

Bristol City Council  
Democratic Services Team  
PO Box 3399



# Constitution



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# **Bristol City Council – Constitution**

## Summary

### 1) What is the Constitution

The purpose of the Constitution is to set out how the Council operates, how decisions are made and the procedures that are followed to ensure that decisions are taken efficiently and transparently, and that those who make the decisions are accountable to local people. Some of these procedures are legal requirements while others are how the Council has chosen to conduct its business.

This part of the Constitution is a guide to the basic principles of how the Council works and what decisions can be made and by whom. It is a summary and does not seek to be comprehensive. You will need to look at separate parts of the Constitution for full details of decision-making procedures.

All elected members and officers of Bristol City Council are governed by this Constitution.

### 2) How the Council works

From 6 May 2024, the Council operates the Committee Model of governance and is led by 70 councillors, one of whom is appointed by the Council as the Leader of the Council.

#### **Full Council**

Full Council comprises of 70 Councillors, each of whom is elected for a 4 year term and who represent the 34 wards of the City. The overriding duty of Councillors is to the whole community, but they have a special responsibility to the constituents of their ward.

All Councillors meet together as the Full Council. These meetings are open to the public and the press and are also broadcast live on the Council's [webcast facility](#)

The Full Council sets the broad Policy and Budget Framework within which the Council and its committees operates. The Full Council is chaired by the Lord Mayor of Bristol. This role is a ceremonial and civic one. The Lord Mayor is a councillor and is chosen and appointed for a one-year term by the Full Council at its annual Council meeting in May.

#### **Conduct and Behaviour**

The 70 Councillors have agreed to follow the Member Code of Conduct to ensure high standards in the way they undertake their duties. Compliance with the Code of Conduct is overseen by the Value and Ethics Sub-committee. This code of conduct is included in Part 5 of this constitution.

### 3) How decisions are made

Decisions are taken either by Full Council, Policy Committees, Regulatory Committees, or officers, according to rules set out in this Constitution.

Councillors are personally responsible for taking major decisions about many aspects of what the Council does. Councillors will take these decisions collectively in Policy Committees and Regulatory Committees, or delegate decisions to officers. Certain types of decision have also been delegated by Full Council to Area Committees.

Certain business considered by Policy Committees is defined as a 'Key Decision'. These key decisions are included on the Forward Plans for each of the Policy Committees which is a document that is published every month with details of the decisions to be taken by Policy Committees over the coming months. The Constitution sets out a specific definition of what are key decisions. In summary these are decisions where the Council will incur significant expenditure/savings or which have a significant impact on communities in two or more wards in the City.

#### **4) Council Staff**

The Council employs officers to give professional advice to Full Council, Committees and Councillors, to implement decisions taken and to manage the day to delivery of services. The Head of Paid Service is a statutory role that every Council must have. This person has responsibility for managing all Council staff and decides how Full Council, Committees and Councillors should be supported by staff. There are other statutory posts including an officer who has responsibility for ensuring that the Council takes sound financial decisions (Service Director, Finance) and an officer who is responsible for ensuring all decisions taken by the Council are lawful (Service Director, Legal and Democratic Services). There are also statutory officers with responsibility for Children's Services and for the Council's Adult Social Services functions.

#### **5) Citizens' Rights**

Citizens of Bristol have a number of rights in dealings with the Council.

A list of some of the other rights that citizens have is set out below which is in addition to any rights for example as a parent of a school student or a tenant of the Council which are beyond the scope of this Constitution.

Citizens have the right to:

- (a) Register and vote at elections
- (b) Contact their local Councillor about issues of concern within their ward
- (c) View the Constitution which is available on the Council website
- (d) Attend Council and other committee meetings
- (e) Attend Area Committees within their area to hear from and speak to their local councillors about local issues in their wards.
- (f) View the Forward Plan to see future decisions
- (g) View the agenda and papers for forthcoming meetings on the Council's website
- (h) Use the Council's complaints procedure if they are dissatisfied with a service after which if still dissatisfied they can complain to the Local Government Ombudsman
- (i) Contact the Monitoring Officer if they have a concern about the conduct of a Councillor under the Code of Conduct
- (j) Inspect the Council's Accounts and make their views known to the External Auditor

#### **6) Structure of the Constitution**

The Constitution is split into 'Parts' to help readers find relevant information. This introduction is Part 1.

Part 2 of the Constitution sets out Articles 1 – 17 which describe the basic rules governing the Council's business.

Part 3 describes how functions and responsibilities are allocated between the Full Council and the Policy Committees.

Part 4 sets out the various rules of procedure that govern how the Council makes decisions.

Part 5 incorporates a number of codes and protocols, including the Member Code of Conduct.

Part 6 contains the Member's Scheme of Allowances.

# ARTICLE 1 – THE CONSTITUTION

## A1.01

### Powers of Bristol City Council

Bristol City Council will exercise all its powers and duties in accordance with the law and this constitution and all its appendices.

## A1.02

### Aims and Purpose

The purpose of the constitution is to:

- (1) Enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (2) Support the active involvement of councillors and citizens in the process of local authority decision-making;
- (3) Help councillors represent their constituents effectively;
- (4) Enable decisions to be taken efficiently and effectively;
- (5) Create a powerful and effective means of holding decision-makers to public account; to keep the implementation of decisions and the operational effectiveness of service areas under review.
- (6) Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (7) Provide a means of improving the delivery of services to the community.

And will be interpreted to give effect to those aims.

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

## **A2.01**

### **Composition and eligibility**

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

Bristol City Council will comprise 70 elected councillors. Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission.

The term “members of the council” is a reference to all councillors.

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

Only registered voters of the city of Bristol or those living or working there, who are aged 18 or over, will be eligible to stand as a candidate to hold the office of councillor.

## **A2.02**

### **Election and terms of councillors**

The regular election of councillors is held on the first Thursday in May every four years. The term of office for all councillors will start on the fourth day after being elected and will end on the fourth day after the date of the next regular election.

