facilities Services).

Senior Information Risk Owner (or SIRO) means the person designated as the SIRO (currently the Service Director – Customer, Information and Digital Services).

4. General Requirements

4.1. Executive Directors shall ensure all staff in their directorates are aware of the content of these Financial Regulations and other internal regulatory documents and that staff comply with them. In particular, Executive Directors shall ensure that staff induction processes include making new staff aware of these Financial Regulations as well as their own responsibilities for financial management.

4.2. All members and officers of the Council must comply with these financial regulations and all the associated guidance at all times.

4.3. The Council may take disciplinary or other action against anyone to whom these Regulations apply who fails to comply with them.

4.4. The Section 151 Officer is responsible for reporting, where appropriate, significant breaches of Financial Regulations to the Council and/or to the executive members.

4.5. All Members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of the Council's resources is legal, properly authorised and provides value for money. What that means is, before spending any of the Council's money or entering into a commitment with financial consequences, officers and members need to answer "Yes" to these three questions:

- Is this spending within the regulations?
- Can the Council afford it?
- Is it value for money?

If in doubt, advice should be sought from the Section 151 Officer.

4.6. The Section 151 Officer shall be notified and receive copies of all Government or other circulars, orders, sanctions, approvals and regulations affecting finance which are received by the Authority.

4.7. Executive Directors and Service Directors shall furnish the Section 151 Officer with such information as he/she may from time to time require for financial administration of the Council's affairs. In the case of any dispute or difference of opinion on whether provision of information is necessary, the decision of the Section 151 Officer will be final.

4.8. It is the responsibility of each Executive Director to ensure that a proper Scheme of Delegation has been established in their Directorate, in accordance with Contract Procedure Rule 41, and is operating effectively. The Scheme of Delegation should identify staff authorised to act on the Executive Director's behalf in respect of payments, income collection and the requisitioning of goods and services, writing off debts, together with the limits of their authority.

5. Duty to Consult the Section 151 Officer

5.1. Any report prepared by Executive Directors or other officers for consideration by the Full Council, Cabinet, a Committee, Panel, Working Group or similar, which has financial implications must be prepared in consultation with the Section 151 Officer. The Section 151 Officer shall be consulted on the contents of the report in good time to be able to assess the financial implications and the Section 151 Officer shall incorporate into the report such comment on the financial aspects as he/she considers necessary or appropriate. The Section 151 Officer may delegate some or all of these duties to appropriate representatives e.g. Heads of Finance who will carry out these duties on behalf of the Section 151 Officer, subject to formal delegation arrangements.

6. Submission of Grant Bids

6.1. In order to regularise the approvals process and to ensure consistency of approach, approval to submit a grant bid is required before a Service submits an application for grant funding. This ensures that the approval is documented and is retained along with other documentation related to the grant.

6.2. A pro-forma to record the approvals must be completed, Corporate Finance will maintain the pro-forma that services must complete. The approvals are set out in the sequence to which they need to be obtained, although simultaneous seeking of approvals may be appropriate in some circumstances. Services will need to plan for the timescale of approvals within their overall timeline plans for submitting an application for grant funding.

6.3. It is important for the service to ensure that they make their Head of Finance aware of the proposed bid so that any potential financial implications on the Councils budgets can be considered.

6.4. Approval should be obtained from the following individuals, in the sequence listed below, unless simultaneous approval is deemed appropriate based on the circumstances of the bid. This ensures a consistent and transparent approach to governance and accountability:

6.5. Executive Director of the relevant Directorate

- Relevant Cabinet Member
- Chief Executive of the Council
- Council Leader

6.6. All bids must have S151 or Deputy S151 Officer approval before submission and this approval must be obtained via the Head of Finance for the service.

6.7. All bids should demonstrate how they contribute towards the Council Plan and how the bid meets an existing priority.

6.8. S151 approval for the submission of grant applications can only be given by one of the following 3 people:

- Executive Director – Finance & Customer Services
- Service Director – Financial Services
- Head of Corporate Finance

6.9. With regard to S151 approval, it is important to note that the need for this approval before any application for grant funding is submitted is the Council's own requirement. It is not relevant whether or not a grant funding body requires S151 approval for a particular grant application.

7. Financial Planning and Revenue and Capital Budget Setting

7.1. The Full Council is responsible for approving the Budget and Policy Framework which will be proposed by the Cabinet. Officers are responsible for implementing these Budget and Policy decisions and for managing their budgets within the parameters set.

7.2. The Section 151 Officer will be responsible for ensuring that a Medium Term Financial Strategy for the Authority is prepared and updated at least annually for consideration by the Cabinet and approval by the Council.

7.3. The Medium Term Financial Strategy will be consistent with and designed to further the achievement of the Council's priorities.

Revenue budget

7.4. The Section 151 Officer will be responsible for ensuring that a Revenue Budget for the coming financial year (and as appropriate a budget and medium term financial strategy for the two subsequent financial years) is prepared and brought forward for approval by the Council upon recommendation of the Cabinet, on or before the statutory date for such approval (currently 11th March), in accordance with the Local Government Act 1992. The adoption of the Budget by the Council shall be accompanied by a resolution as to the level of Council Tax required for the coming financial year in order to sustain the Budget.

7.5. The Section 151 Officer shall:

7.5.1. prepare and submit reports to the Cabinet on the overall prospects for the Council's income and expenditure over the medium term, including the implications of any resource constraints set or proposed by Government;

7.5.2. prepare and submit reports to the Cabinet on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied and on the level of housing rents/service charges;

7.5.3. advise Cabinet and the Strategic Leadership Team on the medium term implications of spending decisions;

7.5.4. encourage the best use of resources and value for money by working with Executive Directors to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options and in developing financial aspects of service planning;

7.5.5. advise the Full Council about the credibility and sustainability of the Cabinet's Budget proposals, in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

7.6. The Revenue Budget for the year will:-

7.6.1. be consistent with the Council's priorities as expressed in the Council Plan;

7.6.2. reflect the content of the Medium Term Financial Strategy for the appropriate year;

7.6.3. be balanced, affordable and sustainable;

7.6.4. not commit the Council to unplanned or unaffordable expenditure in subsequent years;

7.6.5. leave the Council with an adequate level of uncommitted balances/reserves;

7.6.6. be accompanied by a prudent risk assessment of the possible implications in terms of both affordability and service delivery.

7.6.7. When the proposed Budget for the coming year is being considered by the Cabinet and the Council, the Section 151 Officer shall advise as to what would constitute a prudent and necessary minimum level

of uncommitted balances/reserves for the Council to retain and also as to whether the budget being proposed is consistent with such a requirement. In forming their professional judgement, the Section 151 Officer will consider guidance from CIPFA or the external auditor.

7.6.8. In setting its annual Revenue Budget, the Council determines a cash-limited allocation for each Directorate, calculated at forecasted outturn prices. These cash limits may be amended subsequently through presenting a Revised Estimate to the Full Council following a recommendation from Cabinet.

7.6.9. Within the overall cash limited budget allocated by the Council to their Directorate, each Executive Director will set a detailed budget. In setting the detailed budget, each Executive Director will take account of any policies, priorities, or specific allocations prescribed by the Cabinet in the determination of the budget total, and shall ensure that all cash limited budget allocations are in accordance with the Council's declared intentions.

7.6.10. When a cash limited budget has been agreed for the year for each Directorate (as part of the Council's approved Budget) it shall be the responsibility of the Executive Director to ensure that their budget is not overspent.

Capital programme

7.7. Capital schemes and projects shall be collected together into a Capital Programme for approval by Members. The proposed Capital Programme and Capital Strategy will be presented annually to Cabinet and approved by Council.

7.8. Council shall approve at least annually a Capital Strategy which sets out the Council's priorities for capital investment.

7.9. Executive Directors shall submit proposals for any future capital schemes by such dates, and in such form, as the Section 151 Officer shall determine, subject to Council approval.

7.10. The Section 151 Officer shall collate the proposed Capital Programme jointly with Executive Directors and the Chief Executive and the programme will be submitted to the Cabinet for approval and recommendation to Council at the same time as the Revenue Budget proposal.

7.11. The Capital Programme will be based on the following principles and the governance arrangements indicated within the Capital Governance Principles

7.11.1. That all projects to be included in the authority's Capital Programme

will be considered by officers and Members in accordance with the authority's capital governance principles and shall be subject to proper assessment and evaluation. A scheme and estimate, including project plan, progress targets, a clear identification of the method/source of capital funding and the associated revenue expenditure must be prepared for each capital project to enable such an evaluation. The project plan should be agreed with procurement (where appropriate) in advance of any proposal being submitted, to ensure the feasibility of any proposed plan.

7.11.2. Project management documentation such as an internal business case, external business case or business plan must be approved prior to any expenditure being incurred, as indicated within the Capital Governance Principles.

7.11.3. The use of corporate resources will be robustly controlled, to ensure that this finite resource can be effectively managed and focussed on the Council's key priorities. The impact on other policies will be considered, such as the Treasury Management Strategy, to ascertain the impact of corporate borrowing. Any additional inclusion of corporate resources into the capital programme must be approved by Council. Executive Directors and the Section 151 Officer may vire corporate resources between projects subject to the virement levels indicated within the Capital Governance Principles.

7.11.4. The use of corporate resources as match funding for a project must be approved by Council.

7.11.5. Annual capital grant allocations will be added to the capital programme as part of the Council's budget setting process, with estimate values added for latter years where the specific allocation is yet to be confirmed. Officers will be expected to consult with the relevant member on the use of the allocation and follow the rules within the Capital Governance Principles to gain approval to utilise the allocation.

7.11.6. Those projects fully funded by a grant allocation will be added to the Capital Programme once the grant allocation has been formally confirmed by the grant provider.

7.11.7. Those projects that are within the HRA Programme will be approved via the processes indicated within the Capital Governance Principles.

7.11.8. Where projects have been approved on the basis that the financing costs will be funded by the service will be charged at the rates indicated within the Capital Governance Principles. There may be occasions where it is financially prudent to allow an alternative rate due to a specific circumstance but this is down to the discretion of

the Section 151 Officer.

7.11.9. All grant Bids should be prepared by the service in conjunction with Finance. For capital bids these should have initial review by the Head of Finance for the relevant directorate, with the capital implications reviewed by the Capital Finance Team. If required by the terms and conditions of the grant the Head of Finance will arrange for authorisation of the bid by the Section 151 Officer. All grant bids should also be signed off by the Cabinet Member for the service area and the Leader. This process is also required for grant acceptance. The process and documentation required are outlined in the Capital Governance Principles.

7.11.10. That the ongoing revenue consequences are identified (both in terms of capital financing costs and operational expenditure) for all capital investments. Such ongoing consequences/commitments shall be reflected in the Medium Term Financial Strategy and the Revenue Budget at the appropriate time.

7.11.11. That the Programme will be updated at least annually and monitored regularly throughout the year. Monitoring shall be carried out to a timetable and in a format prescribed by the Section 151 Officer. Any significant variance from the capital expenditure profile must be notified immediately as specified in the Council's Capital Governance Principles. Initially, a forecast variance in excess of £100,000 will need to be identified through the monthly monitoring cycle, if the service area cannot resolve the issue it should be escalated to the Directorate Leadership Team, if the wider directorate are unable to find a resolution then the issue should be reported through to the Senior Leadership Team.

7.11.12. Each year, through the Section 151 Officer and appropriate capital governance arrangements, a recommendation will be made to Cabinet for approval of a balanced Capital Programme which best meets the Council's objectives and priorities and its Medium Term Financial Strategy. Cabinet may make amendments to the proposed Capital Programme provided that it remains balanced and affordable. Cabinet will then recommend its Capital Programme proposal to Full Council in advance of each financial year.

8. Budget Virements and Supplementary Estimates

Revenue Virements

8.1. Virement is the transfer of resources from one budget heading to another.

8.2. Executive Directors may authorise in-year virements ***within*** their Directorate budgets, subject to Financial Procurement and Procedure Rules 8.7.

8.3. Proposals for in-year virement **between** Directorates must be approved as follows (provided first that the affected Executive Directors have been consulted):

8.3.1. up to £100,000 by the Section 151 Officer;

8.3.2. £100,000 to less than £400,000 by the Section 151 Officer in consultation with the CEX and Leader;

8.3.3. £400,000 or more by Cabinet.

8.4. Where are service is being transferred to be delivered from one Directorate to another, then this would just need Section 151 officer approval.

8.5. Virement is not permitted from certain budget heads as these impact on the Council's ability to fund non-discretionary expenditure. These excluded heads may be determined from time to time by the Section 151 Officer and shall include:

8.5.1. depreciation;

8.5.2. corporate recharges;

8.5.3. administration and building recharges.

8.6. All virements in excess of £100,000 will be reported within financial monitoring reports.

8.7. No virement is allowed from budgets that are funded from specific, ringfenced or restricted resources.

8.8. Notwithstanding the availability of the virement regulations, **no expenditure shall be** incurred **on any new policy or purpose, or any extension of existing policy, without the specific approval of the Council** given on the recommendation of Cabinet; and no commitment for future years shall be entered into in excess of that previously anticipated by the Full Council when approving the Revenue Budget and Capital Programme.

8.9. No Budget Manager will be authorised to incur expenditure in excess of their cash-limited budget without either:

- a virement being approved in accordance with these Regulations (which, in effect, will increase the cash limited budget for the current financial year); or

- a supplementary estimate being approved by the Council.

8.10. No request for a supplementary estimate may be presented to Members without prior consultation with the Strategic Leadership Team and the Section 151 Officer, whose recommendations shall accompany any formal request.

8.11. Budget adjustments and realignments that relate to a transfer of responsibility or to technical accounting changes and requirements will not be deemed to be virement and will therefore not be subject to the restrictions of these regulations. These changes may only be made in consultation with the Section 151 Officer.

8.12. All virements will be reported to the Section 151 Officer as part of the financial monitoring assurance framework.

Capital Virements

8.13. Capital budget virements are governed by the same principles as Revenue Virements and shall be dealt with by the processes described within the Capital Governance Principles.

9. Controlling Income and Expenditure (Budget Monitoring)

9.1. The Section 151 Officer shall establish an appropriate framework of budgetary monitoring and reporting that ensures:

9.2. Budget management is exercised within annual cash limits unless the Full Council agrees otherwise;

9.3. Each month each Budget Manager receives timely information on expenditure and income on each budget which is sufficiently detailed to enable them to fulfil their budgetary responsibilities;

9.4. After reviewing their monthly budget information each budget manager provides to their Executive Director a forecast of their outturn position on each service and/or project budget; and the Executive Director will provide a consolidated forecast for their directorate to the Section 151 Officer and relevant Cabinet Member;

9.5. A budget monitoring report, which includes an up-to-date outturn forecast, information about significant variances from approved budgets and proposals for dealing with them, is submitted to Cabinet at least 5 times a year. A full outturn report will be submitted to Cabinet following closure of the final accounts.

9.6. In connection with the framework the Section 151 Officer will issue guidance on:

9.6.1. Frequency of reporting;

9.6.2. The format and content of reports (including the degree of detail, risk analysis undertaken and any corrective actions taken or proposed);

9.6.3. The nomination of Budget Managers.

Budget Managers

9.7. Executive Directors shall ensure there is a nominated Budget Manager for each budget heading and cost centre. This applies to the budget headings and cost centres for Capital Programme projects as well as revenue account items.

9.8. Executive Directors and Budget Managers are authorised to incur expenditure in accordance with the estimates that make up the budget and the Capital Programme within their delegated area of control.

9.9. Executive Directors and Budget Managers must:

9.9.1. Accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;

9.9.2. Work within the authorised cash limits and utilise the resources allocated to them in the most efficient, effective and economic way;

9.9.3. Identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service or project delivery;

9.9.4. Follow the approved certification process for requisitioning and authorising of all types of expenditure;

9.9.5. Record all income and expenditure properly;

9.9.6. Monitor performance levels/levels of service in conjunction with the budget and take necessary action to align service outputs and budget;

9.9.7. Investigate budget variances and report on them to their line manager.

9.10. Executive Directors and the Section 151 Officer shall ensure Budget Managers are appropriately trained to carry out their responsibilities.

Budget Monitoring

9.11. The Section 151 Officer will ensure that appropriate financial information is available to Budget Managers to enable them to monitor their budgets effectively.

9.12. Budget monitoring will be carried out in accordance with guidance and requirements issued by the Section 151 Officer.

9.13. In undertaking budget monitoring within their Directorate, Executive Directors should be mindful of the overriding requirement to deliver an outturn within budget. Actions necessary within the detail of the budget in order to deliver a balanced outturn shall be brought to the attention of elected members, through the Section 151 Officer and the Strategic Leadership Team so that any corrective action can be set in motion.

9.14. Where it appears that an overspend on their overall budget is unavoidable, the Executive Director shall immediately advise the Section 151 Officer. The Executive Director, having consulted with the Section 151 Officer, shall prepare a report to the Strategic Leadership Team outlining the options for recovering the overspend. After considering the report, the Strategic Leadership Team will then submit their recommendations in a report to the Cabinet.

9.15. Each Budget Manager shall keep under constant review the programme of capital payments on capital projects under their control and the Section 151 Officer shall provide such information on capital costs and payments as is necessary for this purpose.

9.16. If a Executive Director has reason to think that the estimated cost of any Capital Programme item will be exceeded by more than the lesser of 10% or £100,000, he/she should immediately report the matter to the appropriate Executive Member and the Section 151 Officer along with any options available to mitigate the position.

10. Staffing, Remuneration and Payroll

10.1. The Chief Executive is responsible for providing overall management of staff. The Chief Executive will also be responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

10.2. Executive Directors are responsible for controlling total staff numbers by:

10.2.1. advising on the budget necessary in any given year to cover estimated staffing levels;

10.2.2. adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.

10.3. The Executive Director of Corporate Services will ensure the operation and maintenance of effective and efficient systems for the payment and

recording of staff salaries, wages, pensions and other emoluments and payments of Members' allowances.

10.4. Each Executive Director shall notify the Executive Director of Corporate Services as required and in the form prescribed, of all matters affecting the payment of such emolument, and in particular:

10.4.1. appointments, resignations, dismissals, suspensions, secondments, and transfers;

10.4.2. absence from duty for sickness or other reason, apart from approved leave;

10.4.3. changes in remuneration, other than normal increments and pay awards and agreements of general application; and

10.4.4. information necessary to maintain records or service for pensions, income tax, national insurance and the like.

11. Use of Existing In-House Resources

11.1. When proposing to procure new goods or professional services, to recruit, establish new posts, or create new service structures involving functions that may fall within the remit of an existing in-house service, the in-house service must be used and the following process must be followed. This process should be followed by the service that is looking to procure, hire or create a new service.

11.2. Consult with the Service Director of the relevant in-house service; and

11.3. Obtain a formal written response confirming whether:

- The in-house service has the capacity and capability to deliver the required resource or function and it falls within their remit.
- Ensure there is appropriate Budget provision in order to provide the new service and there is appropriate provision for any ongoing revenue and capital maintenance costs required from the work carried out by the internal service.
- Outline a jointly agreed set of timelines for carrying out the required work

11.4. Should the in-house service Service Director believe the ask is not possible within current capacity and capability then they should arrange for any external procurement or recruitment or establish the resource externally on the basis that the desired work falls within their remit.

11.5. This requirement applies regardless of budget availability or funding source and is intended to:

- Prevent duplication of roles and functions;
- Ensure efficient use of internal expertise and capacity;
- Avoid uncoordinated service expansion or siloed decision-making;
- Promote corporate collaboration and strategic workforce planning

11.6. Any decision to proceed without such confirmation must be escalated to the or review and approval. Internal Audit reviews will be undertaken at reasonable intervals to ensure this approach is adhered to.

12. Procurement of Works, Goods and Services

12.1. Executive Directors shall be responsible for all procurement originating from their Service for the execution of any works, the supply of goods, materials or services and shall:-

12.1.1. ensure that Procurement Procedure Rules, and UK legislation is adhered to in relation to procurements;

12.1.2. make full use of contracts, frameworks, and purchasing consortium arrangements available to the Council (the Corporate Procurement team will be able to advise on what is available for any given procurement);

12.1.3. enter details of all contracts and partnerships in the corporate contract register.

12.2. All purchases of goods and services shall be initiated by the creation and authorisation of a requisition, which should state, as a minimum:

12.2.1. the nature, quantity, and agreed or estimated costs of the works, goods or services being requisitioned; and

12.2.2. the address for deliveries.

12.3. Executive Directors shall keep the Section 151 Officer informed of the names of their Financial Signatories and the limits of each Financial Signatory's authority.

12.4. The authorising of a requisition by a Financial Signatory shall signify:

12.4.1. the goods or services are necessary for the discharge of the functions of the Council;

12.4.2. there is sufficient budget provision for the goods or services; and

12.4.3. Financial and Procurement Procedure Rules have been complied with.

12.5. Approval levels for requisitions are outlined as below.

Revenue:

Value Level	Value Level Description	"M" Category	Management Level & Salary Band
L01*	Up to £5,000	M1 & above	First Line Manager - from Band G to Service Director or as agreed by Service Director
L10	Up to £24,999	M1& above	First Line Manager – from Band G to Service Director or as agreed by Service Director
L40	High Value Authorisers (overflow)	M4	Service Director or as agreed by Service Director

**Refer to 12.5.1.*

Capital:

Value Level	Value Level Description	"M" Category	Management Level & Salary Band
L10	Up to £24,999	M1& above	First Line Manager – from Band G to Service Director or as agreed by Service Director
L20	Up to £249,999	M2 & above	Middle Manager – from Band I to Service Director or as agreed by Service Director
L30	Up to £999,999	M3 & above	Senior Operational Manager – Extended PO Grades
L40	High Value Authorisers (overflow)	M4	Service Director or as agreed by Service Director

12.5.1. L01 as above is specifically for Facilities Management due to a particularly high volume of requisitions.

12.6. Official purchase orders, with unique purchase order numbers, shall be created (in an electronic format approved by the Section 151 Officer) and despatched centrally.

12.7. Verbal orders must be restricted to absolutely urgent matters, must be followed immediately by an official order marked 'Confirmation'.

12.8. The use of corporate purchasing cards is restricted to authorised staff who

have been issued with guidelines and signed to confirm their understanding of them. Holders of purchasing cards must comply with instructions and guidance on the use of purchasing cards issued by the Section 151 Officer from time to time.

13. Grants to Voluntary and Community Sector Organisations

13.1. Often when the Council wishes to commission services to be provided by third parties (whether in the public, private, voluntary or community sectors) it will put in place a contract after following a procurement process in line with the requirements of Procurement Procedure Rules. Where a Budget Manager, in consultation with the Section 151 Officer believes that the Council's interest will be better served by operating a grant programme and such a programme will provide value for money, then the following process may be used:

13.1.1. The Budget Manager shall design a grant programme that will meet the Council's objectives and be open, transparent and accountable.

13.1.2. The Budget Manager shall publicise the grant programme, including instructions for applicants, via the Council's website and through any other channels which are appropriate in the circumstances.

13.1.3. There must be a reasonable period for applicants to prepare and submit their applications and the process should be designed to avoid placing onerous tasks and/or excessive costs on the applicant organisations.

13.1.4. The applications for grant funding shall be evaluated by an evaluation panel of three to five people using the scoring criteria previously shared with the applicants. The evaluation panel shall comprise Council officers and, if appropriate, community representatives who are independent of all the applicants. Members of the Council shall not be members of evaluation panels.

13.2. Grants can be awarded for a maximum of three calendar years at a time. All values refer to the value of the full programme (over the full term) and not an annual amount.

13.3. Grant recipients must provide monitoring reports to the Budget Manager with the following frequency:

13.3.1. for grants of £2,000 or less, at the end of the grant programme;

13.3.2. for grants between £2,001 and £10,000, at the end of each financial year during the grant programme;

13.3.3. for grants over £10,000 at the end of each quarter of the financial year.

13.4. The level of detail required by the Budget Manager in the monitoring reports shall be proportional to the value and nature of the grant awarded.

13.5. The Director of Policy, Strategy and Engagement and Section 151 Officer may, from time to time, issue guidance notes and document templates to assist Budget Managers to operate grant programmes in a consistent fashion across the Council.

13.6. A full list of grants to voluntary and community sector organisations is to be maintained and will be published on the Council's website.

14. Payments

14.1. Apart from petty cash payments and purchases made using official purchasing cards, all payments shall be made by the Section 151 Officer. The normal method of payment of money due from the Council shall be by BACS drawn on the Council's bank account.

14.2. The Section 151 Officer will be responsible for ensuring the operation and maintenance of effective systems for the payment of invoices from creditors.

14.3. No creditor shall be paid other than through systems operated by the Section 151 Officer except where specifically approved by the S151 in writing.

14.4. A creditor's invoice will only be paid after it has been matched to a purchase order and the works, goods or services to which the invoice relates have been received, carried out, examined and accepted. The person who certifies that the works, goods or services have been received, etc. must not be the person who authorised the requisition for those works, goods or services.

14.5. Payments should not normally be made if goods, works or services have not been received by the Council. However, if, in exceptional circumstances, it is deemed necessary to make a payment in advance of goods, works and services being supplied, the Section 151 Officer will require written authorisation from an approved Financial Signatory.

14.6. Payment in advance must only be considered in exceptional circumstances and requires prior approval from the S151 Officer. This form is not required where payment is standard industry practice such as:

- ICT licenses
- ICT support and maintenance
- Education fees to independent education providers

- Professional members or subscriptions
- Precepts and levies
- Training courses / conferences

If a request for a payment in advance deviates from the above list, early advice must be sought from the relevant Head of Finance. If this is agreed, a request form must be completed and reviewed jointly by Finance and Procurement before escalation.

14.7. All purchasing should be carried out in accordance with guidance and procedures set out by the Head of Procurement.

15. Income

15.1. The Section 151 Officer will ensure that adequate systems are available, and are maintained, for the recording of all income received by, and due to, the Council.

15.2. Where practical, income from fees and charges should be collected in advance of or at the same time as the delivery of service being charged for.

15.3. It will be the responsibility of every employee of the Council to ensure that all sums of money due to the Council are promptly invoiced or otherwise demanded and that all sums of money received are promptly paid into the Council's accounts.

15.4. All receipts, forms, books, tickets or other official acknowledgements or monies received shall be in the form approved by the Section 151 Officer which shall be ordered and issued to departments by him/her and controlled under arrangements approved by him/her. All receipts and issues thereof shall be properly recorded and acknowledged.

15.5. The Section 151 Officer is responsible for ensuring that all income collected prior to banking is safeguarded in accordance with the Council's cash handling guidelines.

15.6. The amount to be held in a safe overnight will vary according to the particular insurance arrangements. Where the agreed limit is likely to be exceeded then arrangements must be made to bank income as soon as possible. The Section 151 Officer and Insurance Manager will advise on best practice for cash storage and banking. The Section 151 Officer is responsible for providing insurance cover for cash awaiting banking.

15.7. The raising of sundry debtor invoices should be avoided wherever possible. Invoices must only be raised where payment in advance or at the point of service delivery is inappropriate. The Section 151 Officer is responsible for

ensuring that services are provided with payment methods that support efficient and expedient income collection.

Scales of Fees and Charges

15.8. All charges for services or facilities provided by the Council shall be reviewed by the relevant Executive Director together with the relevant Executive Member not less frequently than annually and not later than September in each financial year. A schedule of fees and charges will be submitted to Council for approval alongside the annual revenue budget report.

15.9. When an Executive Director proposes to amend any scale of charges, they shall consult with the relevant Cabinet Member, the Section 151 Officer about the financial implications, and with the Monitoring Officer about any legal requirements.

15.10. Any proposal to offer a refund or reimbursement for a service provided must be agreed in consultation with the Chief Finance Officer. This is to ensure that the financial implications are fully considered and that the decision aligns with the Council's financial regulations and budgetary framework. Services must not proceed with issuing refunds or reimbursements without this agreement, and appropriate documentation should be retained as part of the financial record.

15.11. Services should look to implement a clear policy for their fees and charges that includes a refunds policy. To clear that policy it should be approved in consultation with the Directorate Head of Finance, should that be adhered to and a policy being in place clearly outlining how refunds are provided. Then the policy can be followed without requiring agreement to the Chief Finance Officer.

15.12. Services should look to put in place a refunds policy within there service delivery model so that refunds can be processed efficiently. This refund policy should be set in consultation with the Section 151 officer to ensure appropriateness and deliverability.

External Funding/Grant Income

15.13. Executive Directors shall consult the relevant Executive Member, the Leader of the Council and the Section 151 Officer prior to submitting applications for grant funding to government departments or other grant-giving bodies.

15.14. The Head of Finance is responsible for ensuring that:

- Proper processes and procedures are in place for the completion, assessment, authorisation and submission of applications for grant bids and subsequent grant claims.

- Grant applications are accurately completed and submitted within the necessary timeframes, ensuring there is sufficient lead-in times for the Head of Finance to review the submission and the Section 151 Officer to provide final sign-off.
- All completed grant claims and certifications are approved by the Head of Finance for the service area and the Section 151 Officer if required
- All statutory returns related to the grant claim are completed within the statutory timeframes.
- The income due from the grant claims is received and accurately recorded.
- Records are maintained and held for reconciliation of grants due and received. The records must meet External Audit requirements.

15.15. Where an application for grant funding is successful (unconditionally or conditionally), the Executive Director shall inform the Section 151 Officer of the details of awarded funding and provide the S151 with a copy of relevant documents.

15.16. If the grant funding was not contemplated when the budget for the relevant financial year was set then the Section 151 Officer shall make the appropriate changes to the directorate cash limit and/or Capital Programme and these revised amounts will be used in the budget monitoring and year-end balances processes.

15.17. Executive Directors will ensure that all claims for grant funding, including government grants, for which he or she is responsible, are properly authorised, meet all the grant funder's conditions and are submitted by the due date.

15.18. New Burdens funding is a UK government policy ensuring that when central government introduces new duties or expectations on local authorities that increase their costs, those costs must be fully assessed and funded by the responsible department. This prevents additional financial pressure on council tax and supports sustainable local service delivery.

15.19. All New Burdens funding is held centrally as a corporate resource, with the relevant Head of Finance able to submit a bid to draw down the funding should the service identify a requirement for it. This will need approval by S151 Officer or Deputy S151 Officer. No assumptions shall be made that the funding will be retained or allocated to the service, as bids may be rejected. Until formal acceptance of the bid is confirmed, the associated income must not be included in the service's budget.

Service Provided to Third Parties

15.20. Where there are contractual arrangements (made in accordance with Procurement Procedure Rules) in place for the provision of goods or

services to third parties or external bodies the relevant Executive Director:

15.20.1. shall ensure that fees are charges are promptly invoiced in full accordance with the terms of the contract; and

15.20.2. shall suspend the delivery of the goods/service if invoices are not settled in a reasonable time.

Writing off Debts

15.21. Only the Section 151 Officer has the legal authority to write-off bad debts and will delegate responsibilities as necessary for debts up to £5,000.

15.22. For larger debts, the following arrangements apply:

15.22.1. bad or doubtful debts below £50,000 can be authorised by the Section 151 Officer;

15.22.2. the Section 151 Officer will consult with the executive member for finance before authorising the writing-off of debts between £50,000 and less than £400,000;

15.22.3. for the write-off of bad or doubtful debts of £400,000 or over the Section 151 Officer will seek the approval of Cabinet.

15.23. Debts written-off over £50,000 will be included in financial management reports to Cabinet.

15.24. In all cases, debts will not be written-off unless processes for collection have proved fruitless or where the continued pursuit of the debt would prove to be poor value for money. All write-offs should be properly recorded and such records retained, with due explanation for non-collection.

16. Taxation

16.1. The Section 151 Officer shall ensure that adequate procedures are in place and adequate advice is available to Directorates so as to ensure that the Authority is at all times compliant with the specific requirements of the various tax regimes which affect its operations and delivery of services.

16.2. In the discharge of this responsibility, the Section 151 Officer will maintain the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. In appropriate circumstances (e.g. where part of this function may have been devolved to a partner organisation) the Section 151 Officer will ensure compliance with the requirements of the particular tax regimes.

16.3. Each Executive Director will at all times conduct the financial arrangements

of their services in accordance with advice or instructions issued by the Section 151 Officer with regard to taxation issues, and shall provide to the Section 151 Officer any related information or documents upon request.

17. Accounting Systems

17.1. The Section 151 Officer will be responsible for the operation of the corporate accounting systems, the form of accounts and the supporting financial records. No changes shall be made to the existing financial systems, or new systems be established, without the prior approval of the Section 151 Officer.

17.2. The Section 151 Officer shall prepare and issue such accounting and procedural instructions as they consider to be necessary for the financial administration of the Council's affairs.

17.3. Executive Directors will be responsible for the proper operation of financial processes in their own service areas and for ensuring that their staff receive relevant financial training. If Executive Directors wish to make changes to the financial management procedures within their directorate (for example, to improve efficiency) they must obtain the written approval of the Section 151 Officer prior to making the changes.

17.4. Where directorates (with the knowledge and approval of the Section 151 Officer) have independent financial systems that hold and/or process financial data then the Executive Director shall ensure the systems be reconciled with the Council's main accounting system at a frequency agreed with the Section 151 Officer. (A financial system is any system, manual or computerised, that records transactions or the value or ownership of an asset.)

18. Accounting Policies

18.1. The Section 151 Officer will determine suitable accounting policies to be adopted by the Authority and will ensure that they are applied consistently. The accounting policies will be set out in the Statement of Accounts which is prepared at 31 March each year. The accounting policies will be reviewed and updated accordingly, with the changes being reported to and approved by Audit Committee at least annually. Executive Directors will ensure that they and their staff comply with all of the prevailing accounting policies and, if requested, they will assist the Section 151 Officer in restating accounts as a result of any change in accounting policies.

19. Trading Accounts

19.1. The Section 151 Officer will advise Members and Executive Directors on the establishment and operation of trading accounts within the Authority.

20. Statement of Accounts

20.1. The Section 151 Officer will prepare an overall outturn report for the Council each year for submission to the Strategic Leadership Team, Cabinet and Council. The S151 will also ensure that the statutory Statement of Accounts is prepared and submitted to Members in the prescribed format and to the prescribed timetable in accordance with the Accounts and Audit Regulations 2015.

20.2. In order to prepare the Statement of Accounts Executive Directors shall provide all accounting information requested by the Section 151 Officer in accordance with the accounts closedown timetable prepared by the Section 151 Officer and in the format requested by the Section 151 Officer. The additional accounting information may include, for example:

20.2.1. an outturn report of expenditure versus approved budget for their Directorate;

20.2.2. value of stocks, stores and work in progress at the end of each financial year and the basis of valuation including writing out of obsolete stock;

20.2.3. any sums due to suppliers that are currently unpaid at the end of the financial year;

20.2.4. any sums due to the Council that have not been credited at the end of the financial year;

20.2.5. income received relating to the subsequent financial year;

20.2.6. pre-payments made relating to the subsequent financial year;

20.3. The Section 151 Officer will make proper arrangements for the audit of the Authority's accounts in accordance with the Accounts and Audit Regulations 2015.

20.4. Once the external audit is complete, the Section 151 Officer will present the Statement of Accounts to the Audit Committee for approval and, subject to that approval, will arrange for the publication of the Statement of Accounts.

21. Treatment of Year-end Balances

21.1. Except where statutory requirements dictate otherwise, the following policies are to be applied.

21.2. Underspends and overspends will be calculated at Directorate level on the basis of the prevailing accounting policies. In general:

21.2.1. any underspend on General Fund revenue budgets will go into the General Fund Reserve Balance to be applied subsequently, as necessary, in accordance with Council-wide priorities.

21.2.2. any overspend on General Fund revenue budgets will be financed from balances or reserves subject to any arrangements approved by Cabinet in connection with the recovery plan prepared under Financial Regulation 9.10.

21.3. In exceptional cases Cabinet may approve the carrying forward of an underspend by a specific Directorate. Applications and supporting cases to carry forward any underspending are to be made to Strategic Leadership Team to recommend to Cabinet for approval.

21.4. Prior to the consideration of any report by the Council on the carry forward of any budget under/overspending, the Section 151 Officer will prepare a composite outturn report, for the consideration of the Strategic Leadership Team outlining the totality of the Council's funds and balances, together with any specific commitments or known pressures which are expected to affect materially the level of those funds and balances.

22. Reserves

22.1. The Section 151 Officer shall advise the Cabinet and the Full Council on prudent levels of reserves for the Authority (having taken into account any advice from the external auditor).

22.2. The Section 151 Officer shall maintain reserves in accordance with the relevant codes of practice on local authority accounting in the United Kingdom and agreed accounting policies.

22.3. The use of reserves to finance expenditure should be authorised by the Section 151 Officer unless it is explicitly authorised within the approved Budget or Capital Programme. Details of the Council’s reserves will be reported in the Statement of Accounts in accordance with guidance published in the code of practice on local authority accounting.

23. Internal Control

23.1. Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.

23.2. It is the responsibility of Executive Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy,

efficiency and effectiveness and for achieving their financial performance targets. 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.

23.3. Every transfer of monies from an officer, employee or agent of the Council to another officer, employee or agent is evidenced by an official receipt bearing the signature of the receiving officer.

23.4. Executive Directors shall ensure that the staffing structure and management arrangements within their directorates separate duties such that:

23.4.1. providing information about or calculating, checking and recording sums due to or from the Authority are carried out by different people from the people who have duty of collecting or disbursing the sums;

23.4.2. people with the duty of examining or checking accounts, financial transactions, completion of grant claims/returns and cash balances are not themselves engaged in those transactions.

24. Prevention of Fraud and Corruption

24.1. Executive Directors are responsible for ensuring that efficient and effective internal controls are operated to prevent the loss of the Council's assets through any means. They therefore have the prime responsibility for preventing and detecting any loss through fraud or corruption.

24.2. The Section 151 Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

24.3. If an instance of fraud or corruption is identified or suspected then Executive Directors shall follow the procedures in the Council's Anti-Fraud and Corruption Policy.

25. Risk Management

25.1. The Council is responsible for approving the Authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. It is also responsible for ensuring that proper insurance arrangements exist where appropriate.

25.2. The Director of Policy, Strategy and Engagement is responsible for preparing the Authority's risk management policy statement, for promoting it throughout the Authority.

25.3. The Strategic Leadership Team shall promote the Council's Risk Management Policy and Strategy and develop, implement and monitor risk management controls in its capacity as the Council's corporate risk management group.

25.4. Each Executive Director shall:

25.4.1. take responsibility for risk management of their service, having regard to advice from the specialist officers e.g. Health and Safety, Risk Management and Insurance. This should include having procedures in place to identify, assess, prevent or contain material known risks.

25.4.2. undertake regular reviews of risk within their service areas to review the effectiveness of risk reduction strategies and the operation of controls.

25.4.3. prepare and maintain a business continuity plan for implementation in the event of a disaster that results in significant loss or damage to its resources.

26. Insurance

26.1. The Section 151 Officer shall ensure that the Council has appropriate insurance cover in place in respect of all its assets and risks as an employer and provider of services and facilities. All Executive Directors will be responsible for ensuring that the Section 151 Officer is provided with all relevant information applicable to their Directorate, and in a timely manner, as he/she may reasonably require in order to enable him/her to discharge effectively the responsibility.

26.2. The Section 151 Officer shall effect and keep under constant review all insurance cover and negotiate all claims (in consultation with Executive Directors where appropriate).

26.3. Each Executive Director shall:

26.3.1. give prompt notification to the Section 151 Officer of all new risks, properties or vehicles which require to be insured and, if any, alterations affecting existing risks or insurances.

26.3.2. notify in writing the Section 151 Officer of any loss, liability, or damage or any other event likely to lead to a claim under any of the Council's insurances, together with any information or explanation required by the Section 151 Officer or the Council's insurers.

26.3.3. keep suitable records to ensure that inspections of engineering plant under their control are duly carried out by the Insurance Company within the periods prescribed and shall take any

necessary action arising there from. Any failure by the Council's insurers to carry out such inspections shall be notified to the Section 151 Officer.

26.3.4. ensure that employees or anyone covered by the Council's insurances, are aware that they should not admit liability or make an offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

27. Settlement of Claims Against the Council

27.1. Where a claim against the Council, other than a contractual claim covered by Procurement Procedure Rules, is covered by an insurance policy the Section 151 Officer shall negotiate settlement of the claims against such insurance in consultation with the appropriate Executive Director.

27.2. Where a claim against the Council, other than a contractual claim covered by Procurement Procedure Rules, is not covered by an insurance policy (e.g. because the value is below the excess figure for the policy) the Section 151 Officer shall negotiate settlement of the claims in consultation with the Monitoring Officer and appropriate Executive Director.

27.3. Provided there is sufficient funding available and the negotiated settlement is, in the opinion of the Section 151 Officer, a fair settlement from the Council's point of view, the Section 151 Officer may approve the settlement of such claims.

27.4. If there is not sufficient funding available, or it is not possible to negotiate an acceptable settlement with the claimant, the Section 151 Officer shall report the matter to Cabinet.

28. Internal Audit Requirements

28.1. The Chief Internal Auditor is responsible for advising on effective systems of internal control.

28.2. The Chief Internal Auditor will have overall responsibility for Internal Audit throughout the Authority. Internal Auditors will operate as a managerial control by examining, evaluating and reporting upon the effectiveness of internal financial and operational controls and the efficient use of Council resources.

28.3. The Chief Internal Auditor will:

28.3.1. prepare an annual plan which takes account of the characteristics and relative risks of the activities involved;

28.3.2. liaise with the external auditor to ensure the internal and external

audit plans are complementary;

28.3.3. seek the approval of the Audit Committee for the annual audit plan;

28.3.4. ensure periodic reporting to the Audit Committee of progress against the annual audit plan;

28.3.5. ensure the Internal Audit Annual Report (and any interim report), including outlining actual performance against the annual audit plan, is produced and approved by the Audit Committee, and duly considered by the responsible officer for production of the Annual Governance Statement;

28.3.6. manage the internal audit function and ensure it complies with the Public Sector Internal Audit Standards issued by the Chartered Institute of Internal Auditors and the Chartered Institute of Public Finance and Accountancy;

28.3.7. ensure that effective procedures are in place within the Authority to investigate promptly any fraud or irregularity. Note that this does not mean that internal auditors will conduct all investigations.

28.4. Internal auditors have the authority to:

28.4.1. access all Authority premises at reasonable times;

28.4.2. access all assets, records, documents, correspondence and control systems;

28.4.3. require from officers, members and suppliers any information and explanation considered necessary concerning any matter under their consideration;

28.4.4. require any officer of the Authority to account for cash, stores or any other authority asset under his or her control;

28.4.5. access records belonging to third parties, such as contractors, when required.

28.5. All internal audits will result in a written report. Executive Directors shall ensure that all agreed actions are implemented in a timely and efficient manner.

28.6. External auditors will be appointed to the Council to conduct, and report on the external audit of the Council in accordance with the relevant statutory code of audit practice.

29. External Audit

29.1. The Section 151 Officer is responsible for working with the external auditor and advising Audit Committee, Cabinet, Council and Executive Directors of their responsibilities in relation to external audit.

29.2. The external auditors need to satisfy themselves that:

- The accounts comply with the requirements of the enactments that apply

to them;

- Proper practices have been observed in the preparation of the statement of accounts and that the statement presents a true and fair view;

- The Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

29.3. The Section 151 Officer will ensure that external auditors are given access to those premises, employees, documents and assets which the external auditors consider necessary for the purposes of their work.

30. Assets

30.1. For the avoidance of doubt, Land and Property is defined as any Council-owned, leased, licensed, held in trust, or in the process of being acquired or disposed of, that is not designated as Highways. The Council operates a Corporate Landlord Model, and therefore, the Service Director for Property and Facilities is the delegated Property Officer for all Land and Property matters. This includes responsibility for ensuring adequate and appropriate resourcing, planning, and compliance for the management of the Council's land and property portfolio. In accordance with Section 11 (Use of Existing In-House Resources), any proposals to establish new posts, structures, or functions relating to land and property must be subject to prior consultation with the Service Director. This ensures that internal capacity is considered before any alternative arrangements are made, supporting strategic oversight, avoiding duplication, and maintaining corporate control of property-related functions

30.2. Each Executive Director is responsible for maintaining proper security at all times for all land and property, stocks, stores, furniture, moveable plant, machinery, vehicles, ICT equipment and devices, cash, information/data etc., under his/her control (whether owned or leased). Each Executive Director shall also record a description of all these items in an inventory in the form required by the Section 151 Officer.

30.3. As far as is considered to be necessary and practical, items appearing on the inventory shall be effectively marked as Council property.

30.4. Each Executive Director shall arrange for a complete check of their inventories at least once in each financial year. Any discrepancies shall be dealt with in consultation with the Section 151 Officer.

30.5. The Section 151 Officer shall maintain a complete and up to date register of all the Authority's tangible assets under the Council's control.

30.6. The Section 151 Officer shall calculate and process the appropriate capital financing charges in accordance with the prevailing accounting code of practice for local authorities.

30.7. Each Executive Director and Director will inform promptly the Section 151 Officer of all additions, deletions, enhancements/impairments or other changes to the Authority's portfolio of capital assets, such as might affect the preparation of the Council's accounts.

30.8. Where works are to take place on Land and Property, The Council's Property and Facilities Services must be consulted and their internal resources or established arrangements used to ensure that all works are:

- Compliant with statutory and regulatory requirements
- Safe and secure for users and occupiers
- Sustainable in terms of design, materials and long-term maintenance

This approach ensures that buildings are well-managed, meet regulatory standards and contribute to The Council's sustainability goals

30.9. Delegations and decision making in relation to Land and Property are carried out by the Property Officer, in line with section 42 of the FPPR's and Scheme of Delegations.

30.10. The Property Officer should ensure there is a policy in place for the Council's approach for land held in trust.

Disposal of Assets (other than land and buildings)

30.11. Surplus plant, vehicles, furniture, equipment and stock items (owned by the Council and not leased) should be disposed of by sale via competitive tender or public auction unless the interests of the Council would be better served by disposal in some other way.

30.12. All IT equipment should be disposed of in accordance with the contract arrangements put in place by IT services to ensure equipment is securely and safely dealt with in line with legal requirements.

Land and Property

30.13. All arrangements for the acquisition and disposal of land and property shall be robust and transparent, in accordance with prevailing legislation, and be conducted by the Property Officer, including all negotiations and the preparation and certification of valuation certificates.

30.14. In respect of the acquisition of land and property:

30.14.1. where sufficient budget provision for an acquisition exists within the total Council budget, and the cost of the acquisition is less than

30.14.2. £100,000 the Property Officer may approve a purchase of land or property in consultation with the relevant Cabinet Member; or

30.14.3. where the land or property is to be acquired by entering into a lease as tenant, the Property Officer must ensure that there is sufficient provision in the current Council budget for the lease payments and also that the lease payments can be sustained in future budgets.

30.15. In respect of the acquisition of land and property, where the value of acquisition is greater than £100,000, Cabinet approval must be in place prior to the completion of the purchase.

30.16. In respect of disposals of land and property the processes followed should be robust and transparent and in accordance with prevailing legislation. In all cases of planned disposal of land or property:

30.16.1. where the estimated disposal value is less than £100,000 the Property Officer, having taken financial and legal advice, may arrange for the disposal of land or property;

30.16.2. where the estimated disposal value of individual property assets is equal to or greater than £100,000, a decision of Cabinet is required;

30.16.3. in respect of disposal at less than the best consideration that can reasonably be obtained, the Property Officer shall prepare a report to Cabinet, requesting approval to proceed with the disposal in accordance with the relevant legislation (Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003.

30.17. The Property Officer shall maintain a terrier of all properties owned by the Council (except dwellings provided under the Housing Acts), recording the purpose for which the property is held, location, extent and plan reference, purchase details, nature of interest, details of all rents and other charges payable and receivable, and particulars of all tenancies granted.

30.18. The Monitoring Officer shall have custody of all title deeds for property held by the Council.

31. Stocks

31.1. Where a service keeps goods or finished products in stock the relevant Executive Director shall ensure that a proper stock control system is operated, appropriate to the value of the stock being held. The Executive Director shall ensure that stock checks and revaluations are carried out at regular intervals (which shall be no less frequent than yearly) and promptly inform the Section 151 Officer so that appropriate accounting adjustments can be made.

31.2. Where stock discrepancies (surpluses or deficiencies) are material the relevant Executive Director shall investigate the discrepancy and inform the Section 151 Officer to make appropriate changes to accounts and records.

Where the Section 151 Officer considers it to be appropriate by reason of circumstances and/or value, they may require the Executive Director to report to the appropriate Executive Member.

31.3. Surplus or obsolete stocks should not be held. These should be disposed of at the best prices available in accordance with procedures agreed with the Section 151 Officer.

32. Banking Arrangements

32.1. The Section 151 Officer will be responsible for the opening of all bank accounts in the name of, and on behalf of, the Council. No employee or member of the Council shall open any bank account (or equivalent) without the express written approval of the Section 151 Officer.

32.2. The Section 151 Officer will ensure that sound, adequate arrangements are in place for the safe and efficient operation of all Council bank accounts, and will effect, or cause to be effected, proper and timely reconciliations. Authorised signatories shall be determined and approved by the Section 151 Officer.

33. Treasury Management

33.1. The Council has adopted CIPFA's Treasury Management in the Public Services: Code of Practice (the Code), and specifically adopts the key principles as described in Section 4 of the Code.

33.2. Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:-

33.2.1. a treasury management policy statement, stating the policies and objectives of its treasury management activities.

33.2.2. suitable Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

33.3. The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment, where necessary, to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key recommendations.

33.4. The Council will receive reports from the Section 151 Officer on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the financial year, a mid-year report and an annual report after its close, in the form prescribed in its TMPs.

33.5. The Section 151 Officer shall execute and administer treasury management decisions in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

33.6. Executive Directors shall ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Section 151 Officer and, if applicable, approval of the project in the Capital Programme.

33.7. The Audit Committee shall monitor the implementation and operation of the treasury management policies and practices. The Section 151 Officer shall provide a report on the operation of treasury management policies and practices to the Audit Committee at least once every financial year.

33.8. The Treasury Management team will make use of external brokerage firms in order to arrange for the most appropriate and prudent inter Local Authority borrowing and lending deals. This use of an external broker will be determined by having the most cost effective offer available to suit the Councils Treasury Management Strategy and Policies. The Council will, where possible look to vary its use of brokers to prevent any risks of familiarity.

34. Petty Cash Imprest Accounts

34.1. The Section 151 Officer shall make imprest advances of such amounts as is considered necessary for the purpose of defraying petty cash expenses.

34.2. Except by arrangement with the Section 151 Officer, petty cash disbursements shall be limited to minor items of expenditure not exceeding such sums as the Section 151 Officer may from time to time determine.

34.3. No cheques shall be cashed from monies held under these arrangements.

34.4. Receipts for petty cash disbursements shall be obtained wherever possible and the imprest holder shall obtain a signature for all reimbursements. Wherever possible a VAT invoice must be obtained for all purchases, and care taken to isolate the VAT element in any payment made.

34.5. An officer responsible for an imprest account shall, if so requested, give the Section 151 Officer, a certificate as to the state of their imprest account.

34.6. On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest advance, an officer shall account to the Section 151 Officer for the amount advanced to them.

35. Data Protection

35.1. Executive Directors must ensure that, where appropriate, computer and other systems are operated in accordance with Data Protection legislation, and that staff are aware of their responsibilities under Freedom of Information legislation.

35.2. In particular, the implementation or alteration of any computerised financial system that is used to hold and/or process personal data requires the approval of the Authority's Data Protection Officer and the Senior Information Risk Owner, before being implemented.

36. External Arrangements and Partnerships

36.1. The Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area including to develop and achieve the furtherance of the Authority's priorities and objectives.

36.2. The Chief Executive, or other properly authorised individual, who represents the Council on a partnership or external body, in accordance with the Scheme of Delegation, shall carry out their duties in a financially responsible way.

36.3. The Section 151 Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. In conjunction with the Monitoring Officer, the CFO must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. The CFO must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

36.4. Where the Council undertakes to carry out any work for third parties:

36.4.1. arrangements should be in place to ensure that any risks associated with third party work is minimised and that such work is within the powers of the Council;

36.4.2. The Monitoring Officer should approve the contractual arrangements for any work for third parties or external bodies;

36.4.3. if the value of such work is £400,000 or more the contractual arrangements must be approved by Cabinet.

36.5. Executive Directors and Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

37. Gifts, Loans and Sponsorship

37.1. Gifts, loans and sponsorship can be defined as the voluntary provision to the Council of non-public funds, services, equipment or other resources. In some circumstances they may be accepted from a source which has genuine and well-intentioned reasons for wishing to support specific projects.

37.2. For the avoidance of doubt this financial regulation does not apply to any funding received pursuant to any service delivery partnership entered into with another public body or voluntary organisation.