## **A2.03**

### **Key roles and rights and duties**

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

Councillors who are elected to represent local wards must both represent the people of the ward which elected them and, when involved in decision making, act in the interest of the whole area. They are all expected to contribute to the good governance of the area and to encourage community participation. They must respond to their constituents’ enquiries fairly.

#### **(b) Rights and duties**

Councillors will have such rights of access to such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors will not make public information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it, as set out in the Access to Information Rules at Part 4 of this constitution.

Councillors will make all decisions in accordance with the law and having taken and considered proper professional advice.



**A2.04**  
**Allowances**

Councillors will be entitled to receive allowances in accordance with the **Members' Allowances Scheme** set out in part 6 of this constitution.

# ARTICLE 3 – CITIZENS AND THE COUNCIL

## A3.01

### Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the **Access to Information Rules** (APR) in part 4 of this constitution:

#### (a) Voting and petitions

Citizens on the electoral roll for the City of Bristol have the right to vote for their representatives as councillors.

#### (b) Information

Citizens have the right to:

- (i) Attend meetings of the Full Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) Find out from the forward plan what key decisions will be taken by the Policy Committees and when;
- (iii) See reports and background papers, and any records of decisions made by the council and committees with the exception of confidential or exempt information; and
- (iv) inspect the council's accounts and make their views known to the external auditor.

#### (c) Participation

Citizens have the right to ask questions, submit statements and present petitions at meetings of the Full Council and at most committee meetings.

Citizens can also contribute to council decision making, for example by responding to consultation programmes.

#### (d) Complaints

Citizens have the right to complain to:

- (i) The council under its complaints and whistleblowing scheme;
- (ii) The ombudsman after using the council's own complaints scheme;
- (iii) The council's Monitoring Officer about a breach of the councillors' code of conduct.

### **A3.02**

#### **Citizens' responsibilities**

In return for their rights, the council expects that citizens will conduct themselves in a reasonable way when dealing with council officers, councillors and when using council facilities.

Citizens are required to behave with courtesy, tolerance and respect.

# ARTICLE 4 – THE FULL COUNCIL

“Full Council” is the formal meeting of all the Councillors.

## A4.01

### Decisions reserved for Full Council; that only Full Council can take

Legally, there are a number of functions which must be discharged by Full Council, and these are set out in in Regulation 3 of the Local Authorities (Committee System) (England) Regulations 2012.

- (a) The approval or adoption of the following plans or strategies:
  - (i) Annual Library Plan;
  - (ii) Crime and disorder reduction strategy;
  - (iii) Development Plan documents;
  - (iv) Licensing Authority Policy Statement;
  - (v) Local Transport Plan;
  - (vi) Plans and alterations that together comprise the Development Plan;
  - (vii) Sustainable Community Strategy;
  - (viii) Youth justice plan;
- (b) Approval or adoption of a plan or strategy for the control of the local authority’s borrowing, investments, or capital expenditure, or for determining the authority’s minimum revenue provision;
- (c) Approval (where required) of the submission of any plan or strategy (whether in draft or not) referred to in (a) or (b) above to the Secretary of State or any Minister of the Crown for approval;
- (d) Making, amending or revoking a Members’ Allowances Scheme (to include basic, attendance and special responsibility allowances);
- (e) Determination of any allowance to be paid to the Chair or Vice-Chair of the council (allowances to the Lord Mayor/Deputy Lord Mayor);
- (f) Determination of any basic, attendance or special responsibility allowances under an approved Members’ Allowances Scheme;
- (g) Making a request to the Local Government Boundary Commission for England for single-member electoral areas;
- (h) Passing a resolution to change a scheme for elections (whole council, elections by halves or elections by thirds);
- (i) Making an order giving effect to recommendations made in a community governance review;

There are also a number of other responsibilities of custom and practice that should also be discharged by Full Council:

- (j) Approval of the annual budget and setting the Council Tax;
- (k) Approval of the Treasury Management Strategy;
- (l) Approval of the council's non-statutory plan for the delivery of the Council's policies and strategies (known as the "Corporate Plan");
- (m) Approval of the council's Constitution;
- (n) Approval of the council's Annual Pay Policy Statement;
- (o) Establishment of and appointment to committees, including chairs of committees;
- (p) Appointment of the Leader and Deputy Leader of the council;
- (q) Appointment of the Lord Mayor and Deputy Lord Mayor;
- (r) Appointment of the Head of Paid Service, Monitoring Officer, Chief Finance Officer, Returning Officer and Electoral Registration Officer;
- (s) Adoption of the scheme of delegation to officers.

Part 3.1 of the council's Constitution sets out in more detail the matters which are reserved to Full Council.

#### **A4.02**

#### **Full Council meetings**

There are three types of Full Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings (including a meeting to determine the budget);
- (c) extraordinary meetings

and they will be conducted in accordance with the **Council Procedure Rules** (CPR) in part 4 of this constitution.

# **ARTICLE 5 – THE LEADER OF THE COUNCIL AND THE DEPUTY LEADER OF THE COUNCIL**

## **A 5.01**

### **The roles and responsibilities of the Leader of the council and the Deputy Leader of the council**

The roles and responsibilities of the Leader of the council are set out in detail in Part 3.3 of the Constitution.

## **A5.02**

### **Election of the Leader of the council and Deputy Leader of the council**

- (a) At its Annual Meeting the council will appoint a Leader of the council, who shall be the political head of the council, and a Deputy Leader to assume the Leader's responsibilities in their absence.
- (b) Once appointed, the Leader and the Deputy Leader will hold office for a period of 4 years unless they either:-
  - (i) resign from the office;
  - (ii) are no longer a member of the council; or
  - (iii) are removed from office by resolution of the council.
- (c) Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Lord Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader.

## ARTICLE 6 – KEY DECISIONS

The council has determined that Key Decisions will be taken by Policy Committees. Key Decisions will be recorded on the Forward Plan of Key Decisions for each Policy Committee. Details regarding the procedure for Key Decisions are given in the Access to Information Procedure Rules.

The council has determined that the definition of Key Decision is a decision, which is likely:

- (a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in two or more wards in the city.

The threshold at which expenditure or savings will be regarded as significant has been set at £500,000.

For clarity, the following will also be reported to the relevant Policy Committee:

- (c) Any matters deemed to have a reputational risk to the council;
- (d) Any matter deemed to have significant financial or legal risk;
- (e) Any matter relating to cessation or significant change in service delivery or policy direction;
- (f) Any matter deemed significant by the Head of Paid Service, the Monitoring Officer, or s151 Officer;
- (g) Concession contracts with a value in excess of £500,000.

# **ARTICLE 7 – THE LORD MAYOR AND CHAIRING THE FULL COUNCIL**

The Lord Mayor will be elected annually.

The Lord Mayor, and in their absence the deputy Lord Mayor, will have the following roles and functions:

## **CHAIRING THE FULL COUNCIL MEETING**

The Lord Mayor will have the following responsibilities:

- (1) to uphold and promote the purposes of the Constitution and to interpret the constitution when necessary;
- (2) to preside 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;
- (3) to ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which members are able to hold the committee chairs to account;
- (4) to promote public involvement in the activities of the Full Council;
- (5) to be the conscience of the Full Council; and
- (6) to attend such civic and ceremonial functions as the Full Council and they determine appropriate.



# ARTICLE 8 – POLICY COMMITTEES

## A8.01

### Terms of reference

Policy Committees will operate in accordance with the Terms of Reference set out in Part 3.2 of the Constitution.

## A8.02

### General role

The council will appoint the following Policy Committees:

- (a) Adult Social Care Committee;
- (b) Homes and Housing Delivery Committee;
- (c) Public Health and Communities Committee;
- (d) Economy and Skills Committee;
- (e) Strategy and Resources Committee;
- (f) Children and Young people Committee;
- (g) Transport and Connectivity Committee;
- (h) Environment and Sustainability Committee.

The council will appoint the following standing Sub-committees:

- (i) Finance Sub-committee as a sub-committee of the Strategy and Resources Committee
- (j) Health Scrutiny Sub-committee as a Sub-committee of the Public Health and Communities Committee

The Policy Committees will discharge the functions as set out in Part 3.2 of this Constitution.

# ARTICLE 9 – REGULATORY AND OTHER COMMITTEES

## A9.01

### Terms of reference

Regulatory and other committees will operate in accordance with the Terms of Reference set out in Part 3.2 of the Constitution.

## A9.02

### General role

The council will appoint the following Regulatory and other committees:

- (a) Development Control Committee “A”;
- (b) Development Control Committee “B”;
- (c) Public Rights of Way and Greens Committee;
- (d) Human Resources Committee;
- (e) Selection Committee;
- (f) Appeals Committee;
- (g) Audit Committee;
- (h) Value and Ethics Sub-committee;
- (i) Licensing Committee;
- (j) Public Safety and Protection Committee;
- (k) Escalation Panel.

The regulatory and other committees will discharge the functions as set out in Part 3.2 of this Constitution.

# **ARTICLE 10 – AUDIT COMMITTEE AND VALUE AND ETHICS SUB-COMMITTEE**

## **A10.01**

### **Terms of Reference**

The Audit Committee and the Values and Ethics Sub-committee will operate in accordance with the Terms of Reference set out in Part 3.2 of the Constitution, in particular:

- (a) the Audit Committee will oversee and assess the council's risk management, control and corporate governance arrangements and advise the council on the adequacy and effectiveness of these arrangements; and
- (b) the Value and Ethics Sub-committee will determine complaints under the Councillor Code of Conduct referred to it by the Monitoring Officer and promote high standards of councillor conduct.

## **A10.02**

### **General role**

The Audit Committee and the Value and Ethics Sub-committee will discharge the functions set out in Part 3.2 of the Constitution.

## **A10.03**

### **Independent oversight**

The Value and Ethics Sub-committee will have an independent non-voting co-opted Chair.

# ARTICLE 11 – AREA COMMITTEES AND FORUMS

## A11.01

### Area committees

The Full Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Full Council has appointed an area committee known as CIL/s.106 Committees for the following 9 areas:

No	Ward 1	Ward 2	Ward 3	Ward 4
1	Avonmouth and Lawrence Weston	Henbury and Brentry	Southmead	Horfield
2	Stoke Bishop	Westbury on Trym and Henleaze	Redland	Bishopston and Ashley Down
3	Clifton	Clifton Down	Cotham	Hotwells and Harbourside
4	Central	Ashley	Lawrence Hill	Easton
5	Lockleaze	Eastville	Hillfields	Frome Vale
6	St George West	St George Central	St George Troopers Hill	-
7	Southville	Bedminster	Windmill Hill	Filwood
8	Hartcliffe and Witherwood	Bishopsworth	Hengrove and Whitchurch Park	-
9	Knowle	Stockwood	Brislington West	Brislington East

## A11.02

### Form, composition, delegations and function

Full Council has determined the form, the composition and membership of the committees, budgets and any limitations on delegation, details of which are set out in Part 3.2 of the Constitution.

#### (a) Membership of Area Committees

The membership of each CIL/s.106 Committees comprises the councillors elected to serve the wards of the committee areas.

#### (b) Functions of CIL/s.106 Committees

The Terms of Reference of CIL/s.106 Committees are set out in Part 3 of the Constitution.

**A11.03**

**Area committees – access to information**

Area committees will comply with the **Access to Information Rules** (APR) in Part 4 of this Constitution.

# ARTICLE 12– JOINT ARRANGEMENTS

## A12.01

### Arrangements to promote well-being

The Full Council, in order to promote the economic, social or environmental well-being of its area, may:

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

## A12.02

### Joint arrangements

- (a) The Full Council may establish joint arrangements with one or more local authorities to exercise functions that are functions of any other authority, or advise the Full Council of the other authority.
- (b) Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (c) Details of any joint arrangements including any delegations to joint committees will be found in the council's scheme of delegations in part 3 of this constitution.