37.3. Gifts, loans and sponsorship must not be accepted where there is a risk of damaging the integrity or propriety of the Council. For example, gifts, loans and sponsorships should not be accepted:

37.3.1. from sources which come under the direct scrutiny of the Council;

37.3.2. where the provider seeks endorsement of a product or service in order to gain preferential treatment in supplying or contracting goods and services to the Council; or

37.3.3. to influence the direction of a particular policy or operation.

37.4. Gifts, loans and sponsorship should only be used to support Council activities which can readily be discontinued, since the donations can be withdrawn at any time on the initiative of the donor.

37.5. Where gifts, loans, or sponsorship come from more than one organisation in a competing market, care must be taken to demonstrate an even handed approach in accepting or rejecting any offer.

37.6. In considering the offer of a gift, loan or sponsorship, priority must be given to meeting the needs of the Council rather than those of the donor/lender/sponsor, and should avoid:

37.6.1. potentially sensitive associations with inappropriate donors/lenders/sponsors;

37.6.2. potentially sensitive associations with organisations already in a contractual arrangement to supply goods or services to the Council, which could be construed by competitors as preferential treatment;

37.6.3. projects which could distract effort from tackling agreed priorities;

37.6.4. projects of dubious or limited benefit;

37.6.5. offers of gifts, loans, or sponsorship with conditions attached;

37.6.6. offers of gifts, loans, or sponsorship which could involve the Council in additional net expenditure;

37.6.7. offers of equipment which is incompatible with existing equipment;

37.6.8. inadequate contractual arrangements; and

37.6.9. the risk of becoming unduly dependent on a facility or item of equipment which is liable to be withdrawn.

37.7. Where publicity is sought by the donor/lender/sponsor, a commercial agreement should be signed.

37.8. Executive Directors have discretion to accept individual gifts, loans, or sponsorship related to their directorates in accordance with the above guidelines up to a value of £25,000. Above this value, the approval of Cabinet is required.

37.9. These rules also apply to the Mayor.

38. Voluntary and Trust Funds

38.1. Voluntary and Trust Funds shall include any fund other than an official fund of the Council, which is controlled wholly or partly by an officer by reason of his or her employment.

38.2. All such funds shall be held and operated in accordance with such accounting requirements as may be prescribed by the Section 151 Officer and within the requirements of any Trust Deed or similar document.

38.3. The accounts of all such funds shall be made up annually, and audited under such arrangements as may be prescribed or approved by the Section 151 Officer, and within the requirement of any Trust Deed or similar document.

39. Retention of Financial Documents

39.1. The Section 151 Officer will issue guidance on the minimum periods and storage formats for retention financial documents and ensure that these formats and timescales are complied with.

40. Emergency Arrangements & Suspension of a Financial Regulation

40.1. Nothing in these Financial Regulations shall prevent a Executive Director from incurring reasonable expenditure which is essential to meet any immediate needs created by a sudden emergency or which is referable to Section 138 (Emergency Planning) of the Local Government Act 1972, if it becomes evident that such expenditure cannot be contained within the budget approved by Council.

40.2. In exceptional cases, the Section 151 Officer may suspend the application of these Regulations where it is in the best interests of the Council to do so. Any decision to suspend the Regulations shall be recorded in writing along with the reason(s) for making the decision.

40.3. In cases of urgency the Section 151 Officer jointly with the Chief Executive may authorise an officer to incur any lawful expenditure which would otherwise be contrary to these Regulations. The exercise of this regulation shall in every case be recorded in writing along with the reason(s) for making the decision.

41. Cash Handling

41.1. The Council has cash handling guidance notes that should be reviewed by any members or staff involved in the handling or management of cash. The cash handling guidance note is issued in accordance with the requirements of the Council's Financial Regulations. It is intended to provide guidance to all members of staff involved in the cash handling process so that officers are fully aware of their responsibilities. It contains specific guidance on the following key areas:-

- Counterfeit Bank Notes
- Collection of Cash by Security Companies for Banking
- Credit Cards
- Cheques
- Cash Registers
- Petty Cash Imprest Floats

- Collection of Cash form Vending and Amusement Machines and Telephones

42. Delegation arrangements

42.1. The Property Officer has the power –

42.1.1. to agree the terms and conditions of any disposal or acquisition of land and buildings;

42.1.2. to approve the terms and settlement of rent reviews, assignments, lease renewals, licences, tenancies and consents both as landlord and tenant;

42.1.3. to approve the terms and conditions of new leases;

42.1.4. to grant or refuse consent to the assignment of leases, sub-lettings, ground landlord approval, variations to user clauses, the release of restrictive covenants, variations to, or the extinguishment of, easements or wayleaves, as grantor or grantee;

42.1.5. to assign leases, approve sub-lettings, change user clauses and grant landlord’s approvals;

42.1.6. to approve the grant, refusal or seek consent to the assignment of leases, sub-lettings, ground landlord approval, variations to user clauses, the release of restrictive covenants, variations to, or the extinguishment of, easements or wayleaves as landlord or tenant;

42.1.7. to approve the granting, taking and extinguishments of wayleaves, easements and access agreements as grantor or grantee;

42.1.8. to determine the method of disposal of land and buildings, and to establish the appropriate price to be paid, including the appropriate guide and reserve price for disposal by auction;

42.1.9. to authorise the entering into of leases and licences as tenant;

42.1.10. to authorise the certification of valuations for insurance reinstatement, financial accounting purposes, statutory compensation, acquisition, disposal or letting of land and property;

42.1.11. to determine applications to place land and property on the schedule of Assets of Community Value;

42.1.12. to authorise the letting of land and property under the terms of the Council's adopted Asset Transfer Policy.

42.2. The Property Officer may approve the terms and conditions of any disposal or acquisition of land and buildings.

43. Signing contracts and the Common Seal

43.1. The Common Seal of the Council must be affixed to any building contract or construction-related contract with an estimated value of £100,000 or more and to any contract, instrument or other document that is required by law to be made by deed.

43.2. Contracts that are required to be made by deed include contracts made without valuable consideration, conveyances or transfers of land or any interest in land and transfers of shares in certain companies.

43.3. The affixing of the Common Seal of the Council to any contract, instrument or document shall be deemed to be duly authenticated if but only if the impress of the Seal is accompanied by the signature of –

- the Chief Executive; or

- the following officers in Legal Services, namely the Service Director of Legal Services, the Deputy Monitoring Officer, the Service Manager of the Litigation and Social Care Teams, the Service Manager of the Property, Commercial and Information Governance Teams or the Team Manager of the Commercial Team (including any temporary appointment to any of those positions to cover a vacancy or long- term absence),

whether or not, in the case of a contract that relates to the discharge of an executive function, a member of the Cabinet also attests the Seal.

PART II
PROCUREMENT PROCEDURE RULES

44. **Definitions**

'Approved List' means a list of suppliers who are assessed as suitable to provide specified Goods, Works or Services.

'Service Director' means an officer who reports directly to an Executive Director (irrespective of job title) and other than a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

'Authorised Officer' means any officer involved in undertaking procurement activity on behalf of the Council.

'Authorised Signatory' means the Chief Executive, the Section 151 Officer (or deputy), the Monitoring Officer (or deputy), the Head of Legal Services, Service Manager Property and Commercial, Service Manager of the Litigation and Social Care Teams.

'Best Value for Money' means the optimum combination of cost (whole life costs), quality and benefits (including social value) to meet the Council's requirements.

'Call-Off' means a purchase from a Framework Agreement or Dynamic Purchasing System that creates a binding Contract.

'Section 151 Officer' means the person designated as the Section 151 Officer (currently the Executive Director – Corporate Services).

'Chief Legal Officer' means the Head of Legal Services.

'Chief Procurement Officer' means Head of Procurement.

'Concession Contracts' means a Contract for pecuniary interest, under which the execution of Works or the provision and management of Services is entrusted to one or more Suppliers, the consideration for which is the right to exploit the Works / Services that are the subject of the Contract. Usually this will involve a transfer of operating risk to the Supplier and then receiving payment from third parties, not wholly from the Council.

'Contract' means a formal agreement between the Council and any Supplier for:

- The supply of Goods, Works or Services (including consultants)
- A Call-Off from a Framework Agreement or Dynamic Purchasing System
- An arrangement where no payment is made but there is a financial benefit to the Supplier (e.g. a Concession Contract).

'Contracting Authorities' means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities, or one or more such bodies governed by public law, including central government authorities.

'Contract Value' means the total monetary value over the full contract duration, including any extension options. For Concession Contracts, the total pecuniary value must be considered.

'Council' means Rotherham Metropolitan Borough Council.

'Dynamic Purchasing System' means an electronic procurement process for commonly used purchases that are generally available and is open through the contract period to any new suppliers to join that meet the selection criteria.

'Framework Agreement' means an agreement between the Council and/or other public bodies and one or more Suppliers where the value or volume of business is not set out at the outset but the terms and standards under which the Supplier will enter into a Call-Off to provide Goods, Works or Services are established. If the Council calls-off Goods, Works or Services than a binding Contract is formed.

'Goods' means all supplies and materials that the Council purchases or obtains.

'In-House Supplier' means an identified internal service within the Council established to carry out Council services.

'Local Suppliers' means any supplier that is located within the borough of Rotherham (or if there are no Rotherham based suppliers, the wider South Yorkshire Mayoral Combined Authority.

'Procurement Legislation' means the Public Contracts Regulations 2015 (as amended) supplemented by any appropriate case law.

'Professional Buying Organisation' means a buying consortia such as (but not limited to) the Yorkshire Purchasing Organisation (YPO), Crown Commercial Services (CCS) etc.

'Services' means all services that the Council purchases or obtains.

'Social and Other Specific Services' means those Services defined at Schedule 3 of the Procurement Legislation, that are deemed to be of lower interest to cross-border competition and as such can adopt a more flexible ('light-touch) regime.

'Social Value Portal' means the system used for the purposes of securing social value commitments and the ongoing monitoring and measures of their delivery.

'Executive Director' means an officer who is a member of the Strategic Leadership Team and reports directly to the Chief Executive.

'Supplier' means an individual or organisation that Contracts with the Council to provide Goods, Works or Services.

'Threshold' means the financial threshold at which the Procurement Legislation applies. With effect from 1 January 2022 these are:

	Inclusive of VAT	**Exclusive of VAT**

		(20%)
Works	£5,336,937	£4,447,448
Goods	£213,447	£177,898
Services	£213,447	£177,898
Social & Other Specific Services	£663,540	£552,950
Concessions	£5,336,937	£4,447,448

These thresholds are updated every 2 years.

'Works' means the execution, or both design and execution, or construction works and civil engineering works including the execution of repairs in relation to those works.

45. Introduction

45.1. Procurement is a key strategic enabler supporting all service areas / commissioning teams across the Council to acquire Goods, Works and Services.

45.2. These Procurement Procedure Rules set a corporate framework with clear rules and expectations by which all Authorised Officers of the Council can enter into arrangements with third party Suppliers to provide Goods, Works and Services, ranging from the purchase of low value simple day to day commodities through to multi-million-pound construction projects.

46. Compliance with Procurement Procedure Rules

46.1. Every Contract made by or on behalf of the Council for Goods, Works or Services, and all Council employees engaged to act in any capacity to manage a Contract must comply with Procurement Legislation. This requirement cannot be waived since a failure to comply with Legislation may result in a legal challenge with consequent reputational and/or financial risk.

46.2. In addition, compliance with the following also applies:

46.2.1. All relevant statutory provisions, law and acts (including the Public Services (Social Value) Act 2012, the Care Act 2014, the Modern Slavery Act 2015, the National Procurement Policy Statement etc).

46.2.2. The Council's constitution including these Financial and Procurement Procedure Rules.

46.2.3. Relevant Council procurement policies and procedures including the Ethical

Procurement policy.

46.2.4. The Council's strategic objectives and policies including the Social Value policy.

46.2.5. The procurement of all IT hardware and software (including cloud-based systems and Software as a Service (SaaS)) irrespective of value, must be referred through ICT before procurement activity is commenced.

46.3. All Council officers and individuals or organisations engaged on the Council's behalf shall ensure that all procurement activity is undertaken with regard to high standards of probity and in a manner that is non-discriminatory, transparent and fair; and which avoids conflicts of interest. The Council's Employee Code of Conduct must be followed at all times.

46.4. In applying these Procurement Procedure Rules, all officers should undertake procurement activity having due regard to the duty of Best Value for Money under the Local Government Act 1999 (as amended).

46.5. Executive Directors may permit, with limitations, other officers to authorise orders and Contracts in their own name on behalf of the Council. Any orders or Contracts made shall remain the responsibility of the Executive Director. Executive Directors must maintain an up-to-date scheme of delegation, which is refreshed on an annual basis at the commencement of the financial year. The scheme of delegation must specify:

46.5.1. The names, grades, post references and job titles of Authorised Officers for the purposes of:

a) Approving procurement business cases.

b) Approving the award and formally entering into Contracts.

c) Approving extensions, variations and other matters associated with the management of Contracts.

46.5.2. The maximum value allocated to each Authorised Officer for those purposes.

46.6. These Procurement Procedure Rules must be adhered to, other than in exceptional circumstances which must be authorised by either:

46.6.1. Cabinet; or

46.6.2. The Section 151 Officer in consultation with the Chief Legal Officer.

Such requests must be made in writing.

46.7. All Executive Directors are responsible for ensuring compliance with these Procurement Procedure Rules by their staff. Failure to comply with these Procurement Procedure Rules may result in disciplinary action against the Authorised Officer concerned.

47. Relevant Contracts

47.1. All relevant Contracts must comply with these Procurement Procedure Rules.

47.2. A relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of Works, for the supply or provision of Goods, materials or Services.

47.3. Relevant Contracts do not include:

47.3.1. Contracts of employment for individual members of staff (permanent, interim or casual). For the avoidance of doubt this does not include the procurement of agencies who provide temporary labour (agency staff). The appointment of these agencies would be subject to these Procurement Procedure Rules.

47.3.2. Property contracts relating to the acquisition, rental or disposal of land or buildings. Please refer to Financial Procedure Rule 42.

47.3.3. Grant agreements. Please refer to Financial Procedure Rule 13. Genuine grant agreements do not fall within the scope of the Procurement Legislation. However careful consideration is needed to ensure that a grant agreement is not actually a procurement for the purposes of these Procurement Procedure Rules.

47.4. Broadcasting time to audio-visual or radio media suppliers. However, such Services shall not be procured without consulting the Head of Communications.

47.5. The procurement of legal services in respect of a specific matter which are in contemplation of:

47.5.1. Arbitration conciliation.

47.5.2. Judicial proceedings before the courts; and

47.5.3. Legal advice given in the preparation for any of the proceedings referred to above, or where there is tangible indication and high

probability that the matter to which the advice relates will become the subject of such proceedings.

However, no such Services shall be procured without the approval of the Chief Legal Officer.

48. Social, Economic, Environmental and Ethical Considerations

48.1. The development of all procurement activity shall give due regard and consideration to commitments that have been made by the Council in relation to ethical standards, policies, charters and accreditations as detailed in the Council's ethical procurement policy, including the application of social value as defined in the Council's social value policy.

48.2. For clarity all Contracts (including Call-Offs from Framework Agreements and Dynamic Purchasing Systems procured in accordance with Procurement Procedure Rule 54) with an estimated Contract Value of £100,000 and above, must secure a social value commitment that is monitored and reported through the Social Value Portal.

48.3. Where appropriate and always subject to Procurement Legislation, Authorised Officers should give consideration to designing procurements which encourage participation from Local Suppliers, small and medium sized companies and voluntary, community and social enterprise organisations. This may include dividing the Contract into lots.

49. Forward Procurement Plans

49.1. Before commencement of the financial year the Authorised Officer must prepare and maintain forward procurement plans for the Procurement of Goods, Works and Services to be undertaken over the coming 36-month period.

49.2. Procurement plans must be sent to the Chief Procurement Officer no later than 28 February each year to enable a Council-wide procurement plan to be published on the Council's website prior to the start of the financial year.

49.3. Authorised Officers must ensure that an Officer Delegated Decision Record is published for the award of Contracts with a Contract Value greater than £250,000, and that these are placed on the forward plan for Officer Delegated Decisions in a timely manner.

50. In-House Suppliers

50.1. Irrespective of Contract Value, where an In-House Supplier is available the

In-House Supplier must be used. Where the Council has an established in-house service capable of delivering the required works, goods, or services the in-house Service Director should be consulted following the process as outlined in section 11 of these FPPR's. It is a strict requirement for the in-house delivery services Service Director to make the judgement call as to whether or not the required works, goods or services fall into the professional service area.

50.2. The Authorised Officer must retain written confirmation where it is agreed to procure outside of the In-House Supplier.

51. Council Wide Arrangements

51.1. The use of corporate Contracts / Framework Agreements / Dynamic Purchasing Systems awarded by the Council shall be mandatory (irrespective of the value) for all Works, Goods and Services that have been included in the scope of those arrangements.

51.2. Information relating to the above arrangements are available on the Council's intranet site.

51.3. Where an Authorised Officer is seeking to procure outside of these arrangements, approval must be sought from the Chief Procurement Officer and the nominated Contract Manager for the Contract with a clear justification as to why the corporate arrangement does not meet the requirements. Any alternative arrangements must be procured in accordance with these Procurement Procedure Rules.

52. Estimating Contract Values

52.1. The Authorised Officer must estimate and record the value of a proposed Contract.

52.2. The method for determining the estimated value of a Contract / Concession Contract should be based on the total amount which the Council expects to pay / or any other forms of remuneration the Council and / or Supplier will receive by operation of the Contract over its term. Such calculation must include, where relevant any maintenance and ongoing support costs *(**Example calculation:** Estimated Contract Value = (Annual Cost + other forms of remuneration) * Contract Length)).*

52.3. In determining the value of a Contract, the Council must also include the potential value of any options to extend that may be built into the Contract.

52.4. Where a requirement for Goods, Works or Services is sub-divided into several elements (lots), the estimated value of each lot must be aggregated to calculate the overall estimated value of the Contract.

52.5. When determining the value of a Framework Agreement or Dynamic Purchasing System, the anticipated value of all spend through that Framework Agreement or Dynamic Purchasing System must be taken into consideration (including the spend of any other Contracting Authorities who are able to access the Framework Agreement or Dynamic Purchasing System).

52.6. Authorised Officers must ensure that estimated values are **not** disaggregated in an attempt to avoid the applicability of these Procurement Procedure Rules. Requirements must be calculated based on all Council spend (i.e. the corporate requirement rather than an individual service areas need).

52.7. Where a proposed procurement includes two or more types of provision (i.e. Goods, Services or Works) the procedure followed shall be based on the provision that characterises the main subject matter of the Contract in question.

52.8. The Authorised Officer must give consideration to estimated Contract Values both inclusive and exclusive of value added tax in order to determine the application of Procurement Legislation. Therefore, the default position for all contracts >£100k should be to add an equal amount of value added tax (at 20%) to the net contract sum. This would ensure there are no issues in underestimating the contract value and breaching procurement legislation. For the avoidance of doubt, contract values stated on advertisements (i.e, Find a Tender Service or Contracts Finder) should still be quoted as net.

53. Approved Lists of Suppliers

53.1. Where appropriate and only in exceptional circumstances approved by the Chief Procurement Officer, Authorised Officers may compile and maintain an Approved List for specified Goods, Works or Services.

53.2. No Approved List of suppliers must be established where the estimated aggregate value exceeds the relevant Threshold.

53.3. Before establishing an Approved List, it should be advertised on the Council's e-tendering portal and expressions of interest should be sought from potential suppliers wanting to be appointed.

53.4. The Approved List should:

53.4.1. Indicate the categories of Contracts for which the Suppliers appointed may be invited to submit a bid.

53.4.2. Set out the criteria for inclusion, suspension or exclusion from the

list.

53.4.3. Be operated in a fair, transparent manner so as to ensure that all Suppliers on the list are given a reasonable opportunity of submitting quotations or tenders for appropriate Contracts let by the Council from time to time.

53.4.4. Be regularly reviewed (not less than one year or more than four) and agreed with the Chief Procurement Officer.

54. Framework Agreements and Dynamic Purchasing Systems

54.1. Call Off Arrangements (Third Party Agreements)

54.1.1. Where a Call-Off is proposed under an existing Framework Agreement or Dynamic Purchasing System that has been established by a consortium, Professional Buying Organisation, collaboration or other public body, the Council may consider using this Framework Agreement or Dynamic Purchasing System if:

a) The Framework Agreement or Dynamic Purchasing System has been established by a legal entity, and via a process, which permits the Council to access those arrangements lawfully; and

b) It is in the best interest of the Council to access the Framework Agreement or Dynamic Purchasing System, representing clear Best Value for Money, which must be documented for audit purposes (for procurements above £100,000 this will be through the use of the Procurement Business Case – Appendix D).

54.1.2. Before undertaking a Call-Off under any Framework Agreement or Dynamic Purchasing System, thorough due diligence should be undertaken, and advice sought from the Chief Procurement Officer to confirm whether it is able to be used and whether it is appropriate for use for the Goods, Works or Services required.

54.1.3. Subject to the due diligence confirming the suitability of the Framework Agreement or Dynamic Purchasing System, these can be used without needing to undertake one of the procedures outlined at Procurement Procedure Rule 58.

54.1.4. Call-Offs must be awarded based on the criteria and method identified in the Framework Agreement or Dynamic Purchasing System.

54.1.5. Where a Call-Off is undertaken via a direct award (which is permitted in the Framework Agreement), a scope of works must be prepared and the Supplier must be required to supply a written submission that is verified to confirm it can meet the requirements of the Council in accordance with the terms and conditions and pricing

established in the Framework Agreement in advance of entering into a Contract unless otherwise prescribed in the Framework Agreement direct award Call-Off procedure.

54.2. Establishing a Framework Agreement or Dynamic Purchasing System (Council Own)

54.2.1. Where the Council is establishing a Framework Agreement or Dynamic Purchasing System (which may or may not be accessed by other Contracting Authorities) the estimated Contract Value must take account of all potential work that may be awarded through the agreement and follow the relevant procedures set out in these Procurement Procedure Rules for Contracts of that value.

54.2.2. If the Council is establishing a Framework Agreement or Dynamic Purchasing System which allows access by other Contracting Authorities, reference must be made in the procurement documents explaining that the Framework Agreement or Dynamic Purchasing System is intended for wider use, and advice must be sought from the Chief Legal Officer to ensure the terms upon which other Contracting Authorities access those arrangements are clear and offer appropriate protection to the Council.

54.2.3. In establishing a Framework Agreement, where the estimated value exceeds the relevant Threshold, the total duration (including any extensions) can not exceed four years except in exceptional circumstances relating to the subject matter of the Framework Agreement. Any proposal to establish a Framework Agreement with a duration exceeding four years should be referred to the Chief Procurement Officer for advice.

54.2.4. Where taking into account all the above, the estimated value of the Framework Agreement or Dynamic Purchasing System is estimated to be above the relevant Threshold, and the Framework Agreement or Dynamic Purchasing System is being left open for other Contracting Authorities to access, the Authorised Officer must ensure that the Contracting Authorities are included in the notices published via the UK e-notification service, either named individually or by an identifiable class.

54.2.5. In establishing a Framework Agreement or Dynamic Purchasing System, the Council must ensure that the terms of the Framework Agreement or Dynamic Purchasing System makes the process by which Call-Offs are entered into explicitly clear.

54.3. Call-Off's under Framework Agreements or Dynamic Purchasing Systems may be made at any value, without needing to follow Procurement Procedure Rule 58.

55. Public to Public Contracts

55.1. Where the Authorised Officer is considering entering into a Contract with another public body, early advice must be sought from the Chief Procurement Officer and the Chief Legal Officer. It should not be assumed that arrangements entered into between the Council and other public bodies (e.g. other local authorities) are outside the scope of Procurement Legislation.

56. Pre-Procurement Requirements and Procurement Business Cases

56.1. Prior to commencing procurement activity, the Authorised Officer, must have given consideration to the different commissioning options and delivery models available (make versus buy, contract versus grant etc), retain a file note documenting the justification for third party delivery through a formal contractual procurement procedure and ensure all such decisions are taken in accordance with the Council's constitution.

56.2. A procurement business case is required for all procurement activity where the estimated value of the Contract is above £100,000 using the template provided by the Chief Procurement Officer.

56.3. The detail contained in the procurement business case should be relevant and proportionate to the value of the Contract, and the nature of Works, Goods or Services being procured.

56.4. Whilst a procurement business case is not required for Contracts valued below £100,000, it is recommended best practice to ensure that the following key issues identified through the Procurement Business Case are considered.

56.5. For clarity, whilst it is recommended best practice to complete a procurement business case for Call-Off Contracts from a Framework Agreement or Dynamic Purchasing System that the Council has established (in accordance with Procurement Procedure Rule 54.2) it is not a mandatory requirement as the key issues should have been considered in the original set up of the Framework Agreement or Dynamic Purchasing System. However, where the Framework Agreement or Dynamic Purchasing System provides a range of call-off procedures, a written options appraisal, which includes the scope of the call-off, key considerations and financial implications must be undertaken to determine the recommended option for each Call-Off for transparency and audit purposes.

56.6. The Authorised Officer must consider, undertake, and document within the Procurement Business Case a range of factors, including (but not limited to_:

56.6.1. **Market Engagement**

Where appropriate, undertake pre-procurement engagement with potential Suppliers, service users and other stakeholders) to understand what is available within the market, the strengths, weaknesses of the market sector and to co-design specifications.

Pre-market engagement must be done in a manner that does not distort competition and ensures that any subsequent procurement process remains open, fair and transparent. Failure to properly manage market engagement, may result in potential bidders being excluded from the opportunity to submit a tender.

56.6.2. **Identification of Risk**

A risk log for the procurement process and the event contractual relationship must be produced, maintained and updated throughout the procurement cycle by the Authorised Officer, in consultation with the relevant stakeholders identified. As a minimum the risk log should be reviewed when submitting the procurement business case for approval, before the publication of tender, following the evaluation before formal award is made, and then at regular intervals during the contract term.

56.6.3. **Governance Arrangements**

Ensure that the governance arrangements for the issuing of the tender and award of the Contract are clearly understood and established for the project.

56.6.4. **Route to Market Options Appraisal and Market Conditions**

Consideration of all known available routes to market to ensure the most successful outcome for the procurement, along with a justification for the chosen recommended option.

56.6.5. **Ethical Considerations**

An analysis of considerations applicable to the Contract from the Council's ethical procurement policy.

56.6.6. **Information Governance**

The identification of contracts involving the processing of personal data with requirements for a Privacy Impact Assessment and which may require additional method statement questions or clauses developing with the terms and conditions.

56.6.7. **Financial Implications including Pricing Mechanisms**

A clear understanding of any potential requirements to satisfy financial capacity (and any financial security measures needed such as parent company guarantees), insurance requirements, as well as details of how costs are to be controlled over the Contract term, and how proposed requests for price increases are to be dealt with.

56.6.8. **Legal Implications**

Agreement on the form of agreement to be entered into and advice on matters such as TUPE (Transfer of Undertaking (Protection of Employment).

56.7. All procurement business cases require approval, in accordance with the directorates scheme of delegation or other alternative Authorised Signatory before any tender is issued to market, or in the case of a direct award from a third party framework a formal award is made.

57. Development of Quotation / Tender Documentation

57.1. Authorised Officers must only use standard quotation / tender template documentation available from the Chief Procurement Officer (unless the Chief Procurement Officer agrees an alternative suite of documentation may be used).

57.2. Where there are provisions included (or omitted) from the corporate documentation that the Authorised Officer feel are (in)appropriate for their particular procurement, they should seek guidance from the Chief Procurement Officer.

57.3. A clear specification of requirements (identifying outputs or outcomes rather than inputs (unless there is a demonstrable need to specify inputs) should be developed for every procurement process undertaken. The specification should incorporate (where agreed) the views of stakeholders along with details that may mitigate risks identified through the risk process referred to above.

57.4. The specification should clearly detail any ethical requirements identified through the procurement business case (i.e. safeguarding, equalities, modern slavery, social value etc).

57.5. The documentation must clearly describe the evaluation criteria / methodology to be used to determine who will be awarded a contract, including all sub-criteria. It is important to note that in accordance with the Council's Social Value Policy, all procurements in excess of £100,000 must ensure social value accounts for 20% of the decision as to who is awarded the contract, unless alternative arrangements are agreed with the relevant Executive Director.

57.6. It is essential that all procurement documentation (including the form of agreement from the Chief Legal Officer) is finalised before the quotation / tender is issued to market, as all procurement documentation must be available at the point of advertisement.

58. Normal Procedure

58.1. Contracts Valued up to £10,000 (inclusive)

58.1.1. These Procurement Procedure Rules do not apply to Contracts of less than £10,000. However, Procurement Procedure Rule 50 and 51 do apply and Procurement Procedure Rule 54 may also be used.

58.1.2. The Authorised Officer must be able to demonstrate Best Value for Money and wherever possible seek to use Local Suppliers. A file note must be retained outlining any search undertaken and a justification for the decision to award the work to a given Supplier. All quotations received must be in writing.

58.1.3. To comply with the Local Government Transparency Requirements, details of all Contracts awarded over £5,000 must be reported to the Chief Procurement Officer to ensure they are recorded on the Council's centralised contracts register.

58.2. Contracts Valued Between £10,000 and £25,000

58.2.1. Contracts with a value between £10,000 and £25,000 must be awarded on a competitive basis (unless the provisions of Procurement Procedure Rule 50 or 51 apply).

58.2.2. At this value, the Authorised Officer must either:

a) Undertake a Call-Off from a third-party Framework Agreement or Dynamic Purchasing System as described in Procurement Procedure Rule 54.

b) Use a closed procedure inviting a minimum of 2 informal quotations (based on knowledge, experience, supplier expressions of interest etc), one of which must be from a Local Supplier.

58.2.3. The Authorised Officer must be able to demonstrate Best Value for Money and wherever possible seek to use Local Suppliers. A file note must be retained outlining any search undertaken to identify potential suppliers along with a justification for the decision to award the work to a given Supplier.

58.2.4. To comply with the Local Government Transparency Requirements, details of all Contracts awarded under this procedure must be reported to the Chief Procurement Officer to ensure they are recorded on the Council's centralised contracts register.

58.3. Contracts Valued Between £25,000 and £100,000

58.3.1. Contracts with a value between £25,000 and £100,000 must be awarded on a competitive basis (unless the provisions of Procurement Procedure Rule 50 or 51 apply) and coordinated through the Corporate Procurement Team (unless alternative arrangements have been agreed with the Chief

Procurement Officer).

58.3.2. At this value, the Authorised Officer must either:

a) Undertake a Call-Off from a third-party Framework Agreement or Dynamic Purchasing System as described in Procurement Procedure Rule 54.

b) Use a closed procedure inviting a minimum of 3 formal quotations (based on knowledge, experience, supplier expressions of interest etc), one of which must be from a Local Supplier, through the Council's e-tendering portal.

58.3.3. Where the Authorised Officer is unsure of the market or the likely response to be received, a discussion should be held with the Chief Procurement Officer to consider whether it would be appropriate to undertake an openly advertised opportunity (as described in Procurement Procedure Rule 58.4), however, the Authorised Officer must be confident this will not generate an excessive volume of responses.

58.4. Contracts Valued Between £100,000 and £189,330

58.4.1. Contracts with a value between £100,000 and £189,330 must be awarded on a competitive basis (unless the provisions of Procurement Procedure Rule 50 or 51 apply) and coordinated through the Corporate Procurement Team (unless alternative arrangements have been agreed with the Chief Procurement Officer).

58.4.2. At this value, the Authorised Officer must either:

a) Undertake a Call-Off from a third-party Framework Agreement or Dynamic Purchasing System as described in Procurement Procedure Rule 54.

b) Undertake a formal tender which is advertised to the open market, through the Council's e-tendering portal and on Contracts Finder.

58.4.3. Tenders undertaken for procurements between these thresholds **must not** include a pre-qualification stage or a stage in the procurement process where the authority can assess the suitability of a candidate for the purpose of reducing the number of candidates to a smaller number who will proceed to a later stage of the process.

58.4.4. Where suitability questions are relevant and proportionate to the subject matter of the Contract, they may be included within the award criteria of a procurement, and considered as part of the wider overall quality evaluation.

58.5. Social and Other Specific Service, Works and Concession Contracts Valued £189,330 to the Relevant Threshold

58.5.1. For Social and Other Specific Service, Works and Concession Contract with a value between £189,330 and the relevant Threshold must be competitively tendered unless the provisions of Procurement Procedure

Rule 50 or 51 apply or the Contract is being procured in accordance with Procurement Procedure Rule 54) which is coordinated through the Corporate Procurement Team, (unless alternative arrangements have been agreed with the Chief Procurement Officer).

58.5.2. At this threshold, Authorised Officers are not bound by defined procedures, and have the flexibility to design procedures that are relevant and proportionate for the Contract being procured but must ensure the principles of transparency and equal treatment are observed at all times.

58.6. Contracts with a Value that Exceed the Relevant Threshold

58.6.1. Contracts which exceed the relevant Threshold must be competitively tendered in accordance with Procurement Legislation (unless the provisions of Procurement Procedure Rule 50 or 51 apply or the Contract is being procured in accordance with Procurement Procedure Rule 54) using one of the procurement procedures detailed at Procurement Procedure Rule 59 which is coordinated through the Corporate Procurement Team (unless alternative arrangements have been agreed with the Chief Procurement Officer).

58.6.2. All tenders must be advertised on the Council's e-tendering portal, Contracts Finder and the UK e-notification service.

58.6.3. Publication of tender documents on the Council's e-tendering portal and Contracts Finder must not occur until 48 hours after the despatch of the UK e-notification notice, or the publication of the UK e-notification notice, whichever occurs first.

Timelimits

58.6.4. For Contracts valued above the relevant Threshold (excluding Social and Other Specific Services) there are minimum timescales to be adhered as detailed in the Procurement Legislation. The timescales stipulated are dependent upon the type of notice issued to act as a call for competition and should be treated as minimum timescales and not be relied upon as the standard. When determining timescales, the Authorised Officer must be proportionate and fair to the market and take into consideration, the complexity of the specification and tender submission requirements, along with any previous market consultation undertaken.

59. Procurement Procedures

59.1. Open Procedure

59.1.1. This is a one-stage process where all interested suppliers may respond to the advertisement by submitting a tender. This is often the most expedient procedure and enables all suppliers in the market that wish to engage in the process to submit a tender. There is no pre-qualification, selection or short-listing stage prior to invitation to tender.

59.2. Restricted Procedure

59.2.1. This is a two-stage process under which a selection process is made of those who respond to the advertisement and those shortlisted are invited to submit a tender.

59.3. The following procedures apply to more strategic, complex or high value projects. If consideration is being given to any of the following procedures early consultation is required with the Chief Procurement Officer and Chief Legal Officer as there are limited circumstances under which these procedures can be utilised.

59.4. Competitive Dialogue

59.4.1. This procedure is used where the Contract is complex, the Council is unable to specify its requirements and the solution cannot be purchased 'off the shelf'. Following a selection process of those who responded to the Council's advertisement, the Council enters into dialogue with potential bidders to develop one or more solutions on which the bidders submit a tender.

59.5. Competitive Procedure with Negotiation

59.5.1. Following a selection process of those who responded to the Council's advertisement, bidders are invited to submit a tender. The Council may then open negotiations with bidders to refine or seek to improve the offers proposed.

59.6. Innovation Partnership

59.6.1. Following a selection process of those who responded to the Council's advertisement, the Council uses a negotiated approach to invite suppliers to research and develop innovative proposals to meet a need where no solution currently exists within the market, which the Council may then seek to purchase.

59.7. For Social and Other Specific Service Contracts, Authorised Officers have the freedom to design a procurement procedure that is relevant and proportionate to the Services being procured, whilst ensuring the principles of transparency and equal treatment are observed.

60. Tender / Quotation Submission, Receipt and Opening

60.1. Contracts Valued up to £25,000

60.1.1. All requests for quotation must state that it will only be considered if it is received by the specified closing date and time.

60.1.2. The Authorised Officer may receive quotations up to the value of £25,000 directly, but wherever possible this must be electronic (i.e. via email) to ensure auditability.

60.1.3. The Authorised Officer must keep a record of all quotations received.

60.2. Contracts Valued over £25,000

60.2.1. All quotations / tenders valued above £25,000 must be received electronically through the Council's e-tendering portal (unless alternative arrangements are agreed with the Chief Procurement Officer), as this ensures bids remain anonymous until after the deadline has passed.

60.2.2. All quotations / tenders received above £25,000 through the Council's e-tendering portal shall be opened and released by an independent officer within the Corporate Procurement Team who is not involved in the procurement process.

61. Evaluation

61.1. An evaluation panel must be convened for all evaluation processes undertaken. Representation on the panel must be from people who have knowledge of the subject area and proportionate to the size and value of the procurement being undertaken. For Contracts below £25,000 it is acceptable for only 1 person to review the quotations returned so long as any resulting order created is approved by someone independent.

61.2. For all Contracts regardless of value, no person with a personal or financial interest in any of the bidders submitting a proposal should be involved in evaluating tenders or involved in any way in influencing the decision as to which bidder is to be awarded a Contract. A declaration of interest form must be completed prior to the commencement of the evaluation process and held on file by the Authorised Officer (for Contracts below £25,000) or within the Corporate Procurement Team (for Contracts above £25,000).

61.3. Where a potential conflict is highlighted, this should be brought to the attention of the Chief Procurement Officer for further advice.

61.4. The evaluation of quotations / tenders must be in accordance with the evaluation criteria specified in the original quotation / tender documents. Under no circumstances should there be a deviation away from this.

61.5. Where a bidder submits a qualified or conditional tender, they must be given the opportunity to withdraw the qualification or condition without amendment to the bid submitted. If a bidder fails to do so their bid must be rejected unless it is dealt with as an alteration to their submission in accordance with Procurement Procedure Rule 62.

61.6. Where a bid received appears to be abnormally low, the Council is under a statutory duty to request that the bidder concerned provides a full and detailed response to explain the price / cost proposed, including confirmation that the supplier is not practising modern slavery. Identifying and dealing with an abnormally low bid shall be the responsibility of the

Authorised Officer. The Council may reject an abnormally low bid, where the justification doesn't satisfactorily account for the low level of price. Where consideration is being given to the rejection of a bid on these grounds advice must be sought from the Chief Procurement Officer and Chief Legal Officer.

62. Errors in Quotations and Tenders

62.1. A quotation / tender may be amended after it has been received, and before it is accepted if it is identified during the evaluation process that a genuine arithmetical error or other minor discrepancy has been made, that can easily be corrected by way of clarification, following consultation with the Chief Procurement Officer and/or Chief Legal Officer, subject to the following:

62.1.1. The bidder shall be given details of the error(s) found during the examination of the tender and shall be given the opportunity of confirming the quotation / tender without amendment or to withdraw their quotation / tender.

62.1.2. Amending the quotation, to correct genuine arithmetic errors provided that no other adjustment, revision, or qualification is permitted.

62.2. The Authorised Officer must ensure a written record of all amendments made under this Procurement Procedure Rule is maintained.

63. Post Tender and Quotation Negotiations

63.1. In the interests of ensuring an open, fair and transparent process, negotiation following receipt of tenders / quotations is only permissible in limited circumstances.

63.2. Negotiation is never permissible following the receipt of final tenders where the tender is above the relevant Threshold.

63.3. Where the procurement is below the relevant Threshold, the Authorised Officer may, after consulting with the Chief Procurement Officer and Chief Legal Officer enter negotiations with one or more bidders where they consider that it is in the Council's best interest to do so.

63.4. Where the scope of the original procurement is to be reduced in order to fit within budgetary provision, advice must be sought from the Chief Procurement Officer and Chief Legal Officer. In instances where the Contract is a Call-Off from a Framework Agreement or Dynamic Purchasing System it may be acceptable that all bidders who were invited to bid must be given the opportunity to re-submit a revised offer. However, where the procurement is the result of an openly advertised tender, dependent on the

scale of the change of scope, the tender may need to be re-run.

63.5. Negotiations shall be conducted on behalf of the Council by two or more Authorised Officers from the service area concerned and / or the Corporate Procurement Team.

63.6. A full written record must be maintained of the negotiation which if agreed in writing by the Authorised Officer and the bidder for inclusion within the final Contract.

64. Due Diligence

64.1. Following the evaluation process of all Contracts valued above £25,000, and upon reaching consensus on the top scoring bidder, it is recommended best practice that a due diligence process is undertaken. The purpose of the due diligence is to confirm aspects such as:

64.1.1. The bid received is bona fide and sustainable.

64.1.2. The Council fully understands the bid that has been submitted.

64.1.3. The Supplier has the financial and technical capacity and capability to deliver the Contract and where this does cause concern appropriate steps have been agreed (i.e. parent company guarantees); and

64.1.4. The Supplier has the relevant policies / certificates required (including evidence of adequate insurance cover).

64.2. Minutes from any due diligence meetings / conversations must be formally agreed in writing with the winning bidder for inclusion within the final Contract.

65. Approval to Award

65.1. For all Contracts valued above £25,000 (including further competitions from Framework Agreements of Dynamic Purchasing Systems), prior to formally notifying bidders whether they have been successful or not (regardless of whether the decision taken is to award the Contract or abandon the process), a tender evaluation report must be prepared and approved. Only the most economically advantageous tender(s) or quotation(s) must be recommended for award.

65.2. In instances where the recommendation is to abandon and re-tender the requirement, robust justifiable reasons must be demonstrated (i.e. funding no longer available, all quality submissions below required thresholds etc).

It would be a breach of Procurement Legislation if a tender was abandoned on the grounds that a particular supplier was not the successful bidder and such action would leave the Council open to legal challenge.

65.3. The tender evaluation report should summarise the procedure undertaken to include for example:

65.3.1. The subject matter, value of the procurement and procedure used.

65.3.2. The suppliers involved.

65.3.3. Results of any compliance, selection and / or award criteria.

65.3.4. The winning bid including any due diligence carried out.

65.3.5. Any outcomes achieved.

65.3.6. Any issues or risks with the proposed recommendation.

65.4. The tender evaluation report must be approved in accordance with the directorates scheme of delegation (or any other relevant Authorised Signatory).

66. Acceptance and Award

66.1. All bidders must be notified in writing of their success / failure in a quotation / tender process in a timely manner using standard documents supplied by the Corporate Procurement Team.

66.2. All notifications for Contracts valued above £25,000 must be issued electronically through the Council's e-tendering portal.

66.3. Notification also includes a decision where the Council has decided to abort a process.

66.4. It is important to notify bidders as soon as possible after their elimination from a process. therefore, in the case of all tenders which relate to procurements above the relevant Threshold where there are multiple stages (i.e. a selection stage in the restricted procedure) the bidder must be notified following the evaluation of that stage in the process.

66.5. For procurements concerning Contracts with a Contract Value above the relevant Threshold it is essential that all unsuccessful letters contain the

following information:

66.5.1. The award criteria used.

66.5.2. The score obtained of the bidder against the award criteria.

66.5.3. The score obtained by the winning bidder against the award criteria.

66.5.4. The name of the winning bidder.

66.5.5. The characteristics and relative advantages of the winning tender; and

66.5.6. Precise details of the standstill period.

66.6. The standstill period requires a minimum 10 calendar days (where the notification is made electronically) between the communication of the award decision and Contract conclusion, with day 1 being the day after the award decision is issued. Where the notification is not issued electronically or is followed up by postal notification, the standstill period must be no less than 15 calendar days. The standstill period must end on a weekday.

66.7. Whilst the standstill period referred to above is not a legal requirement for below Threshold procurements, above Threshold procurements under Social and Other Specific Services or Call-Offs under Framework Agreements or Dynamic Purchasing Systems, it is recommended best practice to apply such a process to allow an opportunity for unsuccessful aggrieved bidders to challenge/complain, and for the Council to satisfactorily deal with such instances before entering into Contract.

66.8. Following the successful conclusion of standstill, the successful bidder(s) should be informed that the Council will be progressing to formal award and the issuing of formal Contracts.

66.9. All Contracts awarded with a value of £5,000 and above must be reported to the Chief Procurement Officer and recorded on the Council's contracts register. All Contracts awarded with a value of £25,000 and above must be recorded on Contracts Finder. All Contracts awarded above the relevant Threshold must also be recorded on the UK e-notification service within 30 calendar days following the decision to award the Contract and a Regulation 84 report must also be prepared in accordance with the Procurement Legislation by the Authorised Officer. For Contracts awarded with a value of £250,000 and above an Officer Delegated Decision record is also required to be published.

67. Exemptions from the Normal Procedure

67.1. The Executive Director has the power to waive any requirements within these Procurement Procedure Rules for specific projects, where one or more of the following exemptions apply:

67.1.1. Where the technical characteristics of the Goods are only compatible with an existing supply or installation, such that procurement of another product other than the one available from the original Supplier would result in disproportionate technical difficulties. The duration of a Contract negotiated in accordance with this exemption shall not exceed 3 years.

67.1.2. The procurement of a unique work of art or artistic performance.

67.1.3. Where competition is absent for technical reasons where no reasonable alternative or substitute exists, and the absence of the competition is not the result of an artificial narrowing down of the parameters of the procurement.

67.1.4. The purchase of proprietary or patented Goods or material, or Services, which are obtainable only from one supplier, and where no reasonable satisfactory alternative is available.

67.1.5. Where the execution of Works, or supply of Goods or Services are controlled by a statutory body, trade organisation or legislation and no reasonable satisfactory alternative is available.

67.1.6. Where the execution of Work or the supply of Goods or Services are required so urgently[1] that compliance with any competitive process prescribed by these Procurement Procedure Rules cannot be achieved.

67.1.7. Where the publication of documents detailing the Council's requirements could reasonably be considered to prejudice the security of the activity to be undertaken, and the Council has considered the use of reasonable measures to protect such security and allow the normal procurement process to be followed (e.g. the use of confidentiality agreements)

67.1.8. To allow for the continuation of a Contract beyond its contractual term, in exceptional circumstances and where the term of such an extension is determined in accordance with the timescales required to complete a re-procurement or decommission the existing arrangement.

67.1.9. The execution of Works, or the supply of Goods or Services for which it can be demonstrated that no genuine competition can be obtained.

[1] The urgency not being due to the action or inaction of the Council or its officers)

67.1.10. An alternative competitive process to that prescribed by these Procurement Procedure Rules for Contracts with a value between £10,000 and the relevant Threshold subject to reasonable justifications for such a request.

67.1.11. All exemptions require the support of the Section 151 Officer, who is ultimately responsible for procurement within the Council, in advance of gaining the approval of the relevant Executive Director for the service concerned (or other Chief Officer).

67.1.12. An exemption request form must be completed for every instance of an exemption with a total value of £10,000 or more to aid the decision making of the Section 151 Officer and the relevant Executive Director. The request must clearly document the exemption to be relied upon, along with the justification and all necessary procurement, legal, financial and procurement implications.

67.1.13. A copy of all approved exemptions must be provided to the Chief Procurement Officer, where a record will be maintained. The relevant Executive Director is responsible for ensuring the appropriate Cabinet Member is kept informed. A summary of agreed exemptions will be reported in quarterly performance monitoring reports.

67.1.14. Where an exemption is approved, the Service must ensure that an appropriate Contract is entered into (including a scope of works and proposal from the Supplier) which is managed in line with the requirements of these Procurement Procedure Rules. Details of the contract must be advertised on the Council's contract register and on Contracts Finder (for Contracts above £25,000) in accordance with data transparency and reporting requirements.

68. Contracts and Purchase Orders

68.1. Purchase Orders

68.1.1. It is Council policy that all requests (irrespective of value) for Goods, Services and Works are supported by an official purchase order generated from an approved Council system in advance of the services commencing and an invoice being received and coded to the appropriate cost code unless otherwise agreed by the Chief Procurement Officer and relevant Head of Finance.

68.1.2. Every purchase order placed by the Council regardless of value must incorporate terms and conditions approved by the Chief Legal Officer.

68.2. Form and Content of Contracts

68.2.1. Every Contract must be in writing in a form approved by the Chief Legal Officer.

68.2.2. As appropriate a Contract must specify:

a) The parties to the Contract, including any surety or guarantor.

b) The Goods or Services to be supplied or the Works to be performed.

c) The price to be paid together with a statement as to the amounts of any discounts or other deductions.

d) The period within which the Contract is to be performed.

68.2.3. Any Contract that deviates from the standard payment terms[2] of the Council must be agreed in advance with the relevant Head of Finance and Chief Procurement Officer.

68.2.4. Every written Contract must contain a clause stating that in circumstances where the Supplier fails to comply with its contractual obligations in whole or in part, or commits a fundamental breach of the Contract, the Council may;

a) Terminate the Contract, either wholly or to the extent of such default.

b) Make good the default and/or complete the requirements encompassed in the Suppliers former obligations (set out in the Contract) itself or appoint another Supplier or agent to do so.

c) Recover from the Supplier the costs incurred in making good the default and/or in the completion of the Suppliers former obligations.

These provisions also cover the Suppliers obligations towards delivering its Social Value commitments.

68.2.5. All Contracts shall require that if one or more sums of money are to be paid to the Council, the Supplier must pay interest on respect of any late payment of such sums at the rate stated in the Contract from the date when payment is due until the date when payment is received.

68.2.6. The Supplier shall be placed under a contractual obligation to comply with the requirements of the Equality Act 2010 and obligated to provide the Council with information on request in relation to compliance with those requirements.

68.2.7. The Supplier shall be placed under a contractual obligation to comply with human rights law (including the Modern Slavery act 2015) and obligated to provide the Council with information on request in relation to compliance with those requirements.

[2] 30 calendar days from receipt of valid invoice

68.2.8. The Supplier shall be placed under a contractual obligation to comply with data protection law (including the General Data Protection Regulations) and ensure that the Council is able to comply with those statutory obligations.

68.2.9. The Supplier shall be placed under a contractual duty to comply with the requirements of the Health and Safety at Work Etc Act 1974 and any other legislation relevant to Health and Safety.

68.2.10. Where Suppliers are discharging Council functions, they shall be placed under an obligation to ensure the Council's compliance with the duty of Best Value for Money under the Local Government Act 1999 (as amended).

68.2.11. Every Contract shall include a clause requiring the Supplier to hold and maintain appropriate insurance cover (e.g. employers liability, public liability, professional indemnity cover) with a reputable insurance provider at any statutory levels or higher levels if deemed necessary in consultation with the Council's insurance officer.

68.2.12. Every Contract shall include a clause preventing the Supplier from transferring, disposing, assigning and/or subcontracting all or any part of the Contract without the prior consent of the Council given in writing.

68.2.13. All formal quotations, tenders and Contracts must contain a notice/clause relating to Freedom of Information and a schedule that allows Suppliers to clearly identify those sections or clauses of their proposal which they believe are commercially confidential within the terms of the Freedom of Information Act 2000.

68.2.14. If a Contract is to be entered into for the provision of business-critical Services or Supplies, consideration shall be given to the inclusion of clauses that contractually obligate the maintenance of adequate business continuity processes in order to minimise the Council's risk of exposure.

68.2.15. In every Contract a clause shall be included to ensure that the Council shall be entitled to terminate the Contract, and to recover from the Supplier the amount of any loss resulting from such termination, if the Supplier (including its employees or agents):

a) Does anything improper to influence the Council to award the Contract; and/or

b) Commits an offence under the Bribery Act 2010 and/or under Section 117 of the Local Government Act 1972.

68.2.16. Every Contract with a value above the relevant Threshold shall contain a clause which enables the Council to terminate the Contract in order to comply with its obligations at Regulation 73 of the Procurement Legislation.

68.3. Signing Contracts and the Common Seal

68.3.1. The common seal of the Council must be affixed to any Works Contract with an estimated Contract Value of £100,000 or more and to any contract, instrument or other document that is required by law to be made by deed.

68.3.2. The affixing of the common seal of the Council shall be deemed to be duly authenticated if but only if the impress of the seal is accompanied by the signature of an Authorised Signatory (including any temporary appointment to any of those positions to cover a vacancy or long-term absence).

68.3.3. Executive Directors, other officers defined in the directorate scheme of delegation or other Authorised Signatories, have the power to sign Contracts and agreements that are not required to be made by deed.

69. Contract Management

69.1. General

69.1.1. For every contractual relationship the relevant Executive Director shall appoint a suitably qualified, experienced and trained officer to be the contract manager.

69.1.2. The contract manager shall be responsible for actions such as:

69.1.3. Regularly reviewing management information and supplier performance (as detailed in the tender and contract documentation).

69.1.4. Meeting with the supplier at a frequency appropriate to the contract value (but no less than annually) to discuss contract compliance, performance, service development, innovation etc.