## A12.03

### Access to information

The **Access to Information Rules** (APR) in part 4 of this constitution apply.

## A12.04

### Delegation to and from other local authorities

- (a) The Full Council may delegate functions to another local authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council meeting.

## A12.05

### Contracting out

The Council 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, subsequent enabling legislation or under contracting arrangements where the contractor acts as the council's agent under usual contracting principles, provided there is no delegation of the Full Council's discretionary decision making.

# ARTICLE 13 – OFFICERS

## A13.01

### Management structure

#### (a) General

The council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

#### (b) Statutory Officers

The Full Council will designate the following posts as shown and each will nominate a deputy to act in their service. If no such deputy is identified, then the Head of Paid Service will designate a nominated deputy.

Post	Designation
Head of Paid Service	Head of Paid Service Section 4 Local Government & Housing act 1989
Director of Democratic and Legal Services	Monitoring Officer Section 5 Local Government & Housing Act 1989
Director of Finance	Chief Finance Officer Section 114 Local Government Finance Act 1988
Executive Director: Children and Education	Director of Children's Services Section 18 Children Act 2004
Executive Director: Adults and Communities	Director of Adult Social Services Section 6 Local Authorities Social Services Act 1970 as amended
Head of Democratic Engagement	Scrutiny Officer 9FB Local Government Act 2000
Director of Communities and Public Health	Director of Public Health Section 30 Health & Social Care Act 2012

#### (c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Full Council will approve these statutory posts.

Such posts will have the functions described in Article 13.02–13.04 below.

#### (d) Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers.

## **A13.02**

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

- (a) The Head of Paid Service will have responsibility for:
- (i) Overall corporate management – and operational responsibility (including overall responsibility for all officers and staffing issues);
  - (ii) Professional advice – the provision of professional advice to all parties in the decision-making process;
  - (iii) Representing the authority – on partnership and external bodies as required by law or the council;
  - (iv) Report to council – the Head of Paid Service will report to Council where appropriate, on the co-ordination of the discharge of the council's functions, the number and grade of officers required for the discharge of functions and the organisation of officers.

### **(b) Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

## **A13.03**

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

#### **(a) Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for councillors, staff and the public.

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

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

#### **(c) Supporting Standards arrangements**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee and the Values and Ethics Sub-committee in delivering its responsibilities for standards.

#### **(d) Conducting investigations**

The Monitoring Officer will conduct investigations or take other action as they see fit into alleged breaches of the **Members' Code of Conduct**.

#### **(e) Proper officer for access to information**

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



as soon as possible.

**(f) Advising whether Policy Committee decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Policy Committees are in accordance with the budget and policy framework.

**(g) Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

**(h) Restrictions on functions**

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

**A13.04**

**Functions of the Chief Finance Officer**

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

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the council is about to enter an item of account unlawfully.

**(b) Administration of the Council's financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.

**(c) Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

**(d) Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

**A13.05****Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**A13.06****Employment**

The recruitment, selection and dismissal of officers will comply with the **Officer Employment Rules** (OER) set out in part 4 of this constitution.

# ARTICLE 14 – DECISION MAKING

## A14.01

### **Responsibility for decision making**

The council will issue and keep up-to-date a record of which committee of the council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is referred to as the Responsibility for Functions which is set out in part 3 of this constitution.

## A14.02

### **Principles of decision making**

All decisions of the council will be made in accordance with the following principles:

#### **(a) Proportionality**

The action must be proportionate to the desired outcome.

#### **(b) Due consultation**

- (i) It may be appropriate to consult with communities, businesses and other third parties who have an interest in the matter. In some cases, minimum consultation requirements are prescribed by law.
- (ii) However, it should be remembered that the council is required to act in the interests of the public as a whole, so the decision desired by consultees may not necessarily be the right decision to make.

#### **(c) The taking of professional advice from officers**

Professional advice from the council's legal, financial and other specialist staff should be taken.

#### **(d) Respect for human rights**

The Human Rights Act 1998 is of great importance to local authorities. Any decision which may breach an article or protocol of the Human Rights Act should be subjected to 'anxious scrutiny' and professional advice sought.

#### **(e) A presumption in favour of openness**

Decisions taken by officers should be taken under this presumption. Access to material contributing to a decision should be made available to anyone with a legitimate interest in it unless this would involve disclosing exempt or confidential information.

#### **(f) Clarity of aims and desired outcomes**

Decision makers must be clear as to what they are seeking to achieve and why. This will often require a thoughtful consideration of other options.

**(g) Due regard to public sector equality duty aims**

The Equality Act 2010 requires that all decisions are taken with due regard to the need to:-

- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- (ii) advance equality of opportunity between equality groups; and
- (iii) foster good relations between equality groups.

**(h) The highest standards of ethical conduct avoiding actual, potential and perceived conflicts of interest**

**A14.03**

**(a) Decisions reserved to the Full Council**

Decisions relating to the functions listed in Article 4.02 will be made by the Full Council and not delegated.

**(b) Key decisions and the Forward Plan**

**(i) Forward Plan**

Forward plans will be prepared for each of the Policy Committees and shall be published on a monthly basis, beginning with the first day of any month. The forward plans will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan and will accord with the **Access to Information Rules (APR)**.

**(ii) Key decisions**

- a. For the definition of a key decision refer to Article 6
- b. A decision taker may only make a key decision in accordance with the requirements of the **Policy Committee Procedure Rules (EPR)** set out in part 4 of this Constitution.

**A14.04**

**Decision making by the Full Council**

Subject to Article 14.08, the Full Council will follow the **Council Procedure Rules (CPR)** set out in part 4 of this constitution when considering any matter.

**A14.05**

**Decision making by Policy Committees**

Subject to Article 14.08, the Policy Committees will follow the **Committee Procedure Rules (CMR)** set out in part 4 of this constitution when considering any matter.