69.1.5. Dealing with instances of off and non-contract spend within the Council.

69.1.6. Benchmarking the Contract to ensure it continues to provide Best Value for Money.

69.1.7. Monitoring any ongoing efficiency savings and reporting these to the Chief Procurement Officer.

69.1.8. Monitoring that all outputs and outcomes (including social value commitments) are delivered and take appropriate action where a Supplier fails to perform.

69.1.9. Make recommendations about options for future procurements / extensions to the Contract.

69.2. Contract Extension

69.2.1. An extension to a Contract may only be permitted where the details of any extension provision was included within the terms and conditions of the Contract, tender / quotation documents and UK e-notification service notice (where appropriate).

69.2.2. If there is not a provision in the Contract for an extension, but one is required, an exemption to these Procurement Procedure Rules must be identified and dealt with in accordance with Procurement Procedure Rule 67.

69.2.3. Prior to formally extending a Contract, the Authorised Officer must ensure that an appraisal is undertaken to determine whether it is in the best interest of the Council to extend the current arrangement. Any recommendation to extend / re-procure or decommission a Contract must be detailed in writing and approved by the appropriate Officer as detailed in the directorates scheme of delegation.

69.2.4. When negotiating the terms of a Contract extension (if such terms are not set out in the Contract documentation), the Authorised Officer must make every effort to negotiate competitive rates, additional social value commitments or improved quality outcomes.

69.2.5. All extensions to a Contract must be in writing and coordinated through the Corporate Procurement Team. A copy of the extension notice should be stored with the Contract.

69.2.6. Details of the Contract extension must be updated on the Council's contracts register.

69.3. Contract Modifications / Variations

69.3.1. All Contract variations must be carried out within the scope of the original Contract and must not materially affect or change the Contract.

69.3.2. There are significant limitations (especially where Procurement Legislation applies) on modifications which result in additional Works, Goods or Services, which were not considered when the original procurement took place and could be considered as altering the overall nature of the Contract.

69.3.3. When considering a modification / variation to an existing Contract, advice must be sought from the Chief Procurement Officer and Chief Legal Officer. Approval of any modification must be made in writing by the relevant officer

detailed in the directorate scheme of delegation incorporating the advice of the Chief Procurement Officer and Chief Legal Officer, as well as confirmation from the relevant Head of Finance that budget provision exists.

69.3.4. All agreed modifications must be made in writing and signed by the Council and the Supplier. A copy of the signed modification should be stored with the Contract.

69.4. Novation of Contracts to another Supplier

69.4.1. In the event that a novation to a Contract is required due to a Supplier ceasing to provide the Works, Goods or Services as a result of insolvency, company restructuring, company purchase, termination of the Contract or any other reason, then the Authorised Officer must consult and seek advice from the Chief Procurement Officer and Chief Legal Officer before novating or assigning the Contract to a new Supplier.

69.5. Termination of Contracts

69.5.1. If the performance of a Contract is giving rise to concern, before commencing proceedings to terminate a Contract with a Supplier for a breach of Contract, the Authorised Officer must consult and seek advice from the Chief Procurement Officer and Chief Legal Officer.

69.6. Contract Claims

69.6.1. The Authorised Officer must inform the Chief Legal Officer of all claims by or against Suppliers which are the subject of formal dispute resolution or litigation between the Council and the Supplier.

70. Miscellaneous

70.1. Purchasing Cards

70.1.1. The Council uses purchasing cards for some areas of high volume / low value purchases to reduce the amount of time spent on processing orders and invoices.

70.1.2. Purchasing cards must only be used in accordance with the agreed Purchasing Card guidelines and not used as a way of bypassing the requirements of these Procurement Procedure Rules.

70.1.3. The Chief Procurement Officer and/or relevant Head of Finance will withdraw the use of purchasing cards where they are not being used in accordance with the agreed guidelines. Instances of non-compliance may result in disciplinary action in accordance with Procurement Procedure Rule 46.

70.2. Review and Amendment

70.2.1. The Service Director of Finance and Service Director of Legal are authorised to make technical amendments from time to time to ensure

these procedures are consistent with legislative requirements, best practice guidance issued from central government, changes in Council policies, procedures and personnel.

70.2.2. A formal review and update of these Procurement Procedure Rules will take place at least every 2-years.

Rotherham Metropolitan Borough Council

Councillor Code of Conduct

Joint Statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Adopted 26th May 2021

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

(a) is a member of any committee or sub-committee of the authority, or;
(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General Principles of Councillor Conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

2. Bullying, Harassment and Discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

(a) given to me in confidence by anyone

(b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

(i) I have received the consent of a person authorised to give it;

(ii) I am required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:

1. reasonable and in the public interest; and

2. made in good faith and in compliance with the reasonable requirements of the local authority; and

3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

(a) act in accordance with the local authority's requirements; and

(b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A - The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or well-being of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which ***affects*** -

   (a) your own financial interest or well-being;
   (b) a financial interest or well-being of a relative or close associate; or
   (c) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

   you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) ***affects*** the financial interest or well-being:

   (a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

   (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

   You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

   If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate Tenancies	Any tenancy where (to the councillor's knowledge) - (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Subject	Description
Securities	Any beneficial interest in securities* of a body where - (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either – (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

(a) any unpaid directorships

(b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

(c) any body

(i) exercising functions of a public nature

(ii) directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

APPENDIX 2

Rotherham Metropolitan Borough Council

A healthy system of democratic leadership and accountability

As councillors for the Borough we understand the special responsibilities we bear. The Council must improve and we are confident that improvement has begun. The Council needs to increase public confidence. As councillors we need to demonstrate we are learning from the past and mindful of the high standards we set for ourselves and that others demand.

Councillors have a number of roles. We need to be accessible and approachable to our ward constituents, whether they voted for us or not, and willing to ensure the Council hears and responds to their needs appropriately. We need to help increase local communities' ability and willingness to pull together and find local solutions to common problems. We need to lead and scrutinise the service delivery of the paid staff. And we want to plan for the future of the Borough and make decisions about the best ways to increase prosperity, ensure wellbeing and provide opportunities.

We believe politics is about debate and sometimes argument. Such debate helps the Council decide what to do and how to do it. We are currently debating how to organise ourselves within the council but however this is determined all councillors have both individual, Group and collective responsibilities. We know that political arithmetic matters. A Party with a majority can expect to win votes if it agrees on a course of action. Minority parties accept this. In return all parties accept they should seek to find common cause where they can whilst disagreeing where they think they must.

We want a reputation as councillors who are credible, responsible and self-critical. As part of this we have come together on a cross-party basis to discuss a new local code, in which we commit to high standards, more specific and detailed than the national code of conduct which binds all councillors. This local code should therefore be read as supplementing that document which already outlaws bullying, requires close attention to conflicts of interest, holds us to keep private matters confidential and commits us to the seven principles of public life.

In many ways this code breaks no new ground. Our councillors live these standards every day. But we recognise that by writing these standards down we show how serious we are about our personal and Group self-discipline.

This is what we want to do:

Be respectful

1. Always remember the importance of those individuals and communities who need the council's services.
2. Ensure our words and actions are free from prejudice and improper discrimination.
3. Get the basics right and be courteous and reliable in all our dealings with the public.
4. Understand the legal requirements on the Council.
5. Always be mindful that we are responsible for other people's money.
6. Be clear with the staff of the council about our ambitions and expectations whilst treating them with respect.
7. Act, dress and carry ourselves in a way that invites others to respect our efforts.

Be imaginative

8. Be energetic and be ambitious; looking ahead to what needs to change.
9. Encourage others to take an interest in the Council.
10. Use evidence of what works elsewhere to improve our decision-making.
11. Advocate for those individuals and communities who need our help.
12. Widen the circle of those contributing to local life.
13. Never be complacent and try to learn from others and be open to new ideas.

Be open-minded

14. Accept if we have got things wrong and try to put things right
15. Commit to personal development to improve our understanding, skills and confidence.
16. Challenge those who fall below the high standards we believe in.
17. Avoid giving personal criticism, whilst being willing to vigorously debate ideas and principles
18. Resist taking offence too easily, recognising that politics requires resilience.
19. Understand our personal accountability and engage with the press and others to explain our work
20. Escalate any individual concerns responsibly, using agreed systems of the Council.

APPENDIX 7

OFFICER EMPLOYMENT PROCEDURE RULES AND CODE OF CONDUCT

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PART 1
EMPLOYMENT PROCEDURE RULES

1. Purpose

1.1 These procedure rules are to be applied with reference to the relevant sections of Part 9 of the Constitution – Responsibility for Functions – which details the responsibilities delegated to the Staffing Committee, Senior Office Appointments Panel, Employment Appeals Panels and officers.

2. Definition of Chief Officer

2.1 For the purpose of these procedure rules, the term “Chief Officer” means any Executive Director, the Director of Policy, Strategy and Engagement or Service Director.

3. Attempts to Influence an Appointment

3.1 Candidates for any appointment will be disqualified if they directly or indirectly canvass members.

3.2 A member of Council shall not provide a reference for any candidate for appointment to the employment of the Council and must not in any way seek to influence improperly the choice of candidate for any appointment.

3.3 An officer who has agreed to act as a referee for a candidate may not take part in the recruitment process.

4. Candidates Related to Members or Officers

4.1 Candidates for any appointment with the Council must state in their application if a member or Senior Officer is a relative. Anyone who fails to do this will be disqualified, or if appointed, liable to instant dismissal on grounds of gross misconduct.

4.2 Members and Senior Officers must inform the appropriate Executive Director, the Director of Policy, Strategy and Engagement or Service Director if they know that any candidate is related to them. The Executive Director, Director of Policy, Engagement and Strategy or Service Director must ensure that the appointing body is made aware of the relationship.

4.3 Members and Senior Officers must inform the appropriate Executive Director, the Director of Policy, Strategy and Engagement or Service Director in writing if they know that a relative is appointed. The Executive Director will inform the Monitoring Officer who will record the appointment.

4.4 All candidates must be made aware of the Rules contained in paragraph 4.

4.5 For the purposes of these Rules:

4.5.1 “Relative” means spouse, partner, parent, parent-in-law, son, daughter, stepson, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons.

4.5.2 “Partner” in paragraph 4.5.1 above means a member of a couple who live together.

5 Appointments to Chief Officer Posts – Chief Executive

5.1 Where there is a vacancy in the post of Chief Executive, the Staffing Committee will decide how the post will be filled, including on what terms and conditions, advertising, short listing and interviewing will be undertaken. It will then refer the process to the Senior Officer Appointments Panel.

5.2 The Senior Officer Appointments Panel membership will have undertaken appropriate training in respect of recruitment and selection and will comprise:-

- Leader of the Council
- Deputy Leader of the Council
- Relevant Cabinet Member(s)
- Leader of the Majority Opposition Group
- Chair of the Overview and Scrutiny Management Board
- Other members to be determined by the Leader of the Council, in order to achieve a representative composition reflecting the diversity of the Council.

5.3 Where the Senior Officer Appointments Panel decides that the appointment will not be made exclusively from among the Council’s existing officers, the panel shall:

5.3.1 Draw up a statement specifying the duties of the post and any qualifications or qualities to be sought in the person to be appointed.

5.3.2 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.

5.3.3 Make arrangements for a copy of the statement in paragraph 5.3.1 above to be sent to any person on request.

5.3.4 Where a post has been advertised, the appointment panel shall either interview all qualified applicants for the post or select a shortlist of qualified applicants and interview those included on the shortlist.

5.4 Where the Senior Officer Appointments Panel has selected a candidate for appointment they must notify the proper officer of the name of that candidate together with any other relevant details.

5.5 The proper officer will send the information under paragraph 5.4 to every member of the Executive and will inform them of the timescale during which any objection to the proposed offer of appointment should be made to the Leader of Council.

5.6 The Council must approve the appointment of the Chief Executive. The Panel's recommendation for appointment will not be referred to the Council for a decision until one of the following is satisfied:

5.6.1 The Leader of Council has notified the appointment panel within the specified timescale that no member of the Executive has objected to the proposed offer of appointment.

5.6.2 The proper officer has notified the appointment panel that s/he has received no objection from the Leader of Council within that specified timescale, or

5.6.3 The appointment panel is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

5.7 Full Council must also approve any salary package, as defined in the Council's Pay Policy Statement, of £100,000 per annum or more before it is offered in respect of a new appointment.

5.8 Where no qualified person has applied or where the panel is unable to make a recommendation for appointment the panel shall make further arrangements for advertisement in accordance with paragraph 5.3.2 above.

6 Appointments to Newly Created Chief Officer Posts

6.1 If there is proposal for a new chief officer post, other than that of Chief Executive, the Staffing Committee will decide whether to fill the post. If the Committee decides not to fill the post, it must determine how the duties of the post are to be carried out.

6.2 If the Staffing Committee decides to fill the post, the Committee must refer the process to the Senior Officer Appointments Panel to make the appointment or delegate the power to make the appointment to the Chief Executive, or her/his nominee. Either the Senior Officer Appointments Panel, the Chief Executive, or her/his nominee, as the case may be, shall have full delegated powers to decide how the post will be filled, including on what terms and conditions, advertising, short listing and interviewing.

6.3 All chief officer posts within the existing establishment are delegated as defined in Appendix 9 – Responsibility of Functions, but will be subject to being appointed by the Senior Officer Appointments Panel.

6.4 The Senior Officer Appointments Panel will have undertaken appropriate training in respect of recruitment and selection and will comprise:-

- Leader of the Council
- Deputy Leader of the Council
- Relevant Cabinet Member(s)
- Leader of the Majority Opposition Group
- Chair of the Overview and Scrutiny Management Board
- Other members to be determined by the Leader of the Council, in order to achieve a representative composition reflecting the diversity of the Council.

6.5 Where the Senior Officer Appointments Panel, the Chief Executive or her/his nominee, decide that the appointment will not be made exclusively from among the Council's existing officers, the Senior Officer Appointments Panel, Chief Executive or her/his nominee shall:

6.5.1 Draw up a statement specifying the duties of the post and any qualifications or qualities to be sought in the person to be appointed.

6.5.2 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.

6.5.3 Make arrangements for a copy of the statement in paragraph 6.4.1 above to be sent to any person on request.

6.5.4 Where a post has been advertised, the Senior Officer Appointments Panel, the Chief Executive or her/his nominee, shall either interview all qualified applicants for the post or select a shortlist of qualified applicants and interview those included on the shortlist.

6.6 Where the Senior Officer Appointments Panel, Chief Executive or her/his nominee, has selected a candidate for appointment they must notify the proper officer of the name of that candidate together with any other relevant details.

6.7 The proper officer will send the information provided under Paragraph 6.5 to every member of the Executive and will inform them of the timescale during which any objection to the proposed offer of appointment should be made to the Leader of Council.

6.8 No offer of appointment shall be made by the Senior Officer Appointments Panel, Chief Executive or her/his nominee, as the case may be, until one of the following is satisfied:

6.8.1 The Leader of Council has notified the Senior Officer Appointments Panel or Chief Executive or her/his nominee within the specified timescale that no member of the Executive has objected to the proposed offer of appointment.

6.8.2 The proper officer has notified the Senior Officer Appointments Panel, Chief Executive or her/his nominee, that s/he has received no objection from the Leader of Council within that specified timescale, or

6.8.3 The Senior Officer Appointments Panel, Chief Executive or her/his nominee, is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

6.9 Full Council must approve any salary package, as defined in the Council's Pay Policy Statement, of £100,000 per annum or more before it is offered in respect of a new appointment.

6.10 Where no qualified person has applied, or where the Senior Officer Appointments Panel, Chief Executive or her/his nominee, is unable to make an appointment from the candidates that have been interviewed, the Senior Officer Appointments Panel, Chief Executive or her/his nominee, shall make further arrangements for advertisement in accordance with Paragraph 6.4.2 above.

6.11 The provisions detailed in paragraphs 6.1 to 6.9 above do not apply where an interim appointment is to be made exclusively from among the Council's existing officers, and where that interim appointment is for a period not exceeding 6 months duration.

7. Appointments to Other Officer Posts

7.1 The appointment of officers below Chief Officer is the responsibility of the Chief Executive or her/his nominee, and members may not make or be involved in such appointments.

8. Disciplinary Procedures - The Chief Executive (Head of Paid Service), Monitoring Officer, and Chief Finance Officer

8.1 For the purpose of these procedures, disciplinary action has the meaning set out in the Local Authorities (Standing Order)(England)(Regulations) 2001 (as amended), namely: "any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill health, or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract".

8.2 The Chief Executive, Monitoring Officer or Chief Finance Officer (referred to below in each case as the “relevant statutory officer”) may be suspended on full pay for the purpose of investigating alleged misconduct by her/him.

8.3 Subject to the provisions set out below, the Chief Officer Disciplinary Committee may take disciplinary action short of dismissal against a relevant statutory officer or recommend to full Council that a relevant statutory officer be dismissed for disciplinary action as defined in paragraph 8.1 above.

8.4 Where a potential disciplinary matter in respect of the Chief Executive, Monitoring Officer or the Chief Finance Officer arises, the steps to be taken under the disciplinary procedure may be summarised as follows:

8.4.1 A preliminary investigation will be carried out by a group of not fewer than three elected members appointed by the Leader of Council.

8.4.2 If the preliminary investigation shows there is a case to answer, a full investigation will be set up and heard by the Chief Officer Disciplinary Committee.

8.4.3 Where, following the full investigation and hearing, the Chief Officer Disciplinary Committee considers that dismissal is the appropriate course of action in respect of a relevant statutory officer they must notify the proper officer giving particulars, in addition to the person’s name, that are relevant to the proposed dismissal.

8.4.4 The proper officer will send that information, including the person’s name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should be made by the Leader of Council, on behalf of the Executive, to the proper officer.

8.5 The Chief Officer Disciplinary Committee must include at least one member of the Executive. Where dismissal is to be considered, the Chief Officer Disciplinary Committee must also include two Independent Persons appointed in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

8.6 Only full Council can approve the dismissal of the Chief Executive, Monitoring Officer, or Chief Finance Officer, and must do so before notice of dismissal (if required) is given. The Chief Officer Disciplinary Committee’s recommendation for dismissal will not be referred to Council for a decision until one of the following is satisfied:

8.6.1 The Leader of Council has notified the Committee within the specified timescale that neither s/he nor any other member of the Executive has objected to the proposed dismissal,

8.6.2 The proper officer has notified the Committee that s/he has received no objection from the Leader of Council within that timescale, or

8.6.3 The Committee is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

8.7 Where the proposed dismissal is for disciplinary action as defined in paragraph 8.1 above, Council must take into account, in particular:

(a) any advice, views or recommendations of the Chief Officer Disciplinary Committee. The advice, views or recommendations of the Independent Persons on that Committee to be separately detailed;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant statutory officer before the taking of a vote at the meeting on whether or not to approve such a dismissal.

8.8 The Chief Officer Disciplinary Committee must be appointed by the Authority at least 20 days before the relevant meeting and must include two Independent Persons.

8.9 In relation to action short of dismissal, the relevant statutory officer has a right of appeal to Staffing Committee. There is no right of appeal beyond this level.

Disciplinary Procedures - Other Chief Officers and Service Directors

8.10 Where a potential disciplinary matter arises which concerns an Executive Director, the Director of Policy, Strategy and Engagement or Service Director (referred to below in each case as the “relevant officer”), other than the Monitoring Officer or Chief Finance Officer the disciplinary procedures contained in the Joint Negotiating Committee (JNC) Agreement for Chief Officers will apply.

8.11 Subject to the provisions set out below, the Chief Officer Disciplinary Committee may dismiss for disciplinary action as defined in paragraph 8.1 above or take disciplinary action short of dismissal against Executive Directors, the Director of Policy, Strategy and Engagement or Service Directors.

8.12 Where a potential disciplinary matter in respect of a relevant officer (other than the Monitoring Officer or Chief Finance Officer) arises, the steps to be taken under the disciplinary procedures are:

8.12.1 When the matter involves an Executive Director or the Director of Policy, Strategy and Engagement, the Chief Executive will undertake a preliminary investigation of the complaint. The preliminary investigation may in certain circumstances, including the prior involvement in the matter by the Chief Executive, be undertaken by another Chief Officer

or by not fewer than two elected members. Where the matter involves a Service Director, the Executive Director or Director of Policy, Strategy and Engagement will undertake a preliminary investigation of the complaint. This preliminary investigation may in certain circumstances, including the prior involvement in the matter by an Executive Director, be undertaken by the Chief Executive, another Chief Officer or by not fewer than two elected members.

8.12.2 Unless the decision on the preliminary investigation is either that the complaint does not warrant a full investigation, or, if established, could be resolved informally, for example, through an unrecorded informal warning, the matter will be referred to the Chief Officer Disciplinary Committee, acting as the Investigating Committee under the JNC Agreement for Chief Officers. The Committee must include at least one member of the Executive and will have full delegated powers to act.

8.12.3 The employee will have a right of appeal against any disciplinary action to the Employment Appeals Panel, whose terms of reference are set out in Appendix 9 – Responsibility for Functions. There is no right of appeal beyond this level.

8.13 Where the Chief Officer Disciplinary Committee considers that dismissal is the appropriate course of action they must notify the proper officer giving particulars, in addition to the person's name, that are relevant to the proposed dismissal.

8.14 The Proper Officer will send that information, including the person's name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should be made by the Leader of the Council, on behalf of the Executive, to the proper officer.

8.15 The Committee must not give notice of the dismissal until one of the following is satisfied:

8.15.1 The Leader of Council has notified the Committee within the specified timescale that neither s/he nor any other member of the Executive has objected to the proposed dismissal,

8.15.2 The proper officer has notified the Committee that s/he has received no objection from the Leader of Council within that timescale, or

8.15.3 The Committee is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

9. Dismissal other than for Disciplinary Action (for example dismissal by reason of redundancy) - The Chief Executive, Monitoring Officer, and Chief Finance Officer

9.1 Only full Council can approve the dismissal of the Chief Executive, Monitoring Officer, or Chief Finance Officer ("relevant statutory officers") and must do so before notice of dismissal is given.

9.2 Where the Staffing Committee considers that dismissal is the appropriate course of action in respect of a relevant statutory officer, they must notify the proper officer giving particulars, in addition to the person's name, that are relevant to the proposed dismissal.

9.3 The proper officer will send that information including the person's name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should be made by the Leader of Council on behalf of the Executive, to the proper officer.

9.4 The Staffing Committee's recommendation for dismissal will not be referred to Council for a decision until either paragraph 8.6.1 or 8.6.2 or 8.6.3 is satisfied.

Dismissal other than for Disciplinary Action (for example dismissal by reason of redundancy) - Other Chief Officers and Service Directors ("relevant officers")

9.5 Where the Staffing Committee considers that dismissal is the appropriate course of action in respect of a relevant officer, they must notify the proper officer giving the particulars in addition to the person's name that are relevant to the proposed dismissal.

9.6 The proper officer will send that information, including the person's name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should be made by the Leader of the Council, on behalf of the Executive, to the proper officer.

9.7 The Committee must not give notice of the dismissal until one of the following is satisfied:

9.7.1 The Leader of Council has notified the Committee within the specified timescale that neither s/he nor any other member of the Executive has objected to the proposed dismissal,

9.7.2 The proper officer has notified the Committee that s/he has received no objection from the Leader of Council within that timescale, or

9.7.3 The Committee is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

PART 2
CODE OF CONDUCT FOR OFFICERS

Introduction

This Code of Conduct for Employees is based on key principles arising from the work of the Nolan Committee on standards in public life; it outlines the minimum standards that all Council employees, casual workers, agency staff, contractors and volunteers must adhere to.

The purpose of this code is to promote consistency and make all employees aware of their responsibilities whilst engaged in work for the Council, by specifying standards of behaviour and by clearly defining rules concerning official conduct.

Employees must comply with this Code as it forms part of their terms and conditions of employment. Some directorates e.g. Adult Social Services also issue supplementary codes of practice on employee conduct. These and the Council's security policies and codes of practice must also be complied with.

The Council believes that employees are responsible for their actions. It is the responsibility of employees to read the Code. If any of the provisions contained within this Code of Conduct and related codes of practice are not fully understood employees must, in their own interests, seek clarification from their Manager or Human Resources Managers. Managers should take in to account the translation and interpretation needs of the individual. This Code can be made available in other languages and formats on request.

In instances which do not clearly fall within the guidance of this code and following discussion between an Executive Director, the Director of Policy, Strategy and Engagement and the Service Director of Legal Services, individual cases will be referred to the Standards Committee for consideration.

Failure to observe this Code of Conduct, failure to properly perform employee duties, serious misconduct or criminal offences committed during or outside working hours which could bring the Council into disrepute may result in disciplinary action being considered, including the possibility of dismissal.

10. Standards

10.1 General

The Citizens of Rotherham expect the highest standards of behaviour and customer care from Rotherham Metropolitan Borough Council employees. Public confidence in employees' integrity would be shaken by the least suspicion that they could be influenced by improper motives. Employees must not put themselves in a position where their honesty or integrity could be called into question. Employees should be aware at all times about the potential for public perception to be different to their own and avoid placing themselves at risk of allegation of wrongdoing at all times.

10.1.2 The Council reserves the right to monitor its employees, including surveillance, in accordance with Council Policy and the law to ensure that the provisions of this Code of Conduct are adhered to.

10.1.3 Employees will be expected, without fear of recrimination, to bring attention to the appropriate level of management, concerns about how Council resources and services are managed or provided. The Council operates a Confidential Reporting Code and employees must report to the appropriate manager any impropriety or breach of procedure.

10.1.4 Other general standards of conduct are set out in the Council's disciplinary procedure and summarised below. The standards of conduct and behaviour are intended to promote fair and consistent treatment of individuals, apply to all employees of the Council and will be regarded as part of each employee's contract of employment.

10.2 Attendance

All employees are expected to attend regularly and punctually, not to absent themselves from duty without permission and to perform their duties in a manner, which combines prompt and efficient service with a concern for the feeling of others, including colleagues, managers and members of the public.

10.3 Health and Safety

In respect of Health and Safety all policies and procedures must be observed at all times. All employees are reminded that the Council operates a no smoking policy, in all of its premises. Staff who absent themselves from work during their working hours to smoke outside public buildings will be subject to the disciplinary procedure.

10.4 Discrimination, Bullying and Harassment

Employees must conduct themselves in accordance with the Council's Equal Opportunities in Employment Policy. Employees should not themselves discriminate, induce or attempt to induce, other employees to discriminate and

should not harass, abuse or intimidate other employees on grounds or gender, marital status, age, race, disability, sexuality or religion.

10.4.1 All employees have a responsibility to discourage any forms of bullying and harassment whatsoever. Sexist or racist language or behaviour, for example, is wholly unacceptable.

10.4.2 All members of the local community, customers and other employees have a right to be treated with fairness and equity. Employees should ensure that policies and practices relating to equality issues, as agreed by the Council, are complied with in addition to the requirements of the law.

10.5 Performance

The Council expects its employees to carry out all reasonable duties and instructions, given by Supervisors and Managers, efficiently and to the required standard. If employees are in any doubt about required standards of performance they should raise the matters with their Supervisor/Line Manager at the earliest opportunity. Managers are expected to discuss performance standards as part of the probationary review process and subsequently in one-to-one supervision sessions or at performance and development reviews. Except in the case of probationary employees, capability issues will be dealt with under the Council's capability procedure.

10.6 Sickness

In respect of sickness all employees must comply with the notification requirements and complete self-certification forms on their return to work. Unauthorised absence or repeated short absences will be investigated and may lead to disciplinary action.

10.7 Gross Misconduct

Certain actions constitute gross misconduct and will result in summary dismissal unless mitigating circumstances are accepted. Set out below are examples of such conduct which in the Council's view may constitute gross misconduct. This list is purely illustrative and not exhaustive.

- Dishonesty, including theft or fraud. (Examples may include falsification of timesheets, bonus sheets, claims for reimbursement of expenditure or failure to declare information/earnings in respect of benefit claims/grant applications made to the Authority);
- Violent or threatening behaviour (Including bullying or intimidating behaviour);
- Breaches of the Council's Health and Safety at work rules and procedures which cause (or could cause) unacceptable loss, damage or injury;
- Breach of Confidence and Trust - including breaches of professional protocol and ethics;
- Negligence, including dereliction of duty;

- Willful damage to property or equipment;
- Willful breach of confidentiality;
- Refusal to carry out duties or reasonable instructions;
- Corruption and the receipt of gifts as inducements or reward (see sections 14 and 15);
- Criminal offences (whether committed during or outside the employees hours of work for the Council) which have employment implications;
- Unfitness for duty through alcohol or misuse of drugs. (Any such occurrence to be considered in the light of the Council's substance misuse policy).
- Discrimination or harassment on the grounds of sex, race, disability, age, religion or sexuality.
- Inappropriate use of internet and or the internal e-mail system.

11. Disclosure of Information

11.1 The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to open other types of information. Employees must be aware of which information within their authority is open and which is not, and act accordingly.

11.2 Confidential, personal or financial information about any employee, such as salary details, must not be disclosed to any unauthorised person, or normally, to any external organisation/agency, without the express approval of the person concerned.

11.3 Where the request relates to references, arising as a consequence of job applications, applications for mortgages, etc, these may be issued only after verifying the identity of the enquirer either by replying in writing or in case of telephone enquiries, by telephoning the person/organisation back. However, in the case of references relating to job applications for colleagues or ex-Council employees, Council employees can only act in a personal capacity. Only the applicant's line manager can provide employment references. Any misrepresentation of the Council will be treated as misconduct.

11.4 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

11.5 Employees may be personally prosecuted for offences under the Data Protection legislation. If any employee is in doubt about their responsibilities, they must consult their manager or the Monitoring Officer. The Council also has a Data Protection and Information Security Officer who can help.

12. Communications with the Media

12.1 It is Council Policy that all media liaison relating to Council activities is handled by the Communications Team in conjunction with Service Directors and Executive Directors. If an employee has ideas for positive stories about the Council's policies or activities or is approached by a journalist who is unaware

of, or avoiding, the Council's procedures, the approval of the Head of Communications must be obtained before any information is given verbally, via e-mail or in writing.

12.2 Where an employee is writing material for publication which does not refer specifically to the Council, but does relate to his/her profession/occupation e.g. articles in professional journals, the employee should notify his/her Director prior to publication.

12.3 Employees are expected to raise any concerns, including concerns of a critical nature within the Council, directly with Line Managers or within Employee Forums. Public comments of a critical nature which undermine the Council or bring the Council into disrepute, other than those disclosed under the protection of the Confidential Reporting Code or statute, could be construed as a fundamental breach of confidence and trust, which may have implications for continued employment. This may include comments made by employees when participating in an outside group if such comments bring them into conflict with the Council.

13. Political Neutrality

13.1 Employees serve the authority as a whole. It follows they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

13.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways, which do not compromise their political neutrality.

13.3 Employees, whether or not politically restricted (see Appendix 3), must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

13.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 13.1 to 13.3.

13.5 Whilst engaged in Council business employees must not wear or display on their person, vehicle or items such as tools and equipment, objects indicating affiliation with or opposition to any political party or related pressure group.

14. Relationships

14.1 Between Employees

14.1.1 All employees have a responsibility to treat their colleagues with dignity and respect.

14.1.2 The Council requires all its employees to act responsibly to ensure their own and colleague’s health and safety by: complying with safety clothing

and equipment; contributing to the review and improvement of working methods; acting in accordance with their training and instructions and current best practice and taking necessary emergency action having regard to their own or others' safety. Any work situation considered by an employee to be a serious and immediate danger, or any matters considered to be a failure or inadequacy in the health and safety precautions relevant to their work, must be notified to their immediate line manager.

5.2 Councillors

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors. In certain circumstances they may blur accountability, endanger the democratic process and lead to ineffective and inefficient management. Over familiarity should therefore be avoided. Appendix 4 to this document is the Council's approved protocol in respect of relationships between Officers and Councillors.

5.3 The Local Community and Service Users

5.3.1 Employees, in providing services to the Community, are acting on behalf of the Council and should always act in a way that preserves public confidence in the Council.

5.3.2 Employees have a duty at all times, to uphold the law and relevant guidance bearing in mind the public's trust placed in Council employees.

5.3.3 Employees working with young people or vulnerable adults are in a particular position of great trust. Any breach of that trust, assault or sexual misconduct or breach of policies and procedures meant to safeguard vulnerable service users and other recipients of Council services will be regarded as potential gross misconduct. Employees must, in their own interests read their Department codes of practice and conduct in conjunction with this Corporate Code Of Conduct and must observe the Children's Act, the Rotherham Area Child Protection and Adult Abuse Protection Procedures.

5.4 Relationships with prospective or current Contractors

5.4.1 Employees involved in the tendering process and dealing with contractors should be clear on the distinction between client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

5.4.2 Employees who engage or supervise contractors or have any other

official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship in writing to their Director.

5.4.3 Employees who are privy to confidential information on contracts out to tender, or costs for either internal or external contractors, must not disclose that information to any unauthorised party or organisation.

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

5.4.5 Employees contemplating a 'management buyout', must as soon as they have a definite intent inform the Chief Executive and the relevant Executive Director and Service Director. They must withdraw from all aspects of preparation, tendering, evaluation and award processes.

5.4.6 Where the competitive tendering of Council Services is being carried out employees involved directly in the process must declare their membership of or affiliation to, any organisation which may have an interest in tendering for the service to their Service Director/Executive Director.

6. Recruitment and other employment matters

6.1 In accordance with the Council's Equal Opportunities in Employment Policy, employees must take care that they are not open to any charge of discrimination in recruitment or employment practices, by fully adhering to the Council's Recruitment and Selection Code of Practice.

6.2 To avoid any possible accusation of bias, employees must not be involved in selection and appointment processes where they are related to an applicant or have a personal or business relationship with them. They should declare an interest where there is a potential conflict of interest in such cases.

6.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

7. Information Technology and Data Security

7.1 Employees must ensure that they follow the Council's security procedures in relation to the use of computers and the proper management of computer-held information. Particular care must be taken to observe established procedures when using passwords and when logging on and off. Employees must never share passwords, which may lead to unauthorised access to Council systems. Where this practice is found, employees should be aware it may lead to disciplinary action.

7.2 In respect of internet and intranet access, employees must comply with Council Policies such as the Codes of Practice on Information Security, Internet and e mail usage, the Use of Communications Policy and relevant legislation such as the Regulatory and Investigatory Powers Act, Data Protection Act, Obscene Publications Act, Computer Misuse Act and the Theft Act.

8. Use of Council Systems, Property and Facilities

8.1 The Council's property such as telephones, mobile phones, the internet, intranet, e-mail, stationery, photocopiers, word processors and other machines or tools, materials, offices, car parks and facilities, may only be used for Council business unless permission for private use is given under the terms of the Council's codes of practice or by management. This also applies to all automatic processing equipment such as laptops, PC's, software including computer games and data, none of which may be used for private purposes or removed from the premises without the express permission of the appropriate manager.

8.2 Employees will be required to pay for telephone calls using land lines or mobile phones, or the use of facsimile equipment, for private purposes, through the approved systems in place for the collection of such monies. Employees will be expected to keep calls to a minimum level and managers will have the discretion to determine what is, or is not excessive.

8.3 Telephone call and e-mail/internet logging systems are in operation in the Council and may be used to identify usage for private purposes. Any communications using Council systems can be monitored.

8.4 Employees must adhere to all of the Council's specific system security measures that are currently in place or introduced in the future.

8.5 Care in the use of language contained in e-mails is essential as misuse could leave employees and the Council liable to legal action. In the case of employees internal proceedings under bullying and harassment procedures or the disciplinary procedure may also result.

9. Dress and Personal Appearance

9.1 Council employees act as ambassadors for Departments. Consequently employees must maintain a standard of dress and appearance that is appropriate or required for the workplace and to the work being undertaken. Employees' appearance contributes to the quality of customer care provided. Employees must be clean and tidy and ensure good personal hygiene. Where particular clothing is provided for health, safety and hygiene and/or uniform purposes it must be worn. This includes name badges. In particular, managers and employees on Council reception areas are expected to dress smartly and portray a business-like and professional image.

9.2 The Council seeks to promote diversity within its workforce and recognises the importance of cultural dress to its employees. Cultural dress is a visible sign of

this commitment and employees will be supported in observing cultural dress codes within the general principles referred to at 9.1 above.

10. Criminal convictions

10.1 Where an employees job involves working with children or vulnerable adults the Council will require the employees to apply for disclosure of criminal convictions to the Criminal Records Bureau. Employees are required under the Rehabilitation of Offenders Act 1974 (Exemptions Amendment Order), to disclose all convictions (spent or unspent), cautions or bind overs, before commencement of employment. In the case of other jobs an employee must disclose any "unspent" criminal convictions before commencement of employment.

10.2 Employees whose work involves driving a Council vehicle must declare any motoring offences to their manager, including parking fines.

10.3 As a matter of fundamental confidence and trust employees must inform their manager of any pending criminal proceedings against them before or during their employment.

10.4 Any declaration made under 10.2 or 10.3 must be recorded in writing by Managers and placed on the employee's personal file as a matter of record.

10.5 Failure to disclose convictions or to comply with any of the above constitutes possible gross misconduct and may result in disciplinary action, including the possibility of dismissal.

11. Drugs and Alcohol

11.1 Council employees act as ambassadors for the Council and must attend work in a fit condition to undertake their duties in a safe manner.

11.2 The Council believes that the consumption of alcohol impairs performance and may constitute a health and safety risk. It therefore discourages its employees from drinking before work or at lunch times. Employees should be aware of the impact consuming alcohol can have on their image and performance and the way that subsequent actions/behaviour may be perceived by the public and other employees. Drinking during working hours is a disciplinary offence and employees adjudged to be under the influence of alcohol while at work may be suspended from duty.

11.3 The use of illegal substances at work or which impact adversely on performance at work will not be tolerated and may result in the Council reporting the matter to the police and potential disciplinary action.

11.4 Employees are advised to acquaint themselves with the Council's substance misuse policy. Managers have responsibility to ensure staff who may experience such problems are provided with copies of the policy. Support and advice will be given to employees willing to accept help and follow a programme

of rehabilitation. A failure to follow any such programme and continuing problems in the workplace will result in issues of conduct being dealt with under the Council's disciplinary procedure.

12. Outside commitments

12.1 The Council's duty of care under the Working Time Regulations requires that reasonable steps are taken to ensure that workers do not exceed an average 48 hours per week. The Council prefers its full time employees not to have paid secondary employment of any kind. The Council recognises that many of its part time employees may have secondary employment. However, all employees are required to declare to their Director any secondary employment. It will be the responsibility of managers to confirm with the employee whether this conflicts with their Council employment.

12.2 All employees should be clear about their contractual obligations and should not take outside employment, which conflicts with the authority's interests. This will include any activities which might be approved, monitored or regulated as part of their Council employment.

12.3 An employee's declaration of secondary employment, does not remove the right of the Council to take disciplinary action against any employee whose secondary employment is deemed to be, or has been, detrimental to the interests or reputation of the Council.

12.4 Employee appointments as School Governors, Councillors to other Local Authorities, membership of the Territorial Army, appointment as a Justice of the Peace or as a Member of the Employment Tribunal do not constitute secondary employment as described in this Code. Nonetheless the principles of employees making line managers aware of these duties and seeking appropriate time off in a reasonable and timely manner apply.

12.5 Guidance on payment and receipt of fees for other work is shown in Appendix 2.

12.6 Employees of the Council will not be permitted to hold voting rights or trusteeships of external bodies who have contracts with or otherwise grant funded by, the Council, without the express consent of their Director. There is a potential conflict of interest between an employee's responsibilities to protect the interests of the Council and the legal duties of a Trustee or voting member of an independent organisation. It is also extremely doubtful whether employees will be covered by the Council's indemnity in such circumstances.

12.7 The copyright in all records and documents made by employees in the course of their employment shall belong to the Authority.

13. Personal interests

13.1 Employees must declare to their Director any non-financial interests that may

bring about conflict with the authority's interests. All such declarations should be recorded in Service's registers of interests.

13.2 Employees must declare to an appropriate manager any financial interests, which could conflict with the authority's interests.

13.3 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. A definition of what constitutes a secret society is shown at Appendix 1.

13.4 Any employee contemplating purchasing or leasing of Council owned land should raise the matter with their Service Director or Executive Director to ensure that there is not or could not reasonably be seen to be any opportunity for influencing the disposal process or use or information not generally available to purchasers. Certain employees holding designated posts directly concerned with land disposal will be precluded from purchasing or leasing Council land.

14. Corruption

14.1 Council employees must not use their position to confer on or secure for himself/herself, or any other person, an advantage or disadvantage.

14.2 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.

14.3 Rotherham Metropolitan Borough Council acknowledges the responsibility it has for the administration of public funds, and emphasises to the public and its employees the importance it places on probity, financial control and honest administration. The Council is also committed to the fight against fraud, whether perpetrated by employees, contractors or the public.

14.4 To demonstrate this commitment and the Council's proactive approach to the prevention and detection of fraud and corruption and the action it will take, the Council has adopted a fraud and corruption policy.

14.5 Employees must use public funds responsibly and lawfully. They must work to ensure the Council uses its resources prudently and within the law and that the local community gets value for money. The Council's Standing Orders and Financial Regulations must be observed.

14.6 Defrauding and stealing (or attempting to do so) from the Council or any person or organisation in any way will not be tolerated. This includes falsification of claims, e.g. time sheets, mileage and travel/subsistence allowances with the intention of obtaining payment. Employees should be aware that the Council shares data with other Government agencies such as Department for Work and Pensions and the Inland Revenue.

14.7 Employees should not use Council procurement processes for personal purchases, unless authorised to do so.

15. Gifts and Payments

15.1 Gifts and payments to employees related to employment

15.1.1 Employees must be careful in the exercise of their duties not to show by their behaviour that they may be influenced by any gifts whilst acting in an official capacity.

15.1.2 The Prevention of Corruption Acts 1906 and 1916 make it a criminal offence for employees to demand or accept any gift or reward in return for allowing themselves to be influenced in their official capacity by any person seeking to obtain a contract from a local authority.

15.1.3 As a general rule, therefore, all gifts and other benefits must be refused. If gifts are delivered or sent by post to the place of work, they should be returned if the sender can be identified with an appropriately worded letter. Offers should be declined tactfully, with an explanation that this is Council policy. Where it is not possible to return a gift, or if it is considered that refusal would cause unnecessary offence, then the gift may be appropriated for the benefit of the Council and donated to the Mayor's Charity or other suitable similar purpose.

15.1.4 Employees must record any gift, received or offered, in a Gifts and Hospitality Book, to be held and monitored by each Director. The record should include the following information:

1) the date and time of offer/receipt;
2) the person making the offer;
3) persons present;
4) the nature of the gift;
4) the approximate value;
5) whether accepted or declined;
6) reasons for acceptance (if applicable).

15.1.5 The only gifts not required to be recorded in accordance with the above paragraph are those of a nominal value issued for publicity purposes such as pens, diaries and calendars.

15.2 Gifts and payments to employees unrelated to employment

15.2.1 Employees on occasion receive payment or gifts for personal care/work, which is unassociated with their employment with the Council. All employees who carry out such work for members of the public who are in receipt of services from the Authority and particularly Adult Social Services (e.g. meals-on-wheels, home care, warden service, social work support) must declare these arrangements to their

Director in writing. Any such declaration must be acknowledged and the service user advised that next of kin should be made aware of the arrangement.

16. Hospitality

16.1 Employees should exercise discretion in offering and accepting hospitality. Acceptance of meals and refreshments for example may be a necessary part of Council business, i.e. provided to enable the parties to continue discussion. The meals or refreshments must be of a modest kind and if possible the employee should pay for their own meal and claim for reimbursement under the Conditions of Service.

16.2 In deciding whether to accept hospitality, regard should be given to the following: -

(i) whether the person or firm offering the hospitality is likely to benefit from the hospitality;
(ii) whether that person or firm is seeking a contract, or one has already been awarded;
(iii) the timing of the hospitality in relation to decisions which the Council may take which will affect those offering it;
(iv) whether it is preferable in the circumstances to entertain the person or persons concerned at the Council's premises or at the Council's expense;
(v) the scale and location of the hospitality and whether it falls within working hours;
(vi) whether a proposed visit is genuinely instructive or constitutes more of a social function;
(vii) the frequency of the hospitality.

In all cases employees should be able to justify the arrangements they have made in the interests of the Council.

16.3 If an employee has any doubt about the acceptance of an invitation, this should be discussed with his/her Director. Employees must discuss any offers of hospitality over and above meals and refreshments with their Head of Service prior to accepting or declining them.

16.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

16.5 Employees must record any hospitality, received or offered, in the Gifts and Hospitality Book, to be held and monitored by each Director. The record should include the following information:

1) The date and time of offer/receipt;
2) the person making the offer;
3) persons present;
4) the type of hospitality;
5) the approximate value;
6) whether accepted or declined;
7) reasons for acceptance (if applicable).

16.6 The only hospitality not required to be recorded in accordance with the above paragraph, is hospitality of a modest kind received during normal working hours in the course of conducting the Council's business. This would include light refreshments such as tea, coffee, biscuits and sandwich lunch or similar.

17. Legacies

17.1 Occasions have arisen when employees who work, for example, in residential homes for the elderly, and Home Carers have been included in the Wills of people whom they have looked after. On the one hand this can reflect the genuine wish of a client to register their thanks to someone who has looked after them, perhaps over a number of years. On the other hand, such gestures could be open to misinterpretation, particularly if a large sum of money is involved. It is, therefore, a rule that an employee must notify their Director if they are left a legacy, which is connected with their employment or if the person in question was in receipt of a personal Council service. Failure to disclose receipt of a legacy may result in disciplinary action. Director must report the circumstances of all cases to the appropriate Cabinet Member.

18. Sponsorship – Giving and Receiving

18.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

18.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the employee's Director of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

19. Investigations and Monitoring

19.1 Each Service Director and Executive Director is responsible for the monitoring of his/her employee's activities in accordance with the provisions/declarations of this Code of Conduct and related Codes of Practice. Any such monitoring will comply with relevant legislation such as the Regulatory and Investigatory Powers Act, the Data Protection Act and the Human Rights Act.

19.2 Where the Monitoring Officer is undertaking an investigation in accordance with regulations under section 66(2) of the Local Government Act 2000 employees of the Council must comply with any requirement made by the Monitoring Officer in connection within such an investigation.

20. Summary

20.1 Employees requiring further information or requiring advice concerning the appropriate course of action to adopt in any situation, should contact their Line Manager, Director, the Director of Human Resources, the Internal Audit Manager or the Monitoring Officer.

20.2 This Code of Conduct should be read in conjunction with its appendices and with any other Council codes of practice or policies that relate to employee conduct and/or workplace or system security policies and procedures.

21. Date of implementation

21.1 This Corporate Code of Conduct applies to all employees of Rotherham Metropolitan Borough Council with effect from December 2003.

The Corporate Code of Conduct will be kept under review in the light of recommendations and guidance issued nationally in relation to standards of conduct in public life and revised as necessary.

APPENDIX 1

DEFINITION OF WHAT CONSTITUTES A MEMBERSHIP OF SECRET SOCIETY

The following is the Council's definition of what constitutes a society with secret rules (secret society).

'Any lodge, chapter, society, trust or regular gathering or meeting, which:

a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and

b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and

c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

APPENDIX 2

OTHER EMPLOYMENT RELATED ACTIVITIES – FEES

Employees may be asked on occasions to give lectures or undertake work using their professional skills and expertise. If the work forms part of the duties of a post and the employee is carrying out an official duty, he/she must forward all fees to their employing Department. Any expenses incurred will be reimbursed through the normal procedures.

Employees in receipt of 'fees' in respect of undertaking work and/or lecturing to an outside organisation/persons) may retain the 'fees' providing:

a) preparation and delivery of the work is undertaken outside working hours (unless covered below);

b) equipment and/or materials are not being provided by the Council;

c) the employee is not acting as a representative of the Council.

Where the work or lecture is undertaken during working hours the equivalent working hours must be re-arranged, in agreement with the line manager to accommodate the employee's request or annual leave, flexi leave or time off in lieu must be used. The employee concerned may also be granted unpaid leave, subject to the agreement of the line manager in consultation with their Human Resources Manager.

APPENDIX 3

POLITICALLY RESTRICTED POSTS

In order to uphold the principle of political neutrality of local government employees, under the Local Government and Housing Act, 1989, some Council posts are designated as 'politically restricted'.

Political Restriction applies to:

- Chief and deputy chief officers
- Employees who give advice on a regular basis to the Council or speak on a regular basis to journalists or broadcasters on the Council's behalf.
- Employees who work in politically sensitive areas, i.e. Elections staff

The following restrictions apply to any employee who is appointed to a politically restricted post:

- The post holder must not announce an intention to be a candidate for election to the House of Commons, the European Parliament or a local authority.
- Where an officer announces that he/she wishes to resign his/her post because he/she intends to be a candidate for election to the House of Commons, his/her appointment shall terminate.
- The post holder must not act as an election agent or sub-agent.
- The post holder shall not be an officer of a political party or branch, or a committee or sub-committee member of a party, if this involves him/her in general management of or acting on behalf of the party or branch. This does not prevent membership of a political party or, for example, social activity unrelated to the general management of the party or branch.
- The post holder shall not canvass on behalf of a political party or on behalf of a candidate for election.

Post holders other than political assistants are also prevented from:-

- Speaking to the public with the apparent intention of affecting support for a political party.
- Publishing or causing to be published written or artistic work if intended to affect public support for a political party. This would not, however, apply to for example displaying a poster on private property.

There is an Independent Adjudicator whose role is to consider applications from local government employees for exemption from political restriction in respect of their posts. In making an application to the Independent Adjudicator, an employee is required to provide a certified job description together with a certificate of opinion to state whether or not in the opinion of the Council, the duties of the post include advising the Council on a regular basis or speaking on a regular basis to journalists or broadcasters. In other words, exemptions can only be granted to those whose posts are politically restricted because of salary alone but whose duties do not include those just mentioned.

APPENDIX 4

MEMBER / OFFICER RELATIONS PROTOCOL

Introduction

A With the adoption of the Code of Conduct for Members, which came into effect on 24 April 2002, the opportunity has been taken to produce a Protocol with regard to member/officer relations. It seeks to set out guidance and promote greater clarity and certainty and the setting of good standards in accordance with the Nolan Report and subsequent Government guidance. This also includes some general guidance on Access to Information.

B Given the variety and complexity of member and officer relations, this protocol does not seek to cover everything or be prescriptive in its application. General guidance is offered on some of the issues that most commonly arise or cause concern. It is hoped, therefore, that the approach which this protocol adopts will serve as a guide to dealing with other issues that may arise from time to time.

C This protocol seeks to encourage best practice and to promote greater clarity and certainty between the various relationships. If any member is unsure about any matter, he or she should contact the Monitoring Officer (Service Director of Legal Services) for appropriate advice and assistance. If any officer is unsure about any matter, he or she should contact the relevant Chief Officer and/or the Service Director of Legal Services.

D The Standards and Ethics Committee may issue further general guidance on Rotherham's Code of Conduct for Members. In addition, a specific code is being considered for planning matters.

1. Underlying Principles

1.1 Members and officers are bound by their respective Codes of Conduct which seek to promote the highest ethical standards. This protocol supports those codes and is intended to promote mutual respect between members and officers with regard to their respective roles as set out below and in the Council's Constitution.

1.2 In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the key guiding principles for members and officers have to be openness, honesty, fairness, transparency and treating everyone with respect.

2. The Role of Members

2.1 To promote the social, economic and environmental well being of the community.

2.2 Collectively be the ultimate policy makers and decision-makers and carry out a number of strategic and corporate functions.

2.3 Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities.

2.4 Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.

2.5 Balance different interests identified within the ward and represent the ward as a whole.

2.6 Be involved in decision making.

2.7 Be available to represent the Council on other bodies.

2.8 To promote the highest standards of conduct and ethics.

2.9 To act collectively as the employer of the staff.

2.10 To act in a specific capacity listed below where appointed so to do by the Council in accordance with the Constitution:

- Chairman of the Council
- Leader of the Cabinet
- Member of the Cabinet
- Portfolio holder (with or without delegated authority)
- Chairman of a Scrutiny Committee
- Member of a Scrutiny Committee
- Chairman of a committee other than Scrutiny
- Member of a committee other than Scrutiny
- Representing the Council on outside bodies

2.11 Political Group meetings, whilst they form part of the preliminaries to Council decision-making, are not formal decision-making bodies of the Council and, as such, are not empowered, even under the new constitutional arrangements, to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions and it is essential that members and officers understand and interpret them accordingly;

3. <u>The Role of Officers</u>

3.1 To initiate and to implement the policies set and the decisions made by members.

3.2 To provide impartial professional and technical advice to members.

3.3 To carry out those functions delegated to officers.

3.4 To provide reasonable help, support and advice to all members.

3.5 To represent the Council on outside bodies.

3.6 To act in a specific capacity listed below where appointed so to do by the Council:

- **The Chief Executive as Head of Paid Service** (as defined by the Local Government and Housing Act 1989 section 4) has the following functions and duties:

  to prepare proposals for the consideration of the Council as to the co-ordination of the discharge of the Council's functions; the number and grades of staff that are required to discharge those functions; the organisation of the Council's staff; and the appointment and proper management of the Council's staff.

- **The Service Director of Legal Services as Monitoring Officer** (as defined by the Local Government and Housing Act 1989 section 5) has the following functions and duties:

  to prepare reports for the consideration of the Council where it appears that any proposal, decision or omission by the Council, a committee, sub-committee, or officer has given rise or is likely to give rise to a contravention of any statute or maladministration or injustice as mentioned in part lll of the Local Government Act 1974.

- **The Executive Director of Corporate Services as Chief Finance Officer** (as defined by the Local Government Act 1972 section 151) has the following functions and duties:

  to prepare reports for the consideration of the Council where it appears that any committee, sub-committee, or officer has or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful; or has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and is likely to cause a loss or deficiency to the Council; or is about to enter an item of account, the entry of which would be unlawful.

4. <u>The Relationship Between Officers and Members</u>

4.1 The relationship between officers and members should be characterised by mutual respect which is essential to good local government.

4.2 A distinction must be drawn between good working relationships and close personal familiarity between individual members and officers which can damage professional relationships and prove embarrassing to other members and officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between members and officers.

4.3 Whilst it is recognised that in some circumstances a close personal relationship will develop between Council members and staff, both the member and the member of staff must disclose that relationship to the Chief Executive. The member must also disclose that relationship to his or her group leader.

4.4 At all times the member and member of staff will ensure, as far as possible, there is no conflict of interest between them.

4.5 Any dealing between members and officers should be conducted with courtesy and respect and neither party should seek to take unfair advantage of their position. In particular, members should recognise and pay due regard to their role as an employer in their dealings with officers. Equally officers should understand that decisions of the Council are made by the Council as a whole and should not be attributed to individual members unless specific specific delegated powers exist.

4.6 The Council has statutory duties with regard to equalities issues to positively promote equality. Members and officers shall not by their behaviour or speech be discriminatory with regard to a person's gender, marital status, age, race, disability, religion or sexual orientation. Such principles shall apply to the implementation of all personnel policies, recruitment and promotion as they apply to day to day operations.

4.7 Members should not raise matters relating to the conduct or capability of a Council employee or of the employees collectively at meetings held in public or in the Press. Employees have no means of responding to criticism like this in public. (If members feel they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council employee they should raise the matter with the Director concerned if they fail to resolve it through direct discussion with the employee.)

4.8 Members should not require any officers to change their professional advice nor take any action which the officer considers unlawful or illegal or which would amount to maladministration or breach of a statutory code of conduct.

4.9 Members should consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions were or are likely to be contrary to the policy framework or budget.

4.10 In seeking advice and support members should have due regard to the seniority of the officer with whom they are dealing and the fact that, while those officers owe duties to the Council as their employer such duties are first expressed to their respective manager and the Chief Executive and not to any individual member. For this reason members should not give direct instructions to staff unless authorised so to do by the Constitution. If so authorised, instructions shall be given to the relevant chief officer rather than a more junior member of staff.

4.11 Members of the Cabinet, Scrutiny Committees and Regulatory Committees shall, at all times, respect the political impartiality of officers and must not expect or encourage officers (save for any political assistants to the political groups) to give a political view on any matter.

5. The Relationship Between the Overview and Scrutiny Committees and Officers (when Executive decisions are being scrutinised).

5.1 The Council's Overview and Scrutiny Committees shall seek the advice of the Monitoring Officer where they consider there is doubt about the legality of Executive decisions or the Monitoring Officer and other appropriate officers where they consider a decision of the Executive might be contrary to the policy framework.

5.2 When considering calling officers to give evidence the Committee shall not normally, without the consent of the relevant Chief Officer, request the attendance of a junior officer to ensure that more junior officers are not put under undue pressure.

5.3 When asking officers to give evidence before the Committee questions should be confined, so far as possible, to questions of fact and explanation and professional opinion relating to policies and decisions.

5.4 Where they consider it appropriate the Committee may ask officers to explain advice given to members (of the Executive) prior to decisions being taken and explain decisions they themselves have taken under the Scheme of Delegation.

5.5 The Committee shall not question officers in such a manner whereby the nature and frequency of the questions or tone or language used could be considered by a reasonable person to be harassment, discriminatory or otherwise unacceptable, nor deal with matters which are of a possible disciplinary/capability nature.

5.6 The Committee shall at all times respect the political impartiality of the officers and must not expect officers to give a political view.

6. Officer Relationships with Party Groups

6.1 It must be recognised by all officers and members that in discharging their duties officers serve the Council as a whole and not exclusively any political group, combination of groups, or any individual members.

6.2 Officers may properly be called upon to support and contribute to the deliberations of political groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual members, treat them in a fair and even handed manner.

6.3 The support provided by officers can take many forms, ranging from a briefing with the Leader of the Executive, the leaders of other political groups, or chairs of committees, to a presentation to a full party group meeting.

6.4 When attendance is requested for political group meetings:

6.4.1 the request to attend a group meeting must be made through the Chief Executive;

6.4.2. unless otherwise agreed by the Chief Executive, officers will not attend party group meetings which include persons who are not members of the Council or be present at purely party political discussions;

6.4.3 such a request can only be made in relation to Council business;

6.4.4 officers must respect the confidentiality of any party group discussions at which they are present.

7. Members in their Ward Role

7.1 When acting in their ward role members need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on officer time.

7.2 Whenever a public meeting is organised by the Council to consider a local issue all the Members representing the ward or wards affected should be invited to attend the meeting.

7.3 Members may request officers to attend meetings or site visits or provide other assistance in their ward role. Such requests should be made to the relevant Executive Director and not to individual officers.

8 Member Access to Documents and Information

8.1 Save as provided below every member of the Cabinet or of a committee, sub-committee of the Council has a right to inspect documents about the business of the Cabinet, that committee, or sub-committee.

8.2 A member who is not a member of a specific committee, sub-committee (or the Cabinet) may have access to any documents of that part of the Council if they satisfy the Council's Monitoring Officer that they reasonably need to see the documents to perform their duties (commonly known as the "need to know" principle).

8.3 A member is not entitled to inspect any document or have access to any information about a matter in which they have a prejudicial interest or where to do so would be in breach of any statutory provision.

8.4 The Local Government (Access to Information) Act 1985 (Section 100F of the Local Government Act 1972 was introduced by that Act), gives further rights to elected members in addition to those at common law above. Section 100F makes it clear that any document which is in the possession or under the control

of the Council and contains material relating to any business to be transacted at a meeting of the Council, or a committee or a sub-committee of the Council, will be open to inspection by any member of the Council unless it contains confidential or certain classes of exempt information.

9. Press Releases and Correspondence (including e-mails)

9.1 Press releases must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party. During the election period special rules apply with regard to Local Authority publicity.

9.2 Council press releases are produced and distributed by the communications team, from information supplied by officers. Press releases will usually quote the Leader, or the Member with responsibility for the area covered by the press release. On occasions, officers are also quoted. Contact with the media should be channelled through the communications team.

9.3 All correspondence written on behalf of the Council must be written on the relevant headed paper.

9.4 When members are writing they must make it clear whether they are writing on behalf of the Council or as the ward member.

10. Sanctions for Breach

10.1 Complaints regarding any breach of this Protocol by a member should be made in the first instance to the Chief Executive or to the Monitoring Officer. If the complaint cannot be resolved it may be referred to the Council's Standards and Ethics Committee.

10.2 Complaints regarding any breach of this Protocol by an officer may be referred to the relevant Executive Director or Director, the Chief Executive or the Monitoring Officer, and may lead to disciplinary action. Complaints should be made in the first instance to the officer's Director.

Code of Official Conduct
Revised: September 2023

APPENDIX 8

ROTHERHAM BOROUGH COUNCIL

MEMBERS' ALLOWANCES SCHEME

Basic Allowance

Special Responsibility Allowance

Dependants Carers' Allowance

Travelling Allowance

Subsistence Allowance

Pensions

Election to Forego Allowance

Part-year entitlements

Adjustment of Allowances

Claims and Payments

SCHEDULE 1 - SPECIAL RESPONSIBILITY ALLOWANCES

SCHEDULE 2 - APPROVED DUTIES

ROTHERHAM BOROUGH COUNCIL
MEMBERS' ALLOWANCES SCHEME

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

1. This scheme may be cited as the Rotherham Borough Council Members' Allowances Scheme and, except where otherwise mentioned, shall have effect from 12 July 2017, and thereafter for subsequent years commencing on 1 April until the scheme is revoked or amended.

2. In this scheme:

"Councillor" means an elected Member of the Rotherham Borough Council.
"Co-opted Member" means a Member co-opted by the Council on to one of its Boards, Committees or Scrutiny Panels.
"Year" means the twelve months ending with 31 March.

3. **Basic Allowance**

Subject to paragraph 12, a basic allowance of £13,418 per annum shall be paid to each Councillor.

4. **Special Responsibility Allowances**

(1) Subject to paragraph 12, a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in schedule 1 to this scheme.

(2) The amount of each such allowance per annum shall be the amount specified against that special responsibility in the schedule.

(3) No Councillor shall be entitled to more than one special responsibility allowance.

5. **Dependants Carers' Allowance**

(1) A Councillor may claim, by way of dependants carers' allowance, expenditure actually and necessarily incurred, up to a maximum of £7.50 per hour from 1 April 2017. This allowance will rise in line with announced increases to the National Minimum Wage. This allowance is to be used in making arrangements for the care of his or her children or dependants whilst he or she is performing any of the duties listed at schedule 2.

(2) Dependants carers' allowance may not be claimed in respect of care provided by a member of the Councillor's family.

(3) The Councillor is to provide such written evidence of the expenditure.

6. **Travelling Allowance**

(1) For Councillors, travel within the Borough is covered by the basic allowance and no other allowance will be paid.

(2) For Councillors travelling outside the Borough and Co-opted Members travelling within and outside the Borough, regarding the performance of any of the duties listed at schedule 2, the following may be paid –

(a) Public Transport

The actual costs will be reimbursed. Rail travel must always be undertaken in the most cost effective way.

(b) Taxis

The rate of travel by taxis shall not exceed –

(i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid;

(ii) in any other case, the amount of the fare for travel by appropriate public transport.

(c) Mileage

Mileage should be paid at 55p per mile (for cars) or 27p per mile (for motorcycles) from the point of departure to the destination, provided that the destination is outside the Borough. There shall be a limit on mileage of 100 miles to the destination and 100 miles back, regardless of the actual length of the journey. The mileage allowance reflects the rate set by her Majesty's Revenue and Customs (HMRC) and will be increased in line with the HMRC rate.

(3) The provisions of this part of the scheme (with the exception of (1) above) shall apply also to co-opted Members, within and outside the borough.

7. **Subsistence Allowance**

(1) For Councillors, Subsistence within the Borough is covered by the basic allowance and no other allowance will be paid.

(2) Co-opted Members shall be entitled to the following subsistence allowance as reimbursement of expenses whilst on Council business in the borough.

Breakfast	£5.13
Lunch	£7.03
Tea	£2.77
Evening Meal	£8.72

(3) Outside the Borough, subsistence allowance in connection with the performance of any of the duties listed at schedule 2 shall be paid to a Councillor or Co-opted Member at the following rates –

- Absence from home or place of work up to 12 hours £11.29
- Absence from home or place of work for between 12 and 24 hours £22.57
- Absence from home or place of work for over 24 hours £33.86

Where meals are provided at no expense to the Councillor or Co-opted Member, for example, by the person or body hosting a conference, then the subsistence allowance will be reduced by £11.29 for each meal so provided.

In addition to the above subsistence allowances, where a Councillor or Co-opted Member has to stay overnight in connection with the performance of a duty listed in schedule 2, then the following may be claimed subject to the production of a receipt –

- Outside London, hotel bill to a maximum of £82.08 (or, where the Council has attended a Conference, the cost of staying at the conference hotel if greater).
- Within London, the cost of staying at a hotel chosen from a list of approved hotels maintained by the Head of Democratic Services (or where the Councillor or Co-opted Member has attended a conference, the cost of staying at the conference hotel if greater).

(4) In exceptional circumstances only, for reasons clearly specified, the Head of Democratic Services may authorise reimbursement at a higher rate subject to the production of a receipt for the actual expenditure incurred.

(5) For approved duties overseas the following allowances are payable for incidental expenditure per day where the authority provides –

Room and breakfast only	£81.05
Room, breakfast and one main meal	£48.12
Full board	£41.55

(6) Receipts shall be provided for all expenditure on subsistence outside the Borough.

8. **Pensions**

(1) From 11 May 2026, elected members (including councillors and mayors) who meet the eligibility criteria will be able to opt in to the Local Government Pension Scheme (LGPS). The Council's LGPS administering authority is South Yorkshire Pensions Authority (SYPA).

(2) To be eligible to join the LGPS, Members must:

- Be an elected member receiving an allowance from the Council
- Be under age 75 at the point of joining the LGPS
- Submit a formal opt-in request in writing to the Council

(3) Both the basic allowance and any special responsibility allowance payable to a Councillor may be treated as amounts in respect of which pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.

9. **Elections to Forego Allowance**

A Councillor or a co-opted Member may by notice, in writing given to the Director of Policy, Strategy and Engagement, elect to forego any part of his or her entitlement to an allowance under this scheme.

10. **Part-year entitlements**

(1) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, his or her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office as Member subsists, bears to the number of days in that year.

(2) Where a Councillor has for only part of the year, such special responsibilities as entitle him or her to a special responsibility allowance, his or her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole, the same proportion as the number of days during which he or she has such responsibilities, bears to the number of days in that year.

(3) If during the course of a year, the scheme is amended so as to change the amounts to which a Councillor or Coopted member is entitled by way of basic allowance, special responsibility allowance or cooptees allowance, then the original and revised allowances shall respectively be paid pro-rata, up to and from the dates on which the amendment takes effect. The same principle will apply if the scheme is then further amended during the year.

11. **Annual Adjustment of Allowances**

(1) That annual increases in Basic Allowances should be in line with the average Local Government pay awards for staff below Chief Officer level.

(2) That annual increases in Special Responsibility Allowance should be paid at half (50%) of the average Local Government pay award for staff below

Chief Officer level.

(3) Mileage allowance shall be increased only in the event of there being an increase in the HMRC recommended rate. Subsistence allowance shall be adjusted annually on 1 April, by reference to the retail price index.

12. **Claims and Payments**

Payments shall be made by the Executive Director of Corporate Services as necessary.

(1) Payments shall be made in respect of basic and special responsibility allowances and cooptees allowance in installments of one-twelfth of the amount specified in this scheme on the 18th day of each month.

(2) However, where a payment of one-twelfth of the amount specified as above would result in the Councillor or Coopted Member receiving more than the amount to which he or she is entitled because of the part year entitlement provisions contained within the scheme, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

(3) Claims for Dependants Carers' Allowance and travelling and subsistence allowance must be submitted to the Head of Democratic Services, not later than three months from the date on which entitlement to any such allowances arises.

P Horsfield
Service Director Legal, Elections and Registration Services

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES

	Effective from 1st April 2026 £
ROLE	**SRA £**
Leader of the Council	£28,663
Deputy Leader of the Council	£15,765
Leader of the Main Opposition Group	£9,554
Cabinet Member	£14,332
Chairman of Overview and Scrutiny Management Board	£14,332
Chair of Scrutiny Select Commissions	£9,554
Chair of Planning Board	£9,554
Chair of Audit Committee	£9,554
Chair of Licensing Board	£9,554
Chair of Standards and Ethics	£3,836
Vice-Chair of Scrutiny Board and Commissions	£1,353
Vice-Chair of Planning Board	£1,353
Vice-Chair of Audit Committee	£1,353
Vice-Chair of Licensing Board	£1,353
Vice-Chair of Standards and Ethics	£1,918
Independent Person – Standards and Ethics Committee	£787
Independent Person in accordance with the Local Authorities (Standing Orders) Regulations 2015)	£276 (retainer up to a maximum of £786)
Mayor	£11,806
Deputy Mayor	£3,952

SCHEDULE 2

1. For All Councillors and Co-opted Members of the Council.

(a) The attendance at a meeting of the Council or of any committee, sub-committee or of any other body to which the Council makes appointments or nominations, or any committee or sub-committee of such a body.

(b) Attendance at any other meeting, the holding of which is authorised by the Council or a committee or sub-committee of the Council, or a joint committee of the Council and one or more other local authority, or a sub-committee of such a joint committee, provided that:

(1) where the Council is divided into two or more political groups, members of at least two such groups have been invited to the meeting; or

(2) if the Council is not so divided, at least two members of the Council have been invited.

(c) Attendance at a meeting of any association of authorities of which the Council is a member.

(d) Attendance at a meeting of the Cabinet or a meeting of any of the committees of the Cabinet.

(e) Performance of any duty requiring a member or members to be present whilst tender documents are opened.

(f) Performance of any duty in connection with the discharge of any function of the Council which empowers or requires the Council to inspect or authorise the inspection of premises.

(g) Performance of any duty in connection with arrangements made by the Council for the attendance of pupils at schools approved for the purposes of section 342 (special schools) of the Education Act 1996.

(h) Attendance at Council, Cabinet, Board, Panel or sub-committee meetings of which the Councillor is not a member, but is invited to attend by the Chair.

(i) Attendance at Members' Surgeries (although this is unlikely to lead to a claim for subsistence).

(j) Attendance at Members training sessions/seminars.

(k) Attendance at Conferences/Courses specifically approved by the Council. These cannot include those organised by profit-making or political organisations.

(l) Attendance at meetings/conferences of outside bodies to which a member has been specifically appointed by the Council.

(m) Any other duty specifically approved by the Council.

NOTE

Attendance at Panels and meetings such as Dismissals, Grievances, tenders, visits, etc. are recognised as Council Sub-Committees.

Informal discussions, meetings or visits between Members or with Officers or with other organisations are not “approved duties” and claims should not be made. These discussions and meetings form part of the Member constituent duties.

2. Cabinet Members/Chair of the Overview and Scrutiny Management Board.

   Attendance at briefings/consultations meetings, either as a Cabinet or called by the Leader, or with relevant officers, twice a week on average.

3. Chair and Vice-Chair

   Chair and Vice-Chair of Select Commissions, Planning and Licensing Boards, Audit Committee or Working Groups appointed by the Council, to attend at briefings/consultation meetings with relevant officers once a week on average.

APPENDIX 9

ROTHERHAM BOROUGH COUNCIL

RESPONSIBILITY FOR FUNCTIONS

1. Introduction

2. Local Choice Functions

3. Council (non-executive) Functions

   3A. General Delegations to Officers

   3B. Chief Executive
   3C. Executive Director of Children and Young People' Services
   3D. Executive Director of Regeneration and Environment
   3E. Executive Director of Corporate Services
   3F. Service Director of Legal, Elections and Registrars Services and Monitoring Officer

4. Executive Functions

   4A Responsibility for Executive Functions
   4B Executive Portfolios
   4C Officer Delegation Scheme

      4C1 Chief Executive
      4C2 Director of Policy, Strategy and Engagement
      4C3 Executive Director of Adult Care, Housing and Public Health
      4C4 Executive Director of Children and Young People's Services
      4C5 Executive Director of Corporate Services
      4C6 Executive Director of Regeneration and Environment
      4C7 Service Director of Legal, Elections and Registrars Services and Monitoring Officer

5. Terms of Reference for Committees, Boards and Panels

   Cabinet
   Health and Wellbeing Board
   Audit Committee
   Licensing Board
   Licensing Committee
   Planning Board

   Staffing Committee
      Senior Officer Appointments Panel
      Employment Appeals Panel
   Housing Tenancy and Anti-Social Behaviour Review Panel
   Standards and Ethics Committee
   Overview and Scrutiny Management Board

APPENDIX 9

Scrutiny Select Commissions
- **Health Select Commission**
- **Improving Lives Select Commission**
- **Improving Places Select Commission**

Appendix 1 – Schedule of Council Bodies

INTRODUCTION

This part of the Constitution sets out who is responsible for the various functions of the Council.

Functions are categorised as:

1. Local Choice Functions

There are some functions that the authority may treat as the responsibility of the Executive (the Cabinet) (in part or whole) or as Council (non-executive functions, as its discretion. Section 1 details these functions and who is authorised to discharge them.

2. Council (non-executive) Functions

These are functions which, under the law, cannot be the responsibility of the Executive. In some cases, such as adopting the Council's budget or the Policy Framework, only Council may discharge the function. In other cases, the Council may delegate the responsibility for discharging a function to a committee or an officer.

3. Executive Functions

All other functions are executive functions. Decisions on these will be taken by the Executive, unless they are dealt with under joint arrangements or delegated to a committee of the Executive, the Health and Wellbeing Board or an officer. Section 3 details how these functions are delegated.

SECTION 2: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

These functions have been specifically identified as being reserved to the Council or delegated to a committee or officers, rather than being executive functions.

Local Choice Functions[1]	**Decision Making Body**	**Delegation of functions to Committees or officers**
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Cabinet	The relevant Executive Director for the function concerned.
To determine appeals against any decision of the authority	Cabinet generally[2], except in matters referred under the terms of reference of the Licensing Board and its sub-committees and appeals panels for employment matters	Executive Director of Corporate Services[3]
To appoint review boards under the Social Security Act 1998[4]	Council	Service Director of Legal Services
To make arrangements for appeals against exclusion of pupils from maintained schools	Council	Executive Director of Children and Young People's Services
To make arrangements for appeals regarding school admissions[5]	Council	Admitting authorities and Executive Director of Children and Young People's Services[6]
To make arrangements for appeals by governing bodies[7]	Council	Executive Director of Children and Young People's Services
Any function relating to contaminated land[8]	Cabinet	Executive Director of Regeneration and Environment
The control of pollution or the management of air quality[9]	Cabinet	Executive Director of Regeneration and Environment
To serve an abatement notice in respect of a statutory nuisance[10]	Cabinet	Executive Director of Regeneration and Environment
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area[11]	Cabinet	Executive Director of Regeneration and Environment
To inspect the authority's area to detect any statutory nuisance[12]	Cabinet	Executive Director of Regeneration and Environment
To investigate any complaint about the existence of a statutory nuisance[13]	Cabinet	Executive Director of Regeneration and Environment
To obtain information about interests in land[14]	Cabinet	Executive Director of Regeneration and Environment

[1] Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2

To obtain particulars of persons interested in land[15]	Cabinet	All Executive Directors in pursuance of their delegated authority
To make agreements for the execution of highways works[16]	Cabinet	Executive Director of Regeneration and Environment
To appoint any individual (a) To any office other than an office in which he is employed by the authority and to revoke any such appointment	Council[17]	Not Delegated
To appoint any individual (b) To any body other than – (i) The authority (ii) A joint committee of two or more authorities; (c) To any such committee or sub-committee of such a body And to revoke any such appointment	Cabinet	Not Delegated
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	Not Delegated

[2] Including appeals in relation to access to information by Members under S100F of the Local Government Act 1972, Regulation 17 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and the common law "need to know" rules
[3] In relation to arrangements for employee appeals, save those dealt with by the Appeals Panel
[4] S34(4) Social Security Act 1998
[5] S94(1), (1A) AND (4) School Standards and Framework Act 1998
[6] The Executive Director of Children and Young People's Services will be responsible for clerking functions set out in paragraphs 1.10 to 1.11 of the School Admission Appeals Code, with the relevant admitting authority making all other necessary arrangements.
[7] S95(2) School Standards and Framework Act 1998
[8] Part IIA Environmental Protection Act 1990 and subordinate legislation
[9] Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993
[10] S80(I) Environmental Protection Act 1990
[11] S8 Noise and Statutory Nuisance Act 1993
[12] S79 Environmental Protection Act 1990
[13] S79 Environmental Protection Act 1990
[14] S330 Town and Country Planning Act 1990
[15] S16 Local Government (Miscellaneous Provisions) Act 1976
[16] Section 278 Highways Act 1980
[17] Council acts as Appointing Body for the purposes of making appointments to:

- South Yorkshire Mayoral Combined Authority
- South Yorkshire Fire and Rescue Authority
- South Yorkshire Pensions Authority
- South Yorkshire Police and Crime Panel

SECTION 3: FUNCTIONS OF THE COUNCIL (NON-EXECUTIVE FUNCTIONS)

These are functions which, under the law, cannot be the responsibility of the Executive. In some cases, such as adopting the Council's budget or the Policy Framework, only Council may discharge the function. In other cases, the Council may delegate the responsibility for discharging a function to a committee or an officer.

	Function	Legislation
1	The levying or issuing of a precept for a rate and the setting of council tax (unless delegated in accordance with s67 (3) Local Government Finance Act 1992) and limits for borrowing money	Local Government Finance Act 1988. Local Government Finance Act 1992. Section 3 Local Government Act 2003.
2	The decision to introduce or revise a council tax reduction scheme	Section 13A(b) Local Government Finance Act 1992 Section 67(2)(aa) Local Government Finance Act 1992
3	Agreeing council tax discounts and exemptions	Sections 11A and 11B of the Local Government Finance Act 1992
4	The establishment, agreeing and/or amending the terms of reference for and abolition of Committees (other than of the Executive) and Joint Committees (with other local authorities) and the appointment, replacement and removal of members of them other than in cases where the Executive is entitled to make appointments.	Local Government Act 1972. The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.
5	Resolution to operate executive arrangements or to make a change in governance arrangements.	Section 29 of the Local Government Act 2000. Paragraph 3 or 8 of Schedule 4 to the Local Government and Public Involvement in Health Act 2007.
6	Authorising applications to the Secretary of State for disposals of council dwelling houses to be included in his disposals programme or for consent to such disposals where consent is required.	Section 135, Leasehold Reform and Urban Development Act 1993. Sections 32 and 43 of the Housing Act 1985.
7	Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
8	Adopting or amending the Members' Allowances Scheme.	Section 18 of the Local Government and Housing Act 1989. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
9	Election the Leader of the Council.	Sections 11 and 44C of the Local Government Act 2000.
10	Adoption of the Members' Code of Conduct.	Section 51 of the Local Government Act 2000. Section 27 Localism Act 2011
11	Approval of the appointment or dismissal of the Chief Executive.	The Local Authorities (Standing Orders) (England) Regulations 2001.

12	Adopting or approving the Policy Framework and the Budget	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
13	Changing the name of the borough	Section 74 of the Local Government Act 1972.
14	Appointment of the Mayor & Deputy Mayor	Schedule 4 to the Local Government Act 1972.
15	Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972
16	The making, altering or revoking of procedural rule except as provided for in the Constitution	Sections 29, 106 and Schedule 12 of the Local Government Act 1972. Sections 8 and 20 Local Government and Housing Act 1989.
17	Adopting and changing the Constitution except in relation to those arrangements which it is the responsibility of the Leader to make.	Local Authorities (Arrangements for the Discharge of Functions) Regulations 2000 as amended.
18	Making, amending, revoking, re-enacting or adopting byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.
19	Promoting or opposing the making of local legislation or personal Bills.	Section 239 of the Local Government Act 1972.
20	The making of an agreement to establish a joint planning committee or to prepare a joint development plan document or to request the Secretary of State to revoke an order establishing such a joint committee.	Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
21	Power to resolve not to issue a casino premises licence and duty to publish the 3 year licensing policy.	Sections 166 and 349 of the Gambling Act 2005.
22*	Power to introduce a late night levy	Police Reform and Social Responsibility Act 2012
22	Approving the annual Pay Policy Statement	Section 38 Localism Act 2011
23	Power to make an early morning alcohol restriction order.	Section 172A Licensing Act 2003
24	Any other matter that by law is reserved for Full Council.	
25	Agreeing the discharge of functions (scheme of delegation) within Appendix 9 of the Constitution	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
26	Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council	
27	All local choice functions which the Council decides should be undertaken by itself rather than the Executive	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
28	Appoint the Council's statutory officers (and to provide adequate resources/staffing	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

29	Appoint a Returning Officer (for local government elections) and an Electoral Registration Officer	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
30	To approve a pay policy statement	Sections 38 and 39 Localism Act 2011

SECTION 3A: GENERAL DELEGATIONS TO OFFICERS

1. The fact that a function has been delegated to an officer does not require that officer to give the matter his/her personal attention and that officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the officer to whom the delegation has been made remains responsible for any decision taken pursuant to such arrangements.

2. Subject to the exception listed below, in respect of approvals, licences, permission or registrations which come within the terms of their delegated authority, the Chief Executive, Executive Directors, Director of Policy, Strategy and Engagement and Service Director of Legal Services are authorised[1]:

   (a) To impose conditions, limitations or restrictions;
   (b) To determine any terms to which they are subject;
   (c) To determine whether and how to enforce any failure to comply[2];
   (d) To amend, modify, vary or revoke; and
   (e) To determine whether a charge should be made or the amount of such a charge

3. The Chief Executive, Executive Directors, Director of Policy, Strategy and Engagement and Service Director of Legal Services are authorised to carry out the following in respect of those functions for which they have delegated authority[3]:

   (a) To make payments or provide other benefits in cases of maladministration[4]
   (b) Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as an employer;
   (c) To:
      (i) appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure, subject to the powers delegated to the Staffing Committee and Senior Officer Appointments Panel;

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[1] An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

[2] Including

- Any failure to comply with such an approval, consent, licence, permission or registration,
- Any failure to comply with a condition, limitation or term; to which any such approval, consent, licence, permission or registration is subject; or
- Any contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the executive

[3] An officer may consider in respect of any matter that the authority delegated under this scheme may not be exercised and if so, may refer the matter to the relevant committee for determination.

[4] Item 48 of Para I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended

(ii) appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision and corporate approval processes.

(iii) To determine issues relating to officers' terms and condition of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.

(d) The enforcement of byelaws.

(e) In respect of delegated functions, the allocation or reallocation or authorisation of Officers (including the allocation or reallocation of Proper Officer functions) with the exception of functions of the Head of Paid Service, Section 151 Officer and Monitoring Officer. Where such functions are provided for in the Constitution then the Monitoring Officer must be made aware of any such allocation, reallocation or authorisation.

SECTION 3B: CHIEF EXECUTIVE

1. The Chief Executive is the Head of Paid Service for the Council.

2. The Chief Executive is the Electoral Registration Officer for the Council, and the Returning Officer for local elections.

3. The Chief Executive[1] is authorised to discharge the following Council (non-executive functions):

Functions relating to Elections

(a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
(b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
(c)	To divide constituencies into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
(d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
(e)	Powers in respect of holding elections	Section 39(4) of the Representation of the People Act 1983
(f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
(g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
(h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
(i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000
(k) Functions relating to community governance[2]		
	i) Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007

[1] The fact that a function has been delegated to the Chief Executive does not require the Chief Executive to give the matter his/her personal attention and the Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Chief Executive remains responsible for any decision taken pursuant to such arrangements.

[2] Functions relating to making of recommendations under sections 87-92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000/2853)) are reserved to the relevant committee that is responsible for making recommendations to Council.

	ii)	Functions relating to community governance petitions	Section 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
	iii)	Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
	iv)	Power to undertake a community governance review	Section 82 of the Local Government and Public Involvement in Health Act 2007
	v)	Duties when undertaking review	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
	vi)	Duty to publicise outcome of review	Section 96 of the Local Government and Public Involvement in Health Act 2007
	vii)	Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98(1) of the Local Government and Public Involvement in Health Act 2007
(l)	Functions relating to consultation and notification processes in relation to changing the name of an electoral area[3]		S59 of the Local Government and Public Involvement in 2007
(m)	To dissolve, subject to Council approval, small parish councils		Section 10 of the Local Government Act 1972
(n)	To make orders, subject to Council approval, for grouping parishes, dissolving groups and separating parishes from groups		Section 11 of the Local Government Act 1972
(o)	To make temporary appointments to parish councils		Section 91 of the Local Government Act 1972

Functions relating to changing governance arrangements

(a)	To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change	Section 9KC of the Local Government Act 2000
(b)	To take any step, subject to timely consultation with the relevant committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State under Section 9N of the Local Government Act 2000, or related to regulations	Section 9N of the Local Government Act 2000

[3] The function of passing a resolution to change the name of an electoral area under s59(1) of the Local Government and Public Involvement in Health Act 2007 is reserved to Council.

SECTION 3C: EXECUTIVE DIRECTOR OF CHILDREN AND YOUNG PEOPLE'S SERVICES

1. The Executive Director of Children and Young People's Services[1] is authorised to discharge the following Local Choice Functions which have been assigned to Council

(a)	To make arrangements for appeals by governing bodies

2. The Executive Director of Children and Young People's Services[2] is authorised to discharge the following Council (non-executive functions):

(a)	To licence the employment of children	Part II of the Children and Young Persons Act 1933 bylaws made under that Part, and Part II of the Children and Young Persons Act 1963

[1] Appointed as Director of Children's Services under Section 18 of the Children Act 2004
[2] The fact that a function has been delegated to the Executive Director does not require the Executive Director to give the matter his/her personal attention and the Executive Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Executive Director remains responsible for any decision taken pursuant to such arrangements.

SECTION 3D: EXECUTIVE DIRECTOR OF REGENERATION AND ENVIRONMENT

Subject to the exceptions listed below, the Executive Director of Regeneration and Environment is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

(a)	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
(b)	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c. 49).
(c)	Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
(d)	Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
(e)	Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
(f)	Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
(g)	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
(h)	Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963
(i)	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968
(j)	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976
(k)	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976
(l)	Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985
(m)	Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968

(n)	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
(o)	Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
(p)	Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46)
(q)	To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (SI1995/510)
(r)	To licence premises for acupuncture, tattooing, ear piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(s)	To licence premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(t)	To licence pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, Section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(u)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(v)	To licence zoos	Section 1 of the Zoo Licensing Act 1981
(w)	To licence dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(x)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(y)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(z)	To licence the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(aa)	To licence collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(bb)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(cc)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(dd)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(ee)	Power to authorise officers to undertake enforcement in respect of smoking cessation and smoke free premises, vehicles etc.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(ff)	Functions related to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)

(gg)	Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(hh)	To licence pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907
(ii)	To authorise erection of stiles etc on footpaths or bridleways	Section 147 of the Highways Act 1980
(jj)	To create footpath bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980
(kk)	To create footpaths bridleways and restricted byways	Section 26 of the Highways Act 1980
(ll)	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980
(mm)	To stop up footpaths bridleways and restricted byways	Section 118 of the Highways Act 1980
(nn)	To determine applications for public path extinguishment order	Section 118ZA and 118C(2) of the Highways Act 1980
(oo)	To make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
(pp)	To divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980
(qq)	To make a public path diversion order	Section 119ZA and 119C(4) of the Highways Act 1980
(rr)	To make a rail crossing diversion order	Section 119A of the Highways Act 1980
(ss)	To make a special diversion order	Section 119B of the Highways Act 1980
(tt)	To require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
(uu)	To make an Sites of Special Scientific Interest diversion order	Section 12B of the Highways Act 1980
(vv)	To keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
(ww)	To decline to determine certain applications	Section 121C of the Highways Act 1980
(xx)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(yy)	To apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
(zz)	To authorise temporary disturbance of surface of footpath bridleway or restricted byway	Section 135 of the Highways Act 1980

(aaa)	To divert footpath bridleway or restricted byway temporarily	Section 135A of the Highways Act 1980
(bbb)	To extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
(ccc)	To keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981
(ddd)	To include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
(eee)	To keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
(fff)	To prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
(ggg)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(hhh)	To extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
(iii)	To authorise stopping up or diversion of footpath bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990
(jjj)	To extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
(kkk)	To enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000
(lll)	To provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000
(mmm)	To licence market and street trading	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982
(nnn)	To issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
(ooo)	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part II of the Fire Safety and Safety of Places of Sport Act 1987
(ppp)	To grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
(qqq)	To grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers	Section 115E, 115F and 115K of the Highways Act 1980
(rrr)	To publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980

(sss)	To permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980
(ttt)	To licence planting, retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
(uuu)	To licence works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
(vvv)	To consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
(www)	To dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
(xxx)	To restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
(yyy)	To consent to construction of cellars etc under street	Section 179 of the Highways Act 1980
(zzzz)	To consent to the making of openings into consent etc under streets and pavement lights and ventilators	Section 180 of the Highways Act 1980
(aaaa)	To make a special extinguishment order	Section 118B of the Highways Act 1980
(bbbb)	To assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
(cccc)	To serve notice of proposed action in relation to obstruction	Section 130A of Highways Act 1980
(dddd)	To apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
(eeee)	To make good damage and remove obstructions	Section 135B of the Highways Act 1980
(ffff)	To remove nuisances deposited on the highway	Section 149 of the Highways Act 1980
(gggg)	To designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984
(hhhh)	To authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act

2. Functions of the Licensing Authority delegated by Council

Subject to the exception set out below, the Executive Director of Regeneration and Environment is authorised to discharge the functions of the licensing authority as set out below:-

(a)	Any function of a Licensing Authority[3]	Licensing Act 2003 and any regulations or orders made under that Act[4]

[3] These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority

[4] Including functions which, by virtue of the Gambling Act 2005 are delegated to the Licensing Committee

(b)	Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.

Exceptions:

- Any function of the Licensing Authority reserved to Council[5]

3. Town and Country Planning and Development

(a)	To determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
(b)	To determine applications to develop land without compliance with conditions	Section 73 of the Town and Country Planning Act 1990
(c)	To grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
(d)	To decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
(e)	Duties relating to the making of determinations of planning applications	Sections 69 and 92 of the Town and Country Planning Act 1990 and Articles 5, 10, 12, 15 to 18, 20 to 24, 25 to 30 and 32 to 35, 25 and 26 of the Town and Country Planning (General Development Management Procedure) Order 2015/595[6] 1995 (SI 1995/419) and directions made thereunder.
(f)	To determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492)
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 1 to 19 of Schedule 2 to the Town and Country Planning (General Permitted Development Order 2015 (S1 2015/596)[7]
(h)	To enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
(i)	To issue a certificate of existing or proposed lawful use or development	Sections 191 and 192 of the Town and Country Planning Act 1990
(j)	To serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
(k)	To grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
(l)	To authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
(m)	To require discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
(n)	To issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
(o)	To serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
(p)	To issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990

[5] Section 3 of Appendix 9 of the Constitution sets out licensing functions reserved to Council, as licensing authority under the 2011 Act
[6] This Order replaced 1995/419 which is cited in the Functions and Responsibilities Regulations
[7] This Order replaced 1995/418 which is cited in the Functions and Responsibilities Regulations

(q)	To apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
(r)	To determine applications for hazardous substances consent and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
(s)	To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25), and paragraph 6(5) of Schedule 14 to the Act
(t)	To require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
(u)	To determine application for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(v)	Duties relating to applications for listed building consent	Section 13(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas Regulations 1990 and Arrangements for Handling Heritage Applications Direction 2015 and The Conservation Areas Direction 2015[8]
(w)	To serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(x)	To issue enforcement notice in relation to demolition of listed building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(y)	To acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(z)	To apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990
(aa)	To execute urgent works	Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990

4. Commons Registration

(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) An exchange of lands affected by section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) An order section 147 of the Inclosure Act 1845 (c 8 & 9 Vict c 118)	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843)
(b)	To register variation of rights of common	Regulation 29 of the Commons Registrations (General) Regulations 1966 (S1 1966/1471)
(c)	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c 26)
(d)	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006

[8] This Direction replaced Circular 01/01 cited in the Functions and Responsibilities Regulations

(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2) of the Commons Act 2006
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2) of the Commons Act 2006

5. Hedgerows and Trees

(a)	The protection of important hedgerows	The Hedgerows Regulations 1997
(b)	The preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation)(England) Regulations 2012[9]

6. High Hedges

(a)	Complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003

Exceptions:

The Executive Director of Regeneration and Environment is not authorised to discharge the following town and country planning, development control and commons registration functions:

(a)	The determination of applications following a written request[10] to the Executive Director of Regeneration and Environment by a Ward Member concerning an application within the Ward he/she represents that the application be referred to the Planning Board.
(b)	The determination of application for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force.
(c)	The determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council.
(d)	The determination of applications for major development[11] which the Chair of Planning Board, in conjunction with the Executive Director of Regeneration and Environment, considers are sensitive, controversial or would have significant impacts on local communities.
(e)	The approval of applications, where approval would reverse a previous decision taken by the Planning Board.

[9] These regulations replace the Regulations cited in the Functions and Responsibilities Regulations.
[10] This request must be made to the Executive Director of Regeneration and Environment (or officer(s) authorised by him or her to receive such requests) and should normally be made within 21 days of the date of validation. The application can be legally determined after the 21 days statutory advertisement deadline if no such request has been received by that deadline. The request must set out the reason(s) for the referral based on material planning considerations and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).
[11] "Major development" for these purposes means:

- Residential development involving the erection of ten or more dwellings or, if the number of dwellings is not known, sites of 0.5 hectares or more.
- Other development proposals (apart from minerals and waste development) where the application would result in the erection of gross floorspace of not less than 1,000 msq, or sites of 1 hectare or more
- Minerals and waste development where an Environmental Statement is required.

(f)	The approval of applications, where approval would conflict with an objection raised by a statutory technical consultee.
(g)	Where the Chair of Planning Board, in conjunction with the Executive Director of Regeneration and Environment, considers that the application should be referred to the Planning Board for determination because of the significance, impact or sensitivity of the proposal.
(h)	The determination of applications submitted in a personal capacity by or on behalf of Members, Executive Directors or any other officer who carries out development management functions.
(i)	Where objections have been received to Commons Registrations.

SECTION 3E: EXECUTIVE DIRECTOR OF CORPORATE SERVICES

Subject to the exceptions listed below, the Executive Director of Corporate Services is authorised to discharge the following Council (non-executive) functions:

1. In consultation with the relevant Cabinet Member and Councillor allocated to the relevant body, to carry out all functions exercisable by the Council as a result of the Joint Committee Agreement relating to BDR Waste, Yorkshire Purchasing Organisations and companies and bodies related to those bodies.

2. Function relating to Human Resources[1]

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal[2]	Section 112 of the Local Government Act 1972
(c)	To determine employee terms and conditions	Section 112 of the Local Government Act 1972

[1] The fact that a function has been delegated to the Executive Director does not require the Executive Director to give the matter his/her personal attention and the Executive Director may arrange for such delegation to be exercised by an offer of suitable experience and seniority, however the Executive Director remains responsible for any decision taken pursuant to such arrangements.
[2] Except in relation to those which are to be determined by the Appeals Panel

SECTION 3F: SERVICE DIRECTOR OF LEGAL, ELECTIONS AND REGISTRARS SERVICES AND MONITORING OFFICER

Subject to the exceptions listed below, the Service Director of Legal, Elections and Registrars Services And Monitoring Officer is authorised to discharge the following Council (non-executive) functions:

1. In consultation with the relevant Cabinet Member and Councillor allocated to the relevant body, to carry out all functions exercisable by the Council as a result of the Joint Committee Agreement relating to BDR Waste, Yorkshire Purchasing Organisations and companies and bodies related to those bodies.

SECTION 4A: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

3.1 Executive functions include those local choice functions identified in Section 2 as the responsibility of the Executive (Cabinet), and all other functions of the Authority not specified in Section 3.

3.2 All executive functions will be discharged by the Executive as a whole, save to the extent that such functions are delegated to joint committees or officers.

3.3 The names of the Leader of the Council and Members of the Authority appointed by the Leader to the Executive are as follows:-

Leader of the Council	Councillor Chris Read
Deputy Leader and Cabinet Member	Councillor Victoria Cusworth
Cabinet Member	Councillor Saghir Alam
Cabinet Member	Councillor Joanna Baker-Rogers
Cabinet Member	Councillor Linda Beresford
Cabinet Member	Councillor Lynda Marshall
Cabinet Member	Councillor John Williams
Cabinet Member	Councillor Sarah Allen

SECTION 4B: EXECUTIVE PORTFOLIOS

Cabinet Member Portfolios as at 13th May 2026

The Leader (Cllr Read)

The Leader has responsibility for overall leadership of the Council and representing the borough at a national, regional and sub-regional level. The Leader will take personal responsibility for leading the drive towards corporate improvement, organisational and cultural change, and is responsible for the Council's governance and ethical framework.

- Overall leadership of the Council
- Overall responsibility for ensuring the Council sets and delivers a balanced budget
- Oversight of the Council's response to Child Sexual Exploitation
- Setting Corporate Policy including the Council Plan
- To lead on corporate performance management arrangements
- Reputation management and corporate communication
- Corporate Improvement, Innovation and Organisational change
- To lead on Standards & Governance
- Overall responsibility for Corporate Governance, including signing the Council's Annual Governance Statement to confirm the Council has appropriate rules, policies and procedures in place and operating effectively for managing its business
- To lead the Council's formal Conciliation and Consultation arrangements
- Member of the Rotherham Together Partnership Board
- To lead on City Region activity and devolution, including as member of South Yorkshire Mayoral Combined Authority
- Customer Services
- Democratic Services
- Community Cohesion
- To be responsible for Social Value through corporate Commissioning and Procurement strategies and their implementation including Community Wealth Building
- UK Shared Prosperity Fund
- Crisis and Resilience Fund and other local welfare assistance schemes, including the Food for People in Crisis Partnership, crisis loans schemes and development of the social supermarket
- Advocacy and Appeals (and the Single Advice Model)

Deputy Leader and Cabinet Member for Children and Young People (Cllr Victoria Cusworth)

The Deputy Leader will support the Leader in day-to-day activity and holds specific responsibility for child safeguarding, child protection and incorporates education and the early help strategy.

- Statutory position as lead member for Children
- Chair of the Children and Young People's Partnership
- Children's Safeguarding (including neglect, abuse, CSE and CCE) and prevention and early intervention strategies
- Family intervention, fostering, adoption and looked after children including out of borough placements; corporate parenting lead
- Transitional arrangements from childhood to adulthood for young people with complex needs
- Lead member for Education & 14-19 Strategy including early years, schools, special schools, and pupil referral units
- Healthy Holidays Programme
- School Admissions and Appeals
- Home to School Transport
- School Crossing Patrols
- School Catering
- Family Help services and youth provision including the Universal Youth Work offer
- Children and Adolescent Mental Health Services (CAMHS)
- To Lead on the Domestic Abuse Strategy
- Member neighbourhood working and the Thriving Neighbourhoods Strategy.
- Member Development

Cabinet Member for Housing (Cllr Beresford)

This portfolio is responsible for the council's housing stock and Rotherham Housing Strategy, increasing access to affordable housing and regulation of private sector landlords, and also has oversight of Registrars and associated services.

- Responsibility for management, improvement and adaptation of the housing stock
- Oversight of the Housing Revenue Account
- Housing Strategy and affordability policies
- Asset Management (in relation to Housing and HRA assets)
- Planning for future housing needs (alongside the Cabinet Member for Transport, Jobs and the Local Economy)
- Selective Licensing including the Community Impact elements (where appropriate alongside the Cabinet Member for Communities)
- Other regulation of private landlords
- Reducing homelessness and rough sleeping
- Cemeteries, crematorium and mortuary services, including the Dignity contract.
- Registrars Service
- The Welfare Rights Service
- Responsibility for complaints falling under the Housing Ombudsman (tenant to landlord complaints)

Cabinet Member for Waste Services, Leisure and Green Spaces (Cllr Marshall)

The portfolio holder leads on key Waste services, as well as libraries, cultural services, outdoor spaces and flood prevention. The portfolio holder will have specific responsibilities around:

- All matters relating to Waste Management, collection and recycling, including engagement with the BDR Waste Partnership
- Household Waste Recycling Centres
- Cultural Services (and the Cultural Partnership), including libraries, neighbourhood hubs, heritage, theatre and arts, and Children's Capital of Culture
- All matters relating to Leisure Services (including recreation, sport and the Leisure PFI)
- Development of an events programme in parks
- Green spaces (including Country Parks) and recreational facilities
- Tree Service
- All matters relating to Allotments (including liaison with the Rotherham Allotments Alliance)
- Local Flood Authority duties, including Whiston, Laughton Common, Catcliffe and other flood prevention investments
- All matters relating to Highway Drainage (including septic tank and cesspool emptying)

Cabinet Member for Adult Social Care and Health (Cllr Baker-Rogers)

This portfolio retains the oversight and all commissioning activities and provision of adult social care, public health functions and the interface with NHS. The main thrust is to provide services in a personalised manner around the citizen, including the "My Front Door" programme, and to lead on the integration of local health and adult social care services. The portfolio has responsibility for the delivery of modern Adult Social Care services, as well as Public Health functions.

- Adult Social Services including adult safeguarding, services for older people, a range of services to meet the needs of people with learning disabilities, support for people with mental health issues and dementia, and services to support people with physical disabilities
- Arrangements from childhood to adulthood for people with complex needs
- Lead member for preparation of the Joint Strategic Needs Assessment with health partners
- Lead for liaison with health partners to lead on the integration of local health services including prevention/early intervention activity
- Chair of the Health and Wellbeing Board
- Public Health, including overseeing the Health Protection Plan, health inequalities, prevention and improvement
- Health Watch Liaison

Cabinet Member for Communities (Cllr Allen)

This portfolio oversees essential council services, impacting the quality of life in all communities across the borough. Specific responsibilities are:

- Street Scene, Street Cleansing (including the Roadside Cleansing Team), Litter & Fly Tipping
- Towns & Villages and Our Places Funds
- Pride in Place programme
- Overall responsibility for Enforcement policy and performance (including Community Protection, Street Safe, and the joint agreement with Doncaster MBC)
- Love Where You Live
- Environmental Health and Food Hygiene
- Parish Council Liaison
- Voluntary and Community Sector liaison
- Community Cohesion (supporting the Leader)
- Net Zero, climate change & Biodiversity Planning requirements
- Rotherham Community Energy Scheme
- Electric Vehicle (EV) Charging Strategy and Implementation

Cabinet Member for Transport, Jobs and the Local Economy (Cllr Williams)

This portfolio has overall responsibility for securing jobs and investment in the local economy as well as strategic responsibility for Transportation and Planning.

- All matters relating to Planning (including the Local Plan) and Building Regulations
- Responsibility for Licensing Policy
- Economic Development and Regeneration Strategy and Services
- The major Wath and Dinnington centre investments and other capital regeneration schemes
- Business centres
- The development and co-ordination of partnership strategies for Lifelong Learning, Skills and Employment
- Employment Solutions and Pathways to Work
- Member of the Rotherham Together Partnership Business Growth Board
- The development and Implementation of Economic Growth Regeneration projects including Inward Investment and Business Growth
- Major town centre projects and development (including Town Centre Events)
- Supporting the High Streets Team (where appropriate alongside the Cabinet Member for Communities)
- Highways schemes, repairs and maintenance
- Active Travel, the Cycling Strategy, and issues relating to public transport
- Member of the Safer Roads Partnership

- Neighbourhood Road safety schemes and school safety schemes
- Highways Asset Management Policy and Strategy,
- All matters relating to car parking (including enforcement, parking appeals, parking permits and Blue Badge Scheme)
- Untaxed and Abandoned vehicle removal

Cabinet Member for Finance & Community Safety (Cllr Alam)

This portfolio is concerned with ensuring that residents and employees are treated fairly and with dignity. As such it has an overview the proper and efficient working of the council and its processes, and with key elements of the Community Safety agenda. Specific responsibilities are:

- Day to day working of financial activity (including Revenues and Benefits), and to support the Leader in development of the Budget and Capital Strategy
- Human resources strategies, policies and procedures
- To lead on ICT, particularly on new ways of working and Digital Inclusion
- To lead on Internal Audit and Risk Management
- To lead on Health, Safety and Equalities at Work
- Community Safety, Crime Reduction and Anti-Social Behaviour Strategies
- Chair of the Safer Rotherham Partnership
- All matters relating to the Channel Duty
- All matters relating to the Counter Terrorism and Security Act 2015 (including “Protect” and “Prepare”)
- All matters relating to the deployment of portable CCTV
- To lead on Emergency Planning issues
- Asset Management and Facilities Management
- To lead on all matters relating to Legal Services
- Responsibility for complaints falling under the Local Government and Social Care Ombudsman, and those falling under the Energy Ombudsman

SECTION 4C: OFFICER DELEGATION SCHEME (EXECUTIVE FUNCTIONS)

INTRODUCTION

1. This officer delegation scheme sets out the executive functions delegated to officers by the Leader under his/her Executive Arrangements[1].
2. The fact that a function stands delegated to an officer under these arrangements shall not preclude the Cabinet, from exercising the function directly.
3. An officer may consider that a delegated authority should not be exercised and that it should be referred to the Cabinet for determination.
4. An appropriate Cabinet Member may require that an officer refrains from exercising a delegated authority in respect of a particular matter and refer it instead to the Cabinet, for a decision.
5. The Cabinet may determine to reserve decisions about particular matters to itself.
6. In addition to the delegations set out in this scheme, the Cabinet can arrange for further delegations on specific matters.
7. Unless expressly indicated, the fact that a function has been delegated to an officer under this scheme does not require that officer to give the matter his/her personal attention. The officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the officer specified under this scheme will remain responsible for any decision taken pursuant to such arrangements.
8. Delegations set out in this scheme will be read in conjunction with all provisions of the Council's Constitution, and decisions taken by officers in accordance with this scheme will be taken in accordance with all relevant rules and protocols.
9. In taking decisions in relation to executive functions, officers will ensure that they:

    (a) take appropriate advice in relation to legal and financial considerations;
    (b) make appropriate arrangements for assessing the impact of the decision in relation to equalities; and
    (c) undertake appropriate consultation, including Cabinet Members and Ward Members (where appropriate).