#### **A14.06**

##### **Decision making by the Escalation Panel**

The Escalation Panel will follow the **Escalation Panel Procedure Rules** set out in Part 4 of this constitution when considering any matter.

#### **A14.07**

##### **Decision making by other committees and sub-committees established by the Full Council**

Subject to Article 14.08, other council committees and subcommittees will follow those parts of the **Committee Procedure Rules** (CMR) set out in part 4 of this constitution as apply to them.

#### **A14.08**

##### **Decision making by council bodies acting as tribunals**

The council, a councillor or an officer acting as a tribunal or in a *quasi-judicial* manner or determining / considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will 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.

#### **A14.09**

##### **Decision making by Officers**

Officers may have delegated powers by the Full Council or by the Policy Committees to take managerial and operational decisions - see **Responsibility for Functions** - part 3.

Officer Decisions for spend between £100,000 and £499,000 are published on the council's website.

#### **A14.10**

##### **Record of decisions**

All decisions of the council and its committees and sub-committees and any officers exercising delegated powers will be recorded in accordance with Part 4B – Access to Information Procedure Rules.

# **ARTICLE 15 - FINANCE, CONTRACTS AND LEGAL MATTERS**

## **A15.01**

### **Financial management**

The management of the council's financial affairs will be conducted in accordance with the **Financial Regulations** set out in part 4 of this constitution.

## **A15.02**

### **Contracts**

Every contract made by the council will comply with the **Procurement Rules** set out in part 4 of this constitution.

## **A15.03**

### **Legal Proceedings**

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to the decisions of the council, or in any case where the Monitoring Officer considers that such action is necessary to protect the council's interest, and where appropriate, to settle such proceedings or threatened proceedings.

## **A15.04**

### **Authentication of documents**

Where any document is necessary for any legal procedure or proceedings on behalf of the council, the Monitoring Officer is authorised to sign it, or to authorise another officer to sign it, unless any law requires otherwise, or the Monitoring Officer has specifically authorised another employee to sign it.

## **A15.05**

### **Common Seal of the council**

The common seal of the council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the proper officer should be sealed. The affixing of the common seal will be attested by the proper officer or some other person authorised by them. The common seal of the council may be affixed either by physical means or by such electronic means as the Director of Legal and Democratic Services may from time to time authorise.

# **ARTICLE 16 – REVIEW AND REVISION OF THE CONSTITUTION**

## **A16.01**

### **Duty to monitor and review the Constitution**

The Monitoring Officer will monitor and review the operation of the constitution to ensure that the aims and principles of the Constitution are given full effect.

### **Protocol for monitoring and review of constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Full Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.

In undertaking this task the Monitoring Officer may:

- (1) observe meetings of different parts of the member and officer structure;
- (2) undertake an audit trail of a sample of decisions;
- (3) record and analyse issues raised with them by councillors, officers, the public and other relevant stakeholders; and
- (4) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

## **A16.02**

### **Changes to the Constitution**

#### **Approval**

Changes to the constitution will only be approved by the Full Council after consideration of the proposal by the Monitoring Officer.

# ARTICLE 17 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

## A17.01

### Suspension of the Constitution

#### (a) Limit to suspension

The Articles of this constitution may **not** be suspended. The **Council Procedure Rules** (CPR) specified below may be suspended by the full Council to the extent permitted within these **Council Procedure Rules** (CPR) and the law.

#### (b) Procedure to suspend

A motion to suspend any **Council Procedure Rules** (CPR) will not be moved without notice unless at least one half of the whole number of councillors are present (35 councillors). The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

#### (c) Rules capable of suspension

**Council Procedure Rules** (CPR) may be suspended in accordance with Article 17.01 provided they are not statutory requirements.  
*(CPR which are statutory are indicated as appropriate).*

## A17.02

### Interpretation

- (a) The ruling of the Lord Mayor as to questions regarding the construction or application of this constitution as may arise at meetings of the Full Council shall be final. Such interpretation will have regard to the purposes of this constitution contained in Article 1.
- (b) Any question or dispute as to the construction or application of this constitution other than such as may arise at a meeting of the Full Council shall be determined by the Monitoring Officer in consultation with the Head of Paid Service. The decision of the Monitoring Officer shall be final. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.
- (c) The Monitoring Officer in consultation with the Head of Paid Service shall have power to make typographical and other corrections and clarification amendments to the constitution (provided they do not make substantive changes to the meaning of the constitution) and to make updating amendments to the Constitution where required due to the provisions of new statutes or changes in the council's department structure.

## A17.03

### Publication

The Monitoring Officer will ensure a copy of this Constitution is available on the council's website.



## PART 3.1 - FULL COUNCIL FUNCTIONS

The Full Council has responsibility for adopting the budget and policy framework and approving housing land transfers.

- (a) The **policy framework** is made up of overarching plans and strategies as set out in Article 4.01. Additional corporate strategies may become part of the policy framework once adopted by Full Council.
- (b) The **budget** includes the allocation of financial resources to corporate priorities, services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the council's borrowing, investments, capital expenditure, determining the authority's minimum revenue provision and the setting of virement limits.
- (c) **Housing Land Transfer** means the approval of an application to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

### Functions of the Full Council

Only the Full Council can exercise the following functions:

- (d) Adopting or amending the constitution;
- (e) Approving or adopting the budget and policy framework and the statement of licensing policy;
- (f) Subject to the urgency procedure contained in the council's Access to Information Rules, making decisions about any matter which is covered in the budget and policy framework 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;
- (g) Approving Housing Land Transfers;
- (h) Adopting standing orders as to contracts (section 135 of the Local Government Act 1972);
- (i) Electing the Lord Mayor and Deputy Lord Mayor;
- (j) The power to appoint and remove the Leader of the Council, the Deputy Leader of the Council and the Chairs and Vice-chairs of committees;
- (k) Establishing committees and agreeing their terms of reference, size and the allocation of seats on committees to political groups;
- (l) Adopting and revising a members' allowance scheme;