10. Executive Directors will be required to maintain a sub-scheme of delegation for their directorate and publish such sub-schemes following the Annual Meeting of the Council.

[1] Council functions are delegated by Full Council and are set out in the Officer Delegation Scheme (Council (non-executive) Functions). The executive functions delegated by the Leader should be construed in a broad and inclusive fashion to include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions. They should not however be understood to include any Council function.

SECTION 4C1: CHIEF EXECUTIVE – DELEGATED EXECUTIVE FUNCTIONS

The Chief Executive is authorised[1] to discharge any function of the Executive not otherwise delegated to an Executive Director including the following functions in relation to[2]

1. Functions in relation to elections including:-
   (a) The registration of electors;
   (b) Elections and referenda in relation to local matters, including reviews of polling districts, places and stations;
   (c) Assisting with and responding to consultation in relation to boundary reviews of all types, including:-
      (i) parliamentary constituency reviews;
      (ii) electoral reviews;
      (iii) principal area boundary reviews;
      (iv) structural reviews; and
   (d) Community governance reviews.

2. Civic and ceremonial functions of the Council including provision of support to the Mayor, ceremonial occasions; and authorisation of use of Council's Crest.

3. Devolution and local freedoms including delivery of devolved powers and freedoms and liaison with:-
   (a) South Yorkshire Mayoral Combined Authority bodies; and
   (b) Central government departments.

SECTION 4C2: DIRECTOR OF POLICY, STRATEGY AND ENGAGEMENT – DELEGATED EXECUTIVE FUNCTIONS

The Director of Policy, Strategy and Engagement is authorised[3] to discharge executive functions in relation to:-[4]

1. Communications and Marketing
2. Democratic Services, including Scrutiny and Management Support
3. Neighbourhood Working and Thriving Communities
4. Performance, Intelligence and Improvement, including Policy and Partnerships

[1] Save where the Leader or the relevant Portfolio Holder has directed or the Chief Executive considers that the matter should be referred to Cabinet for consideration
[2] Together with similar and ancillary functions which have not been delegated to another Executive Director
[3] Save where the Leader or the relevant Portfolio Holder has directed or the Director of Policy, Strategy and Engagement considers that the matter should be referred to Cabinet for consideration
[4] Together with similar and ancillary functions which have not been delegated to another Executive Director

SECTION 4C3: EXECUTIVE DIRECTOR OF ADULT CARE, HOUSING AND PUBLIC HEALTH – DELEGATED EXECUTIVE FUNCTIONS

The Executive Director of Adult Care, Housing and Public Health is authorised[1] to discharge executive functions[2] through the commissioning and provision of social services for adults and public health services for the whole population and delivery of housing for the Borough, including:-

1. Adult Social Care
- (a) Care Services
- (b) Independence and Support Planning
- (c) Provider Services
- (d) Safeguarding and Professional Practice

2. Housing
- (a) Business and Commercial Development
- (b) Contract and Service Development
- (c) Housing and Estates
- (d) Housing Options
- (e) Housing Strategy and Investment

3. Public Health
- (a) Commissioning and Quality
- (b) Health Improvement
- (c) Health Intelligence
- (d) Health Protection

4. Strategic Commissioning
- (a) Commissioning
- (b) Quality and Performance

[1] Save where the Leader or the relevant Portfolio Holder has directed or the Executive Director considers that the matter should be referred to Cabinet for consideration
[2] Together with similar and ancillary functions which have not been delegated to another Executive Director

SECTION 4C4: EXECUTIVE DIRECTOR OF CHILDREN AND YOUNG PEOPLE'S SERVICES – DELEGATED EXECUTIVE FUNCTIONS

The Executive Director of Children and Young People's Services is authorised[3] to discharge executive functions for:-[4]

1. Commissioning, Performance and Quality
- (a) Commissioning and Partnerships
- (b) Performance and Planning
- (c) Programme Management

2. Early Help and Family Engagement
- (a) Locality working
- (b) Projects and Transformation
- (c) Troubled Families
- (d) Youth Offending and Prevention

3. Education
- (a) Early Years, Childcare and Community Learning
- (b) Education Place Planning
- (c) Inclusion
- (d) Performance, Quality and Outcomes
- (e) Virtual School

4. Social Care
- (a) First Response
- (b) Locality Social Work
- (c) Looked After Children and Children in Care
- (d) Safeguarding and Quality Assurance

[3] Save where the Leader or the relevant Portfolio Holder has directed or the Executive Director considers that the matter should be referred to Cabinet for consideration
[4] Together with similar and ancillary functions which have not been delegated to another Executive Director

SECTION 4C5: EXECUTIVE DIRECTOR OF CORPORATE SERVICES – DELEGATED EXECUTIVE FUNCTIONS

The Executive Director of Corporate Services is authorised[1] to discharge executive functions for:-[2]

1. **Setting, support and monitoring the Council's financial strategy and ensuring effective financial management and controls[3], including**:-
   (a) Reporting on the robustness of the Council's financial plans;
   (b) Managing the Council's borrowing and investment requirements;
   (c) Managing and monitoring the Council's revenue budget and capital programme;
   (d) Preparation and closure of the Council's financial accounts;
   (e) Managing the Council's tax affairs
   (f) Internal audit; and
   (g) Determining requests for early release and flexible retirement, in consultation with the relevant Cabinet Member.

2. **Implementing effective financial management and controls, including**:-
   (a) Collecting council tax and business rates, and collecting other money that is owed to the Council;
   (b) Administration of pensions; and
   (c) Insurance for the Council.

3. **Setting, supporting and monitoring the Council's policies and procedures for managing**:-
   (a) Budgets
   (b) Information and communications technology and digital services
   (c) Information governance
   (d) Procurement and purchasing
   (e) Legal Services

4. **Supporting the corporate governance of the Council, particularly in respect of (delegated to the Service Director of Legal Services as Monitoring Officer, where appropriate):-**
   (a) The requirements of the Members' Code of Conduct
   (b) Upkeep of the Constitution; and
   (c) Preparation of the Annual Governance Statement

5. **The council's corporate customer services functions including:-**
   (a) The telephone contact centre
   (b) Digital access, including the Council's website

[1] Save where the Leader or the relevant Portfolio Holder has directed or the Executive Director considers that the matter should be referred to Cabinet for consideration
[2] Together with similar and ancillary functions which have not been delegated to another Executive Director
[3] The Executive Director of Corporate Services has responsibility for these arrangements as Section 151 Officer

6. Supporting the human resources functions of the council, including:

(a) HR support, strategies, plans and policies
(b) Payroll
(c) Health and Safety
(d) Organisational Development and Change

SECTION 4C6: EXECUTIVE DIRECTOR OF REGENERATION AND ENVIRONMENT – DELEGATED EXECUTIVE FUNCTIONS

The Executive Director of Regeneration and Environment is authorised[1] to discharge executive functions for:-[2]

1. Community Safety and Street Scene
- (a) Community Safety, Resilience and Emergency Planning
- (b) Highways and Network Management
- (c) Regulation and Enforcement
- (d) Waste and Street Scene

2. Culture, Sport and Tourism
- (a) Culture, Heritage and Sports
- (b) Libraries and Neighbourhood Hubs
- (c) Museums

3. Planning, Regeneration and Transport
- (a) Asset Management
- (b) Business, Retail and Investment
- (c) Economic Development
- (d) Facilities Services
- (e) Planning and Building Control
- (f) Transport Strategy

[1] Save where the Leader or the relevant Portfolio Holder has directed or the Executive Director considers that the matter should be referred to Cabinet for consideration
[2] Together with similar and ancillary functions which have not been delegated to another Executive Director

SECTION 4C7: SERVICE DIRECTOR OF LEGAL, ELECTIONS AND REGISTRARS SERVICES AND MONITORING OFFICER – DELEGATED EXECUTIVE FUNCTIONS

The Service Director of Legal, Elections and Registrars Services and Monitoring Officer is authorised to discharge executive functions for:-

1. In consultation with the relevant Cabinet Member and Councillor allocated to the relevant body, to carry out all functions exercisable by the Council as a result of the Joint Committee Agreement relating to BDR Waste, Yorkshire Purchasing Organisations and companies and bodies related to those bodies.

SECTION 5: TERMS OF REFERENCE FOR COMMITTEES, BOARDS AND PANELS

Name of Committee	Committee Size	Terms of Reference
Cabinet	Up to 10 Members (Quorum – 4)	The Cabinet has the following terms of reference and has power to determine all matters arising under these, save those which are reserved for approval by the full Council. 1. Providing a focus for community leadership in the borough. 2. The development of plans and strategies for approval by the full Council and the determination and approval of plans and strategies which do not require the approval of the full Council. 3. The preparation and submission of budget proposals for approval by the full Council. 4. The determination of the council tax base and recommendations to full Council as to the level of council tax. 5. The preparation and submission of the Capital Programme and any changes thereto for approval by full Council. 6. Making recommendations to Council on other matters which are reserved to full Council, except where this is the specific responsibility of some other body on the Council, such as the Standards and Ethics Committee or Audit Committee. 7. The approval of variations to strategies and policies, plans and programmes within the budgetary and policy framework as determined by full Council and in accordance with the Council's Constitution. 8. The approval of variations to the Capital or Revenue Programme budgets within the overall Capital Programme and budgetary framework determined by full Council and in accordance with Financial Regulations. 9. The taking of all key decisions. 10. The adoption of Corporate Policies which assist in the preparation and delivery of service and business plans. 11. The overall co-ordination of the Council's business and the determination of any action required to implement plans and policies agreed by the Council. 12. The monitoring of the Council's performance including performance of the Council's land and property.

		13. The determination of the future use of the Council's land and property. 14. The determination of schedules of maintenance and other expenditure upon property within the approved capital programme and revenue budget. 15. Agreement to the disposal by way of sale or lease of land and buildings, including disposal of land and buildings at less than best consideration. 16. The determination of the Council's response in discussions and dealings with the public, voluntary, business and community sectors. 17. The formation and monitoring of partnerships with other agencies. 18. Responding to reports or recommendations received from overview and scrutiny committees within two months of receipt. 19. Consideration of any recommendations from the Council's Standards and Ethics Committee or Audit Committee. 20. Consideration of any motions or petitions referred from the full Council. 21. The receipt of and consideration of action consequent upon any report relating to any inspection of the whole or part of the Council. 22. The receipt of and consideration of action consequent upon any report concerning the inspection of any school within the borough. 23. The approval of the exercise of any powers under sections 14 or 15 of the Schools Standards and Framework Act 1998 (Intervention by local education authorities in schools causing concern) or any amendment or re-enactment thereof. 24. To determine major changes to the method of delivery of council services (covering both in house or externally delivered services) 25. The exercise of any other executive function which the Leader or Cabinet determines shall be decided by the full Cabinet or which has been referred to the Cabinet by an individual Cabinet member.
Health and Wellbeing Board	The board will be chaired by the Council's Cabinet Member for Adult Social Care and Health, with the vice-chair from a non-council health partner (e.g. Rotherham Clinical Commissioning Group). Members of the board should be of sufficient seniority to be able to	The Health and Wellbeing Board brings together local leaders and decision-makers, to work to improve the health and wellbeing of Rotherham people, reduce health inequalities and promote the integration of services. The Health and Wellbeing Board is a statutory subcommittee of the Council, but will operate as a multi-agency board of equal partners. The board is responsible for overseeing delivery of the joint Health and Wellbeing Strategy, 2018-2025 and also sets the strategic direction for the Integrated Care Partnership Place Board.

	make significant commitments on behalf of their relevant organisations. All members of the board will have equal voting status. The board is committed to having a broad membership, engaging as many partners as possible. In order to ensure that this continues to be the case, membership will be reviewed on a regular basis. The membership of the board is as follows: • Cabinet Member for Adult Social Care and Health (Chair) • Chair of NHS Rotherham Clinical Commissioning Group (Vice Chair) • Cabinet Member with responsibility for Children's Services • Deputy Leader, RMBC • Director of Public Health • Chief Executive, RMBC • Executive Director of Adult Care, Housing and Public Health • Executive Director of Children and Young People's Services • Chief Officer, NHS Rotherham Clinical Commissioning Group (CCG) • GP Executive Member of NHS Rotherham CCG	Rotherham's Health and Wellbeing Board is committed to delivering the four aims outlined within the strategy, which are: • All children get the best start in life and go on to achieve their potential • All Rotherham people enjoy the best possible mental health and wellbeing and have a good quality of life • All Rotherham people live well for longer • All Rotherham people live in safe and resilient communities. The Health and Wellbeing Board has a number of responsibilities. This includes: • Assessing the needs of the population and producing the local joint strategic needs assessment (JSNA) • Using the data and knowledge in the JSNA to publish a local health and wellbeing strategy, setting priorities for joint action • Using the strategy and its priorities to influence and inform commissioning decisions for the health and wellbeing of Rotherham people • Enabling, advising and supporting organisations that arrange for the provision of health or social care services to work in an integrated way • Holding relevant partners to account for the quality and effectiveness of their commissioning plans • Ensuring that public health functions are discharged in a way that helps partner agencies fully contribute to reducing health inequalities.

	• Senior representative, NHS England South Yorkshire and Bassetlaw • Chief Executive Officer, Healthwatch Rotherham • Rotherham District Commander, South Yorkshire Police • Chief Executive, Voluntary Action Rotherham • Chief Executive, Rotherham NHS Foundation Trust • Chief Executive, Rotherham Doncaster and South Humber NHS Foundation Trust Standing invites will also be circulated to: • Chair, Rotherham Local Safeguarding Children Board • Chair, Rotherham Safeguarding Adults Board • Executive Director of Regeneration and Environment, RMBC • Representative, South Yorkshire Fire and Rescue Service • Rotherham ICP Place Board Manager, CCG	
Audit Committee	To be comprised of:- • Five Councillors, none of which are members of the Cabinet.	**Statement of purpose** 1. The Committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there

	• Two people who is not a councillor or officer of the Council (independent member). • Quorum - 3	is sufficient assurance over governance, risk an control gives greater confidence to the Council that those arrangements are effective. 2. The Committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability. **Governance, risk and control** 3. To review the Council's corporate governance arrangements against the Good Governance Framework, including the ethical framework and consider RMBC's Code of Governance. 4. 4 To monitor the effective development and operation of risk management in the Council. 5. To monitor progress in addressing risk-related issues reported to the Committee. 6. To review risk registers and consider their adequacy and effectiveness in capturing and assessing risks and completing mitigating actions. 7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions. 8. To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code. 9. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. 10. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption. 11. To monitor the Counter-Fraud Strategy, actions and resources. 12. To review the governance and assurance arrangements for significant partnerships or collaborations. 13. To deal with any matters referred to the Committee by the Statutory Officers. 14. To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Council's Framework of Governance, risk management and control. 15. To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the Authority's objectives. 16. To approve the final AGS for publication.

		Financial Reporting 17. To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met. 18. To review the draft annual Statement of Accounts following approval by the s151 Officer. Specifically, to consider whether appropriate accounting policies have been followed. 19. To approve the final audited annual Statement of Accounts for publication. Specifically, to consider whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council. 20. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts. **Arrangements for Audit and Assurance** 21. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council. 22. To consider reports on progress against actions from external inspections and audits. **External Audit** 23. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA). 24. To approve the external auditor's annual plan. 25. To approve any revisions to the external auditor's plan. 26. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance. 27. To consider specific reports as agreed with the external auditor. 28. To comment on the scope and depth of external audit work and to ensure it gives value for money. 29. To consider additional commissions of work from external audit. 30. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies 31. To provide free and unfettered access to the Audit Committee Chair for the auditors, including the opportunity for a private meeting with the Committee.

		Internal Audit 32. To approve the Internal Audit Charter. 33. To approve the risk-based Internal Audit plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources. 34. To approve significant interim changes to the risk-based Internal Audit plan and resource requirements. 35. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations. 36. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments. 37. To approve the internal or external assessments of Internal Audit against Public Sector Internal Audit Standards. 38. To consider reports from the Head of Internal Audit on Internal Audit's performance during the year. These will include:- • updates on the work of Internal Audit including progress against the plan; key findings and issues of concern; action in hand as a result of Internal Audit work; and performance indicators. • regular reports on the results of Quality Assurance and Improvement Programme. • reports on instances where the Internal Audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS 39. To approve the Head of Internal Audit's annual report including:- • The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement. • The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion. 40. To consider summaries of specific Internal Audit reports. 41. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

		42. To contribute to the QAIP and in particular, to the External Quality Assessment of Internal Audit that takes place at least once every five years. 43. To provide free and unfettered access to the Audit Committee Chair for the Head of Internal Audit, including the opportunity for him/her to meet privately with the committee. **Treasury Management** 44. To review Treasury Management Policy, Strategy and procedures and to be satisfied that controls are satisfactory 45. To receive annual reports on Treasury Management, specifically the outturn report and the mid-year report 46. To review the treasury risk profile and adequacy of treasury risk management processes 47. To review assurances on Treasury Management, for example an Internal Audit report, external audit report or other review. **Accountability arrangements** 48. To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions. 49. To report to full council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose. 50. To submit a report on the work of the Committee to the Council on an annual basis, including a conclusion on compliance with the CIPFA Position Statement on Audit Committees.

Licensing Board	21 Members (quorum – 7)	1. The determination of matters relating to the Councils Statutory Licensing Functions as set out below: (a) Hackney Carriage and Private Hire; (b) Charitable collections (Street Collections and House to House Collections); (c) Marriage and Civil Partnership Premises; (d) Small Bus Permits; (e) Scrap Metal Dealers; (f) Motor Salvage Operators; (g) Sex Establishment Licences (including variation and revocation); (h) Hypnotism 2. To determine any matters referred to the Licensing Board by the Service Director of Community Safety and Street Scene in relation to 1a to e above. 3. To review and approve terms and conditions (where appropriate) of any licence, permit, registration or consent or in relation to certificate any of the functions within the remit of the Board. 4. To consider and recommend to the Council, the making, amendment and revocation of Byelaws. 5. To determine and review in line with Government Guidance any Designated Public Places Orders which are in place within the Borough. In order to discharge its functions, sub-committees of five Members of the Licensing Board may be established to appointed by the Head of Democratic Services. The quorum for which is 3 Members
Licensing Committee	15 Members (quorum – 5)	1. To consider and determine applications under the Licensing Act 2003: (a) for personal licences where there are unspent convictions or where relevant Police representations have been received; (b) for the variation of a designated personal licence holder where relevant Police representations have been made; (c) for the transfer of a premises licence where relevant Police representations have been made; (d) for premises licences/club premises certificates, provisional statements and the variation of premises licences/club premises certificates where relevant representations have been made (e) to review a premises licence/club premises certificate;

		(f) for determination of a Police representation to a temporary event notice; (g) for a provisional statement where relevant representations have been made; (h) for interim authorities where relevant representations have been made; (i) for determination of an application for a summary review on the grounds of serious crime and/or disorder made by the Chief Officer of Police under Section 53(A) of the Licensing Act 2003; (j) any other matter referred to a Sub Committee by the Service Director of Community Safety and Street Scene. 2. To consider and determine applications under the Gambling Act 2005: (a) for a premises licence where relevant representations have been received and not withdrawn; (b) for a variation to a premises licence where relevant representations have been received and not withdrawn; (c) for a provisional statement where relevant representations have been received and not withdrawn; (d) for club/gaming machine permits where objections have been received and not withdrawn; (e) the cancellation of club/gaming machine permits; (f) to give a counter notice to a temporary use notice; (g) to attach/exclude a condition under Section 169 (i) (a) or (b) of the Act where the consent of the applicant or interested party who has made relevant representations has not been given; (h) for small lottery registrations where objections have been made and not withdrawn; (i) for other permits where objections have been made and not withdrawn; (j) any other matter referred to the Sub Committee by the Service Director of Community Safety and Street Scene. In accordance with the Licensing Act 2003 and Gambling Act 2005, sub-committees of five Members will be appointed by the Head of Democratic Services in order effectively to discharge the functions of the Licensing Committee. The quorum for which is 3 Members.

Planning Board	15 Members (quorum 5)	1. Power to determine applications for planning permission – sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990. 2. Power to determine applications to develop land without compliance with conditions previously attached – section 73 of the Town and Country Planning Act 1990. 3. Power to grant planning permission for development already carried out – section 73A (a) of the Town and Country Planning Act 1990. 4. Power to decline to determine an application for planning permission – section 70A of the Town and Country Planning Act 1990. 5. Power to determine an application for planning permission made by a local authority, alone or jointly with another person – section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492). 6. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights – Parts 6,7,11,17,19,20,21 to 24,26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418). 7. Power to enter into an agreement regulating development or use of land –section 106 of the Town and Country Planning Act 1990. 8. Power to issue a certificate of existing or proposed lawful use or development – sections 191 (4) and 192 (2) of the Town and Country Planning Act 1990. 9. Power to serve a completion notice – section 94 (2) of the Town and Country Planning Act 1990. 10. Power to grant consent for the display of advertisements – section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992. 11. Power to authorise entry onto land. 12. Power to require the discontinuance of a use of land – section 102 of the Town and Country Planning Act 1990. 13. Power to serve a planning contravention notice, breach of condition notice or stop notice – sections 171C, 187A and 183 (1) of the Town and Country Planning Act 1990. 14. Power to issue an enforcement notice – section 172 of the Town and Country Planning Act 1990. 15. Power to issue a temporary stop notice.

		16. Power to apply for an injunction restraining a breach of planning control – section 187B of the Town and Country Planning Act 1990. 17. Power to determine applications for hazardous substances consent, and related powers – sections 9 (1) and 10 of the Planning (Hazardous Substances) Act 1990. 18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject – paragraph 2 (6) (a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9 (6) of Schedule 13 to the Environment Act 1995 and paragraph 6 (5) of Schedule 14 to that Act. 19. Power to require proper maintenance of land – section 215 (1) of the Town and Country Planning Act 1990. 20. Power to determine application for listed building consent, and related powers – sections 16 (1) and (2), 17, 27 (2) and 33 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 21. Power to determine applications for Conservation Area Consent – section 16 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74 (3) of that Act. 22. Duties relating to applications for Listed Building Consent and Conservation Area Consent – sections 13 (1) and 14 (1) and (4) of the Planning (Listed Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97. 23. Power to serve a Building Preservation Notice, and related powers – sections 3 (1) and 4 (1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 24. Power to issue an enforcement notice in relation to the demolition of an unlisted building in a conservation area – section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 25. Powers to acquire a listed building in need of repair and to serve a repairs notice – sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 26. Power to apply for an injunction in relation to a listed building – section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

		27. Power to execute urgent works – section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. 28. Powers relating to the preservation of trees – sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892). 29. Powers relating to the protection of important hedgerows – The Hedgerows Regulations 1997 (S.I. 1997/1160). 30. Power to make limestone pavement orders – section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).
Staffing Committee	The Committee shall comprise: • Leader of the Council • Deputy Leader of the Council • Other Cabinet Members whose portfolios are affected by the issues to be considered • Leader of the Majority Opposition party.	1. To prepare and recommend for approval by the Council the annual Pay Policy Statement 2. To recommend for approval by the Council conditions of service and remuneration for officers earning £100k or more in line with the Council's approved Pay Policy Statement 3. To make recommendations to Council in relation to decisions affecting the remuneration of any post whose remuneration is or is proposed to be or would become £100,000 p.a. or more and in relation to proposed severance packages with a value of £100,000 or more. 4. To determine new employment policies and procedures, beyond those delegated to officers 5. To respond to formal government consultations 6. To consider changes to senior management structure of the Council 7. To determine the payment of honoraria in respect of posts at and above Service Director level. 8. To determine policies relating to local government pensions and discretionary compensation for early termination of employment. 9. To constitute the Employers' side of any Local Joint Committee with the relevant trade unions.
Senior Officer Appointments Panel	The Panel shall comprise:- • Leader of the Council • Deputy Leader of the Council • Relevant Cabinet Member(s) • Leader of the Majority Opposition Group	1. To appoint Executive Directors and Service Directors

	• Chair of Overview and Scrutiny Management Board • Other members to be determined by the Leader of the Council, in order to achieve a representative composition reflecting the diversity of the Council who will have undertaken appropriate training in respect of recruitment and selection	
Chief Officer Disciplinary Panel	The Panel shall consist of three members of the Council and two independent persons appointed by the Council under section 28(7) of the Localism Act who will be invited to a Panel meeting as and when required.	1. To consider allegations against the Chief Executive, Section 151 Officer or Monitoring Officer (Statutory Officers) which may ultimately lead to his/ her dismissal, in accordance with the procedures agreed by Council; 2. To determine whether an allegation made against a Statutory Officer requires further investigation or other appropriate action; 3. To give informal, unrecorded oral warnings in appropriate cases where no further formal action is required; 4. To appoint an Independent Investigator, agree the terms of remuneration, provide the investigator with their terms of reference and working methods; 5. To take decisions on the suspension of the Chief Executive, Section 151 Officer or Monitoring Officer while investigations are undertaken (suspensions to be reviewed after two months in conjunction with the Independent Investigator); 6. To consider the recommendations of the Independent Investigator; 7. To determine whether action(s) short of dismissal should be imposed; 8. Where dismissal is recommended, to refer matters to the Independent Panel for consideration, and; 9. To recommend dismissal to Full Council
Employment Appeals Panel	The Panel shall comprise three members of the Council selected from a pool of eight members: • two of whom shall be Cabinet members,	1. The determination of an appeal against any decision made by or on behalf of the Council (no member of the executive or other member of the Council who was involved in making the decision appealed against may sit on the panel that considers the appeal).

	• four of whom shall be Scrutiny Panel members and • two of whom shall be members of the opposition party) who have received appropriate training on employment related issues.	
Housing Tenancy and Anti-Social Behaviour Review Panel	The Panel shall comprise at least three elected members from the Improving Lives Select Commission or Improving Places Select Commission and a housing policy and community safety advisor	1. The Panel and the senior officers in Housing and Neighbourhood Services or Community Safety and Street Scene may review and confirm, confirm with conditions attached or not confirm, notices of proceedings for possession in respect of breaches of tenancy agreements. 2. The Panel may undertake the statutory reviews of the Council's decisions to seek a possession order of a Council tenancy on the absolute ground of ant-social behaviour, as required by section 85ZA of the Housing Act 1985.
Standards and Ethics Committee	To be comprised of:- • eight Councillors, other than the Mayor and Leader; • three members of town or parish councils within the Borough (parish members) to be appointed by the town and parish councils that have delegated their powers under Chapter 7 of the Localism Act 2011 to the Council; and • five persons who are not councillors or officers of the Council (independent members).	1. To promote and maintain high standards of conduct by the members and co-opted members of the Council. 2. To assist members and co-opted members of the Council to observe the Council's Code of Conduct for Members and Co-opted Members. 3. To advise the Council on the adoption and revision of its Code of Conduct for Members and Co-opted Members. 4. To monitor the operation of the Code of Conduct for Members and Co-opted Members and to recommend to Council revisions as appropriate, and to ensure that the Code is fully understood and applied throughout the Council. 5. To advise, train or arrange to train members and co-opted members of the Council and members of local town and parish councils on matters relating to the Code of Conduct. 6. To authorise dispensations to Members and Co-opted Members of the Council in accordance with section 33 of the Localism Act 2011.

		7. To review arrangements as to the declarations of the interests of members, co-opted members and officers, to monitor the operation of such arrangements and to offer advice on their application. 8. To review and recommend such other protocols, local codes and guidance as may be considered desirable to build upon the rules contained within the Code of Conduct for Members and Co-opted whilst not forming part of it. 9. To establish a Complaints Hearing Sub-committee to hear complaints about the conduct of Members and Co-opted Members and the Members of local town and parish councils which have not been capable of informal resolution and to decide: a. Whether the subject Member has failed to comply with the relevant Code of Conduct; b. Whether further action is warranted; and c. What form of action might be appropriate. And to then make any appropriate recommendations to Standards and Ethics Committee, Council or the relevant local parish or town council. 10. To consider any other recommendations, guidance or direction referred to the Committee or the Monitoring Officer. 11. To consider any application for exemption from political restriction made to the Committee by the holder of any post under the Council and to give directions to the Council requiring it to include a post in the list of political restricted posts maintained by the Council. 12. To establish and monitor the operation of Whistleblowing Procedures. 13. To review the application of the Council Procedure Rules and Financial & Procurement Procedure Rules and other such provisions. 14. To consider reports arising from external inspections, audit investigations, Ombudsman investigations, legal challenges and other sources which cast doubt on the honesty or integrity of the Council, its members or officers, and to recommend action to the full Council or Cabinet as appropriate. 15. To consider and offer advice and guidance as appropriate on other matters which in the view of the Committee or the Council's Monitoring Officer could have a bearing on the honesty and integrity of the Council, its members, co-opted members and officers. 16. To consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred for attention by the Council or the

		Cabinet which further the aim of promoting and maintaining high standards of conduct within the authority. In these terms of reference "co-opted member of the Council" means a person who is not a member of the Council, but who:- (a) is a member of any committee or sub-committee of the Council, or (b) is a member of and represents the Council on any joint committee or joint sub-committee of the Council and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee.
Overview and Scrutiny Management Board	12 Members (quorum – 4) comprising;- • a chairperson who shall be a councillor appointed by the Council; • a vice-chairperson who shall be appointed by the Council and who shall be a member of the main opposition group; and • the chairs and vice-chairs of the overview and scrutiny select commission who shall be councillors appointed by the Council so as to reflect the political balance of the Council • the chair and vice-chair of the Audit Committee (subject to the political balance of the Council) • sufficient opposition councillors nominated by Opposition Parties or councillors and appointed by	1. To consider matters relating to the conduct, structure and procedures of overview and scrutiny; 2. To provide overview and scrutiny of the Council's values, policy, plans and strategies and to make recommendations for improvements as it considers appropriate; 3. To review and scrutinise decisions after they are made by the Cabinet and Council officers; 4. To make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions; 5. To make recommendations to the Cabinet, partners or to any organisation on issues scrutinised relevant to those bodies, and where appropriate, direct to Council; 6. To make reports or recommendations to the full Council or the Cabinet on matters under the Council's general power of competence and power to promote the well-being which affect the borough or the inhabitants of the borough; 7. To monitor and hold to account the performance of service delivery within the Council and its partners etc with particular reference to the Council Plan and Year Ahead Delivery Plan; 8. To monitor and hold to account the performance of service delivery within the Council and its partners of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg South Yorkshire Combined Mayoral Authority, the Police, and public transport operators);

	the Council, to ensure political balance	9. To scrutinise the annual budget setting process; and monitor the Council's budget and medium-term financial strategy. 10. To consider matters relating to community cohesion, equalities and diversity and the Council's specific initiatives to promote them; 11. To consider matters relating to social inclusion and tackling poverty (in conjunction with appropriate Select Commissions) 12. To consider matters relating to the Council's net zero targets, sustainability and action to tackling climate change 13. To undertake pre-decision scrutiny of proposals prior to decisions being taken by Cabinet; 14. To exercise the right to call-in, for reconsideration of decisions made but not yet implemented by the Cabinet (as defined by Part V p.11 of the Constitution). 15. To co-ordinate and prioritise the overview and scrutiny's annual work programme to: a. assign work, as it considers appropriate, to the various Select Commissions or any sub- committees or task and finish scrutiny working groups it appoints; b. liaise with the Cabinet and Senior Leadership Team or in response to a matter brought to the committee's attention by – • an overview and Select Commission; • referral from a community or user group bodies (for example housing panels or Rotherham Youth Cabinet) or as a result of a public consultation exercise; • a public petition to Council reaching the threshold for debate at Council and/or referral to overview and scrutiny; • the Forward Plan of key decisions; c. receive requests from the Cabinet and the Council or both for reports from a select commission and to allocate them as appropriate; d. ensure that there is efficient use of the board's and select commissions' time, and that the potential for duplication of effort is minimised; e. determine which overview and scrutiny select commission will assume responsibility for any particular issue, where matters fall within the remit of more than one select commission and to resolve any issues of dispute between them;

		f. put in place and maintain a system to ensure that referrals from select commissions to the Cabinet, either by way of report or for reconsideration, are managed efficiently; g. To monitor and review the implementation of changes made following the acceptance by the Council of recommendations in earlier scrutiny reports; h. co-ordinate respective work programmes with the Chair of the Audit Committee and Parish/Town Councils to identify areas of joint working as appropriate and minimise areas of duplication, 16. To act as the designated Crime and Disorder Committee under powers as outlined in the Crime and Disorder (Overview and Scrutiny) Regulations 2009. 17. To consider a request made under a Councillor Call for Action: a. in relation to a local government matter (under the powers outlined in Section 119 of the Local Government and Public Involvement in Health Act 2007) b. in relation to crime and disorder issues (under the powers outlined in Section 19, of the Police and Justice Act 2006) 18. To co-ordinate for joint scrutiny activity with other authorities and non-executives/scrutineers from other bodies; 19. To submit an annual report to the Council on the operation of overview and scrutiny and recommendations for future work, in accordance with article 8(6) of the Constitution. 20. To appoint non-voting co-optees to the Overview and Scrutiny Management Board and/or Select Commissions or Task and Finish Groups. 21. To be the allocated residual responsibility for any function not otherwise allocated to a Select Commission.
Scrutiny Select Commissions	The Commissions shall comprise: • 18 Members of the Council (quorum – 6) • any non-voting co-optees appointed from time to time by each select commission; and • in the case of the Improving Lives Select Commission the	1. To carry out the annual overview and scrutiny work programme as agreed for each select commission with OSMB. 2. To submit reports to OSMB with recommendations on matters that affect the borough or the inhabitants of the borough. 3. Within their terms of reference, each Select Commission may a. scrutinise and review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas; b. question Cabinet Members and Chief Officers about their decisions and performance, in relation to particular decisions, initiatives or projects;

	education representatives appointed by the Council.	c. make recommendations to the Cabinet and appropriate Committee and/or Council arising from the outcome of the scrutiny process; d. review and scrutinise the performance of other partners and public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities; e. conduct research, community and other consultation in the analysis of policy issues and possible options; f. question and gather evidence from any person (with their consent); and in liaison with OSMB, appoint non-voting co-optees to the Select Commissions and/or Task and Finish Groups. **SPECIFIC FUNCTIONS** **1. Health Select Commission** 1. To discharge the local authority's powers of review and scrutiny on such health related matters as designated within the Health and Social Care Act 2012, Statutory Instrument No. 218/2013 - The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and associated Department of Health Guidance. 2. The Health Select Commission is tasked with carrying out in-depth overview and scrutiny as directed by the OSMB, including scrutinising– a. Adult Social Services including adult safeguarding, services for older people, a range of services to meet the needs of people with learning disabilities, support for people with mental health issues and dementia, and services to support people with physical disabilities b. Arrangements from childhood to adulthood for people with complex needs (with Improving Lives) c. Partnerships and commissioning arrangements in relation to health and well-being and their governance arrangements and the integration of health and social care services, including prevention/early intervention activity d. Measures for achieving health improvements and the promotion of wellbeing for Rotherham's adults and children; e. Measures designed to address health inequalities;

		f. Scrutinising public health arrangements; g. Issues referred to the select commission by the Healthwatch Rotherham (or any successor body). 3. The Health Select Commission is appointed to be part of the South Yorkshire, Derbyshire and Nottinghamshire Joint Health Overview and Scrutiny Committee under Regulation 30 of the Local Authority (Public Health, Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218. The joint committee is authorised to discharge the following health overview and scrutiny functions of the authority (in accordance with regulations issued under Section 244 National Health Service Act 2006) in relation to health service reconfigurations or any health service related issues covering this geographical footprint. **2. Improving Lives Select Commission** 1. The Improving Lives Select Commission is tasked with carrying out in-depth overview and scrutiny as directed by the OSMB, including scrutinising a. Children's Safeguarding (including neglect, abuse, CSE and CCE) and prevention and early intervention strategies; b. Family intervention, fostering, adoption and looked after children including out of borough placements; c. Transitional arrangements from childhood to adulthood for young people with complex needs (with Health and Adult Social Care Scrutiny Commission); d. Educational outcomes & 14-19 Strategy including early years, schools, SEND (special educational needs and disabilities) schools, and pupil referral units; e. Home to School Transport; f. Early Help services including the Troubled Families agenda and youth provision; g. Children and Adolescent Mental Health Services (CAMHS) (with Health and Adult Social Care Scrutiny Commission as appropriate); h. Domestic Abuse Strategy and response; i. Expanding opportunities for skills and learning for young people.

		2. For scrutiny of education issues, the appointment of statutory co-optees. Namely one representative of the Church of England Diocese (if the Council maintains one or more Church of England schools), Roman Catholic Diocese (if the Council maintains one or more Roman Catholic schools) and between 2 and 5 parent governor representatives. These members have voting rights in relation to education matters. 3. **Improving Places Select Commission** 1. The Improving Places Select Commission is tasked with carrying out in-depth overview and scrutiny as directed by the OSMB, including scrutinising – a. Economic development and regeneration (Towns & Villages & major town centre projects and development) b. Libraries, arts, culture, leisure services and green spaces; c. Borough wide housing management and strategy; d. Neighbourhood working and the Thriving Neighbourhoods Strategy. e. Flood management f. Cemeteries, crematorium and mortuary services, including the Dignity contract. g. All matters relating to Waste Management, Street Scene, Street Cleansing, Litter & Fly Tipping. h. Emergency Planning issues i. Highways schemes, safety and active travel j. Enforcement policy and performance (including Community Protection, Environmental Health and food hygiene) k. Partnership strategies for Lifelong Learning, Skills and Employment

ROTHERHAM METROPOLITAN BOROUGH COUNCIL **Appendix 1**

Schedule of Council Bodies

Committee or Other Body
Joint Committee of Council
Yorkshire Purchasing Organisation - Management Committee
Joint Health Overview and Scrutiny Committee
Rotherham SACRE
South Yorkshire Joint Committee on Archaeology
South Yorkshire Joint Committee on Archives
Joint Committee of the Executive
Integrated Care Partnership
Joint Waste Board
Statutory Panel
Rotherham Together Partnership
Fire and Rescue Authority
Health and Well Being Board
Local Admissions Forum
Police and Crime Panel
Rotherham Multi-Agency Arrangements for Safeguarding Children
Rotherham Schools Forum
SYMCA
SYPA - Local Pensions Board
Panel
Corporate Parenting Partnership Board
Education Consultative Committee
Emergency Planning - Shared Service - Rotherham and Sheffield Joint Committee
Health, Safety and Welfare Panel
Housing Assessment Panel

Committee or Other Body
Transportation Advisory Group
Fostering Panel
Adoption Panel
Company
BDR Waste Disposal Limited
Rotherham Allotment Alliance
Yorkshire Purchasing Organisation – Procurement Holdings Limited
Charity
Yorkshire and Lancaster Regimental Museum Charity (Charity no: 272267)
Parkgate Welfare Institute (Charity no. 523810)
Kilnhurst Recreation Ground (Charity Number: 523741)
Wath upon Dearne Recreation Ground (Charity Number: 523991)
Parkgate Miners' Welfare Scheme (Charity no. 523809)
Miners Recreation Ground (Charity no. 523807)

Sub-Scheme of Delegation
Chief Executive

The Chief Executive is authorised in accordance with the Officer Delegation Scheme in Appendix 9 of the Constitution to carry out functions on behalf of the Council and the Executive. The Chief Executive and each Executive Director has the benefit of a number of delegations – these are set out separately in two schemes in Appendix 9; one for non-executive functions (delegated by the Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that officers can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the Chief Executive or named Executive Director. Details of those delegations can be found in Appendix 9 of the Council's Constitution.

The Chief Executive has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Chief Executive delegates functions, he/she makes it clear in this sub-delegation scheme whether the Executive Director can sub-delegate those functions. This scheme details the officers who can carry out each function on the Chief Executive's behalf, together with the details of any terms and conditions which the Chief Executive has imposed on that sub-delegation. All officers are bound by the Employee Code of Conduct (which can be found in Appendix 7 of the Constitution) and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the Chief Executive has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Chief Executive may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Chief Executive for a decision or for referral to the relevant Committee if appropriate.

Where the Chief Executive has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Chief Executive unless the absence provisions at the end of this scheme apply.

Group Delegations – Definitions and Priorities

The Chief Executive has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group. It also provides details of how it should be determined which of the officers within the group should take any given decision.

Group Title	Officers included in group authorisation	Order of responsibility
Strategic Leadership Team	Executive Director of Adult Care, Housing and Public Health Executive Director of Children and Young People's Services Executive Director of Corporate Services Executive Director of Regeneration and Environment Director of Policy, Strategy and Engagement Service Director of Human Resources Service Director of Legal Services Head of Communications and Marketing	
Executive Directors	Executive Director of Adult Care, Housing and Public Health Executive Director of Children and Young People's Services Executive Director of Corporate Services Executive Director of Regeneration and Environment Director of Policy, Strategy and Engagement	

Delegation of Functions under the Articles of the Constitution

Specific Delegation

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to the Chief Executive alone, with general effect.

Article	Function Delegated	Officer to whom delegated	Terms and conditions
14.2	The Chief Executive may report to the full Council as necessary on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of those functions and the organisation of officers	Not delegated	
19.2	The Chief Executive will give a printed copy of the Constitution to each member of the Council upon delivery to him or her of that person's declaration of acceptance of office on the member first being elected to the Council.	Head of Democratic Services	

Council (Non-Executive Functions)

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Chief Executive by Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Access to Information Procedure Rules which can be found in Appendix 5 of the Constitution.

Where a significant decision is taken using delegated powers from the Constitution, the Council or a committee, or this sub-scheme of delegation, in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Record on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. The decision may be implemented immediately.

Emergency delegation for the discharge of non-executive functions

The Chief Executive may take decisions on non-executive functions in the event of an emergency that prevents the Council or its committees, boards or panels from discharging those functions.

The Chief Executive must discharge non-executive decision-making functions in consultation with the Mayor in respect of Council matters or the Chair and Vice-Chair of any relevant committee, board and panel.

Any decision must record why the decision is urgent and can't await the next scheduled ordinary meeting of a committee and must record why it has been deemed impossible to convene an extra ordinary meeting of that committee.

Any decisions taken by the Chief Executive under emergency delegation must be reported to all Members by the Head of Democratic Services and retrospectively recorded at Cabinet or other appropriate Committee.

Council Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
General			
(a)	To make payments or provide other benefits in cases of maladministration	Not delegated	Functions to be exercised following consultation with the Chief Finance Officer and Monitoring Officer
(b)	Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer	Not delegated	
Personnel			
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure	Not delegated	
(c)(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.	Not delegated	1. Subject to there being budgetary provision. 2. Such staff should be employed on terms set out in the guidance issued by the Executive Director of Corporate Services.
(c)(iii)	To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.	Not delegated	

Byelaws			
(d)	The enforcement of byelaws.	Not delegated	

Council Functions
Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Chief Executive includes in relation to those authorisations the power to:-

(a) Impose conditions, limitation or restrictions;
(b) Determine any terms to which they are subject;
(c) Determine whether and how to enforce any failure to comply;
(d) Amend, modify, vary or revoke; and
(e) Determine whether a charge should be made or the amount of such a charge.

	Function Delegated	Officer to whom delegated	Terms and Conditions
(a)	To assign officers in relation to requisitions of the registration officer in accordance with Section 52(4) of the Representation of the People Act 1983	Service Director of Legal Services Electoral Services Manager	
(b)	To provide assistance at European Parliamentary elections in accordance with Section 6(7) and (8) of the European Parliamentary Elections Act 2002	Service Director of Legal Services Electoral Services Manager	
(c)	To divide constituency into polling districts in accordance with Section 18A to 18E and Schedule A1 of the Representation of the People Act 1983	Service Director of Legal Services Electoral Services Manager	
(d)	To divide electoral divisions into polling districts at local government elections in accordance with Section 31 of the Representation of the People Act 1983	Service Director of Legal Services Electoral Services Manager	
(e)	Powers in respect of holding of elections in accordance with Section 39(4) of the Representation of the People Act 1983	Service Director of Legal Services Electoral Services Manager	

(f)	To pay expenses properly incurred by electoral registration officer in accordance with Section 54 of the Representation of the People Act 1983	Service Director of Legal Services Electoral Services Manager	
(g)	To fill vacancies in the event of insufficient nominations in accordance with Section 21 of the Representation of the People Act 1985	Not delegated	
(h)	To declare vacancy in office in certain cases in accordance with Section 86 of the Local Government Act 1972	Service Director of Legal Services Electoral Services Manager	
(i)	To give public notice of a casual vacancy in accordance with Section 87 of the Local Government Act 1972	Service Director of Legal Services Electoral Services Manager	
(j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 in accordance with Section 10 of the Representation of the People Act 2000.	Not delegated	
(k)	Functions relating to community governance	Not delegated	
	(i) Duties relating to community governance reviews in accordance with Section 79 of the Local Government and Public Involvement in Health Act 2007.		
	(ii) Functions relating to community governance petitions in accordance with Sections 80 and 83 to 85 of the Local Government and Public Involvement in Health Act 2007.		
	(iii) Functions relating to terms of reference of review in accordance with Sections 81(4) to 81(6) of the Local Government and Public Involvement in Health Act 2007		

	(iv) Power to undertake a community governance review in accordance with Section 82 of the Local Government and Public Involvement in Health Act 2007		
	(v) Duties when undertaking review in accordance with Sections 93-95 of the Local Government and Public Involvement in Health Act 2007		
	(vi) Duty to publicise outcome of review in accordance with Section 96 of the Local Government and Public Involvement in Health Act 2007		
	(vii) Duty to send two copies of order to Secretary of State and Electoral Commission in accordance with Section 98(1) of the Local Government and Public Involvement in Health Act 2007		
(l)	Functions relating to consultation and notification processes in relation to changing the name of an electoral area in accordance with Section 59 of the Local Government and Public Involvement in Health Act 2007	Service Director of Legal Services Electoral Services Manager	Consultation processes only
	Functions in relation to parishes and parish councils		
(m)	To dissolve small parish councils in accordance with Section 10 of the Local Government Act 1972	Service Director of Legal Services Electoral Services Manager	Consultation processes and publication of statutory notices only
(n)	To make orders for grouping parishes, dissolving groups and separating parishes from groups in accordance with Section 11 of the Local Government Act 1972	Service Director of Legal Services Electoral Services Manager	Consultation processes and publication of statutory notices only

(o)	To make temporary appointments to Parish Councils in accordance with Section 91 of the Local Government Act 1972	Service Director of Legal Services Electoral Services Manager	Consultation processes and publication of statutory notices only
	Functions Relating to Changing Governance Arrangements		
(p)	To secure that copies of a document setting out new governance arrangements are available for public inspection, and to publish a notice about the change in accordance with Section 9KC of the Local Government Act 2000	Service Director of Legal Services Head of Democratic Services	
(q)	To take any step, subject to timely consultation with the relevant committee in advance of any action being taken, under or for the purposes of complying with any order from the Secretary of State in accordance with Section 9N of the Local Government Act 2000	Not delegated	

Executive Functions

Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Chief Executive by the Leader of Council.

If the Leader or relevant Cabinet Member directs that the Chief Executive should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Cabinet.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Executive Procedure Rules which can be found in Appendix 4 of the Constitution.

Where a decision is proposed in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. Once the decision has been taken, it may be implemented immediately.

Where an Administrative Decision is taken in relation to an Executive Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

Executive Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Financial			
(a)	To incur expenditure and to generate and collect income in line with Finance and Procurement Procedure Rules and within approved revenue and capital estimates.	Strategic Leadership Team	
(b)	In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Chief Finance Officer at the first opportunity.	Strategic Leadership Team	
Procurement			
(c)	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Finance and Procurement Procedure Rules.	Strategic Leadership Team	
Communications and Media			
(d)	To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework.	Director of Policy, Strategy and Engagement	
Authorising Officers			
(e)	To authorise officers possessing such qualification as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a	Not delegated	

	duly authorised officer of the Council (however described) and to issue any necessary certificates of authority.		
Corporate Procedures			
(f)	To take any action remitted to the Chief Executive under corporate procedures	Not delegated	
Local Choice Functions			
(g)	Functions under a local act, unless specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000	Not delegated	
(h)	To obtain particulars of persons interested in land	Not delegated	
Budget and Policy Framework			
(i)	To canvas views of local stakeholders, formulate initial proposals within the budget and policy framework	Not delegated	
Employment			
(j)	To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service, as modified or extended by any local or national agreements	Executive Director of Corporate Services Service Director of Human Resources and Organisational Development	
(k)	Decisions in relation to restructures, except where the decision: (i) Involves changes to existing national or local agreements and policies; and/or (ii) Cannot be achieved within delegated powers in respect of budgets	Not delegated	Decisions are subject to: (i) Appropriate professional advice be sought (ii) Prior consultation with all appropriate parties affected by the

			decision, including all officially recognised trade unions, and (iii) Appropriate consideration of pay and grading requirements (iv) Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.
(l)	Workforce Development	Executive Director of Corporate Services Service Director of Human Resources and Organisational Development	
Partnerships			
(m)	To engage in partnerships with organisations in public, private and voluntary sector	Not delegated	
(n)	To promote and influence partnership working with organisations across the borough	Not delegated	
(o)	To work in partnership beyond the borough to support and participate in regional and sub-regional arrangements	Not delegated	
Functions on behalf of an NHS body			
(p)	To carry out functions exercisable on behalf of an NHS body under Section 75 of the National Health Service Act	Not delegated	

	2006 in relation to matters within the Chief Executive's remit.		
Provision of Statutory Returns			
(q)	To provide such statutory returns as are necessary within the Chief Executive's remit	Not delegated	

Executive Functions
Specific Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Any function of the Leader and Cabinet not otherwise delegated to a Executive Director in relation to:			
1.	Any function not otherwise delegated at paragraphs 1a to 1d below in relation to elections	Service Director of Legal Services Electoral Services Manager	
1a	The registration of electors	Service Director of Legal Services Electoral Services Manager	
1b	Elections and referenda in relation to local matters, including:- i) Reviews of polling districts, places and stations	Service Director of Legal Services Electoral Services Manager	
1c	Assisting with and responding to consultation in relation to boundary reviews of all types, including:- i) Parliamentary constituency reviews ii) Electoral reviews iii) Principal area boundary reviews iv) Structural reviews	Service Director of Legal Services Electoral Services Manager	
1d	Community governance reviews	Service Director of Legal Services Electoral Services Manager	
2	Any function not otherwise delegated at paragraphs 2a to 2c below in relation to civic and ceremonial functions of the Council	Director of Policy, Strategy and Engagement Head of Democratic Services	
2a	Provision of support to the Mayor	Head of Democratic Services	
2b	Ceremonial occasions	Head of Democratic Services	
2c	Authorisation of use of the Council's Crest	Service Director of Legal Services	

3	Any function not otherwise delegated at paragraphs 3a to 3b below in relation to devolution	Executive Director of Regeneration and Environment Executive Director of Corporate Services Director of Policy, Strategy and Engagement	
3a	Delivery of devolved powers in conjunction with Barnsley, Doncaster, Rotherham, Sheffield and South Yorkshire Mayoral Combined Authority	Executive Director of Regeneration and Environment Executive Director of Corporate Services Director of Policy, Strategy and Engagement	
3b	i) Liaison with Barnsley, Doncaster, Rotherham, Sheffield and South Yorkshire Mayoral Combined Authority bodies ii) Liaison with central government departments	Executive Director of Regeneration and Environment Executive Director of Corporate Services Director of Policy, Strategy and Engagement	

Miscellaneous Functions
The functions set out in this part of the Sub-delegation scheme are derived from:-

- Legislation which provides that a function should be the specific responsibility of the Chief Executive;
- Policies and Procedures which form part of the Constitution of Rotherham Metropolitan Borough Council;
- Sub-delegations made by other Executive Directors of Rotherham Metropolitan Borough Council to whom those functions have been delegated; and
- Delegations which have been made to the Chief Executive by Council or the Cabinet for a period less than 6 months which are not therefore reflected in the Constitution

Place from where function derived	Function Delegated	Officer to whom delegated	Terms and Conditions
Flag Protocol for Riverside House and Rotherham Town Hall	To determine requests that sit outside of the provisions of the protocol	Not to be delegated	To be exercised in consultation with the Leader of the Council

Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Chief Executive in the usual course of business. These sub-delegations may only be exercised in the absence of the Chief Executive on leave or where the Chief Executive has confirmed in writing that he/she will be absent from the office and these provisions are to apply.

Function sub-delegated by the Chief Executive	**Officer with authority to exercise function in absence of the Chief Executive**	**Terms and Conditions**
All functions which are delegated to the Chief Executive, save for those mentioned specifically below	Executive Director of Corporate Services	To exercise the functions of the Chief Executive, in the absence of the Chief Executive

Sub-Scheme of Delegation
Director of Policy, Strategy and Engagement

The Director of Policy, Strategy and Engagement is authorised in accordance with the Officer Delegation Scheme in Appendix 9 of the Constitution to carry out functions on behalf of the Council and the Executive. The Director of Policy, Strategy and Engagement and each Executive Director has the benefit of a number of delegations – these are set out separately in two schemes in Appendix 9; one for non-executive functions (delegated by the Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that officers can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the Director of Policy, Strategy and Engagement. Details of those delegations can be found in Appendix 9 of the Council's Constitution.

The Director of Policy, Strategy and Engagement has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Director of Policy, Strategy and Engagement delegates functions, he/she makes it clear in this sub-delegation scheme whether the Executive Director can sub-delegate those functions. This scheme details the officers who can carry out each function on the Director of Policy, Strategy and Engagement's behalf, together with the details of any terms and conditions which the Director has imposed on that sub-delegation. All officers are bound by the Officer Employment Procedure Rules and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the Director of Policy, Strategy and Engagement has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Director of Policy, Strategy and Engagement may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Director of Policy, Strategy and Engagement for a decision or for referral to the relevant Committee if appropriate.

Where the Director of Policy, Strategy and Engagement has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Director of Policy, Strategy and Engagement unless the absence provisions at the end of this scheme apply.

Group Delegations – Definitions and Priorities

The Director of Policy, Strategy and Engagement has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group. It also provides details of how it should be determined which of the officers within the group should take any given decision.

Group Title	Officers included in group authorisation	Responsibility
Directorate Leadership Team	Head of Communications and Marketing Head of Democratic Services Head of Neighbourhoods Head of Policy, Performance & Intelligence	Each to act in relation to matters within their remit unless absent in which case any other Service Director may act. 1. In respect of all financial matters: • Authorisation to spend within approved budgets subject to the policies, Financial and Procurement Procedure Rules of the Council • Authorisation for the virement of revenue budgets in according with the Financial and Procurement Procedure Rules of the Council 2. In respect of departmental assets: • The purchase of replacement vehicles, plant or equipment, including computer hardware and software for which financial provision has been made in accordance with the Financial and Procurement Procedure Rules of the Council. • Declaring obsolete furniture and equipment, and other materials surplus to requirements provided that the estimated value of any one item or group of items is not more than £1,000. 3. In respect of procurement, contract administration and best value: • In accordance with Financial and Procurement Procedure Rules, matters relating to the specification for works, goods and services, the seeking of

		estimates, quotations and tenders, the evaluation of the same and acceptance of tenders relating to contracts for works, goods and services in accordance with approved budgets or supplementary estimates. • Where a contract for support and maintenance is renewed within five years of the original contract, authority to award such a contract. 4. In respect of in-house service providers: 5. Human Resources functions delegated: Subject to the next following bullet points, the following HR functions are delegated to Executive and Service Directors: • Establishment of posts • Changes to establishment/restructuring • Transfer of posts between service sections and units • Approval to fill vacant posts within approved establishment, including posts externally funded (where directors delegate this responsibility to senior managers in the service a list of authorised officers for this should be maintained by the directorate HR manager) • Appointment to posts below Service Director, with approved establishment (where this is delegated to senior managers, a list of authorised officers should be maintained by the directorate HR manager) • Use of the re-location scheme for new appointments (the standard pro-forma should be used) • Transfer of staff internally to equivalently graded posts • Approving the recruitment of additional temporary staff for maternity leave cover • Approving the recruitment of additional temporary staff to meet work demands/ seasonal fluctuations (all arrangements should be registered and recorded appropriately by the service).

		• Agreeing applications for job share and filling of resultant vacancies (the standard pro forma should be used by the service and retained as a record of an agreed job share arrangement). • Agreeing work experience placements for students NOT employed by the Council (there is a standard form for this purpose which should be used by the service). • Agreeing the transition of employees from probationary to permanent employment status • Grading of new posts/changes to existing grades (to satisfy equal pay requirements job grades must be submitted to the directorate HR manager for assessment by the Corporate Pay and Grading Panel). Also covered by this delegation are other payments for non-regular working for all staff, including, for example, standby payments and, in addition, the application of the Council's grading protection scheme • Agreeing appropriate starting salaries (Executive and Service Directors have full delegated powers to determine the salary necessary to attract candidates within the grade determined for the job (the directorate HR manager should be consulted and consistent guidelines for the directorate established and maintained) • Considering personal applications for re-grading (on the advice of a member of the Corporate Pay and Grading Panel) • Approving honoria/ex-gratia payments in appropriate circumstances (in accordance with corporate guidelines to ensure consistency of approach and maintain equality) • Applying the disciplinary procedure with power to initiate investigation and undertake disciplinary procedures up to and including dismissal (Service Directors may delegate this responsibility to appropriate officers, who should consult the directorate HR manager to ensure a consistent approach). • Applying the grievance procedure with power to initiate investigations and undertake first stage grievance hearings (Service Directors may delegate this

		responsibility to appropriate officers, this should be done in consultation with the directorate HR manager to ensure a consistent approach) • Monitoring of sickness procedures • Agreeing ill health terminations • Approving attendance on full time training courses, conferences etc. or to give lectures (not exceeding one week duration) • Authorising the acceptance of gifts/legacies and hospitality offered to staff • Authorising requests from staff to undertake additional employment (the authority delegated to Service Directors allows them to authorise additional employment for staff above SCP28) • Authorising overtime payments for staff (in accordance with corporate guidelines to ensure consistency and maintain equality) • Granting of special leave without pay • Granting of special leave with pay, including trade union time off • Considering applications to extend the period of paid sickness absence (this relates to the extension of the period of half pay; it is only at the point when employees are reaching the end of the period of half pay that such consideration can be given) • Approving early release of pension benefits – ill-health retirement (subject to the appropriate medical approval and in consultation with the Executive Director and Cabinet Member with responsibility for employment issues) • Authorising payment of compromise agreements or other forms of settlement of the termination of contract of employment • Authorising payment of 'buy-out' compensation (any 'buy-out' arrangements must be consistently applied in line with the philosophy of a single employer) • Issuing compulsory redundancy notices (in consultation with the Service Director of Human Resources) • Approval of excess travel expenses (where council policy is not appropriate, any arrangements must be consistently applied in line with the philosophy of a single employer)

		• Approving requests for re-employment from persons having previously taken early release from the Council's employment. The HR functions listed above are delegated to Executive and Service Directors subject to their consulting the Service Director of Human Resources in order to ensure that such functions are discharged in compliance with national/national agreements, equal pay requirements, and are consistent across directorates and accord with the philosophy of a single employer. The preceding general delegation only applies where the matter under consideration falls within the terms of an existing council policy. Where, the matter under consideration falls outside the particular council policy, in consultation with the Service Director of Human Resources, the Executive or Service Director concerned must prepare and submit a report outlining the issues for consideration and his or her recommendations for consideration by the Strategic Leadership Team. 6. Other functions Any function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, relevant to the Director's portfolio. Compensation payments up to £500, in accordance with the Council's Customer Complaints Code of Practice for Officers and the Council's Financial and Procurement Procedure Rules.

Delegation of Functions under the Articles of the Constitution

Specific Delegation

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to the Director of Policy, Strategy and Engagement alone, with general effect.

Article	Function Delegated	Officer to whom delegated	Terms and conditions
19.2	The Chief Executive will give a printed copy of the Constitution to each member of the Council upon delivery to him of that person's declaration of acceptance of office on the member first being elected to the Council.	Head of Democratic Services	This function is delegated by the Chief Executive to the Head of Democratic Services. It may be discharged by the Director of Policy, Strategy and Engagement.

Council (Non-Executive Functions)

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Chief Executive by Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Access to Information Procedure Rules which can be found in Appendix 3 of the Constitution.

Where a significant decision is taken using delegated powers from the Constitution, the Council or a committee, or this sub-scheme of delegation, in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Record on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. The decision may be implemented immediately.

Council Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
General			
(a)	To make payments or provide other benefits in cases of maladministration	Not delegated	Functions to be exercised following consultation with the Chief Finance Officer and Monitoring Officer
(b)	Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer	Not delegated	
Personnel			
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure	Not delegated	
(c)(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.	Not delegated	1. Subject to there being budgetary provision. 2. Such staff should be employed on terms set out in the guidance issued by the Service Director of Human Resources.
(c)(iii)	To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.	Not delegated	

	Function Delegated	Officer to whom delegated	Terms and Conditions
Byelaws			
(d)	The enforcement of byelaws.	Not delegated	

Council Functions
Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Director of Policy, Strategy and Engagement includes in relation to those authorisations the power to:-

(a) Impose conditions, limitation or restrictions;
(b) Determine any terms to which they are subject;
(c) Determine whether and how to enforce any failure to comply;
(d) Amend, modify, vary or revoke; and
(e) Determine whether a charge should be made or the amount of such a charge.

	Function Delegated	Officer to whom delegated	Terms and Conditions
(a)	Publication of agendas and reports in accordance with the Access to Information Procedure Rules (Appendix 3 of the Constitution)	Head of Democratic Services	Agendas and report for Cabinet and Council must have been reviewed and agreed for publication by the Leader and Chief Executive
(b)	Preparation and publication of minutes of meetings of the Council and its committees, Cabinet and other decision making bodies in accordance with the Access to Information Procedure Rules (Appendix 3 of the Constitution)	Head of Democratic Services	
(c)	Maintenance of a list of background papers, in accordance with the Access to Information Procedure Rules (Appendix 3 of the Constitution)	Head of Democratic Services	
(d)	Publication and supply of papers to the public and press, in accordance with the Access to Information Procedure Rules (Appendix 3 of the Constitution)	Head of Democratic Services	
(e)	To ensure that the Constitution of the Council is publicly available for inspection online and at Rotherham Town Hall	Head of Democratic Services	
(f)	To receive requests for the inclusion of items on agendas of Overview and Scrutiny Management Board and Select Commissions	Statutory Scrutiny Officer (Head of Democratic Services)	Agenda items to be referred to relevant Chair(s) for determination

(g)	To inform officers of requests to attend Overview and Scrutiny Management Board (on behalf of the Chair(s))	Statutory Scrutiny Officer (Head of Democratic Services)	
(h)	To record requests for call-in of executive (Cabinet) decisions	Statutory Scrutiny Officer (Head of Democratic Services)	

Executive Functions

Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Director of Policy, Strategy and Engagement by the Leader of Council.

If the Leader or relevant Cabinet Member directs that the Director of Policy, Strategy and Engagement should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Cabinet.

Decisions in relation to these functions should be categorised in accordance with Article 13 and taken in accordance with the Executive Procedure Rules which can be found in Appendix 1 of the Constitution.

Where a decision is proposed in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. Once the decision has been taken, it may be implemented immediately.

Where an Administrative Decision is taken in relation to an Executive Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

Executive Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Financial			
(a)	To incur expenditure and to generate and collect income in line with Finance and Procurement Procedure Rules and within approved revenue and capital estimates.	Service Directors Heads of Service	
(b)	In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Chief Finance Officer at the first opportunity.	Service Directors Heads of Service	
Procurement			
(c)	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Finance and Procurement Procedure Rules.	Service Directors Heads of Service	
Communications and Media			
(d)	To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework.	Not delegated	
Authorising Officers			
(e)	To authorise officers possessing such qualification as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised	Not delegated	

	Function Delegated	Officer to whom delegated	Terms and Conditions
	officer of the Council (however described) and to issue any necessary certificates of authority.		
Corporate Procedures			
(f)	To take any action remitted to the Director of Policy, Strategy and Engagement under corporate procedures	Not delegated	
Local Choice Functions			
(g)	Functions under a local act, unless specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000	Not delegated	
(h)	To determine appeals against any decision of the authority	Not delegated	
(i)	To obtain particulars of persons interested in land	Not delegated	
Budget and Policy Framework			
(j)	To canvas views of local stakeholders, formulate initial proposals within the budget and policy framework	Not delegated	
Employment			
(k)	To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service, as modified or extended by any local or national agreements	Director of Policy, Strategy and Engagement	
(l)	Decisions in relation to restructures, except where the decision: (i) Involves changes to existing national or local agreements and policies; and/or (ii) Cannot be achieved within delegated powers in respect of budgets	Not delegated	Decisions are subject to: (i) Appropriate professional advice be sought (ii) Prior consultation with all appropriate parties affected by the decision,

	Function Delegated	Officer to whom delegated	Terms and Conditions
			including all officially recognised trade unions, and (iii) Appropriate consideration of pay and grading requirements (iv) Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.
Functions on behalf of an NHS body			
(m)	To carry out functions exercisable on behalf of an NHS body under Section 75 of the National Health Service Act 2006 in relation to matters within the Director of Policy, Strategy and Engagement's remit.	Not delegated	
Provision of Statutory Returns			
(n)	To provide such statutory returns as are necessary within the Director of Policy, Strategy and Engagement's remit.	Not delegated	
Risk Management Policy			
(o)	To approve minor/ non-substantial changes to the Risk Management Policy	Not delegated	

Executive Functions
Specific Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Any function of the Leader and Cabinet not otherwise delegated to a Executive Director in relation to:			
1	Any function not otherwise delegated at paragraphs 1a to 1c below in relation to civic and ceremonial functions of the Council	Director of Policy, Strategy and Engagement Head of Democratic Services	
1a	Provision of support to the Mayor	Head of Democratic Services	
1b	Ceremonial occasions	Head of Democratic Services	
1c	Authorisation of use of the Council's Crest	Service Director of Legal Services	
2	Any function not otherwise delegated at paragraphs 2a to 2b below in relation to devolution	Executive Director of Regeneration and Environment Director of Policy, Strategy and Engagement	
2a	Delivery of devolved powers in conjunction with the South Yorkshire Mayoral Combined Authority.	Executive Director of Regeneration and Environment Director of Policy, Strategy and Engagement	
2b	i) Liaison with the South Yorkshire Mayoral Combined Authority ii) Liaison with central government departments	Head of Policy, Performance & Intelligence	

3	Provisions of the Executive Procedure Rules concerning agendas and decision records arising from meetings of the Cabinet		
3a	To comply with the instructions of the Leader of the Council in respect of the compilation of the agenda for meetings of the Cabinet, and all other provisions concerning the agenda setting for Cabinet meetings detailed within the Executive Procedure Rules (Appendix 1 of the Constitution)	Head of Democratic Services	
4	To receive notification of changes to the membership of the Cabinet from the Leader of the Council	Head of Democratic Services	
5	To manage and oversee the Members' Allowances Scheme	Head of Democratic Services	
6	To manage and oversee the training and development of councillors	Head of Democratic Services	

Miscellaneous Functions
The functions set out in this part of the Sub-delegation scheme are derived from:-

- Legislation which provides that a function should be the specific responsibility of the Director of Policy, Strategy and Engagement;
- Policies and Procedures which form part of the Constitution of Rotherham Metropolitan Borough Council;
- Sub-delegations made by other Executive Directors of Rotherham Metropolitan Borough Council to whom those functions have been delegated; and
- Delegations which have been made to the Director of Policy, Strategy and Engagement by Council or the Cabinet for a period less than 6 months which are not therefore reflected in the Constitution

Place from where function derived	Function Delegated	Officer to whom delegated	Terms and Conditions

Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Director of Policy, Strategy and Engagement in the usual course of business. These sub-delegations may only be exercised in the absence of the Director of Policy, Strategy and Engagement on leave or where the Director of Policy, Strategy and Engagement has confirmed in writing that he/she will be absent from the office and these provisions are to apply.

Function sub-delegated by the Director of Policy, Strategy and Engagement	**Officer with authority to exercise function in absence of the Director of Policy, Strategy and Engagement**	**Terms and Conditions**
All functions which are delegated to the Director of Policy, Strategy and Engagement, save for those mentioned specifically below	Head of Communications and Marketing	To, in the absence of the Director of Policy, Strategy and Engagement, exercise the functions of the Director of Policy, Strategy and Engagement in respect of Communications and Marketing
	Head of Democratic Services	To, in the absence of the Director of Policy, Strategy and Engagement, exercise the functions of the Director of Policy, Strategy and Engagement in respect of Democratic Services
	Head of Neighbourhoods	To, in the absence of the Director of Policy, Strategy and Engagement, exercise the functions of the Director of Policy, Strategy and Engagement in respect of Neighbourhoods
	Head of Policy, Performance & Intelligence	To, in the absence of the Director of Policy, Strategy and Engagement, exercise the functions of the Director of Policy, Strategy

		and Engagement in respect of Policy, Performance & Intelligence

Sub-Scheme of Delegation
Executive Director of Adult Care, Housing and Public Health

The Executive Director of Adult Care, Housing and Public Health is authorised in accordance with the Officer Delegation Scheme to carry out functions on behalf of Council and the Executive. Each Executive Director has the benefit of a number of delegations – these are set out separately in two schemes; one for Council functions (delegated by Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that all Directors can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the named Director. Details of those delegations can be found in Appendix 9 of the Constitution.

The Executive Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Executive Director delegates functions to a fellow Executive Director he/she makes it clear in this sub-delegation scheme whether that Executive Director can sub-delegate those functions.

This scheme details the officers who can carry out each function on the Executive Director's behalf, together with the details of any terms and conditions which the Executive Director has imposed on that sub-delegation. All officers are bound by the Officer Employment Procedure Rules and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the Executive Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Executive Director may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Executive Director for a decision or for referral to the relevant Committee if appropriate.

In some circumstances not all Executive Directors have functions delegated to him/her in the delegation scheme. In these cases the relevant part of this sub-delegation scheme is marked as 'not applicable'. Where the Executive Director has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Executive Director unless the absence provisions at the end of this scheme apply.

Group Delegations – Definitions and Priorities

The Executive Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group.

Group Title	Officers included in group authorisation	Responsibility
Service Directors	Director of Public Health Service Director of Housing Service Director of Strategic Commissioning Service Director of Independent Living and Support	Each to act in relation to matters within their remit unless absent in which case any other Service Director may act. 1. In respect of all financial matters: • Authorisation to spend within approved budgets subject to the policies, Financial and Procurement Procedure Rules of the Council • Authorisation for the virement of revenue budgets in according with the Financial and Procurement Procedure Rules of the Council 2. In respect of departmental assets: • The purchase of replacement vehicles, plant or equipment, including computer hardware and software for which financial provision has been made in accordance with the Financial and Procurement Procedure Rules of the Council. • Declaring obsolete furniture and equipment, and other materials surplus to requirements provided that the estimated value of any one item or group of items is not more than £1,000. 3. In respect of procurement, contract administration and best value: • In accordance with Financial and Procurement Procedure Rules, matters relating to the specification for works, goods and services, the seeking of estimates, quotations and tenders, the evaluation of the same and acceptance of tenders relating to contracts for works, goods and services in accordance with approved budgets or supplementary estimates.

		• Where a contract for support and maintenance is renewed within five years of the original contract, authority to award such a contract. 4. In respect of in-house service providers: 5. Human Resources functions delegated: Subject to the next following bullet points, the following HR functions are delegated to Strategic and Service Directors: • Establishment of posts • Changes to establishment/restructuring • Transfer of posts between service sections and units • Approval to fill vacant posts within approved establishment, including posts externally funded (where directors delegate this responsibility to senior managers in the service a list of authorised officers for this should be maintained by the directorate HR manager) • Appointment to posts below Service Director, with approved establishment (where this is delegated to senior managers, a list of authorised officers should be maintained by the directorate HR manager) • Use of the re-location scheme for new appointments (the standard pro-forma should be used) • Transfer of staff internally to equivalently graded posts • Approving the recruitment of additional temporary staff for maternity leave cover • Approving the recruitment of additional temporary staff to meet work demands/ seasonal fluctuations (all arrangements should be registered and recorded appropriately by the service). • Agreeing applications for job share and filling of resultant vacancies (the standard pro forma should be used by the service and retained as a record of an agreed job share arrangement).

		• Agreeing work experience placements for students NOT employed by the Council (there is a standard form for this purpose which should be used by the service). • Agreeing the transition of employees from probationary to permanent employment status • Grading of new posts/changes to existing grades (to satisfy equal pay requirements job grades must be submitted to the directorate HR manager for assessment by the Corporate Pay and Grading Panel). Also covered by this delegation are other payments for non-regular working for all staff, including, for example, standby payments and, in addition, the application of the Council's grading protection scheme • Agreeing appropriate starting salaries (Executive and Service Directors have full delegated powers to determine the salary necessary to attract candidates within the grade determined for the job (the directorate HR manager should be consulted and consistent guidelines for the directorate established and maintained) • Considering personal applications for re-grading (on the advice of a member of the Corporate Pay and Grading Panel) • Approving honoria/ex-gratia payments in appropriate circumstances (in accordance with corporate guidelines to ensure consistency of approach and maintain equality) • Applying the disciplinary procedure with power to initiate investigation and undertake disciplinary procedures up to and including dismissal (Service Directors may delegate this responsibility to appropriate officers, who should consult the directorate HR manager to ensure a consistent approach). • Applying the grievance procedure with power to initiate investigations and undertake first stage grievance hearings (Service Directors may delegate this responsibility to appropriate officers, this should be done in consultation with the directorate HR manager to ensure a consistent approach) • Monitoring of sickness procedures • Agreeing ill health terminations

		• Approving attendance on full time training courses, conferences etc. or to give lectures (not exceeding one week duration) • Authorising the acceptance of gifts/legacies and hospitality offered to staff • Authorising requests from staff to undertake additional employment (the authority delegated to Service Directors allows them to authorise additional employment for staff above SCP28) • Authorising overtime payments for staff (in accordance with corporate guidelines to ensure consistency and maintain equality) • Granting of special leave without pay • Granting of special leave with pay, including trade union time off • Considering applications to extend the period of paid sickness absence (this relates to the extension of the period of half pay; it is only at the point when employees are reaching the end of the period of half pay that such consideration can be given) • Authorising payment of compromise agreements or other forms of settlement of the termination of contract of employment • Authorising payment of 'buy-out' compensation (any 'buy-out' arrangements must be consistently applied in line with the philosophy of a single employer) • Issuing compulsory redundancy notices (in consultation with the Service Director of Human Resources) • Approval of excess travel expenses (where council policy is not appropriate, any arrangements must be consistently applied in line with the philosophy of a single employer) • Approving requests for re-employment from persons having previously taken early release from the Council's employment. The HR functions listed above are delegated to Executive and Service Directors subject to their consulting the Service Director of Human Resources in order to ensure that such functions are discharged in compliance with national/national agreements, equal pay requirements, and are consistent across directorates and accord with the philosophy of a single employer.

		The preceding general delegation only applies where the matter under consideration falls within the terms of an existing council policy. Where, the matter under consideration falls outside the particular council policy, in consultation with the Service Director of Human Resources, the Executive or Service Director concerned must prepare and submit a report outlining the issues for consideration and his or her recommendations for consideration by the Strategic Leadership Team. 6. Other functions Any function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, relevant to the Service Director's portfolio. Compensation payments up to £1000, in accordance with the Council's Customer Complaints Code of Practice for Officers and the Council's Financial and Procurement Procedure Rules.
Heads of Service	Head of Housing Management Head of Contracts Investment and Compliance Head of Key Housing Options Head of Strategic Housing & Development Head of Service of Front Facing Services Head of Provider Services Head of Localities	Head of Contracts Investment and Compliance Compensation payments up to £500, in accordance with the Council's Customer Complaints Code of Practice for Officers and the Council's Financial and Procurement Procedure Rules.

	Head of Safeguarding and Professional Practice Joint head of Mental Health, Housing Related Support Joint Head of Learning Disabilities and Autism Head of Prevention and Early Intervention Head of Commissioning, Performance and Quality (public health) Operational Manager – Mental Health and MCA/DOLs Operational Manager, Localities Operational Manager, Access Operational Manager, Hospital, Transition Public Health Consultant x 3	

Council (Non-Executive Functions)

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Chief Executive by Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with Article 5 and taken in accordance with the Access to Information Procedure Rules which can be found in Appendix 3 of the Constitution.

Where a significant decision is taken using delegated powers from the Constitution, the Council or a committee, or this sub-scheme of delegation, in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Record on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. The decision may be implemented immediately.

Council Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
General			
(a)	To make payments or provide other benefits in cases of maladministration	Not delegated	
(b)	Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer	Not delegated	
Personnel			
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure	Not delegated	
(c)(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.	Not delegated	1. Subject to there being budgetary provision. 2. Such staff should be employed on terms set out in the guidance issued by the Service Director of Human Resources.
(c)(iii)	To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.	Not delegated	

	Function Delegated	Officer to whom delegated	Terms and Conditions
Byelaws			
(d)	The enforcement of byelaws.	Not delegated	

Council Functions
Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Executive Director of Adult Care, Housing and Public Health includes in relation to those authorisations the power to:-

(a) Impose conditions, limitation or restrictions;
(b) Determine any terms to which they are subject;
(c) Determine whether and how to enforce any failure to comply;
(d) Amend, modify, vary or revoke; and
(e) Determine whether a charge should be made or the amount of such a charge.

Executive Functions

Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Executive Director of Adult Care, Housing and Public Health by the Leader of Council.

If the Leader or relevant Cabinet Member directs that the Executive Director of Adult Care, Housing and Public Health should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Cabinet.

Decisions in relation to these functions should be categorised in accordance with Article 5 and taken in accordance with the Executive Procedure Rules which can be found in Appendix 1 of the Constitution.

Where a decision is proposed in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. Once the decision has been taken, it may be implemented immediately.

Where an Administrative Decision is taken in relation to an Executive Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

Executive Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Financial			
(a)	To incur expenditure and to generate and collect income in line with Finance and Procurement Procedure Rules and within approved revenue and capital estimates.	Service Directors Heads of Service	
(b)	In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Chief Finance Officer at the first opportunity.	Service Directors	
Procurement			
(c)	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Finance and Procurement Procedure Rules.	Service Directors Heads of Service	
Communications and Media			
(d)	To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework.	Not delegated	
Authorising Officers			

	Function Delegated	Officer to whom delegated	Terms and Conditions
(e)	To authorise officers possessing such qualification as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Council (however described) and to issue any necessary certificates of authority.	Not delegated	
Corporate Procedures			
(f)	To take any action remitted to the Director of Policy, Strategy and Engagement under corporate procedures	Not delegated	
Local Choice Functions			
(g)	Functions under a local act, unless specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000	Not delegated	
(h)	To obtain particulars of persons interested in land	Not delegated	
Budget and Policy Framework			
(i)	To canvas views of local stakeholders, formulate initial proposals within the budget and policy framework	Not delegated	
Employment			
(j)	To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service, as modified or extended by any local or national agreements	Service Directors	

	Function Delegated	Officer to whom delegated	Terms and Conditions
(k)	Decisions in relation to restructures, except where the decision: (i) Involves changes to existing national or local agreements and policies; and/or (ii) Cannot be achieved within delegated powers in respect of budgets	Not delegated	Decisions are subject to: (i) Appropriate professional advice be sought (ii) Prior consultation with all appropriate parties affected by the decision, including all officially recognised trade unions, and (iii) Appropriate consideration of pay and grading requirements (iv) Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.
Provision of Statutory Returns			
(q)	To provide such statutory returns as are necessary within the Executive Director of Adult Care, Housing and Public Health's remit	Not delegated	

Executive Functions
Specific Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Any function of the Leader and Cabinet not otherwise delegated to an Executive Director in relation to:			
1	Promotion of well-being, including: (a) Integration and personalisation of health and social care services across the borough for the benefit and health and well-being of Rotherham citizens (b) Promotion of the principle of well-being (c) Consideration of supplier lead service innovation (d) Development and integration of programmes and campaigns to promote health and well-being not otherwise delegated below at (i) Health Protection (ii) Health Improvement (iii) Health care public health:- links to NHS and CCG (iv) Vulnerable people, Emotional Health and Wellbeing (v) Health Improvement : Behaviours and lifestyles (vi) Health Improvement : Wider determinants of health	Service Directors	
2	Information, advice and advocacy including:- (a) Provision of information about available services; (b) Provision of advice to potential service users; and (c) Arrangement of independent advocacy to support participation in, or understanding of, the care and support system	Service Directors Heads of Service	

3	Prevention and Recovery – To take steps to prevent, reduce or delay the need for care and support for all people including:- (a) Preventative services (i) Provision or arrangement of community and home based services to adults with less intensive needs; and	• Service Director Independent Living and Support • Head of Service of Front Facing Services • Head of Provider Services • Head of Localities • Head of Safeguarding and Professional Practice • Service Director of Strategic Commissioning and • Joint head of Mental Health, Housing Related Support • Joint Head of Learning Disabilities and Autism • Head of Prevention and Early Intervention • Head of Commissioning, Performance and Quality (public health)	Heads of Service: For matters within their remit

	(b) Reablement Services:- (i) Provision or arrangement of early intervention time-limited services to meet the immediate requirements of adults with short-term social care needs	• Service Director - Independent Living and Support • Head of Service of Front Facing Services • Head of Provider Services • Head of Localities • Head of Safeguarding and Professional Practice • Service Director of Strategic Commissioning and • Joint head of Mental Health, Housing Related Support • Joint Head of Learning Disabilities and Autism • Head of Prevention and Early Intervention • Head of Commissioning, Performance and Quality (public health)	Heads of Service: For matters within their remit
4	Safeguarding, including (a) Co-ordination of multiagency arrangements to ensure that resources are deployed in safeguarding vulnerable adults (b) Delivery of safeguarding training (c) To promote and enable identification of and appropriate action for vulnerable adults at risk of abuse or neglect	Service Directors Heads of Service	Heads of Service: For matters within their remit

5	Assessment and eligibility (a) Assessment, support planning and review including:- (i) Assessment of adults who appear to need care and support (ii) Identification of outcomes within the care and planning process that will establish the cornerstone of the subsequent support plan (iii) Provision of a Personal Budget for persons with eligible needs (iv) Co-ordination, management and review of care and support arrangements to meet eligible needs (v) Assessment of social care needs of carers (vi) Arrangement and funding of services to meet the care and support needs of adults who are detained in prison or who are resident in approved premises	• Service Director of Independent Living and Support • Head of Service of Front Facing Services • Head of Provider Services • Head of Localities • Head of Safeguarding and Professional Practice	Heads of Service: For matters within their remit
	(b) Self-directed care (i) Provision of assistance to adults to self- direct their support (including assistance with direct payments, individual service funds and trust funds)	• Service Director and Independent Living and Support • Head of Service of Front Facing Services • Head of Provider Services • Head of Localities • Head of Safeguarding and Professional Practice	Heads of Service: For matters within their remit

6	Diverse and High Quality Services – To commission or provide directly care and support services that meet people's needs including:- (a) Support to live at home (i) supported and other accommodation including extra care (ii) assistance to enable access to other accommodation, including extra care (iii) equipment and adaptations (iv) home care and community meals services (v) day support and care services (vi) short breaks (vii) community alarm service and assistive technology (viii) carers services	• Service Director of Independent Living and Support • Head of Service of Front Facing Services • Head of Provider Services • Head of Localities • Head of Safeguarding and Professional Practice • Service Director for Strategic Commissioning • Joint head of Mental Health, Housing Related Support • Joint Head of Learning Disabilities and Autism • Head of Prevention and Early Intervention • Head of Commissioning, Performance and Quality (public health)	Heads of Service: For matters within their remit

	(b) Residential and Nursing Care (i) residential placements, including specialist provision for people with mental health needs and dementia (ii) nursing placements, including specialist provision for people with dementia	• Service Director of Independent Living and Support • Head of Service of Front Facing Services • Head of Provider Services • Head of Localities • Head of Safeguarding and Professional Practice • Service Director for Strategic Commissioning • Joint head of Mental Health, Housing Related Support • Joint Head of Learning Disabilities and Autism • Head of Prevention and Early Intervention • Head of Commissioning, Performance and Quality (public health)	Heads of Service: For matters within their remit
	(c) Housing related support	• Service Director for Strategic Commissioning	

7	Charging and financial assessments including:- (a) To undertake financial assessment (b) Provision of deferred payments	• Service Director and Independent Living and Support • Head of Service of Front Facing Services • Head of Provider Services • Head of Localities • Head of Safeguarding and Professional Practice	Heads of Service: For matters within their remit
8	Residential and Non-Residential Finance (a) Refer to write off of non-Residential Charges for up to 8 weeks – only in exceptional circumstances to ensure service user receives the necessary care (b) Refer to write off of non-Residential Charges for over 8 weeks, and Residential Charges (see above re circumstances) – (c) Power to register property charges by declaration or agreement in securing the eventual collection of debts owed to the Council. (d) Power to enter into legally enforceable agreements for the repayment of loans and other debts due to the Council, with or without the payment of interest, in accordance with established practice and in consultation with the Chief Finance Officer – (e) Power to administer statutory duty to provide care and protection of personal property.	• Heads of Service • Service Director • Head of Service • Team Manager • Head of Service	

9	Service Users Finances – these shall be administered in accordance with Adult Care, Housing and Public Health's written criteria. Specific authorisations include:- (a) Authorisation to act as Agent or Appointee for service user (b) Authorisation for an Application and to act as Deputy to the Office of the Public Guardian for the appointment of a Deputy for a service user (c) Authorisations falling outside of the written criteria	• Operational Managers	
10	Issue contract to home for supported residential or nursing care	• Service Director	
11	Approval for placement in Local Authority Homes or Day Centres outside Rotherham (at contract price and with contract)	• Head of Service	
12	Approval of new community care / support packages (including Direct Payments) and Supported Living on contract on framework via Direct Payments:- (a) Up to £500 per week (b) Up to £1,000 per week (c) Up to £1,500 per week (d) Over £1,500 per week	• Team Manager • Head of Service • Service Director • Executive Director	
13	Approval of incremental increases to community care / support packages (including Direct Payments) and Supported Living on contract on framework via Direct Payments:- (e) Up to £500 per week (f) Up to £1,000 per week (g) Up to £1,500 per week (h) Over £1,500 per week	• Team Manager • Head of Service • Service Director • Executive Director	

14	General adult social care and older people's functions:- (a) Functions that relate to the Children and Family Act 2014 and Care Act 2014 re young people moving from Children's to adult services	• Service Director, Adult Care, Housing and Public Health	
	(b) Chairing case conferences / strategy meetings and authority to decide on Care Plan etc		
	(c) Approval for holiday sponsorship (private and voluntary placements)		
	(d) Guardianship - Submission		
	(e) To approve guardianship applications made under the provisions of the Mental Health Act 1983.		
	(f) Authorisation of Approved Mental Health Professional (AMHP) under Mental Health Act - on completion and passing AMHP training		
	(g) Approval and re-approval of Approved Mental Health Professional (AMHP) - The AMHP has to attend approval/re-approval and complete a portfolio		
	(h) Financial responsibility being sought from another Authority		
	(i) Visual Impairment Registration		
15	Public Health (a) Ensure the council meets its duties to improve public health (b) Ensure the delivery of public health protections and health improvement responsibilities (c) Ensure the council plans and responds to emergencies that present a risk to public health (d) Ensure the council meets other local government public health responsibilities	• Director of Public Health	With authority to delegate as necessary

16	Housing – Estate Services (a) Estate Management, incorporating Tenancy management, Sites and Estates management, Rent management, services to older people and all aspects of right to buy and leaseholder management (b) Business Planning and Service Development (c) Planned Maintenance (d) Responsive Repairs	• Service Director of Housing Services • Heads of Service (Housing Services)	
17	Housing Options – under Housing Act 1996 (a) Homelessness acceptances (b) Interim accommodation (c) Suitability of temporary accommodation (d) Suitability of a permanent offer of accommodation (e) Storage of possessions (f) Extend interim accommodation pending review (g) Review of negative decision (h) End family hostel or satellite temporary accommodation (i) Homechoice banding -lower priority housing applications (bands 3 and 4) (j) Homechoice banding – higher priority housing applications (bands 1 and 2) (k) Homechoice banding – applicants with health needs (bands 1 and 3) (l) Banding reviews (m) Banding and allocations that are exceptions to Homechoice policy (n) Homechoice – not eligible	• Service Director of Housing Services • Heads of Services (Housing Services)	•

17	Any function which has not been specifically delegated above in relation to Housing Functions (funded by the General Fund). (a) Decision to prosecute a landlord (Protection from Eviction Act 1977) (b) Priority levels for homeless households on the Housing Support Register (c) Priority Move On Scheme applications (d) Payments to private sector landlords – deposit bonds and financial incentives (e) Tenancy rescue payments	• Service Director of Housing Services • Heads of Service (Housing Services)	•
18	Housing Allocations Policy 2025: a) Make minor amendments to the Housing Allocation Policy including local lettings policies to meet the needs of a local area. b) to agree reciprocal arrangements with other placing Local Authorities in respect of Care Leavers		• In consultation with the Cabinet Member for Housing

Miscellaneous Functions
The functions set out in this part of the Sub-delegation scheme are derived from:-

- Legislation which provides that a function should be the specific responsibility of the Executive Director of Adult Care, Housing and Public Health;
- Policies and Procedures which form part of the Constitution of Rotherham Metropolitan Borough Council;
- Sub-delegations made by other Executive Directors of Rotherham Metropolitan Borough Council to whom those functions have been delegated; and
- Delegations which have been made to the Executive Director of Adult Care, Housing and Public Health by Council or the Cabinet for a period less than 6 months which are not therefore reflected in the Constitution

Place from where function derived	**Function Delegated**	**Officer to whom delegated**	**Terms and Conditions**
Local Authority Social Services Act 1970	To discharge all remaining statutory adult social services functions as detailed under Schedule 1 of the Local Authority Social Services Act 1970 so far as those functions relate to adults	Service Directors Heads of Services	Service Directors: Significant Operational Decisions should be in consultation with the Executive Director of Adult Care, Housing and Public Health Heads of Service: For matters within their remit. Decisions up to £100k in relation to those areas within their remit and in consultation with their Service Director

Place from where function derived	Function Delegated	Officer to whom delegated	Terms and Conditions
Care Act 2014	To discharge the functions of the Act so far as those functions relate to adults and to ensure transitional services from Children's Services to Adult Services for service users as necessary	Service Directors Heads of Services	Service Directors: Significant Operational Decisions should be in consultation with the Executive Director Heads of Service: For matters within their remit. Decisions up to £100k in relation to those areas within their remit and in consultation with their Service Director.
The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009	To act as responsible person	Not delegated	For matters within her remit
	To act as complaints manager	• Head of Policy, Performance and Intelligence • Corporate Complaints Officer	For matters within their remit
Local Authority Circular(2002)2 Implementing the Caldicott Standard into Social Care	To act as Caldicott Guardian for Adult Social Care	Principal Social Work and Social Care Services	For matters relating to Adult Social Services
	To act as Caldicott Guardian for Public Health	Director of Public Health	For matters relating to Public Health and to sub-delegate as necessary
	To act as Caldicott Guardian for Housing matters	Service Director for Housing	For matters relating to Housing Services and to sub-delate as necessary

Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Executive Director of Adult Care, Housing and Public Health in the usual course of business. These sub-delegations may only be exercised in the absence of the Executive Director of Adult Care, Housing and Public Health on leave or where the Executive Director of Adult Care, Housing and Public Health has confirmed in writing that he/she will be absent from the office and these provisions are to apply.

Function sub-delegated by the Executive Director of Adult Care, Housing and Public Health	**Officer with authority to exercise function in absence of the Executive Director of Adult Care, Housing and Public Health**	**Terms and Conditions**
All functions which are delegated to the Executive Director of Adult Care, Housing and Public Health, save for those mentioned specifically below	Service Director – Housing Services	To, in the absence of the Executive Director of Adult Care, Housing and Public Health, exercise the functions of the Executive Director of Adult Care, Housing and Public Health in respect of Housing Services
	Service Director – Independent Living and Support	To, in the absence of the Executive Director of Adult Care, Housing and Public Health, exercise the functions of the Executive Director of Adult Care, Housing and Public Health in respect of Independent Living and Support Services
	Service Director – Strategic Commissioning	To, in the absence of the Executive Director of Adult Care, Housing and Public Health, exercise the functions of the Executive Director of Adult Care, Housing and Public Health in respect of Strategic Commissioning

	Director of Public Health	To, in the absence of the Executive Director of Adult Care, Housing and Public Health, exercise the functions of the Executive Director of Adult Care, Housing and Public Health in respect of Public Health functions

Sub-Scheme of Delegation
Executive Director of Children and Young People's Services

The Executive Director of Children and Young People's Services is authorised in accordance with the Officer Delegation Scheme to carry out functions on behalf of Council and the Executive. Each Executive Director has the benefit of a number of delegations – these are set out separately in two schemes; one for Council functions (delegated by Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that all Directors can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the named Director. Details of those delegations can be found in Appendix 9 of the Constitution.

The Executive Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Executive Director delegates functions to a fellow Executive Director he/she makes it clear in this sub-delegation scheme whether that Executive Director can sub-delegate those functions.

This scheme details the officers who can carry out each function on the Executive Director's behalf, together with the details of any terms and conditions which the Executive Director has imposed on that sub-delegation. All officers are bound by the Officer Employment Procedure Rules and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the Executive Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Executive Director may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Executive Director for a decision or for referral to the relevant Committee if appropriate.

In some circumstances not all Executive Directors have functions delegated to him/her in the delegation scheme. In these cases the relevant part of this sub-delegation scheme is marked as 'not applicable'. Where the Executive Director has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Executive Director unless the absence provisions at the end of this scheme apply.

Group Delegations – Definitions and Priorities

The Executive Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group.

Group Title	Officers included in group authorisation	Responsibility
Service Directors	Service Director – Safeguarding Service Director – Early Help & Family Engagement Service Director – Commissioning, Performance & Inclusion Service Director – Education	Each to act in relation to matters within their remit unless absent in which case any other Service Director may act. 1. In respect of all financial matters: • Authorisation to spend within approved budgets subject to the policies, Financial and Procurement Procedure Rules of the Council • Authorisation for the virement of revenue budgets in according with the Financial and Procurement Procedure Rules of the Council 2. In respect of departmental assets: • The purchase of replacement vehicles, plant or equipment, including computer hardware and software for which financial provision has been made in accordance with the Financial and Procurement Procedure Rules of the Council. • Declaring obsolete furniture and equipment, and other materials surplus to requirements provided that the estimated value of any one item or group of items is not more than £1,000. 3. In respect of procurement, contract administration and best value: • In accordance with Financial and Procurement Procedure Rules, matters relating to the specification for works, goods and services, the seeking of estimates, quotations and tenders, the evaluation of the same and acceptance of tenders relating to contracts for works, goods and services in accordance with approved budgets or supplementary estimates.

		• Where a contract for support and maintenance is renewed within five years of the original contract, authority to award such a contract. 4. In respect of in-house service providers: 5. Human Resources functions delegated: Subject to the next following bullet points, the following HR functions are delegated to Executive and Service Directors: • Establishment of posts • Changes to establishment/restructuring • Transfer of posts between service sections and units • Approval to fill vacant posts within approved establishment, including posts externally funded (where directors delegate this responsibility to senior managers in the service a list of authorised officers for this should be maintained by the directorate HR manager) • Appointment to posts below Service Director, with approved establishment (where this is delegated to senior managers, a list of authorised officers should be maintained by the directorate HR manager) • Use of the re-location scheme for new appointments (the standard pro-forma should be used) • Transfer of staff internally to equivalently graded posts • Approving the recruitment of additional temporary staff for maternity leave cover • Approving the recruitment of additional temporary staff to meet work demands/ seasonal fluctuations (all arrangements should be registered and recorded appropriately by the service). • Agreeing applications for job share and filling of resultant vacancies (the standard pro forma should be used by the service and retained as a record of an agreed job share arrangement).

		• Agreeing work experience placements for students NOT employed by the Council (there is a standard form for this purpose which should be used by the service). • Agreeing the transition of employees from probationary to permanent employment status • Grading of new posts/changes to existing grades (to satisfy equal pay requirements job grades must be submitted to the directorate HR manager for assessment by the Corporate Pay and Grading Panel). Also covered by this delegation are other payments for non-regular working for all staff, including, for example, standby payments and, in addition, the application of the Council's grading protection scheme • Agreeing appropriate starting salaries (Executive and Service Directors have full delegated powers to determine the salary necessary to attract candidates within the grade determined for the job (the directorate HR manager should be consulted and consistent guidelines for the directorate established and maintained) • Considering personal applications for re-grading (on the advice of a member of the Corporate Pay and Grading Panel) • Approving honoria/ex-gratia payments in appropriate circumstances (in accordance with corporate guidelines to ensure consistency of approach and maintain equality) • Applying the disciplinary procedure with power to initiate investigation and undertake disciplinary procedures up to and including dismissal (Service Directors may delegate this responsibility to appropriate officers, who should consult the directorate HR manager to ensure a consistent approach). • Applying the grievance procedure with power to initiate investigations and undertake first stage grievance hearings (Service Directors may delegate this responsibility to appropriate officers, this should be done in consultation with the directorate HR manager to ensure a consistent approach) • Monitoring of sickness procedures • Agreeing ill health terminations

		• Approving attendance on full time training courses, conferences etc. or to give lectures (not exceeding one week duration) • Authorising the acceptance of gifts/legacies and hospitality offered to staff • Authorising requests from staff to undertake additional employment (the authority delegated to Service Directors allows them to authorise additional employment for staff above SCP28) • Authorising overtime payments for staff (in accordance with corporate guidelines to ensure consistency and maintain equality) • Granting of special leave without pay • Granting of special leave with pay, including trade union time off • Considering applications to extend the period of paid sickness absence (this relates to the extension of the period of half pay; it is only at the point when employees are reaching the end of the period of half pay that such consideration can be given) • Authorising payment of compromise agreements or other forms of settlement of the termination of contract of employment • Authorising payment of 'buy-out' compensation (any 'buy-out' arrangements must be consistently applied in line with the philosophy of a single employer) • Issuing compulsory redundancy notices (in consultation with the Service Director of Human Resources) • Approval of excess travel expenses (where council policy is not appropriate, any arrangements must be consistently applied in line with the philosophy of a single employer) • Approving requests for re-employment from persons having previously taken early release from the Council's employment. The HR functions listed above are delegated to Executive and Service Directors subject to their consulting the Service Director of Human Resources in order to ensure that such functions are discharged in compliance with national/national agreements, equal pay requirements, and are consistent across directorates and accord with the philosophy of a single employer.

		The preceding general delegation only applies where the matter under consideration falls within the terms of an existing council policy. Where, the matter under consideration falls outside the particular council policy, in consultation with the Service Director of Human Resources, the Executive or Service Director concerned must prepare and submit a report outlining the issues for consideration and his or her recommendations for consideration by the Strategic Leadership Team. 6. Other functions Any function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, relevant to the Service Director's portfolio. Compensation payments up to £500, in accordance with the Council's Customer Complaints Code of Practice for Officers and the Council's Financial and Procurement Procedure Rules.
Heads of Service (M3 Managers)	Head of Service – First Response Head of Service – Locality Social Work and Disability Services Head of Service – Looked After Children Head of Service – Safeguarding, Quality and Learning Head of Service – Early Help and Engagement Head of Service – Performance	

	Head of Service – Commissioning Head of Service – Inclusion Head of Service – School Planning, Appeals and Admissions Head of Service – Early Years Head of Service – Education and ROSiS	

Council (Non-Executive Functions)

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Chief Executive by Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with Article 5 and taken in accordance with the Access to Information Procedure Rules which can be found in Appendix 3 of the Constitution.

Where a significant decision is taken using delegated powers from the Constitution, the Council or a committee, or this sub-scheme of delegation, in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Record on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. The decision may be implemented immediately.

Council Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
General			
(a)	To make payments or provide other benefits in cases of maladministration	Not delegated	
(b)	Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer	Service Directors Heads of Service M2 Managers	
Personnel			
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure	Service Directors Heads of Service M2 Managers	
(c)(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.	Not delegated	1. Subject to there being budgetary provision. 2. Such staff should be employed on terms set out in the guidance issued by the Service Director of Human Resources.

	Function Delegated	Officer to whom delegated	Terms and Conditions
(c)(iii)	To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.	Not delegated	
Byelaws			
(d)	The enforcement of byelaws.	Not delegated	

Council Functions
Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Executive Director of Children and Young People's Services includes in relation to those authorisations the power to:-

(a) Impose conditions, limitation or restrictions;
(b) Determine any terms to which they are subject;
(c) Determine whether and how to enforce any failure to comply;
(d) Amend, modify, vary or revoke; and
(e) Determine whether a charge should be made or the amount of such a charge.

	Function Delegated	**Officer to whom delegated**	**Terms and Conditions**
(a)	To license the employment of children (under part 2 of The Children's and Young Person's Act 1933 by-laws made under that part, and part 2 of the Children's and Young Person's Act 1963.).	• Service Director of Early Help and Engagement • Head of Service – Early Help and Engagement	
(b)	To make arrangements for appeals by governing bodies	Not Delegated	

Executive Functions

Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Executive Director of Children and Young People's Services by the Leader of Council.

If the Leader or relevant Cabinet Member directs that the Executive Director of Children and Young People's Services should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Cabinet.

Decisions in relation to these functions should be categorised in accordance with Article 5 and taken in accordance with the Executive Procedure Rules which can be found in Appendix 1 of the Constitution.

Where a decision is proposed in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. Once the decision has been taken, it may be implemented immediately.