- (m) Power to change a name of a county, district or London borough (section 74 of the Local Government Act 1972);
- (n) Conferring Freedom of the City, or the title of Honorary Alderman, Honorary Alderwoman (section 249 of the Local Government Act 1972);
- (o) Confirming the appointment of the Head of Paid Service, Monitoring Officer, Section 151 Officer and Statutory Scrutiny Officer;
- (p) Duty to appoint an electoral registration officer (section 8(2) of the Representation of the People Act 1983);
- (q) Duty to appoint returning officer for local government elections (section 35 of the Representation of the People Act 1983);
- (r) Making, amending, revoking or re-enacting or adopting byelaws;
- (s) Promoting or opposing the making of local legislation (section 239 of the Local Government Act 1972);
- (t) Deciding not to issue a casino premises licence (section 166 of the Gambling Act 2005);
- (u) Making a request for single-member electoral areas (s. 14A(1) of the Local Government Act 1992);
- (v) Duty to divide constituency into polling districts (section 18A to 18E of, and Schedule A1 of the Representation of the People Act 1983);
- (w) Changing the name of an electoral area (s. 59 of the 2007 Act);
- (x) Changing a scheme for elections (s. 32(1), 37(1) or 39(1) Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”));
- (y) All other functions which the council decides should be undertaken by itself;
- (z) Any other function under the Local Authorities (Committee System) (England) Regulations 2012
- (aa) All other matters which by law must be reserved to Full Council.

## **PART 3.2 - TERMS OF REFERENCE AND FUNCTIONS OF COMMITTEES**

The Council has established Policy Committees and Regulatory Committees. Each committee has delegated authority from Full Council to undertake all responsibilities and actions falling within its terms of reference as set out in this part of the Council's Constitution.

### **A. POLICY COMMITTEES**

#### **Terms of Reference of Policy Committees**

All Policy Committees will have the following Terms of Reference:

1. To deliver its functions in accordance with the Corporate Plan and any other plan or strategy approved by Full Council;
2. To take decisions above the financial threshold of £500,000 for decisions of Policy Committees and in accordance with the Council's approved budget and policy framework and decisions that are significant in terms of its effects on communities living or working in two or more wards in the city;
3. To consider matters that are referred to the Committee by the Chair of the Committee or which are escalated to the Committee;
4. To develop and agree strategies, policies and plans in respect of the areas of responsibility of the Committee;
5. To approve fees and charges;
6. To exercise statutory scrutiny functions through the appropriate Policy Committee, or Sub-Committee established for that purpose (health, flood risk management and crime and disorder);
7. To review risk management, financial management and performance reports from service areas within the areas of responsibility of the Committee;
8. To establish Sub-Committees and delegate functions to them;
9. To conduct task and finish activities to consider policy development matters. It is recommended that this be two per Policy Committee per municipal year;
10. To foster relationships with residents, businesses and stakeholders within the city and encourage them to participate in the Council's democratic processes.

#### **Policy Committees carrying out Policy development**

11. Where a Policy Committee is carrying out Policy development it will do so in accordance with the following principles:
12. Policy development will be carried out within the framework of the Council strategic

priorities as set out in the Council's Corporate Plan

13. Policy development will consider the Council Budget and Policy Framework and review of their impact on service delivery and outcomes for people in Bristol.
14. Consider 'city-wide issues' (and where appropriate sub regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.
15. Consider organisational performance (ICT, legal, financial and HR services) and commission performance reviews

### **Functions of the Policy Committees**

The Council has established Policy Committees and they are responsible for the following functions.

#### **Adult Social Care Committee**

The Adult Social Care Committee will be responsible for the following functions:

- Adult Social Care
- Safeguarding Adults (including safeguarding boards)
- Age Friendly City
- Better Lives Programme
- Family or Friend Carers
- Ethical Care Council
- Adaptable homes and Intergenerational housing
- Integrated Care System
- Departmental performance, budget and risk

#### **Homes and Housing Delivery Committee**

The Homes and Housing Delivery Committee will be responsible for the following functions:

- Housing delivery and Innovation
- Social housing and support services
- Landlord services
- Homelessness
- Home-choice
- Self builds
- Estate renewal
- Private rented sector
- Living Rent City
- Housing Strategy and Project 1000
- Retro fit sustainability of homes - carbon and waste
- Modern methods of construction
- Departmental performance, budget and risk

## **Public Health and Communities Committee**

The Public Health and Communities Committee will be responsible for the following functions:

- Public Health including Mental Health Services and Health Partnerships
- Preventative Services
- Sport and Leisure
- Commissioning (Health)
- Domestic violence and abuse
- Community Safety, Community Cohesion and Safer Bristol Partnership
- Community Engagement and development
- Transferred community assets
- Community Safety, Community Cohesion and Safer Bristol Partnership
- Voluntary and Community Services and Community initiatives
- Libraries
- Parks and Green Spaces
- Events and Carnivals
- Public protection and environmental health
- Local decision making
- Departmental performance, budget and risk

## **Economy and Skills Committee**

The Economy and Skills Committee will be responsible for the following functions:

- Development of regional planning Strategy (including Spatial Development Strategy)
- Cross border responsibility for joint spatial planning
- Delivery of renewed Local Plan
- City resilience (delivery of City Resilience Strategy) and contingency
- The Harbour
- Flooding and flood strategy
- Development management
- Civil Contingency Planning - planning and control
- Apprenticeships, training and work experience
- Lifelong learning
- City Economy
- City Policy, Strategic Planning and Communications, Council Plan
- University Development and Student Accommodation
- Major development schemes
- Land and property allocated for housing development
- Departmental performance, budget and risk

## **Strategy and Resources Committee**

The Strategy and Resources Committee will be responsible for the following functions:

- Finance and Budgets (including corporate finance)
- Legal and statutory services

- Corporate services
- Performance
- Council owned Companies and Innovation
- Culture
- Council's assets and Property Board
- Commercialisation
- External Relations
- Devolution
- City Office and Bristol One City Plan
- United Nations (UN) Sustainable Development Goals
- City Funds
- Equalities
- Democratic Engagement
- Equality Commissions and Women's Safe City
- Departmental performance, budget and risk