Where an Administrative Decision is taken in relation to an Executive Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

Executive Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Financial			
(a)	To incur expenditure and to generate and collect income in line with Finance and Procurement Procedure Rules and within approved revenue and capital estimates.	Service Directors Heads of Service	
(b)	In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Chief Finance Officer at the first opportunity.	Service Directors	
Procurement			
(c)	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Finance and Procurement Procedure Rules.	Service Directors Heads of Service	
Communications and Media			
(d)	To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework.	Not delegated	
Authorising Officers			

	Function Delegated	Officer to whom delegated	Terms and Conditions
(e)	To authorise officers possessing such qualification as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Council (however described) and to issue any necessary certificates of authority.	Not delegated	
Corporate Procedures			
(f)	To take any action remitted to the Director of Policy, Strategy and Engagement under corporate procedures	Not delegated	
Local Choice Functions			
(g)	Functions under a local act, unless specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000	Not delegated	
(h)	To obtain particulars of persons interested in land	Not delegated	
(i)	To make arrangements for appeals against exclusion of pupils from maintained schools	Not delegated	
(j)	To make arrangements for appeals regarding school admissions[1]	Not delegated	
Budget and Policy Framework			
(k)	To canvas views of local stakeholders, formulate initial proposals within the budget and policy framework	Not delegated	
Employment			

[1] S94(1), (1A) AND (4) School Standards and Framework Act 1998

	Function Delegated	Officer to whom delegated	Terms and Conditions
(l)	To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service, as modified or extended by any local or national agreements	Service Directors	
(m)	Decisions in relation to restructures, except where the decision: (i) Involves changes to existing national or local agreements and policies; and/or (ii) Cannot be achieved within delegated powers in respect of budgets	Not delegated	Decisions are subject to: (i) Appropriate professional advice be sought (ii) Prior consultation with all appropriate parties affected by the decision, including all officially recognised trade unions, and (iii) Appropriate consideration of pay and grading requirements (iv) Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.
Provision of Statutory Returns			
(n)	To provide such statutory returns as are necessary within the Executive Director of Children and Young People's remit	Not delegated	

Executive Functions
Specific Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Any function of the Leader and Cabinet not otherwise delegated to an Executive Director in relation to:			
1	Children's Social Care		
	(a) Preventative Services including: Taking account of the benefits of prevention and early intervention and the importance of co-operating with other agencies to offer early help to children, young people and families to: i) Understand local need; and ii) Secure provision of services.	Service Director Heads of Service	
	(b) Safeguarding and Child Protection including: i) Leading on multiagency arrangements to ensure that resources are coordinated and deployed in safeguarding and vulnerable children ii) Provision of safeguarding training to ensure that staff are equipped to recognise and address child abuse iii) Acting as corporate parents for looked after children iv) Provision of placements for looked after children; and v) Implementing planned transition for young people leaving care.	Service Director Heads of Service	
	(c) Assessment and Care Management including: i) Assessment of children who may have social care needs; and ii) Co-ordination, management and review of care package to meet assessed needs.	Service Director Heads of Service	

	Function Delegated	Officer to whom delegated	Terms and Conditions
	(d) Complex Needs including: i) Provide and commission services to meet the need of children with complex needs. ii) Provide and commission services to meet the need of children with complex needs.	Service Director Heads of Service	
	(e) Residential and Respite Care including: i) Provision and commissioning of residential placements; and ii) Provision and commissioning of respite.	Service Director Heads of Service	
	(f) Support for Carers including: i) Provision or commissioning of training, advice and practical help for carers.	Service Director Heads of Service	
	(g) Youth Offending Services including: i) Provision of education for children in custody; and ii) Safeguarding arrangements for children in custody	Service Director Heads of Service	

	Function Delegated	Officer to whom delegated	Terms and Conditions
	(h) Legal decisions i) To initiate family court proceedings ii) Signing of applications to court iii) Signing of care plans to court iv) Court directed placements v) Decision to apply for discharge of care order vi) Planned accommodation under Section 20 Children Act 1989 vii) Application for an Emergency Protection Order viii) Application for a Child Assessment Order ix) Approval to apply to Secure Accommodation Panel x) Approval for secure accommodation (welfare or otherwise) xi) Decision to use secure accommodation without the authorisation of a court (up to 72 hours in aggregate over a 28 day period) xii) Decision to end period in Secure Accommodation whilst Court Order is in place xiii) Decision to place a child on a Care Order or an Interim Care Order at home with parents or person with parental responsibility xiv) Application to the Court for authority to refuse contact with a child in care under Section 34(4) Children Act 1989		
	(i) Children in Need and in need of protection		
	i) Decisions on outcome of referrals and assessments ii) Responsibility to assess case iii) Responsibility to call a child's care planning or review meeting iv) Chairing of child's care planning (CIN) meeting/ chairing a non CLA review meeting v) Decision to close a case or transfer a case to another team		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	(j) Functions related to child protection *Authority to exercise all the duties and functions of the Authority under Parts IV and V of the Children Act 1989, sections 31 – 52 [including section 47 – local authority's duty to investigate] and all other enabling powers with regard to the care, supervision and protection of children and young people, including determining applications for Residence Orders under Section 8 Children Act 1989. This includes:-* i) Decision to hold Child Protection strategy meeting ii) Initiate Section 47 Child Protection enquiries including direct work with the family iii) Conclude Section 47 enquiries iv) Decision to convene an Initial Child Protection Conference v) Decision to hold Review Child Protection Conference out of timescales vi) Chairing of Child Protection Conferences vii) Cessation of Child Protection Plans viii) Risk decision re: DBS checks		
	(k) Consent decisions relating to children in care		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	i) Authority to exercise all the duties and functions of the Authority with regard to children and young people under Sections 22 to 24D of the Children Act 1989 and all other enabling powers (maintenance, advice etc) including making decisions reasonably necessary for their health and well-being ii) Authorisation to place a child outside the area of the responsible authority but within the neighbouring authorities iii) Authorisation to place a child outside the area of the responsible authority and where that placement is a distant one iv) Authorisation of Placement of Children Looked After with Parents etc. v) Sign Passport Applications as person with parental responsibility vi) Consent to holidays or trips abroad in school holidays lasting under a month vii) Consent for a child who is subject to a Care Order to leave the jurisdiction of the Court for more than a month viii) Consent to seek agreement for a child who is subject to an interim care order or the subject of court proceedings on no order, to leave the jurisdiction of the Court ix) Consent to support a young person on a Care Order changing their name x) Consent to join the Armed Forces xi) Consent to marriage of 16 or 17 year old on a Care Order xii) Consent for 16 or 17 year old on a Care Order to live independently xiii) Authorisation to cease being looked after for children (aged 0-15 who have been in care over 20 days) who are being placed for adoption xiv) Authorisation to cease being looked after for children (aged 0-15 who have been in care for over 20 days) who are going home or going to live with family or friends		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	xv) Authorisation of the support plan where a child is to cease being looked after for children (aged 0-15 who have been in care over 20 days) who are subject to special guardianship or child arrangement orders. xvi) Authorisation to cease being looked after for young people aged 16 & 17 xvii) Young person continues to be accommodated after their 18th birthday where in residential provisions xviii) Young person remains in an extended foster placement or a formal 'Staying Put' arrangement xix) Consent to routine planned health assessments or treatment for looked after children where the Local Authority has parental responsibility xx) Consent to common (age-related) health remedies including non-prescription drugs, such as ibuprofen and paracetamol xxi) Consent to health assessments, treatment or other interventions including general anaesthetic for a child on a care order where the parent is in disagreement xxii) Consent to health assessments, treatment or other interventions including general anaesthetic for a child accommodated by the Authority which does not have parental responsibility xxiii) Consent to medical interventions to deal with life threatening situations xxiv) Where there is a high risk associated with medical treatment or procedure and this is a planned intervention xxv) Consent to medical interventions to deal with life threatening situations or where there is a high risk associated with the treatment or procedure where the parent or other persons with parental responsibility oppose the intervention xxvi) Acting as a parent for children subject to care orders for the purposes of sectioning under the Mental Health Act 1983 and 2007 xxvii) Engagement in potentially hazardous leisure or sports activity		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	xxviii) Decisions about staying with friends overnight xxix) Decisions about contact arrangements xxx) Decisions about looked after children under 16 subject to a care order having non-intimate body piercing xxxi) Agreement that long term fostering is plan for the child xxxii) Agreement that foster placements are permanent placements for looked after children xxxiii) Decision to consent to looked after children's photographs being used in external publications xxxiv) Decisions re: DBS disclosures on Family and Friends, Foster Carers and SGO Carers xxxv) Consent to use publicity for child missing from care xxxvi) Delay outside statutory timescale for LAC reviews xxxvii) Death of a child in care:- - Notifying the Cabinet Member - Notifying the Head of Service - Notifying the Team Management - Notifying the Head of Service responsible for Youth Offending		
	(l) Fostering and adoption agency decisions		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	i) Foster Agency Decision Maker ii) Approval of Foster Carers following first annual review iii) Continued approval of foster carers following subsequent reviews (unless referred to Fostering Panel) iv) Authorise emergency placements out of the foster carers terms of approval v) Permanent change of approval vi) Temporary Approval of Foster carers (Regulation 24) vii) Approving adopters as Foster to Adopt carers viii) Adoption Agency Decision Maker ix) Approval of new Adopters x) Approval of the plan for a child to be adopted xi) Approval of a match between a child and adopters xii) Revocation of the plan for a child to be adopted xiii) Decision to pay an adoption allowance or lump sum payment xiv) Review of adopters' approval (unless review at Adoption Panel)		
	(m) Placement Decisions		
	i) Agreement to place with Independent Children Home ii) Agreement to place with Independent Fostering Agency iii) Parent and child assessment placement iv) Specialist leaving care accommodation (ESA) v) B&B/ Emergency accommodation		
	(n) Disabled Children		
	i) Agreement to provide a short breaks personal budget for a disabled child ii) Agreement to request overnight short break service for a disabled child iii) Agreement to provide inclusive Play Provision funding to enable settings to meet needs of a specific child		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	(o) Notifications		
	i) Death of a child in care:- - If 'out of hours' EDT will inform the Executive Director - Executive Director will inform the Cabinet Member, Leader of the Council and Chief Executive - Executive Director will notify the relevant Service Director and Head of Service - Notification to Ofsted from the Executive Director's office ii) HCPC notifications - Disciplinary/ suspension notifications - Concerns regarding safety to practice (ex staff members) iii) Ofsted notifications - Serious incident(s) - Serious Case Review – decision to commission - Serious Case Review – publication date		
	(p) Education Decisions regarding Children in Care *Should be discussed at Personal Education Plan Meetings (PEPs) wherever possible*		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	i) Agreement on school placement for those entering the school system – social worker should apply to nearest good or better Ofsted rated school ii) Consultation on Early Years Placement (Childminder, Nursery or Children's Centre Placement) – must have good or better Ofsted iii) Agreement on school placement for those pupils in transition between key stages where the current school is unable to continue to educate the child (e.g. between primary and secondary school) iv) Agreement to change a child's school, e.g. due to a care placement move, new to care v) Any planned school move for a pupil in KS4 cannot be agreed without specific permission from Virtual School Head and Service Director vi) LAC Pupil Premium Spend – at the PEP meeting to be approved/ quality assured by Virtual School Head vii) Exceptional Permission for Absence in term time (half a day or more) – only short, unavoidable and rare viii) Permission for a reduced/reintegration/transition timetable (any timetable that is less than statutory required hours) – school to submit paperwork to the Virtual School Head ix) Repeating a school year or placing a child in year group not their chronological age x) Exclusions from school – risk of permanent exclusion from school		
2	Education and Skills		
	(a) Schools Finance		

	i) Education Provision – in consultation with schools and partners, develop and implement an Integrated Education Strategy distributing capital funding to schemes on the basis of need and in accordance with any regulations regarding the use of funding grants ii) Schools Forum – in accordance with s47a of the Education Act 2002, establish and maintain a Schools Forum to advise and agree proposals as prescribed in regulations, on the distribution of money between schools and how much should be spent on certain Authority-wide functions iii) Fair Funding Formula – Children and Young People's Services directorate, in consultation with schools and Schools Forum, to determine each school's budget share through the development and implementation of a local Fair Funding Formula, subject to any statutory requirements, including reference to the Schools Regulations 2012. iv) Schools Budget Setting – set school budgets in accordance with regulations, including those relating to minimum schools budgets and 'passporting' targets v) Schools Budget Submission to Secretary of State – in accordance with paragraph 66 of schedule 7 to the Local Government Act 2003 submit to the Secretary of State the proposed Schools Budget as required vi) Budget Statements – to manage the delegation of budget shares to schools, produce a financial statement before the beginning of each financial year and after the end of each financial year in accordance with s.52 of the 1998 Act and other related regulations vii) Audit dates to the Secretary of State – in accordance with the Consistent Financial Reporting (England) Regulations 2003 to report to the Secretary of State each schools' audit date by the August following the end of the financial year. viii) Notice of Concern ix) Staffing and Finance – in accordance with S.35(7) of the Education Act 2002 the arrangement for staffing of schools without delegated budgets shall be determined by the local authority		
	(b) School Admissions		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	Subject to the Education (Determination of Admissions Arrangements)(England) Regulations 1999 as amended by the Education (Determination of Admissions Arrangements)(Amendment)(England) Regulations 2002 relating to maintained schools:		

	i) Consult annually about admissions arrangements with governing bodies of admissions authorities of schools ii) Where there are within year variations to (except in a case where their proposed variations prescribed – see Education (Variations of Admissions Arrangements)(England) Regulations 2002) refer the proposed variations to the adjudicator and notify the bodies whom it consulted of the proposed variations. Where the local authority is the admissions authority for the school, to consult with the governing body before making a reference to the adjudicator iii) When determining admissions arrangements for schools for which the authority is the admissions authority, include determination of the number of pupils in each relevant age group that it is intended to admit to the school in that year, taking into consideration the current capacity of the school and its indicated admission number. iv) Where the authority determines an admission number for a relevant age group which is lower than the school's indicated admission number, the authority must undertake additional publication (reg. 9 of the 1999 Regulations) of a statutory notice. v) Adoption of the Annual Admissions Policy vi) To determine the admissions policy for local authority nursery schools and classes and disseminate to schools vii) To exercise on behalf of the Authority the power under section 98 of the Education Act 1998 to give direction to a governing body that a child be admitted to a named school within the Authority's area. viii) To comply with any requirements made by the Secretary of State to implement a scheme for co-ordinated arrangements for admissions in accordance with the Education Act 2002, Education (Co-ordination of Admissions Arrangements)(Primary Schools)(England) Regulations 2002, as amended by the Education (Co-ordination of Admissions Arrangements)(Primary Schools)(England) (Amendment) Regulations 2003 and the Education (Co-ordination of Admissions Arrangements)(Secondary Schools)(England) Regulations 2002.		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	ix) To administer arrangements for the admission of individual pupils to primary and secondary schools, including designated areas and other relevant factors and to present the case on behalf of the Authority to admission appeals panels.		
	(c) Functions related to school governance		
	i) Determination of school term dates – in the case of Local Authority, Voluntary Controlled and Special Schools, including residential schools, to determine school term dates after appropriate consultation ii) Changing the character of a school – to authorise commencement of the consultation process to change the character of a school prior to formal report to Cabinet (Education and Inspection Act 2006) iii) To approve instruments of governance for schools iv) To appoint additional governors to schools in special measures v) Exercising any human resources, personnel or staffing functions in relation to schools maintained by the Local Authority that are not exercised by school governing bodies in line with the Education Act 1996 and s. 142 of the Education Act 2002. vi) To provide advice to schools at all proceedings relating to the selection of a headteacher, and of other teaching staff where required vii) To implement decisions for governing bodies of schools relating to the determination of potential dismissals and any subsequent appeals against such dismissals, which are within the Authority's powers to determine. viii) Where the governing bodies of voluntary aided or foundation schools notifies the LEA of the intention to appoint a person to the post of headteacher or deputy headteacher, the Chief Education Officer will make written representation within 14 days if the applicant is not suitable for appointment.		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	(d) Functions related to school attendance		
	i) To exercise the powers and duties of the Authority as set out in Section 19 of the Education Act 1996 in respect of making arrangements for the provision of suitable education at school or otherwise for children of compulsory school are who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made ii) To authorise any proceedings necessary to enforce any enactment relating to the non-attendance of pupils at school, or education other than at school with reference to the Education Act 1996 and the Anti-Social Behaviour Act 2003.		
	(e) Functions related to school curriculum		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	i) Under s.79 of the Education Act 2002, to ensure that every school maintains (including nursery schools and nursery education funded through the LEA) meets the general requirements for the curriculum in particular the National Curriculum (which now includes the Foundation Stage) and religious worship. ii) To monitor the way in which the assessments and foundation stage profiles are being conducted by teachers to ensure consistency and proper implementation of the statutory provisions (The Education (National Curriculum)(Foundation Stage Profile Assessment Arrangements)(England) Order 2003). iii) In accordance with arrangements approved by the Secretary of State under the Education Act 1996 (s.409) to investigate complaints concerning alleged failures of schools to comply with the National Curriculum, including requirements for religious education and collective worship and the arrangements for statutory assessment and moderation of the National Curriculum iv) In accordance with s.90 of the Education Act 2002, to determine whether applications be made to the Secretary of State to direct that a local authority maintained school be authorised to conduct curriculum experiments outside the National Curriculum v) To provide on behalf of the Authority any information which the Secretary of State may by regulation require, including through the Education (School Performance Information)(England) Regulations 2001 and the Education (Pupil Information)(England) Regulations 2000.		
	(f) Functions related to Special Educational Needs		

	Function Delegated	Officer to whom delegated	Terms and Conditions
	i) To arrange for children to be assessed in accordance with the requirements of the Education Act 1996 and the SEN and Disability Act 2001, to determine the special educational provision which should be made for them and to maintain and review statements of special educational need in accordance with any regulations concerning these ii) To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs iii) To ensure that the requirements of any statutory Codes of Practice, relevant to SEN, or other regulations are complied with.		

Miscellaneous Functions
The functions set out in this part of the Sub-delegation scheme are derived from:-

- Legislation which provides that a function should be the specific responsibility of the Executive Director of Children and Young People's Services;
- Policies and Procedures which form part of the Constitution of Rotherham Metropolitan Borough Council;
- Sub-delegations made by other Executive Directors of Rotherham Metropolitan Borough Council to whom those functions have been delegated; and
- Delegations which have been made to the Executive Director of Children and Young People's Services by Council or the Cabinet for a period less than 6 months which are not therefore reflected in the Constitution

Place from where function derived	Function Delegated	Officer to whom delegated	Terms and Conditions

Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Executive Director of Children and Young People's Services in the usual course of business. These sub-delegations may only be exercised in the absence of the Executive Director of Children and Young People's Services on leave or where the Executive Director of Children and Young People's Services has confirmed in writing that he/she will be absent from the office and these provisions are to apply.

Function sub-delegated by the Executive Director of Children and Young People' Services	**Officer with authority to exercise function in absence of the Executive Director of Finance and Customer Service**	**Terms and Conditions**
All functions which are delegated to the Executive Director of Children and Young People's Services, save for those mentioned specifically below	Service Director – Safeguarding	To, in the absence of the Executive Director of Children and Young People's Services, exercise the functions of the Executive Director of Children and Young People's Services in respect of Safeguarding
	Service Director – Early Help & Family Engagement	To, in the absence of the Executive Director of Children and Young People's Services, exercise the functions of the Executive Director of Children and Young People's Services in respect of Early Help & Family Engagement
	Service Director – Commissioning, Performance & Inclusion	To, in the absence of the Executive Director of Children and Young People's Services, exercise the functions of the Executive Director of Children and Young People's Services in respect of Commissioning, Performance & Inclusion functions

	Service Director – Education	To, in the absence of the Executive Director of Children and Young People's Services, exercise the functions of the Executive Director of Children and Young People's Services in respect of Education functions

Sub-Scheme of Delegation
Executive Director of Corporate Services

The Executive Director of Corporate Services is authorised in accordance with the Officer Delegation Scheme to carry out functions on behalf of Council and the Executive. Each Executive Director has the benefit of a number of delegations – these are set out separately in two schemes; one for Council functions (delegated by Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that all Directors can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the named Director. Details of those delegations can be found in Appendix 9 of the Constitution.

The Executive Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Executive Director delegates functions to a fellow Executive Director he/she makes it clear in this sub-delegation scheme whether that Executive Director can sub-delegate those functions.

This scheme details the officers who can carry out each function on the Executive Director's behalf, together with the details of any terms and conditions which the Executive Director has imposed on that sub-delegation. All officers are bound by the Officer Employment Procedure Rules and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the Executive Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Executive Director may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Executive Director for a decision or for referral to the relevant Committee if appropriate.

In some circumstances not all Executive Directors have functions delegated to him/her in the delegation scheme. In these cases the relevant part of this sub-delegation scheme is marked as 'not applicable'. Where the Executive Director has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Executive Director unless the absence provisions at the end of this scheme apply

Group Delegations – Definitions and Priorities

The Executive Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group.

Group Title	Officers included in group authorisation	Responsibility
Service Directors	Service Director of Customer, Information and Digital Services Service Director of Financial Services Service Director of Legal Services Service Director of Human Resources	Each to act in relation to matters within their remit unless absent in which case any other Service Director may act. 1. In respect of all financial matters: • Authorisation to spend within approved budgets subject to the policies, Financial and Procurement Procedure Rules of the Council • Authorisation for the virement of revenue budgets in according with the Financial and Procurement Procedure Rules of the Council 2. In respect of departmental assets: • The purchase of replacement vehicles, plant or equipment, including computer hardware and software for which financial provision has been made in accordance with the Financial and Procurement Procedure Rules of the Council. • Declaring obsolete furniture and equipment, and other materials surplus to requirements provided that the estimated value of any one item or group of items is not more than £1,000. 3. In respect of procurement, contract administration and best value: • In accordance with Financial and Procurement Procedure Rules, matters relating to the specification for works, goods and services, the seeking of estimates, quotations and tenders, the evaluation of the same and acceptance of tenders relating to contracts for works, goods and services in accordance with approved budgets or supplementary estimates.

		• Where a contract for support and maintenance is renewed within five years of the original contract, authority to award such a contract. 4. In respect of in-house service providers: 5. Human Resources functions delegated: Subject to the next following bullet points, the following HR functions are delegated to Executive and Service Directors: • Establishment of posts • Changes to establishment/restructuring • Transfer of posts between service sections and units • Approval to fill vacant posts within approved establishment, including posts externally funded (where directors delegate this responsibility to senior managers in the service a list of authorised officers for this should be maintained by the directorate HR manager) • Appointment to posts below Service Director, with approved establishment (where this is delegated to senior managers, a list of authorised officers should be maintained by the directorate HR manager) • Use of the re-location scheme for new appointments (the standard pro-forma should be used) • Transfer of staff internally to equivalently graded posts • Approving the recruitment of additional temporary staff for maternity leave cover • Approving the recruitment of additional temporary staff to meet work demands/ seasonal fluctuations (all arrangements should be registered and recorded appropriately by the service). • Agreeing applications for job share and filling of resultant vacancies (the standard pro forma should be used by the service and retained as a record of an agreed job share arrangement). • Agreeing work experience placements for students NOT employed by the

		Council (there is a standard form for this purpose which should be used by the service). • Agreeing the transition of employees from probationary to permanent employment status • Grading of new posts/changes to existing grades (to satisfy equal pay requirements job grades must be submitted to the directorate HR manager for assessment by the Corporate Pay and Grading Panel). Also covered by this delegation are other payments for non-regular working for all staff, including, for example, standby payments and, in addition, the application of the Council's grading protection scheme • Agreeing appropriate starting salaries (Executive and Service Directors have full delegated powers to determine the salary necessary to attract candidates within the grade determined for the job (the directorate HR manager should be consulted and consistent guidelines for the directorate established and maintained) • Considering personal applications for re-grading (on the advice of a member of the Corporate Pay and Grading Panel) • Approving honoria/ex-gratia payments in appropriate circumstances (in accordance with corporate guidelines to ensure consistency of approach and maintain equality) • Applying the disciplinary procedure with power to initiate investigation and undertake disciplinary procedures up to and including dismissal (Service Directors may delegate this responsibility to appropriate officers, who should consult the directorate HR manager to ensure a consistent approach). • Applying the grievance procedure with power to initiate investigations and undertake first stage grievance hearings (Service Directors may delegate this responsibility to appropriate officers, this should be done in consultation with the directorate HR manager to ensure a consistent approach) • Monitoring of sickness procedures • Agreeing ill health terminations • Approving attendance on full time training courses, conferences etc. or to give lectures (not exceeding one week duration)

		• Authorising the acceptance of gifts/legacies and hospitality offered to staff • Authorising requests from staff to undertake additional employment (the authority delegated to Service Directors allows them to authorise additional employment for staff above SCP28) • Authorising overtime payments for staff (in accordance with corporate guidelines to ensure consistency and maintain equality) • Granting of special leave without pay • Granting of special leave with pay, including trade union time off • Considering applications to extend the period of paid sickness absence (this relates to the extension of the period of half pay; it is only at the point when employees are reaching the end of the period of half pay that such consideration can be given) • Authorising payment of compromise agreements or other forms of settlement of the termination of contract of employment • Authorising payment of 'buy-out' compensation (any 'buy-out' arrangements must be consistently applied in line with the philosophy of a single employer) • Issuing compulsory redundancy notices (in consultation with the Service Director of Human Resources) • Approval of excess travel expenses (where council policy is not appropriate, any arrangements must be consistently applied in line with the philosophy of a single employer) • Approving requests for re-employment from persons having previously taken early release from the Council's employment. The HR functions listed above are delegated to Executive and Service Directors subject to their consulting the Service Director of Human Resources in order to ensure that such functions are discharged in compliance with national/national agreements, equal pay requirements, and are consistent across directorates and accord with the

		philosophy of a single employer. The preceding general delegation only applies where the matter under consideration falls within the terms of an existing council policy. Where, the matter under consideration falls outside the particular council policy, in consultation with the Service Director of Human Resources, the Executive or Service Director concerned must prepare and submit a report outlining the issues for consideration and his or her recommendations for consideration by the Strategic Leadership Team. 6. Other functions Any function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, relevant to the Service Director's portfolio. Compensation payments up to £500, in accordance with the Council's Customer Complaints Code of Practice for Officers and the Council's Financial and Procurement Procedure Rules.
Heads of Service	Head of Customer Services Head of Digital Services Head of Information Management Head of Corporate Finance Head of Finance (Children and Young People's Services) Finance (Regeneration and Environment, Adult Care,	

	Housing and Public Health) Head of Procurement Service and Development Manager – Revenues & Benefits Head of Legal Services Head of Internal Audit	

Delegation of Functions under the Articles of the Constitution

Specific Delegation

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to the Executive Director of Corporate Services alone, with general effect.

Article	Function Delegated	Officer to whom delegated	Terms and conditions
16.1	After consulting with the Chief Executive and the Service Director of Legal Services, the Executive Director of Corporate Services will report to the full Council or to the executive (in relation to an executive function) and the District Auditor if he considers that any proposal, decision or course of action – • will involve incurring unlawful expenditure; • is unlawful and is likely to cause a loss or deficiency; • will result in the Council entering an item of account unlawfully. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.	Service Director of Financial Services (as Deputy Chief Finance Officer)	To be exercised in the absence of the Executive Director of Corporate Services
16.2	The Executive Director of Corporate Services will have responsibility for the administration of the financial affairs of the Council.	Service Director of Financial Services (as Deputy Chief Finance Officer)	To be exercised in the absence of the Executive Director of Corporate Services
16.3	The Executive Director of Corporate Services will advise the Cabinet in making its proposals for the budget and the Council upon setting the budget, including advice as to the level of reserves and balances that should be maintained by the Council. He/she will also advise on the establishment and use of reserves.	Service Director of Financial Services (as Deputy Chief Finance Officer)	To be exercised in the absence of the Executive Director of Corporate Services

Article	Function Delegated	Officer to whom delegated	Terms and conditions
16.4	The Executive Director of Corporate Services will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.	Service Director of Financial Services (as Deputy Chief Finance Officer)	To be exercised in the absence of the Executive Director of Corporate Services
16.5	The Executive Director of Corporate Services will provide advice to all councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and the budget and policy framework, and will support and advise councillors and officers in their respective roles.	Service Director of Financial Services (as Deputy Chief Finance Officer)	To be exercised in the absence of the Executive Director of Corporate Services
16.6	The Executive Director of Corporate Services will provide financial information to the media, members of the public and the community.	Service Director of Financial Services (as Deputy Chief Finance Officer)	To be exercised in the absence of the Executive Director of Corporate Services
18.1	The Chief Executive, the Service Director of Legal Services and the Executive Director of Corporate Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.	Service Director of Financial Services (as Deputy Chief Finance Officer)	To be exercised in the absence of the Executive Director of Corporate Services
18.2	In reviewing the operation of the Constitution, the Chief Executive, the Service Director of Legal Services and the Executive Director of Corporate Services may – • observe meetings of different parts of the member and officer structure; • undertake an audit trail of a sample of decisions; • record and analyse issues raised with them by members, officers, the public and other relevant stakeholders; and compare Council practices with national examples of best practice or with the practices of other comparable authorities.	Service Director of Financial Services (as Deputy Chief Finance Officer)	To be exercised in the absence of the Executive Director of Corporate Services

Council (Non-Executive Functions)

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Chief Executive by Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with Article 5 and taken in accordance with the Access to Information Procedure Rules which can be found in Appendix 3 of the Constitution.

Where a significant decision is taken using delegated powers from the Constitution, the Council or a committee, or this sub-scheme of delegation, in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Record on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. The decision may be implemented immediately.

Council Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
General			
(a)	To make payments or provide other benefits in cases of maladministration	Not delegated	
(b)	Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer	Not delegated	
Personnel			
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure	Service Directors	
(c)(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.	Service Directors	1. Subject to there being budgetary provision. 2. Such staff should be employed on terms set out in the guidance issued by the Service Director of Human Resrouces.
(c)(iii)	To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.	Service Directors	
Byelaws			

	Function Delegated	Officer to whom delegated	Terms and Conditions
(d)	The enforcement of byelaws.	Service Director Legal Services	

Council Functions
Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Executive Director of Corporate Services includes in relation to those authorisations the power to:-

(a) Impose conditions, limitation or restrictions;
(b) Determine any terms to which they are subject;
(c) Determine whether and how to enforce any failure to comply;
(d) Amend, modify, vary or revoke; and
(e) Determine whether a charge should be made or the amount of such a charge.

Function Delegated	Officer to whom Delegated	Terms and Conditions
To appoint review boards under the Social Security Act 1998[1]	Service Director of Legal Services	
Functions related to local government pensions	Service Director of Human Resources and Organisational Development	
To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal	Service Director of Human Resources and Organisational Development	
To determine employee terms and conditions	Not delegated	

[1] S34(4) Social Security Act 1998

Executive Functions

Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) which have been delegated to the Executive Director of Corporate Services by the Leader of Council.

If the Leader or relevant Cabinet Member directs that the Executive Director of Corporate Services should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Cabinet.

Decisions in relation to these functions should be categorised in accordance with Article 5 and taken in accordance with the Executive Procedure Rules which can be found in Appendix 1 of the Constitution.

Where a decision is proposed in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Record. Once the decision has been taken, it may be implemented immediately.

Where an Administrative Decision is taken in relation to an Executive Function you should keep a written record for audit purposes. You can use a Delegated Decision Record to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

Executive Functions
General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Financial			
(a)	To incur expenditure and to generate and collect income in line with Finance and Procurement Procedure Rules and within approved revenue and capital estimates.	Service Directors Heads of Service	
(b)	In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Chief Finance Officer at the first opportunity.	Service Directors	
Procurement			
(c)	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Finance and Procurement Procedure Rules.	Service Directors Heads of Service	
Communications and Media			
(d)	To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework.	Not delegated	
Authorising Officers			

	Function Delegated	Officer to whom delegated	Terms and Conditions
(e)	To authorise officers possessing such qualification as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Council (however described) and to issue any necessary certificates of authority.	Service Directors & Head of Internal Audit	
Corporate Procedures			
(f)	To take any action remitted to the Director of Policy, Strategy and Engagement under corporate procedures	Not delegated	
Local Choice Functions			
(g)	Functions under a local act, unless specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000	Service Directors & Head of Internal Audit	
(h)	To obtain particulars of persons interested in land	Not delegated	
Budget and Policy Framework			
(i)	To canvas views of local stakeholders, formulate initial proposals within the budget and policy framework	Service Directors & Head of Internal Audit	
Employment			

(j)	To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service, as modified or extended by any local or national agreements	Service Directors & Head of Internal Audit	

	Function Delegated	Officer to whom delegated	Terms and Conditions
(k)	Decisions in relation to restructures, except where the decision: (i) Involves changes to existing national or local agreements and policies; and/or (ii) Cannot be achieved within delegated powers in respect of budgets	Service Directors & Head of Internal Audit	Decisions are subject to: (i) Appropriate professional advice be sought (ii) Prior consultation with all appropriate parties affected by the decision, including all officially recognised trade unions, and (iii) Appropriate consideration of pay and grading requirements (iv) Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.

(l)	Workforce Development	Service Director of Human Resources and Organisational Development	
Provision of Statutory Returns			
(m)	To provide such statutory returns as are necessary within the Executive Director of Corporate Services remit	Service Directors & Head of Internal Audit	

Executive Functions
Specific Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Any function of the Leader and Cabinet not otherwise delegated to a Strategic Director in relation to:			
1	Setting, support and monitoring the Council's financial strategy and ensuring effective financial management and controls, including:- (a) Reporting on the robustness of Council's financial plans (b) Managing the Council's borrowing and investment requirements (c) Managing and monitoring the Council's revenue budget and capital programme (d) Preparation and closure of the Council's financial accounts (e) Managing the Council's tax affairs (f) Internal audit; and (g) Determining requests for early release and flexible retirement, in consultation with the relevant Cabinet Member **The Executive Director of Corporate Services has responsibility for these arrangement as Section 151 Officer**	Service Director of Financial Services Head of Internal Audit	Limited to Internal Audit functions
2	Implementing effective financial management and controls including:- (a) Collecting council tax and business rates, and collecting other money that is owed to the Council; (b) Administration of pensions; and (c) Insurance for the Council	Service Director of Financial Services	

3	Setting, supporting and monitoring the Council's policies and procedures for managing:- (a) Budgets (b) Information and communications technology and digital services (c) Information Governance (d) Procurement and purchasing (e) Legal Services (f) Human Resources	Service Director of Financial Services Service Director of Customer, Information and Digital Services Service Director of Financial Services Service Director – Legal Services Service Director of Human Resources and Organisational Development	
4	Supporting the corporate governance of the Council, particularly in respect of (delegated to the Service Director of Legal Services as Monitoring Officer, where appropriate):- (a) The requirements of the Members' Code of Conduct (b) Upkeep of the Constitution (c) Preparation of the Annual Governance Statement	Service Director of Legal Services Head of Internal Audit	
5	The council's corporate customer services functions including:- (a) The telephone contact centre (b) Digital access, including the Council's website	Service Director of Customer, Information and Digital Services	

Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Executive Director of Corporate Services in the usual course of business. These sub-delegations may only be exercised in the absence of the Executive Director of Corporate Services on leave or where the Executive Director of Corporate Services has confirmed in writing that he/she will be absent from the office and these provisions are to apply.

Function sub-delegated by the Executive Director of Corporate Services	**Officer with authority to exercise function in absence of the Executive Director of Corporate Services**	**Terms and Conditions**
All functions which are delegated to the Executive Director of Corporate Services	Service Director of Customer, Information and Digital Services Service Director of Financial Services Service Director of Legal Services Service Director of Human Resources and Organisational Development Head of Internal Audit	In the absence of the Executive Director of Corporate Services the Service Directors and Head of Internal Audit may carry out all functions which are delegated to the Executive Director. For clarity, in the first instance these should usually be exercised by the Service Director or Head of Internal Audit with management responsibility for the relevant Service to whom the delegation falls but are capable of being exercised by any of the Service Directors or the Head of Internal Audit.

Sub Scheme of Delegation
Executive Director of Regeneration of Environment

The Executive Director of Regeneration and Environment is authorised in accordance with the Officer Delegation Scheme to carry out functions on behalf of Council and the Executive. Each Executive Director has the benefit of a number of delegations – these are set out separately in two schemes; one for Council functions (delegated by Council) and one for Executive Functions (delegated by the Leader of the Council). Each scheme is further separated into the general functions which are shared so that all Directors can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the named Director. Details of those delegations can be found in Appendix 9 of the Constitution – Scheme of Delegation.

The Executive Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Executive Director delegates functions to a fellow Executive Director he/she makes it clear in this sub-delegation scheme whether that Executive Director can sub-delegate those functions.

This scheme details the officers who can carry out each function on the Executive Director's behalf, together with the details of any terms and conditions which the Executive Director has imposed on that sub-delegation (examples can be found in footnote below). All officers are bound by the Employee Code of Conduct and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme. Some functions may be sub-delegated to officers working for a third party, for example where that third party is carrying out specific enforcement functions. In such instances a clear written record will be maintained and suitable controls established by the Service Director responsible for the specific delegation.

Even though the Executive Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Executive Director may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Executive Director for a decision or for referral to the relevant Committee if appropriate.

In some circumstances not all Executive Directors have functions delegated to him/her in the delegation scheme. In these cases, the relevant part of this sub-delegation scheme is marked as 'not applicable'. Where the Executive Director has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Executive Director unless the absence provisions at the end of this scheme apply.

Glossary

Council Functions	Functions which must be carried out by or on behalf of the Council. Functions which are reserved to Council can be found here. Other Council functions are delegated to Committees of Elected Members or to individual officers.
Elected Members	Councillors elected by the citizens of Rotherham.
Cabinet	The group of 9 Elected Members including and selected by the Leader, responsible for carrying out Executive functions.
Executive Functions	Functions which must be carried out by or on behalf of the Executive (Cabinet).
Council	The meeting of all 59 Elected Members of Rotherham Metropolitan Borough Council
Functions	Things which Rotherham Metropolitan Borough Council must or may do. All functions are set out in legislation which will state whether the function is permissive or mandatory.
Leader	The Leader of Council elected by all 59 Members of Council. (Usually, the chosen leader of the largest political group represented on the Council.)
Local Choice Functions	The Council must decide whether these functions should be treated as Council functions or Executive functions. Details of the responsibility for these functions can be found here.
Relevant Cabinet Member	The Leader gives Portfolios of responsibility to individual members of Cabinet. Details of specific responsibilities are set out in the Cabinet Members Portfolios.

Group Delegations – Definitions and Priorities

The Executive Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group. It also provides details of how it should be determined which of the officers within the group should take any given decision.

Group Title	Officers Included	Order of responsibility
Service Directors	Service Director – Community Safety and Street Scene Service Director – Culture, Sport and Tourism Service Director – Planning, Regeneration and Transport	Each to act in relation to matters within their remit unless absent in which case any other Service Director may act. 1. In respect of all financial matters: • Authorisation to spend within approved budgets subject to the policies, Financial and Procurement Procedure Rules of the Council • Authorisation for the virement of revenue budgets in according with the Financial and Procurement Procedure Rules of the Council 2. In respect of departmental assets: • The purchase of replacement vehicles, plant or equipment, including computer hardware and software for which financial provision has been made in accordance with the Financial and Procurement Procedure Rules of the Council. • Declaring obsolete furniture and equipment, and other materials surplus to requirements provided that the estimated value of any one item or group of items is not more than £1,000. 3. In respect of procurement, contract administration and best value:

		• In accordance with Financial and Procurement Procedure Rules, matters relating to the specification for works, goods and services, the seeking of estimates, quotations and tenders, the evaluation of the same and acceptance of tenders relating to contracts for works, goods and services in accordance with approved budgets or supplementary estimates. • Where a contract for support and maintenance is renewed within five years of the original contract, authority to award such a contract. 4. In respect of in-house service providers: • The authorisation of individual variations. 5. Proper Officer: The appointment as Proper Officer for the purpose of categorising reports prepared by the service and background papers held by the service as confidential or exempt from publication in accordance with the following provisions of the Local Government Act 1972: ○ Section 100 D (1) (a): compilation of lists of background papers ○ Section 100 D (5) (a): identification of background papers 6. HR functions delegated: Subject to the next following bullet points, the following HR functions are delegated to Executive and Service Directors: ○ Establishment of posts ○ Changes to establishment/restructuring ○ Transfer of posts between service sections and units ○ Approval to fill vacant posts within approved establishment, including posts externally funded (where directors delegate this responsibility to senior managers in the service a list of authorised officers for this should be maintained by the directorate HR manager)

		○ Appointment to posts below Service Director, with approved establishment (where this is delegated to senior managers, a list of authorised officers should be maintained by the directorate HR manager) ○ Use of the re-location scheme for new appointments (the standard pro-forma should be used) ○ Transfer of staff internally to equivalently graded posts ○ Approving the recruitment of additional temporary staff for maternity leave cover ○ Approving the recruitment of additional temporary staff to meet work demands/ seasonal fluctuations (all arrangements should be registered and recorded appropriately by the service). ○ Agreeing applications for job share and filling of resultant vacancies (the standard pro forma should be used by the service and retained as a record of an agreed job share arrangement). ○ Agreeing work experience placements for students NOT employed by the Council (there is a standard form for this purpose which should be used by the service). ○ Agreeing the transition of employees from probationary to permanent employment status ○ Grading of new posts/changes to existing grades (to satisfy equal pay requirements job grades must be submitted to the directorate HR manager for assessment by the Corporate Pay and Grading Panel). Also covered by this delegation are other payments for non-regular working for all staff, including, for example, standby payments and, in addition, the application of the Council's grading protection scheme ○ Agreeing appropriate starting salaries (Executive and Service Directors have full delegated powers to determine the salary necessary to attract candidates within the grade determined for the job (the directorate HR manager should be consulted and consistent guidelines for the directorate established and maintained) ○ Considering personal applications for re-grading (on the advice of a member of the Corporate Pay and Grading Panel)

		○ Approving honoria/ex-gratia payments in appropriate circumstances (in accordance with corporate guidelines to ensure consistency of approach and maintain equality) ○ Applying the disciplinary procedure with power to initiate investigation and undertake disciplinary procedures up to and including dismissal (Service Directors may delegate this responsibility to appropriate officers, who should consult the directorate HR manager to ensure a consistent approach). ○ Applying the grievance procedure with power to initiate investigations and undertake first stage grievance hearings (Service Directors may delegate this responsibility to appropriate officers, this should be done in consultation with the directorate HR manager to ensure a consistent approach) ○ Monitoring of sickness procedures ○ Agreeing ill health terminations ○ Approving attendance on full time training courses, conferences etc. or to give lectures (not exceeding one week duration) ○ Authorising the acceptance of gifts/legacies and hospitality offered to staff ○ Authorising requests from staff to undertake additional employment (the authority delegated to Service Directors allows them to authorise additional employment for staff above SCP28) ○ Authorising overtime payments for staff (in accordance with corporate guidelines to ensure consistency and maintain equality) ○ Granting of special leave without pay ○ Granting of special leave with pay, including trade union time off ○ Considering applications to extend the period of paid sickness absence (this relates to the extension of the period of half pay; it is only at the point when employees are reaching the end of the period of half pay that such consideration can be given) ○ Authorising payment of compromise agreements or other forms of settlement of the termination of contract of employment ○ Authorising payment of 'buy-out' compensation (any 'buy-out' arrangements must be consistently applied in line with the philosophy of a single employer) ○ Issuing compulsory redundancy notices (in consultation with the Service Director of Human Resources)

		○ o Approval excess travel expenses (where council policy is not appropriate, any arrangements must be consistently applied in line with the philosophy of a single employer) ○ Approving requests for re-employment from persons having previously taken early release from the Council's employment. The HR functions listed above are delegated to Executive and Service Directors subject to their consulting the Service Director of Human Resources in order to ensure that such functions are discharged in compliance with national/national agreements, equal pay requirements, and are consistent across directorates and accord with the philosophy of a single employer. The preceding general delegation only applies where the matter under consideration falls within the terms of an existing council policy. Where, the matter under consideration falls outside the particular council policy, in consultation with the Service Director of Human Resources, the Executive or Service Director concerned must prepare and submit a report outlining the issues for consideration and his or her recommendations for consideration by the Senior Leadership Team. 7. Other functions Any function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, relevant to the Service Director's portfolio. Bidding for external funding and grant aid for both revenue and capital schemes, and their subsequent implementation. Compensation payments up to £500, in accordance with the Council's Customer Complaints Code of Practice for Officers and the Council's Financial and Procurement Procedure Rules.

Head of Service/ Service Manager (M3 Managers)	Head of Service – Community Safety and Regulatory Services Head of Service – Highways Head of Service – Fleet and Transport Services Head of Service – Environmental Services Licensing Manager Head of Service – Planning and Building Control Head of Creative Programming & Engagement Head of Operations & Business Transformation Head of Commercial & Visitor Experience Head of Sport, Leisure & Strategic Partnerships Head of Asset Management Head of Economic Development (RIDO) Head of Regeneration (RIDO)	

	Catering and Facilities Services Manager Head of Transportation Infrastructure	

Specific Delegations

In accordance with the Council's Constitution and the Scheme of Delegation, the following specific functions are delegated to the officers referred to or retained for determination by the Executive Director of Regeneration and Environment.

The schedule below also indicates the Cabinet Portfolio and whether consultation is required with Ward Members prior to taking an executive or non-executive decision.

This schedule does not cover administrative or operational decisions which fall within the general authority of the Executive Director and officers within the Regeneration and Environment directorate.

Council Functions (Non-Executive Functions)
General Delegations

Function Delegated	**Officer to whom delegated**	**Relevant Cabinet Portfolio**	**Ward Member Consultation required?**
Functions of the Council as Commons Registration Authority under the Commons Registration Act 1965 and Commons Act 2006 (with the exception of the determination of applications to register land as a Town or Village Green or Common Land including the power to appoint an Independent Inspector and to convene a Public Inquiry into the application.	Service Director of Planning, Regeneration and Transport	Transport, Jobs and the Local Economy Street Scene and Green Spaces	
All functions set out at SECTION 3C, parts 3 (Town and Country Planning Development), 4 (Commons Registration), and 5 (Hedgerow and Trees) subject to the following:	Service Director of Planning, Regeneration and Transport, Head of Planning and Building Control, Development Managers Assistant Development Managers	Transport, Jobs and the Local Economy Street Scene and Green Spaces	

Approve applications within Section 1 below except where objections (other than anonymous objections) have been received, (see section 5 below).	Service Director of Planning, Regeneration and Transport, Head of Planning and Building Control, Development Managers Assistant Development Managers	Transport, Jobs and the Local Economy	
Refuse applications within Section 1 below even where objections have been received, other than where application is retrospective (see section 5 below).	Service Director of Planning, Regeneration and Transport, Head of Planning and Building Control, Development Managers Assistant Development Manager	Transport, Jobs and the Local Economy	

The approval/refusal of applications under Section 2 below, irrespective of the number of letters of objection. In consultation with the Chairman and Vice Chairman of the Planning Board or (during periods when these are not appointed) the Head of Planning & Building Control, approve/refuse any application submitted (in a private capacity) by an Officer of the Council (other than of Development Management), or by a relative thereof, including relatives of Members (see Section 5 below). (Under the Council's Constitution, any application by any Member, Executive Director or officer working in Development Management, should be referred to Planning Board). Under Article 40 of the Development Management Procedure Order 2015 (or as subsequently amended), to 'finally dispose of' applications in accordance with the terms of the Order.	Service Director of Planning, Regeneration and Transport, Head of Planning and Building Control, Development Managers Assistant Development Managers	Transport, Jobs and the Local Economy	
1. Applications for 'major' 'minor' and 'other' development and 'minor' County Matters (as defined by DCLG for the purposes of statistical returns) Variation or removal of conditions (Section 73 and Section 73A of the Town and Country Planning act 1990) on previous approvals not determined by the Planning Board. Applications to prune and fell trees covered by Tree Preservation Orders. Applications for Hazardous Substance Consent, unless objection has been received from the Health and Safety	Service Director of Planning, Regeneration and Transport Service Director of Culture Sport and Tourism Head of Planning and Building Control, Development Managers	Transport, Jobs and the Local Economy Street Scene and Green Spaces	

	Executive or Environment Agency and it is proposed to grant consent. Applications for non-material amendments	Assistant Development Managers Tree Service Officers		
2	Power to determine certificates of lawfulness of existing and proposed use/operations in respect of Sections 191 and 192 of the Town and Country Planning Act 1990. Applications for non-material amendments. Applications for prior approval (as set out in the Town and Country Planning (General Permitted Development) Order 2015) or any subsequent amendment In consultation with the Tree Service: • Applications to prune and fell trees subject to 6 weeks notice within a Conservation Area • Applications for works to, and the removal of historic hedgerows	Service Director of Planning, Regeneration and Transport Head of Planning and Building Control, Development Managers Assistant Development Managers Officers		
3	<u>Miscellaneous</u> The determination of what would constitute a 'significant' departure from the Development Plan.	Service Director of Planning,		

The determination of what would constitute a development being 'materially different' from any supplementary planning guidance or planning brief approved by or on behalf of the Council In consultation with the Tree Service, and Ecology Service: The determination of the need for an Environmental Impact Assessment and screening and scoping, in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The undertaking of negotiations to conclude an agreement under Section 106 or S106A of the Town and Country Planning Act 1990. • The making of Tree Preservation Orders under S198 of the Town and Country Planning Act 1990, and their subsequent modification or revocation when necessary • The confirmation of Tree Preservation Orders where no more than 5 objections have been received and the decision not to confirm irrespective of whether any representations are received. **Power to decline to determine applications for planning permission, u**nder Section 70A and 70B or to decline to accept an application under Section 73 of the Town and Country Planning Act 1990. The approval and discharge of details required by a planning condition, unless required by Planning Board that they wish to agree the details.	Regeneration and Transport Head of Planning and Building Control, Development Managers Assistant Development Managers		

	The taking of all necessary steps in relation to appeal proceedings, to include steps to settle the same. Responses to consultations from other Local Planning Authorities.			
4	<u>Planning Enforcement (see also Section 5)</u> To carry out all enforcement functions under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the Hedgerow Regulations 1997, the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended) other than those set out in Section 5 below. Where there is a breach of planning control, the determination as to whether it is expedient to take action.	Service Director of Planning, Regeneration and Transport, Head of Planning and Building Control, Development Managers Assistant Development Managers Planning Enforcement Officer		
5	In consultation with the Chair and Vice Chair or (during periods when these are not appointed) the Head of Planning & Building Control The approval of an application under section 1 of the Scheme of Delegation where no more than 5 objections have been received (separate objections from separate addresses – separate names on petitions are only counted if they are provided with an address). For Major applications, where more than 5 objections have been received this would constitute a proposal that is	Service Director of Planning, Regeneration and Transport, Head of Planning and Building Control, Development Managers		

considered to be sensitive, controversial or would have significant impacts on local communities. The refusal of a retrospective application, irrespective of whether objections have been received, to allow possible enforcement action to be considered, other than proposals falling within Schedule 1 of the Environmental Impact Assessment Regulations. Where the proposal would otherwise fall within the Scheme of Delegation, the approval or refusal of an application submitted (in a private capacity) by an Officer of the Council (other than within Development Management) or by any relative thereof, including relatives of Members. Variation or removal of conditions (Section 73 and Section 73A of the Town and Country Planning act 1990) on previous approvals determined by the Planning Board. The issue of planning enforcement notices, listed building enforcement notices, temporary stop notices and stop notices and the subsequent withdrawal of such notices where appropriate. The pursuance or not of a prosecution in respect of: Failure to return a requisition for information (S330 Notice) or planning contravention notice. Failure to comply with a planning/listed building enforcement notice/ temporary stop notice/ stop notice or breach of condition notice.	Assistant Development Managers		

The unauthorised display of advertisements. Unauthorised works to listed buildings Unauthorised works to a protected tree/tree within a Conservation Area. Failure to comply with requirements of a S215 Notice. Any other offence under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990. The authorisation of default works under relevant Sections of the Town and Country Planning Act. To agree a Section 106 Agreements of a minor nature (such as relinquishing an extant permission) and agree minor changes to unsigned Legal Agreements presented to Members of Board and applications for amendments or deeds of variation to completed S106 Agreements. (Note: Where agreement cannot be reached between Officers and Chairman and Vice Chairman or (during periods when these are not appointed) the Head of Planning & Building Control under Section 5 the matter shall be referred to the Planning Board.)			
Make decisions in respect of public telephone box closures proposed by BT within the terms of the Communications Act 2003 and Ofcom Guidance 2005, in consultation with the relevant Cabinet Member.	Service Director of Planning Regeneration and Transport	Transport, Jobs and the Local Economy	Yes

	Head of Planning and Building Control Planning Policy Manager		
Make decisions involving any aspect of the executive statutory function relating to Neighbourhood Planning, Neighbourhood Development Orders and Community Right to Build Orders, in consultation with the relevant Cabinet Member.	Service Director of Planning Regeneration and Transport Head of Planning and Building Control Planning Policy Manager	Transport, Jobs and the Local Economy	Yes
Designate, de-designate and amend the boundaries of Local Wildlife Sites and Local Sites for geodiversity interest (including Regionally Important Geological Sites) following recommendations from the relevant Local Sites panels.	Service Director of Planning Regeneration and Transport Head of Planning and Building Control Planning Policy Manager		
Take all decisions related to the administration of the Community Infrastructure Levy (CIL) collection and debt recovery, including: - the issuing of all CIL notices; - determining any requests for exemption or relief; - determining any reviews of these decisions; - monitoring commencement of development; and	Service Director of Planning Regeneration and Transport		

- enforcing payment, including serving Stop Notices, applying surcharges and any other penalties available in the CIL Regulations for late or non-payment, or failure to submit the required notification. All the above decisions are to be in accordance with the Council's published Charging Schedule and policies on CIL.	Head of Planning and Building Control Planning Policy Manager		
Respond to consultations by other local planning authorities, the South Yorkshire Mayoral Combined Authority (SYMCA) and other bodies regarding local plans, local nature recovery strategy, spatial development strategy and any other plans and strategies relevant to the Council's function as Local Planning Authority. Any formal objection to a plan or strategy at a final consultation stage to be in consultation with the relevant Cabinet Member(s).	Service Director of Planning Regeneration and Transport Head of Planning and Building Control Planning Policy Manager	Transport, Jobs and the Local Economy	No
Agree any statements of common ground, memorandums of understanding or other formal statements regarding the Rotherham local plan or other local planning authorities' local plans. Agreements to be made in consultation with the relevant Cabinet Member.	Service Director of Planning Regeneration and Transport Head of Planning and Building Control Planning Policy Manager	Transport, Jobs and the Local Economy	No
Agree changes to draft local plan documents during independent examination by a government-appointed planning Inspector, in consultation with the relevant Cabinet Member. Any significant changes would constitute "Main Modifications" and would be subject to public consultation prior to the Inspector's final decision. Adoption of any modified local plan documents would be subject to Cabinet and Council approval.	Service Director of Planning Regeneration and Transport Head of Planning and Building Control	Transport, Jobs and the Local Economy	No

	Planning Policy Manager		
Make decisions on whether to include, amend or delete heritage assets on the Local Heritage List in consultation with the relevant Cabinet Member.	Service Director of Planning Regeneration and Transport Service Director of Culture Sport and Tourism Head of Planning and Building Control Planning Policy Manager	Transport, Jobs and the Local Economy	No

Council Functions (Executive Functions)
General Delegations

General Delegations

This section also includes delegations specifically related to enforcement activity or specified Acts of Parliament. These are attached collectively at appendix 1.

Function Delegated	Officer to whom delegated	Relevant Cabinet Portfolio	Ward Member Consultation required?
To promote, consider objections to and implement Traffic Regulation Orders under the Road Traffic Regulation Act 1984.	Service Director of Planning, Regeneration and Transport and Head of Transportation Infrastructure	Transport, Jobs and the Local Economy	Yes
To approve and implement proposals to create shared use pedestrian/cycle footways under the Highways Act 1980.	Service Director of Planning, Regeneration and Transport and Head of Transportation Infrastructure	Transport, Jobs and the Local Economy	No
Lettings of RIDO Managed Business Units	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO) Head of Regeneration (RIDO)	Transport, Jobs and the Local Economy	NO

	Business Growth Manager		
Bidding for external funding and grant aid, special financial packages for economic development/regeneration for both revenue and capital schemes, and their subsequent implementation.	Service Director of Planning, Regeneration and Transport, Head of Asset Management, Head of Economic Development (RIDO) Head of Regeneration (RIDO)	Transport, Jobs and the Local Economy	NO
The implementation of any functions associated with any grant/funding regime, including, but not limited to, National Grants/funding, SYMCA funds, Grants & Programmes and European Funding/Grants.	Service Directors Heads of Service	Dependant on project / topic.	No
In conjunction with the Government Departments or other bodies, the implementation of any decision in respect of the promotion of Economic Development and Regeneration.	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO) Head of Regeneration (RIDO)	Transport, Jobs and the Local Economy	No
Regional economic development guidance, including responding to and liaising with other interested parties and representing the Council at meetings at which such guidance is considered, including work with the South Yorkshire Mayoral Combined Authority (SYMCA)	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO)	Transport, Jobs and the Local Economy	No

	Head of Regeneration (RIDO)		
The implementation of any decision concerning markets, including landlord and tenant matters, in respect of market stalls, (but not shops) - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO) Head of Regeneration (RIDO)	Transport, Jobs and the Local Economy	No
Indoor Market • Grant/Assignment/Surrender of Tenancies • Variation to user clauses • Contravention of Tenancies/Rules/Bylaws • Grant of Licence • Appointment of days on and hours during which Markets are held	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO) Head of Regeneration (RIDO)	Transport, Jobs and the Local Economy	No
Outdoor/Street/ District Markets • Changes to Licence Conditions • Changes to Rules and Regulations • Licensing of Markets • Appointment of days on and hours during which Markets are held • Trader Disciplinary Procedures o Suspension of Licence – Markets Manager o Suspension Appeals – Head of Economic Development (RIDO)/Head of Regeneration (RIDO)	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO)	Transport, Jobs and the Local Economy	No

○ Withdrawal of Licence – Service Director of Service ○ Withdrawal Appeals - Executive Director	Head of Regeneration (RIDO)		
The implementation of any decision concerning new licensed markets and licence conditions.	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO) Head of Regeneration (RIDO) Economic Strategy and Partnerships Manager	Transport, Jobs and the Local Economy	No
The implementation of any decision in respect of any disturbance of the Council's markets' franchise:- • Authority to take appropriate action against Rival Markets including the instruction of Legal Proceedings • Administration and licensing of Car Boot Sales / Temporary Markets for small or charitable events	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO) Head of Regeneration (RIDO)	Transport, Jobs and the Local Economy	No
Fairs:- • Approval to hold a fair on Council Land • Approval of rent consequent on above	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO)	Transport, Jobs and the Local Economy	Yes

	Head of Regeneration (RIDO)		
The implementation of any decision in respect of any byelaws for markets or fairs - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.	Service Director of Planning, Regeneration and Transport, Head of Economic Development (RIDO) Head of Regeneration (RIDO) Economic Strategy and Partnerships Manager		No
Manage the relationship with Rotherham Allotments Association and ensure delivery of the Council's obligations under the Allotments Act.	Service Director of Culture Sport and Tourism Head of Operations and Business Development Green Spaces Manager	Street Scene and Green Spaces	Yes
The development of plans, protocols and strategies for culture, leisure, sports, green spaces, landscape design and tourism. This includes: Museum Service Collections Policy: As per the decision of Cabinet on 23rd January 2023, in relation to the report on Rotherham Museums, Arts and Heritage Collections Management Policy, Cabinet approves the delegation to the Service Director of Culture, Sport and Tourism in consultation with the Cabinet Member for Social Inclusion, for any future changes or new versions of the Collections Policy	Service Director of Culture, Sport and Tourism, Head of Creative Programming & Engagement Head of Commercial & Visitor Experience	Street Scene and Green Spaces	Yes

York and Lancaster Regimental Museums Collection Policy: As per Council on 24th May 2023, approval was given for the delegation to the Service Director, Culture, Sport and Tourism, in consultation with the Cabinet Member for Social Inclusion for any future changes or new versions of the York and Lancaster Regimental Museums Collection Policy.	Head of Operations & Business Transformation Head of Sport, Leisure & Strategic Partnerships Culture, Sport & Tourism Service Managers		
Operational management of Galleries, Museums, Designated Heritage Site(s), Music venues, Libraries, Parks, Country Parks, recreation grounds, play areas, picnic sites, camping and caravan sites countryside sites and other cultural, leisure, recreational, play, green space and tourism destinations and facilities, and all land held by the Council specifically for public open space and recreation. Maintenance, development and letting of cultural, leisure, tourism and green spaces buildings and land assets, in collaboration with Asset Management	Service Director of Culture, Sport and Tourism, Head of Creative Programming & Engagement Head of Commercial & Visitor Experience Head of Operations & Business Transformation Head of Sport, Leisure & Strategic Partnerships Culture, Sport & Tourism Service Managers	Street Scene and Green Spaces	No
Management of Catering Services within designated venues. Deliver hospitality and catering in support of cultural, leisure, libraries, green spaces, tourism and events	Service Director of Culture, Sport and Tourism Head of Creative Programming & Engagement	Street Scene and Green Spaces	No

	Head of Commercial & Visitor Experience Service Managers		
Delivery of Landscape Design Services, including submission of tenders, negotiation of design briefs and contracts, lead the delivery of landscape design projects. Provide advice on Planning Applications and advice to internal and external partners as required.	Service Director of Culture, Sport and Tourism Head of Sport, Leisure and Strategic Partnerships Landscape Design Team Leader Green Spaces Manager	Street Scene and Green Spaces	No
Contractual arrangements with regards to 4 leisure centres, managed on behalf of the Council by Places Leisure Contractual negotiations with visiting sporting and leisure events and tours	Service Director of Culture Sport and Tourism Head of Sport, Leisure & Strategic Partnerships	Street Scene and Green Spaces	No
Develop artistic plans and create, curate, commission and programme arts, cultural sporting and nature-based events. Arrange and contract performers/exhibitors, etc. and programme professional and amateur performance, lectures, events and exhibitions in accordance with Council policies.	Service Director of Culture, Sport and Tourism Head of Creative Programming & Engagement Head of Sport, Leisure and Strategic Partnerships Head of Libraries, Operations and	Cabinet Member for Transport, Jobs & Local Economy	No

	Business Transformation Service Managers		
All decisions relating to the management (purchase, loan, care, reproduction and disposal) of collections relating to of museum artefacts, specimens, works of art, archives etc. being gifts or bequests according to the Council's acquisition and disposal policy for Heritage Services.	Service Director of Culture, Sport and Tourism Head of Creative Programming & Engagement Museums, Arts & Heritage Manager	Street Scene and Green Spaces	No
That Cabinet approve the delegation to the Service Director of Culture, Sport and Tourism in consultation with the Cabinet Member for Social Inclusion for any future minor or legislative changes to the Collections Policy. Should a full update to the policy be required it will return to Cabinet for approval.	Service Director of Culture Sport and Tourism Heads of Creative Programming & Engagement	Street Scene and Green Spaces	No
Opening hours of all sites and services, including holidays and ad-hoc closures	Service Director of Culture, Sport and Tourism, Head of Creative Programming & Engagement Head of Commercial & Visitor Experience Head of Operations & Business Transformation	Street Scene and Green Spaces	No

	Head of Sport, Leisure & Strategic Partnerships Culture, Sport & Tourism Service Managers		
Develop marketing plans and campaigns across multiple platforms to drive engagement, footfall and sales and support destination marketing and the visitor economy	Service Director of Culture, Sport and Tourism Head of Creative Programming & Engagement Head of Commercial & Visitor Experience Service Managers	Street Scene and Green Spaces	No
Management of all Capital Projects within Culture, Sport and Tourism Services	Service Director of Culture, Sport and Tourism Head of Creative Programming & Engagement Head of Commercial & Visitor Experience Head of Operations & Business Transformation Head of Sport, Leisure & Strategic Partnerships	Street Scene and Green Spaces	No

	Culture, Sport & Tourism Service Managers		
Delivery of a comprehensive and effective library service in line with government guidelines and the 1964 Public Libraries Act	Service Director of Culture, Sport and Tourism Head of Operations & Business Transformation Service Managers	Street Scene and Green Spaces	No
To act as the Council's contact point for all national and regional tourism, sporting, green space and cultural bodies e.g. Arts Council England, National Lottery Heritage Fund, Yorkshire Sport Foundation, Natural England, DCMS.	Service Director of Culture, Sport and Tourism Head of Creative Programming & Engagement Head of Commercial & Visitor Experience Head of Sport, Leisure & Strategic Partnerships Green Spaces Manager Museums, Arts & Heritage Manager Theatre Manager	Street Scene and Green Spaces	No

	Children's Capital of Culture Programme Manager Music Service Manager		
All financial matters relating to the management and delivery of cultural, leisure, green spaces, landscape design and sports services, including: • Fundraising activities, including grant applications, sponsorship and funding bids • Awarding and distribution of grants • Setting prices and agreeing discounts and offers • Contracts and lease arrangements • Agreeing 'riders' and hospitality arrangements • Authorisation of grants up to a value of £25000 according to the Council's criteria for cultural, leisure and events grants Working in collaboration with Finance Officers	Service Director of Culture, Sport and Tourism Head of Creative Programming & Engagement Head of Commercial & Visitor Experience Head of Operations & Business Transformation Head of Sport, Leisure & Strategic Partnerships Culture, Sport & Tourism Service Managers	Street Scene and Green Spaces	No
Deliver decision-making related to the development and operation of a Music Education Service and the functions of a Music Hub as defined by Arts Council England, including:- • To work with schools to deliver whole class music programmes • To work with Pupils aged 5-18 • Provide opportunities to play in ensembles and perform from an early stage	Service Director of Culture Sport and Tourism Head of Creative Programming & Engagement	Street Scene and Green Spaces	No

• Ensure that clear progression routes are available and affordable to all young people • Develop a singing strategy that ensures that every pupil is singing regularly • To offer CPD to schools to support the delivery of the music curriculum • To provide an instrument loan service • Provide access to large scale, high quality music experiences to pupils working with professional musicians and/or venues	Music Service Manager		
MOT testing station application, and upkeep of the register of named authorised examiners (AE), and delegates. AE's are responsible for making sure statutory MOT testing is carried out to the required standard and in the manner set out by DVSA at their vehicle test station.	Service Director of Community Safety and Street Scene Head of Fleet and Transport Services	Transport, Jobs and the Local Economy	No
Authorisation from the CEX to act on behalf of Rotherham Metropolitan Borough Council in all matters relating to the VT01 Application for MOT Test Lane Authorised Examiner.	Interim workshop Manager/Test Lane AEDM	Transport, Jobs and the Local Economy	No
To maintain all matters relating to the Goods Vehicle Operators Licence compliance and vehicle maintenance for the Councils own fleet of vehicles	Service Director of Community Safety and Street Scene Head of Fleet and Transport Services	Transport, Jobs and the Local Economy	No

Execute the Council's Home to School Policy and where appropriate grant or refuse supported transport provision. Flex the in-house home to school transport fleet and service function, and externally contracted resource, ensuring service demands are met.	Service Director of Community Safety and Street Scene Head of Fleet and Transport Services	Children and Young People	No
In accordance with the Barnsley, Doncaster and Rotherham Waste Partnership the discharge of any executive function, the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.	Service Director of Community Safety and Street Scene	Street Scene and Green Space	Yes
To discharge the duties in relation to school transport contained in Chapter II (ancillary functions of local authorities) of Part IX (ancillary functions) of the Education Act 1996.	Service Director of Community Safety and Street Scene. Head of Fleet and Transport Services.		No

To undertake all duties on behalf of the Council and to authorise prosecution proceedings for failure to comply with the following Acts:-
• Building Act 1984 Section 59 – Power to require owner or occupier of buildings to make satisfactory provision for drainage/to repair drainage which is prejudicial to health
• Clean Neighbourhoods and Environment Act 2005 Sections 2, 3, 4, 6, 7, 10, 11, 12 and 99
• Contravention of Traffic Regulation Orders and Off Street Parking Places Orders
• Environmental Protection Act 1990
  ○ Section 80 – Power to serve an abatements notice where a statutory nuisance exists;
  ○ Section 89(1) – Power to keep the land clear of litter and refuse Heavy Goods Vehicle Operators Licences – Powers to lodge objections and make representations to the Traffic Commissioners
• Highways Act 1980
• Land Drainage Act 1991
• Local Government (Miscellaneous Provisions) Act 1976 Section 35 – Power to require obstructions to be removed from a private sewer
• Mines and Quarries (Tips) Act 1969 Sections 12, 141(1), 17(3) and 18(1)
• New Roads and Street Work Act 1991
• The Road Traffic Regulation Act 1984
• The Town Police Clauses Act 1847
• Prevention of Damage by Pests Act 1949 Section 4 – Power to require work to keep property free from rats
• Public Health Act 1936 Sections 262, 263 and 264
• Public Health Act 1961 Section 17 – Power to serve notice on persons requiring sewers etc. to be repaired or to release a stoppage
• Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005 – Dealing with abandoned vehicles
• Traffic Management Act 2004 and Road Traffic Regulations Act 1984
	Service Director of Community Safety and Street Scene
	Head of Service – Highways
	
	Head of Community Safety and Regulatory Services
	
	Service Director of Planning, Regeneration and Transport and Head of Transport Infrastructure
		Transport, Jobs and the Local Economy
		
		Finance & Community Safety
		
		Street Scene and Green Spaces
			No

That the Council's powers relating to the above acts and any orders, regulations, statutory instruments, statutory Codes of Practice and/or Bylaws made thereunder and any future modifications, enlargements or amendments. The powers conferred include:- • Instigation of Legal Proceedings • Service of Statutory Notices • Granting and Refusal of Licences • Authorisation to Carry Out Work in Default	Service Director of Community Safety and Street Scene Head of Service – Highways Service Director of Planning, Regeneration and Transport and Head of Transport Infrastructure	Transport, Jobs and the Local Economy	No
Power to apply to the Secretary of State for an order stopping up or diverting any highway under the Town and Country Planning Act 1990:- • Section 247 Highways affected by development. • Section 248 Highways crossing or entering route of proposed new highway. • Section 249 Order extinguishing right to use vehicles on highway	Service Director of Community Safety and Street Scene Head of Service – Highways Service Director of Planning, Regeneration and Transport and Head of Transport Infrastructure	Transport, Jobs and the Local Economy	No
Powers to make order under the Town and Country Planning Act 1990:- • Section 257 Footpaths and bridleways affected by developments: Stopping up or diversion. • Section 258 Extinguishment of public rights of way over land held for planning purposes. • Section 261(2) Temporary stopping up of highways for mineral workings • Section 278 Contributions towards Highway Works by persons deriving special benefit from them.	Service Director of Community Safety and Street Scene Head of Service – Highways Service Director of Planning, Regeneration and Transport and	Transport, Jobs and the Local Economy	No

	Head of Transport Infrastructure		
Powers to make Definitive Map Modification Orders:- • Section 53 of the Wildlife and Countryside Act 1981	Service Director of Community Safety and Street Scene Head of Service – Highways	Transport, Jobs and the Local Economy	No
Powers to authorise certify and make:- • Adoption of new highways created under Part III & Part IV of the Highways act 1980 • Serving of notices for the purpose of the Advance Payments Code Part XI Highways Act 1980	Service Director of Community Safety and Street Scene Head of Service – Highways	Transport, Jobs and the Local Economy	No
Powers to make order under the Town and Country Planning Act 1990:- • Section 257 Footpaths and bridleways affected by developments: Stopping up or diversion. • Section 258 Extinguishment of public rights of way over land held for planning purposes. • Section 261(2) Temporary stopping up of highways for mineral workings • Section 278 Contributions towards Highway Works by persons deriving special benefit from them.	Service Director of Community Safety and Street Scene	Transport, Jobs and the Local Economy	No
In respect of Controlled Waste:- • Issue “Duty of Care” Controlled Waste Transfer Notes for the transfer of commercial waste and commercial clinical waste from the holder of the waste to the person/organisation collecting the waste • Issue “Duty of Care” controlled Waste Transfer Notes for the transfer of controlled waste from the holder of the waste to the person/organisation processing/disposing if the waste.	Service Director of Community Safety and Street Scene, Head of Environmental Services Waste Manager, Waste officer – Disposal and treatment	Street Scene and Green Spaces	No

In respect of Commercial Waste:- • Enter into an agreement on behalf of the Council to collect commercial and commercial clinical waste from the holder of the waste, for which a reasonable charge may be made.	Service Director of Community Safety and Street Scene. Head of Environmental Services	Street Scene and Green Spaces	No
Authority to negotiate and enter into agreements for rights to utilise highway structures for the purposes of carrying statutory undertaker's apparatus and similar facilities.	Service Director of Community Safety and Street Scene	Transport, Jobs and the Local Economy	No
In accordance with the South Yorkshire Local Transport Plan, and other policy documents, the discharge of any executive function in connection with transport policies and programmes - the implementation of any determination of Cabinet and the discharge of any function of a regulatory nature.	Service Director of Planning, Regeneration and Transport and/or Head of Transport Infrastructure	Transport, Jobs and the Local Economy	No
The implementation of traffic management, traffic calming and area safety schemes. The implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature and duties in relation to the Traffic Management Act 2004.	Service Director of Planning, Regeneration and Transport and/or Head of Transport Infrastructure	Transport, Jobs and the Local Economy	Yes
In accordance with the Rotherham Voluntary Bus Partnership the discharge of any executive function in respect if highway schemes and quality bus corridors – Regards (ii), the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature	Service Director of Planning, Regeneration and Transport and/or Head of Transport Infrastructure	Transport, Jobs and the Local Economy	No
Power to make representations to and lodge objections with the Traffic Commissioners in relation to an application for the renewal of a bus operator's licence – Service Director of Community Safety and Street Scene and Service Director of Planning Regeneration and Transport to consult Cabinet Member(s) prior to making representations or lodging objections.	Service Director of Planning, Regeneration and Transport	Transport, Jobs and the Local Economy	Yes

	Service Director of Community Safety and Street Scene Licensing Manager Head of Fleet & Transport Services		
The implementation of the removal of graffiti from private property – section 92 of the National Parks and Access to the countryside Act 1949 – Service Director Community Safety and Street Scene and the Service Director Planning, Regeneration and Transport to jointly exercise function. Removal of graffiti on private property is complete if permission is gained from the property owner and if the graffiti is causing offence	Service Director of Planning, Regeneration and Transport Service Director of Community Safety and Street Scene Head of Environmental services	Transport, Jobs and the Local Economy Street Scene & Green Spaces	No
The discharge of any executive function in respect of the consideration and determination of any development control policy or strategic guidance not related Revised December 2016 67 to individual applications - the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.	Service Director of Planning, Regeneration and Transport	Transport, Jobs and the Local Economy	No
The discharge of any executive function in connection with urban design schemes – the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.	Service Director of Planning Regeneration and Transport Head of Economic Development (RiDO)	Transport, Jobs and the Local Economy	

	Head of Regeneration (RIDO_ Transport and Environment		
The discharge (in consultation where appropriate with countryside and conservation bodies and the Cabinet Member) of any function in connection with countryside planning matters, including functions in respect of:- - the South Yorkshire Community Forest; the Trans-Pennine Trail; the Chesterfield Canal, and like schemes the preparation of specific schemes and applications for grants in connection with such schemes – Regarding (ii) the implementation of any determination of the Cabinet Member and the discharge of any function of a regulatory nature.	Service Director of Planning, Regeneration and Transport Service Director of Culture Sport and Tourism	Transport, Jobs and the Local Economy Street Scene and Green Spaces	No
Power to name and alter the names of streets – Sections 17 & 18 of the Public Health Act.	Service Director of Planning Regeneration and Transport Head of Planning and Building Control, Development Managers Street Naming and Numbering Officer	Transport, Jobs and the Local Economy	
Power to number and renumber streets – Section 15 of the South Yorkshire Act 1980.	Service Director of Planning Regeneration and Transport	Transport, Jobs and the Local Economy	

	Head of Planning and Building Control, Development Managers Street Naming and Numbering Officer		
Any action in respect of the making of a Compulsory Purchase Order – Following any determination by Cabinet and the discharge of any function of a regulatory nature.	Service Director of Planning, Regeneration and Transport Property Officer, Asset Management Head of Economic Development (RiDO) Head of Regeneration (RIDO)	Transport, Jobs and the Local Economy	No
In respect of Licensing, to have overall management responsibility for the Council licensing function and to refer matters to the Licensing Board as deemed appropriate	Service Director of Community Safety and Street Scene, Licensing Manager	Transport, Jobs and the Local Economy	No
Any action in respect of issuing correspondence/reports to the Planning Inspectorate with regard to Nationally Significant Infrastructure Projects (NSIPs).	Head of Planning and Building Control in consultation with the Cabinet member for Transport Jobs and the Local Economy	Transport, Jobs and the Local Economy	No

Decision Making Procedure

In accordance with the process agreed by SLT, the directorate will submit items to Democratic Services for inclusion on the Forward Plan of Recorded Officer Decisions, which is published on a monthly basis. Given the wide variety of functions and decisions that this will encompass within the directorate, it is proposed that generic titles be used to ensure that Members have an awareness of likely decisions through the Forward Plan of Recorded Officer Decisions.

Decision makers within the directorate will consult the relevant Cabinet Member and Ward Members (where applicable) on the options and recommended course of action prior to taking a decision. Such reports will be prepared in accordance with the protocol for the preparation and sign-off of Cabinet reports. Where a Cabinet Member has disagreed with the proposed course of action in respect of an executive function, the decision maker should refer the report to Cabinet for determination.

Where a decision is taken, it will be accompanied by a report which will be approved in accordance with this sub-scheme of delegation. Once signed off by the decision maker, the report should be forwarded to Democratic Services. Democratic Services will prepare a decision record in respect of the matter, which will be reviewed by the Chief Executive, Monitoring Officer and Section 151 Officer prior to publication. Where the statutory officers raise concerns in respect of the proposed decision, the report should be referred back for review by the decision maker.

Democratic Services will notify the decision maker and Cabinet Member when the decision has been published online.

Appendix 1
Delegations linked to Enforcement Functions or Specific Acts of Parliament

The discharge of any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the legislation listed below (including and any future modifications, enlargements or amendments). The powers conferred include:
• Instigation of Legal Proceedings including the issuing of legal cautions
• Authorisation of Informations and Summonses
• Authorisation of Applications to:
  ○ Seek Warranted Entry to Premises
  ○ Seek court approval to undertake Directed Surveillance
  ○ Undertake overt surveillance operations including the deployment of CCTV
• Service of orders, including closure orders
• Authorisation to Carry out Work in Default
• Appointment of Inspectors and Officers
• Appointment of Chief and Deputy Chief Inspector of Weights and Measures
• Authorisation of Officers
• Appointment of Official and Authorised Veterinary Officers, Public Analysts. Formal transfer / assignment or enforcement responsibilities
 	
In respect of the following legislation:
 	
• Accommodation Agencies Act 1953
• Administration of Justice Act 1970, As Amended
• Aerosol Dispensers Regulations 2009
• Agriculture (Safety, Health and Welfare Provisions) Act 1956
• Agriculture Act 1970
• Agriculture & Horticulture Act 1964
	Via written Authorisation to approve on behalf of Service Director of Community Safety and Street Scene and the Service Director of Planning, Regeneration and Transport,
	
	to the Head of Community Safety and Regulatory Services and Service Manager, Community Safety and Regulatory Services
	
	Head of Transport Infrastructure,
		Transport, Jobs and the Local Economy
		
		Finance & Community Safety
		
		Street Scene and Green Spaces
			No

• Agriculture Produce (Grading and Marking) Acts 1928 and 1931 • Animal and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015 • Animal Boarding Establishments Act 1963 • Animal By-Products (Enforcement) (England) Regulations 2013 • Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 • Animal Feed (England) Regulations 2010 • Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 • Animal Health Act 1981 • Animal Health and Welfare Act 1984 • Animal Welfare Act 2006 • Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 • Anti-Social Behaviour Act 2003 • Anti-social Behaviour, Crime and Policing Act 2014 • Avian Influenza (Preventive Measures) (England) Regulations 2006 • Avian Influenza (Vaccination) (England) Regulations 2006 • Beef and Veal Labelling Regulations 2010 • Bluetongue Regulations 2008 • Broadcasting Act 1990 • Building Act 1984 • Burial Act 1857 • Cancellation of Contracts Made in a Consumer's Home or Place of Work etc. Regulations 2008 • Cancer Act 1939 • Caravan Sites Act 1968 • Caravan Sites and Control of Development Act 1960 • Cattle Identification (Amendment) Regulations 2015 • Cattle Identification Regulations 2007 • Ceramic Articles in Contact with Food (England) Regulations 2006 • Children and Young Persons (Protection from Tobacco) Act 1991 • Children and Young Persons Act 1933	Head of Highways		

• Clean Air & Neighbourhood Act 2004 • Clean Air Act 1993 • Clean Neighbourhoods and Environment Act 1995 • Companies Act 1985 • Companies Act 2006 • Companies Act 2006 Amendment Regulations 2015 • Condensed Milk and Dried Milk England Regulations 2015 • Construction Design & Management (CDM) Regulations 2015 • Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 • Consumer Credit Act 1974 & 2006 • Consumer Protection (Distance Selling) regulations 2000 • Consumer Protection Act 1987 • Consumer Protection from Unfair Trading Regulations 2008 • Consumer Rights Act 2015 • Consumer Rights (Payment Surcharges) Regulations 2012 • Contaminants in Food (England) Regulations 2013 • Control of Horses Act 2015 • Control of Pollution Act 1974 • Consumers, Estate Agents and Redress Act 2007 • Construction Products Regulations 2013 • Copyright etc. and Trademarks (Offences and Enforcement) Act 2002 • Copyright, Designs and Patents Act 1988 • Cosmetic Products Enforcement Regulations 2013 • Country of Origin of Certain Meats (England) Regulations 2015 • Countryside Act 1968 • Countryside and Rights of Way Act 2000 • Cremation Acts 1902 and 1952 • Cremation Regulations (England and Wales) 2008 • Crime & Disorder Act 1998 • Criminal Justice Act 1988 • Criminal Justice and Police Act 2001 • Criminal Justice and Public Order Act 1994			

• Cycle Tracks Act 1984 • Dangerous Dogs Acts 1989 and 1991 • Dangerous Wild Animals Act 1976 • Development of Tourism Act 1969 • Dogs Acts 1871 and 1906 • Education Reform Act 1988 • Eggs and Chicks (England) Regulations 2009 • Electrical Equipment (Safety) Regulations 1994 • Electromagnetic Compatibility Regulations 2006 • Energy Act 1976 • Enterprise Act 2002 • Enterprise and Regulatory Reform Act 2013 • Environment Act 1995 • Environment Act 2021 • Environmental Protection Act 1990 • Environmental Protection (Stray Dogs) Regulations 1992 • Equalities Act 2010 • Equine Identification (England) Regulations 2018 • Estate Agents Act 1979 • European Communities Act 1972 • Explosives (Age of Purchase) Act 1976 • Explosives Acts 1875 and 1923 • Factories Act 1961 • Factories Act 1961 • Fair Trading Act 1973 • Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regulations 2010 • Financial Services and Markets Act 2000 • Fire Safety and Safety of Places of Sport Act 1987 • Flood Risk Regulations 2009 • Floods and Water Management Act 2010 • Food Act 1984			

• Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 • Food and Environment Protection Act 1985 • Food Hygiene (England) Regulations 2006 • Food Information Regulations 2014 • Food Labelling Regulations 1996 • Food Safety Act 1990 • Food Safety and Hygiene (England) (Amendment) Regulations 2014 • Food Safety Sampling and Qualifications (England) Regulations 2013 • Forgery and Counterfeiting Act 1981 • Fouling of Land by Dogs Order 2009 • Fraud Act 2006 • Gambling Act 2005 • General Food Regulations 2004 • Genetically Modified Animal Feed (England) Regulations 2004 • Guard Dogs Act 1975 • Hallmarking Act 1973 • Harris Tweed Act 1993 • Health Act 2006 • Health and Safety at Work etc Act 1974 • Health Protection (Local Authority Powers) Regulation 2010 • Health Protection (Notification) Regulations 2010 • Health Protection (Part 2A Orders) Regulations 2010 • Highways Act 1980 • Hire Purchase Act 1965 • Homelessness Act 2002 • Honey (England) Regulations 2014 • House to House Collections Act 1939 • Insolvency Act 1986 • Insurance Brokers (Registration) Act 1977 • Insurance Companies Act 1981 • Intoxicating Substances (Supply) Act 1985 • Knives Act 1997			

• Legal Services Act 2007 • Licensing Act 2003 • Limitation Act 1980 • Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 • Local Authorities Cemeteries Order 1977 • Local Government (Miscellaneous Provisions) Acts 1976, 1987 and 1982 • Local Government Act 1894 • Local Government Act 1972 • Local Transport Acts 1988 & 2000 • Malicious Communications Act 1988 • Marriage Act 1949 • Materials and Articles in Contact with Food (England) Regulations 2012 • Measuring Instruments (Taximeters) Regulations 2006 • Medicines Acts 1968 and 1971 • Medical Devices Regulations 2002 • Minors Contracts Act 1987 • Misrepresentations Act 1967 • Motor Cycle Noise Act 1987 • Motor Salvage Operators Regulations 2002 • Motor Vehicles (Safety Equipment for Children) Act 1991 • National Assistance Acts 1948 and 1951 • National Lottery etc. Act 1993 • National Parks and Access to the Countryside Act 1949 • Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 • New Roads and Street Works Act 1991 • Noise and Statutory Nuisance Act 1993 • Non Commercial Movement of Pet Animals (England) Regulations 2004 • Offices, Shops and Railway Premises Act 1963 • Official Feed and Food Controls (England) Regulations 2009 • Olympic Symbols etc. (Protection) Act 1995 • Organic Product Regulations 2004 • Packaging (Essential Requirements) Regulations 2003			

• Package Travel, Package Holidays and Package Tours Regulations 1999 • Performing of Animals (Regulation) Act 1925 • Pet Animals Act 1911 and 1951 • Plastic Materials and Articles in Contact with Food (England) Regulations 2009 • Plugs and Sockets etc (Safety) Regulations 1994 • Poisons Act 1972 • Police, Factories (Miscellaneous Provisions) Act 1916 • Police, Crime, Sentencing and Courts Act 2022 • Pressure Equipment Regulations 1999 • Prevention of Damage by Pests Act 1949 • Prices Acts 1974 and 1975 • Private Water Supplies Regulation 2009 • Proceeds of Crime Act 2002 • Products of Animal Origin (Disease Control) (England) Regulations 2008 • Products of Animal Origin (Import and Export) Regulations 1996 • Products of Animal Origin (Third Country Imports)(England) Regulations 2006 • Protection of Children (Tobacco) Act 1986 • Public Health (Control of Diseases) Act 1984 • Public Health Acts 1875, 1925, 1936 and 1961 • Public Health Acts Amendment Act 1890 • Public Health Amendment Act 1907 • Pyrotechnic Articles (Safety) Regulations 2010 • REACH Enforcement Regulations 2008 • Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 • Refuse Disposal (Amenity) Act 1978 • Registration of Establishments (Laying Hens) (England) Regulations 2003 • Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015 • Regulation of Investigatory Powers Act 2000 • Regulatory Reform (Fire Safety) Order 2005 • Rehabilitation of Offenders Act 1974 (exceptions) order 1975 • Riding Establishments Acts 1964 and 1970			

• Rights of Way Act 1990 • Road Safety Act 2006 • Road Traffic (Consequential Provisions) Act 1988 • Road Traffic (Foreign Vehicles) Act 1972 • Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 • Road Traffic Acts 1988 and 1991 • Road Traffic Offenders Act 1988 • Road Traffic Regulations Act 1984 • Safety of Sports Grounds Act 1975 • Sale and Supply of Goods Act 1994 • Sale and Supply of Goods to Consumers Regulations 2002 • Sale of Goods Act 1979 to 1995 • Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006 • Scotch Whisky Act 1980 • Scotch Whisky Regulations 2009 • Scrap Metal Dealers Act 1964 • Scrap Metal Dealers Act 2013 • Slaughter of Poultry Act 1967 • Smoke and Carbon Monoxide Alarm (England) Regulations 2015 • Smoke-free (Exemptions and Vehicles) Regulations 2007 • Smoke-free (Premises and Enforcement) Regulations 2006 • Smoke-free (Private Vehicles) Regulations Regulations 2015 • Smoke-free (Vehicle Operators and Penalty Notices) (Amendment) Regulations 2015 • Solicitors Act 1974 (Sources) (Amendment) Order 2015 • Solicitors Act 1974 (Sources) Order 2010 • South Yorkshire Act 1980 • Sun beds (Regulation) Act 2010 • Sunday Trading Act 1994 • Supply of Goods (Implied terms) Act 1973 • Supply of Goods and Services Act 1982 • Swine Vesicular Disease Regulations 2009			

• Taximeters (EEC requirements) Regulations 1979 • Telecommunications Act 1984 • The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 • The Country of Origin of Certain Meats (England) Regulations 2015 • The Food Safety and Hygiene (England) Regulations 2013 • The Olive Oil (Marketing Standards) Regulations 2014 • Theft Acts 1968 and 1978 • Timeshare Act 1992 • Tobacco Advertising and Promotion Act 2002 • Tobacco Advertising and Promotion (Specialist Tobacconists) Regulations 2004 • Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 • Torts (Interference with Goods) Act 1977 • Town Police Clauses Act 1847 • Town Police Clauses Act 1889 • Trade Descriptions Act 1968 • Trade in Animals and Related Products Regulations 2011 • Trade Marks Act 1994 • Trading Representations (Disabled Persons) Acts 1958 and 1972 • Traffic Management Act 2004 • Transmissible Spongiform Encephalopathies (England) Regulations 2018 • Transport Act 1985 • Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 • Unfair Contract Terms Act 1977 • Unsolicited Goods and Services Acts 1971 and 1975 • Vagrancy Act 1824 • Vehicle (Crime) Act 2001 • Vehicle (Excise) Act 1971 • Veterinary Medicines Regulations 2010 • Vehicle Emissions Testing – Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002			

• Veterinary Medicines Regulations 2013 • Video Recordings Acts 1984 and 1993 • Violent Crime Reduction Act 2006 • Volatile Organic Compounds in Paints, Varnishes and Vehicle Finishing Products (England) Regulations 2005 • Waste (England & Wales) Regulations 2011 • Waste and Emissions Trading Act 2003 • Water Act 1945 • Water Industry Act 1991 • Water Industry Act 1991 (As amended by the Water Consolidation (Consequential Provisions) Act 1991) • Weights and Measures Act 1976 • Weights and Measures Act 1985 • Welfare of Farmed Animals (England) Regulations 2007 • Welfare of Racing Greyhounds Regulations 2010 • Wildlife and Countryside Act 1981 • Wine Regulations 2009 • Working Time Regulations 1998 • Young Persons (Employment) Acts 1938 and 1964 • Zoo Licensing Act 1981 • Zoonoses (Monitoring) (England) Regulations 2007			
The discharge of any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the legislation listed below (including and any future modifications, enlargements or amendments). The powers conferred include: • Service of Statutory Notices • Issuing of Statutory Documents	Via written Authorisation to approve on behalf of Service Director of Community Safety and Street Scene and Service Director	Transport, Jobs and the Local Economy	No

In respect of the following legislation: • Accommodation Agencies Act 1953 • Administration of Justice Act 1970, As Amended • Aerosol Dispensers Regulations 2009 • Agriculture (Safety, Health and Welfare Provisions) Act 1956 • Agriculture Act 1970 • Agriculture & Horticulture Act 1964 • Agriculture Produce (Grading and Marking) Acts 1928 and 1931 • Animal and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015 • Animal Boarding Establishments Act 1963 • Animal By-Products (Enforcement) (England) Regulations 2013 • Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 • Animal Feed (England) Regulations 2010 • Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 • Animal Health Act 1981 • Animal Health and Welfare Act 1984 • Animal Welfare Act 2006 • Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 • Anti-Social Behaviour Act 2003 • Anti-social Behaviour, Crime and Policing Act 2014 • Avian Influenza (Preventive Measures) (England) Regulations 2006 • Avian Influenza (Vaccination) (England) Regulations 2006 • Beef and Veal Labelling Regulations 2010 • Bluetongue Regulations 2008 • Breeding and Sale of Dogs (Welfare) Act 1999 • Breeding of Dogs Act 1973 and 1991 • Broadcasting Act 1990 • Building Act 1984 • Burial Act 1857	of Planning, Regeneration and Transport, to the Head of Community Safety and Regulatory Services and Service Manager, Community Safety and Regulatory Services and other officers so authorised by the Service Director of Community Safety and Street Scene and to the Head of Transport Infrastructure and the Head of Highways		

• Business Names Act 1985 • Cancellation of Contracts Made in a Consumer's Home or Place of Work etc. Regulations 2008 • Cancer Act 1939 • Caravan Sites Act 1968 • Caravan Sites and Control of Development Act 1960 • Cattle Identification (Amendment) Regulations 2015 • Cattle Identification Regulations 2007 • Ceramic Articles in Contact with Food (England) Regulations 2006 • Children and Young Persons (Protection from Tobacco) Act 1991 • Children and Young Persons Act 1933 • Clean Air & Neighbourhood Act 2004 • Clean Air Act 1993 • Clean Neighbourhoods and Environment Act 1995 • Companies Act 1985 • Companies Act 2006 • Companies Act 2006 Amendment Regulations 2015 • Condensed Milk and Dried Milk England Regulations 2015 • Construction Design & Management (CDM) Regulations 2015 • Consumer Arbitration Agreements Act 1988 • Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 • Consumer Credit Act 1974 & 2006 • Consumer Protection (Distance Selling) regulations 2000 • Consumer Protection Act 1987 • Consumer Protection from Unfair Trading Regulations 2008 • Consumer Rights Act 2015 • Consumer Rights (Payment Surcharges) Regulations 2012 • Contaminants in Food (England) Regulations 2013 • Control of Horses Act 2015 • Control of Pollution Act 1974 • Consumers, Estate Agents and Redress Act 2007 • Construction Products Regulations 2013			

• Copyright etc. and Trademarks (Offences and Enforcement) Act 2002 • Copyright, Designs and Patents Act 1988 • Cosmetic Products Enforcement Regulations 2013 • Country of Origin of Certain Meats (England) Regulations 2015 • Countryside Act 1968 • Countryside and Rights of Way Act 2000 • Cremation Acts 1902 and 1952 • Cremation Regulations (England and Wales) 2008 • Crime & Disorder Act 1998 • Criminal Justice Act 1988 • Criminal Justice and Police Act 2001 • Criminal Justice and Public Order Act 1994 • Cycle Tracks Act 1984 • Dangerous Dogs Acts 1989 and 1991 • Dangerous Wild Animals Act 1976 • Development of Tourism Act 1969 • Dogs (Fouling of Land) Act 1996 • Dogs Acts 1871 and 1906 • Education Reform Act 1988 • Eggs and Chicks (England) Regulations 2009 • Electrical Equipment (Safety) Regulations 1994 • Electromagnetic Compatibility Regulations 2006 • Energy Act 1976 • Enterprise Act 2002 • Enterprise and Regulatory Reform Act 2013 • Environment Act 1995 • Environment Act 2021 • Environmental Protection Act 1990 • Environmental Protection (Stray Dogs) Regulations 1992 • Equalities Act 2010 • Equine Identification (England) Regulations 2018 • Estate Agents Act 1979 • European Communities Act 1972			

• Explosives (Age of Purchase) Act 1976 • Explosives Acts 1875 and 1923 • Factories Act 1961 • Factories Act 1961 • Fair Trading Act 1973 • Farm and Garden Chemicals Act 1967 • Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regulations 2010 • Financial Services and Markets Act 2000 • Fire Safety and Safety of Places of Sport Act 1987 • Flood Risk Regulations 2009 • Floods and Water Management Act 2010 • Food Act 1984 • Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 • Food and Environment Protection Act 1985 • Food Hygiene (England) Regulations 2006 • Food Information Regulations 2014 • Food Labelling Regulations 1996 • Food Safety Act 1990 • Food Safety and Hygiene (England) (Amendment) Regulations 2014 • Food Safety Sampling and Qualifications (England) Regulations 2013 • Forgery and Counterfeiting Act 1981 • Fouling of Land by Dogs Order 2009 • Fraud Act 2006 • Gambling Act 2005 • General Food Regulations 2004 • Genetically Modified Animal Feed (England) Regulations 2004 • Guard Dogs Act 1975 • Hallmarking Act 1973 • Harris Tweed Act 1993 • Health Act 2006 • Health and Safety at Work etc Act 1974			

• Health Protection (Local Authority Powers) Regulation 2010 • Health Protection (Notification) Regulations 2010 • Health Protection (Part 2A Orders) Regulations 2010 • Highways Act 1980 • Hire Purchase Act 1965 • Homelessness Act 2002 • Honey (England) Regulations 2014 • House to House Collections Act 1939 • Insolvency Act 1986 • Insurance Brokers (Registration) Act 1977 • Insurance Companies Act 1981 • Intoxicating Substances (Supply) Act 1985 • Knives Act 1997 • Legal Services Act 2007 • Licensing Act 2003 • Limitation Act 1980 • Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 • Local Authorities Cemeteries Order 1977 • Local Government (Miscellaneous Provisions) Acts 1976, 1987 and 1982 • Local Government Act 1894 • Local Government Act 1972 • Local Transport Acts 1988 & 2000 • Malicious Communications Act 1988 • Marriage Act 1949 • Materials and Articles in Contact with Food (England) Regulations 2012 • Measuring Instruments (Taximeters) Regulations 2006 • Medicines Acts 1968 and 1971 • Medical Devices Regulations 2002 • Minors Contracts Act 1987 • Misrepresentations Act 1967 • Mock Auctions Act 1961 • Motor Cycle Noise Act 1987 • Motor Salvage Operators Regulations 2002			

• Motor Vehicles (Safety Equipment for Children) Act 1991 • National Assistance Acts 1948 and 1951 • National Lottery etc Act 1993 • National Parks and Access to the Countryside Act 1949 • Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 • New Roads and Street Works Act 1991 • Noise and Statutory Nuisance Act 1993 • Non Commercial Movement of Pet Animals (England) Regulations 2004 • Offices, Shops and Railway Premises Act 1963 • Official Feed and Food Controls (England) Regulations 2009 • Olympic Symbols etc. (Protection) Act 1995 • Organic Product Regulations 2004 • Packaging (Essential Requirements) Regulations 2003 • Package Travel, Package Holidays and Package Tours Regulations 1999 • Performing of Animals (Regulation) Act 1925 • Pet Animals Act 1911 and 1951 • Plastic Materials and Articles in Contact with Food (England) Regulations 2009 • Plugs and Sockets etc (Safety) Regulations 1994 • Poisons Act 1972 • Police, Factories (Miscellaneous Provisions) Act 1916 • Police, Crime, Sentencing and Courts Act 2022 • Pressure Equipment Regulations 1999 • Prevention of Damage by Pests Act 1949 • Prices Acts 1974 and 1975 • Private Water Supplies Regulation 2009 • Proceeds of Crime Act 2002 • Products of Animal Origin (Disease Control) (England) Regulations 2008 • Products of Animal Origin (Import and Export) Regulations 1996 • Products of Animal Origin (Third Country Imports)(England) Regulations 2006 • Property Misdescriptions Act 1991 • Protection of Children (Tobacco) Act 1986 • Public Health (Control of Diseases) Act 1984			

• Public Health Acts 1875, 1925, 1936 and 1961 • Public Health Acts Amendment Act 1890 • Public Health Amendment Act 1907 • Pyrotechnic Articles (Safety) Regulations 2010 • REACH Enforcement Regulations 2008 • Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 • Refuse Disposal (Amenity) Act 1978 • Registration of Establishments (Laying Hens) (England) Regulations 2003 • Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015 • Regulation of Investigatory Powers Act 2000 • Regulatory Reform (Fire Safety) Order 2005 • Rehabilitation of Offenders Act 1974 (exceptions) order 1975 • Restrictive Trade Practices Act 1976 • Riding Establishments Acts 1964 and 1970 • Rights of Way Act 1990 • Road Safety Act 2006 • Road Traffic (Consequential Provisions) Act 1988 • Road Traffic (Foreign Vehicles) Act 1972 • Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 • Road Traffic Acts 1988 and 1991 • Road Traffic Offenders Act 1988 • Road Traffic Regulations Act 1984 • Safety of Sports Grounds Act 1975 • Sale and Supply of Goods Act 1994 • Sale and Supply of Goods to Consumers Regulations 2002 • Sale of Goods Act 1979 to 1995 • Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006 • Scotch Whisky Act 1980 • Scotch Whisky Regulations 2009 • Scrap Metal Dealers Act 1964			

• Scrap Metal Dealers Act 2013 • Slaughter of Poultry Act 1967 • Smoke and Carbon Monoxide Alarm (England) Regulations 2015 • Smoke-free (Exemptions and Vehicles) Regulations 2007 • Smoke-free (Premises and Enforcement) Regulations 2006 • Smoke-free (Private Vehicles) Regulations Regulations 2015 • Smoke-free (Vehicle Operators and Penalty Notices) (Amendment) Regulations 2015 • Solicitors Act 1974 (Sources) (Amendment) Order 2015 • Solicitors Act 1974 (Sources) Order 2010 • South Yorkshire Act 1980 • Sun beds (Regulation) Act 2010 • Sunday Trading Act 1994 • Supply of Goods (Implied terms) Act 1973 • Supply of Goods and Services Act 1982 • Swine Vesicular Disease Regulations 2009 • Taximeters (EEC requirements) Regulations 1979 • Telecommunications Act 1984 • The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 • The Country of Origin of Certain Meats (England) Regulations 2015 • The Food Safety and Hygiene (England) Regulations 2013 • The Olive Oil (Marketing Standards) Regulations 2014 • Theft Acts 1968 and 1978 • Timeshare Act 1992 • Tobacco Advertising and Promotion Act 2002 • Tobacco Advertising and Promotion (Specialist Tobacconists) Regulations 2004 • Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 • Torts (Interference with Goods) Act 1977 • Town Police Clauses Act 1847 • Town Police Clauses Act 1889			

• Trade Descriptions Act 1968 • Trade in Animals and Related Products Regulations 2011 • Trade Marks Act 1994 • Trading Representations (Disabled Persons) Acts 1958 and 1972 • Traffic Management Act 2004 • Transmissible Spongiform Encephalopathies (England) Regulations 2018 • Transport Act 1985 • Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 • Unfair Contract Terms Act 1977 • Unsolicited Goods and Services Acts 1971 and 1975 • Vagrancy Act 1824 • Vehicle (Crime) Act 2001 • Vehicle (Excise) Act 1971 • Veterinary Medicines Regulations 2010 • Vehicle Emissions Testing – Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 • Veterinary Medicines Regulations 2013 • Video Recordings Acts 1984 and 1993 • Violent Crime Reduction Act 2006 • Volatile Organic Compounds in Paints, Varnishes and Vehicle Finishing Products (England) Regulations 2005 • Waste (England & Wales) Regulations 2011 • Waste and Emissions Trading Act 2003 • Water Act 1945 • Water Industry Act 1991 • Water Industry Act 1991 (As amended by the Water Consolidation (Consequential Provisions) Act 1991) • Weights and Measures Act 1976 • Weights and Measures Act 1985 • Welfare of Farmed Animals (England) Regulations 2007 • Welfare of Racing Greyhounds Regulations 2010 • Wildlife and Countryside Act 1981 • Wine Regulations 2009			

• Working Time Regulations 1998 • Young Persons (Employment) Acts 1938 and 1964 • Zoo Licensing Act 1981 • Zoonoses (Monitoring) (England) Regulations 2007			
The discharge of any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the legislation listed below (including and any future modifications, enlargements or amendments). The powers conferred include: • Instigation of Legal Proceedings including the issuing of legal cautions • Authorisation of Informations and Summonses • Authorisation of Applications to: o Seek Warranted Entry to Premises o Seek court approval to undertake Directed Surveillance o Undertake overt surveillance operations including the deployment of CCTV • Service of orders, including closure orders • Authorisation to Carry out Work in Default • Appointment of Inspectors and Officers • Appointment of Chief and Deputy Chief Inspector of Weights and Measures • Authorisation of Officers • Appointment of Official and Authorised Veterinary Officers, Public Analysts. Formal transfer / assignment or enforcement responsibilities In respect of the following legislation: • Administration of Justice Act 1970, As Amended • Housing Act 1985 • Housing Act 1996 • Housing Act 2004	Via Written Authorisation to approve on behalf of Service Director of Community Safety and Street Scene, to the Head of Community Safety and Regulatory Services and Service Manager, Regulation and Enforcement	Housing	No

• Housing and Planning Act 2016 • Local Government (Miscellaneous Provisions) Acts 1976, 1987 and 1982 • Local Government Act 1894 • Local Government Act 1972 • Prevention of Damage by Pests Act 1949 • Protection from Eviction Act 1977 • Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 • Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015 • Regulation of Investigatory Powers Act 2000 • Regulatory Reform (Fire Safety) Order 2005 • South Yorkshire Act 1980			
The discharge of any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the legislation listed below (including and any future modifications, enlargements or amendments). The powers conferred include: • Service of Statutory Notices • Issuing of Statutory Documents In respect of the following legislation: • Administration of Justice Act 1970, As Amended • Housing Act 1985 • Housing Act 1996 • Housing Act 2004 • Housing and Planning Act 2016 • Local Government (Miscellaneous Provisions) Acts 1976, 1987 and 1982 • Local Government Act 1894	Via Written Authorisation to approve on behalf of Service Director of Community Safety and Street Scene, to the Head of Community Safety and Regulatory Services and Service Manager, Regulation and Enforcement and other officers so authorised by the Service Director of Community	Housing	No

• Local Government Act 1972 • Prevention of Damage by Pests Act 1949 • Protection from Eviction Act 1977 • Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 • Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015 • Regulation of Investigatory Powers Act 2000 • Regulatory Reform (Fire Safety) Order 2005 • South Yorkshire Act 1980	Safety and Street Scene.		

The discharge of any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the legislation listed below (including and any future modifications, enlargements or amendments). The powers conferred include:
 	
• Service of Statutory Notices
• Issuing of Statutory Documents
• Instigation of Legal Proceedings including the issuing of legal cautions
• Authorisation of Informations and Summonses
• Authorisation of Applications to:
  ○ Seek Warranted Entry to Premises
  ○ Seek court approval to undertake Directed Surveillance
  ○ Undertake overt surveillance operations including the deployment of CCTV
• Service of orders, including closure orders
	Via Written Authorisation to approve on behalf of Service Director of Community Safety and Street Scene, to the Head of Service, Community Safety and Regulatory Services and other officers so authorised by the Service Director of Community Safety and Street Scene.	Transport, Jobs and the Local Economy	No

In respect of the following legislation: • Anti-Social Behaviour Act 2003 • Anti-social Behaviour, Crime and Policing Act 2014			
The discharge of any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the legislation listed below (including and any future modifications, enlargements or amendments). The powers conferred include: • Instigation of Legal Proceedings including the issuing of legal cautions • Authorisation of Informations and Summonses • Authorisation of Applications to: o Seek Warranted Entry to Premises o Seek court approval to undertake Directed Surveillance • Service of Statutory Notices • Issuing of Statutory Documents • Granting, suspension and refusal of licences, authorisations and registrations for persons, premises or processes • Authorisation to Carry out Work in Default • Appointment of Inspectors and Officers • Appointment of Chief and Deputy Chief Inspector of Weights and Measures • Authorisation of Officers • Appointment of Official and Authorised Veterinary Officers, Public Analysts. Formal transfer / assignment or enforcement responsibilities	Via Written Authorisation to approve on behalf of Service Director of Community Safety and Street Scene, to the Service Manager, Community Safety and Regulatory Services		No