### **Children and Young People Committee**

The Children and Young People Committee will be responsible for the following functions:

- Children's Social Care
- Corporate Parenting, Fostering and Adoption
- Children and families support services
- Youth Services
- Children's Centres and Pre-School
- Safeguarding Children (including safeguarding boards)
- Schools and Partnerships
- Further education
- Family and Child Friendly City
- Educational Catch up plan – NEETs (not in Education, employment or training)
- Diversification of teaching work force
- New schools and school places
- School exclusions
- School streets project
- Special Educational Needs and Disability (SEND)
- Personal, Social, Health and Economic education (PSHE)
- Departmental performance, budget and risk

### **Transport and Connectivity Committee**

The Transport and Connectivity Committee will be responsible for the following functions:

- Transport Policy
- Transport Maintenance
- Major Transport Projects
- Local Joint Transport Plan
- Major Projects
- Capital Programme (delivery)
- Departmental performance, budget and risk

## **Environment and Sustainability Committee**

The Environment and Sustainability Committee will be responsible for the following functions:

- Climate Emergency Strategy delivery
- Ecological Emergency Strategy delivery
- Waste and Recycling Strategy delivery
- Clean Streets Campaign and street cleansing
- Energy, Heat Networks and City Leap
- Carbon neutrality and Green New Deal
- Air Quality and Clean Air Plan
- Departmental performance, budget and risk

## **Finance Sub-committee**

A standing Finance Sub-committee will be established as a sub-committee of the Strategy and Resources Committee. It will be responsible for the development of the Council's annual budget which will be presented to the Strategy and Resources Committee and then Full Council for approval. There will remain a need for private Task and Finish meetings to take place as part of the formal budget development cycle. This Sub-committee will also have responsibility for cross-cutting financial monitoring. These arrangements will be reflected in the Budget and Policy Framework Procedure Rules.

## **Health Scrutiny Sub-committee**

A Health Scrutiny Sub-committee will be established as a Sub-committee of the Public Health and Communities Committee. It will be responsible for the exercise of the statutory scrutiny functions under sections 244 and 245 of the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

## **B. JOINT HEALTH SCRUTINY COMMITTEE**

### **Terms of Reference**

#### **Functions**

1. Where more than one local authority is consulted by a local NHS body in respect of any proposal, which it has under consideration for the substantial development of the health service or the substantial variation of such service, to review and scrutinise such proposal jointly with any other local authority so consulted.
2. Where a matter is referred to it by Healthwatch to consider whether to exercise any powers in relation to the matter, taking into account information supplied by Healthwatch.
3. Where more than one local authority has an interest in the planning, provision and operation of health services which cross geographical boundaries, to review and scrutinise any such matters jointly with any such other local authority.
4. To require the local NHS body to provide information about the proposal under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions as appear to it to be necessary for the discharge of its function in connection with the consultation.
5. To prepare a report to the health body and the participating local authorities, setting out any comments and recommendations on any matter reviewed or scrutinised.
6. To report to the Secretary of State in writing where it is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to the content or time allowed.
7. To report to the Secretary of State in writing in any case where it considers that the proposal referred to in paragraph 1 above would not be in the interests of the health service in the area of the Joint Committees participating local authorities.



### **C. TERMS OF REFERENCE OF THE WEST OF ENGLAND COMBINED AUTHORITY OVERVIEW AND SCRUTINY COMMITTEE (“THE WECA OVERVIEW AND SCRUTINY COMMITTEE”)**

The functions of the Overview and Scrutiny Committee primarily relate to scrutinising the work of the WECA and making appropriate recommendations as to the discharge of its function.

The WECA Overview and Scrutiny Committee shall have the power to:-

1. Review or scrutinise decisions made or other actions taken, in connection with the discharge of any functions which are the responsibility of the WECA;
2. Make reports or recommendations to the WECA on matters that affect the WECA area or the inhabitants of the area;
3. Make reports or recommendations to the WECA with respect to the discharge of any functions which are the responsibility of the WECA.
4. In so far as the business of the Local Enterprise Partnership Business Board (LEP) relates to the discharge of functions of the WECA, the WECA Overview and Scrutiny Committee shall have the power to scrutinise the LEP as set out in (i) – (iii) above.

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Overview and Scrutiny.

### **D. JOINT OVERVIEW AND SCRUTINY ARRANGEMENT**

Terms of Reference of the Joint Overview and Scrutiny Arrangement comprising of the Constituent Councils of the West of England Combined Authority, the Mayor and North Somerset Council (“The Joint Overview and Scrutiny Arrangement”)

Joint Overview and Scrutiny shall have the power to:-

1. Review or scrutinise decisions made or other actions taken, in connection with the discharge of any functions which are the responsibility of the Joint Committee;
2. Make reports or recommendations to the Joint Committee on matters that affect the Joint Committee area or the inhabitants of the area;
3. Make reports or recommendations to the Joint Committee with respect to the discharge of any functions which are the responsibility of the Joint Committee.

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority; the rules of procedure will apply to meetings of the Voluntary Joint Scrutiny Arrangement.

## **E. HARBOUR COMMITTEE**

The Council establishes a Harbour Committee to discharge the responsibilities as the statutory Harbour Authority.

The terms of reference of the Harbour Committee, to include details relating to responsibilities, membership, including co-opted members, voting rights etc, will be approved by the Harbour Committee at its first meeting in the municipal year 2024/25.

The majority of members of the Harbour Committee will be Bristol City Councillors.

## **F. DOWNS COMMITTEE**

The Downs Committee was created by The Clifton and Durdham Downs (Bristol) Act 1861 (the 'Downs Act') in order to manage the Downs. It is chaired by the Lord Mayor and six councillors are appointed to the committee each year.

## **G. REGULATORY COMMITTEES:**

### **G.1 DEVELOPMENT CONTROL COMMITTEES**

#### **Terms of Reference**

#### **Arrangements**

There are two Development Control Committees:

- **Development Control Committee “A”**
- **Development Control Committee “B”**

Each Development Control Committee shall have full authority to deal with all development control matters reserved to a Development Control Committee by virtue of this consultation.

#### **Functions**

Full Council has delegated to the Development Control Committees all functions relating to town and country planning and development control as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to determine applications for planning permission (section 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)).
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 73(A) of the Town and Country Planning Act 1990).
4. Power to decline to determine application for planning permission (section 70A of the Town and Country Planning Act 1990).
5. Duties relating to the making of determinations of planning applications (Sections 69, 76 and 92) of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure Order 1995) (S.I. 1995/419 and directions made thereunder).
6. Power 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 General Regulations 1992 (S.I. 1992/1492)).
7. 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).
8. Power to enter into agreement regulating development or use of land (Section 106 of the Town and Country Planning Act 1990).
9. Power to issue a certificate of existing or proposed lawful use or development (Section 191(4) and 192(2) of the Town and Country Planning Act 1990).
10. Power to serve a completion notice (Section 94(2) of the Town and Country Planning Act 1990).
11. Power to grant consent for the display of advertisements (Section 220 of the Town and Country Planning (Control of Advertisements) Regulations 1992).

12. Power to authorize entry onto land (Section 196A of the Town and Country Planning Act 1990).
13. Power to require the discontinuance of a use of land (Section 102 of the Town and Country Planning Act 1990).
14. 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).
15. Power to issue a temporary stop notice (Section 171E of the Town and Country Planning Act 1990).
16. Power to issue an enforcement notice (Section 172 of the Town and Country Planning Act 1990).
17. Power to apply for an injunction restraining a breach of planning control (Section 187B of the Town and Country Planning Act 1990).
18. Power to determine applications for hazardous substances consent and related powers (Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10)).
19. Duty to determine conditions of 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 of the Planning and Compensation Act 1991, paragraph 9(6) of the Schedule 13 of the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act).
20. Power to require proper maintenance of land (section 215(1) of the Town and Country Planning Act 1990).
21. Power 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 in Conservation Areas) Act 1990 (c.9).
22. Power to issue Certificate of Lawful Works to listed buildings The Planning (Listed Buildings and Conservation Areas) Act 1990: sections 26H and 26I, as inserted by section 61 of the Enterprise and Regulatory Reform Act 2013. The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014
23. Duties relating to applications for listed building consent and Certificates of Lawful Works and conservation area consent (sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regs 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 S.I. 1990/1519) and paragraphs 8, 15 and 26 of the Department of Environmental, Transport and the Regions circular 01/01).
24. 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).
25. Power to issue enforcement notice in relation to demolition of listed building in conservation area (section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
26. Powers to acquire a listed building in need of repair and to serve a repairs notice (section 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
27. Power to apply for an injunction in relation to a listed building (section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990).
28. Power to execute urgent works to unoccupied listed buildings (section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
29. Power to authorize stopping up or diversion of highway (section 247 of the Town and Country Planning Act 1990).

30. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway (section 257 of the Town and Country Planning Act 1990).
31. Power to extinguish public rights of way over land held for planning purposes (Section 258 of the Town and Country Planning Act 1990).
32. Powers relating to the protection of important hedgerows (the Hedgerows Regulations 1997 (S.I. 1997/1160)).
33. Powers relating to the preservation of trees (sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1990 (S.I. 1999/1892)).
34. Powers relating to complaints about high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
35. Power to include modifications in other orders (Section 53A of the Wildlife and Countryside Act 1981).
36. Power to revoke or modify planning permission (Section 97 Town and Country Planning Act 1990).
37. Duty to enter land in Part 2 of the brownfield land register (Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017).
38. The making of Local Development Orders under Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
39. Power to exercise functions relating to Nationally Significant Infrastructure Projects and Development Consent Orders as contained in the Planning Act 2008.

### **Code of Conduct**

The committee must follow the Council's Code of Conduct for Councillors and Officers dealing with development control and other appropriate planning matters (in part 5 of the constitution).

## **G.2 PUBLIC SAFETY AND PROTECTION COMMITTEE**

### **Terms of Reference**

#### **Functions**

Full Council has delegated to the Public Safety and Protection Committee all functions relating to public safety and protection as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to license Hackney carriages and private hire vehicles ((a) as to Hackney carriages, the Town Police Clauses Act 1847 (10 and 11 Vict. c. 89) as extended by section 171 of the Public Health Act 1875 (38 and 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 (Misc. Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 68, 60 and 79 of the Local Government (Misc. Provisions) Act 1976).
2. Power to license drivers of Hackney carriages and private hire vehicles (sections 51, 53, 54, 59, 61 and 79 of the Local Government (Misc. Provisions) Act 1976).
3. Power to license operators of Hackney carriages and private hire vehicles (sections 55 to 58, 62 and 79 of the Local Government (Misc. Provisions) Act 1976).
4. Power to register pool promoters (Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions Order 2006 (S.I. 2006/3272) (“the Gambling Order”)).
5. Power to grant track betting licences (Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
6. Power to license inter-track betting schemes (Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
7. Power to grant permits in respect of premises with amusement machines (Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
8. Power to register societies wishing to promote lotteries (Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
9. Power to grant permits in respect of premises where amusements with prizes are provided (Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
10. Power to issue cinema and cinema club licences (section 1 of the Cinema Act 1985 (c.13)).
11. Power to issue theatre licences (sections 12 to 14 of the Theatres Act 1968 (c.54)).
12. 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 Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Misc. Provisions) Act 1982).
13. Power to license performances of hypnotism (the Hypnotism Act 1952 (c.46)).
14. Power to license pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendment Act 1907 (c.53)).

15. Power to license market and street trading (Part III of, and Schedule 4 to, the Local Government (Misc. Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.viii) and section 6 of the London Authorities Act 1994 (c.xii).
16. Power to license scrap yards (section 1 of the Scrap Metal Dealers Act 1964 (c.69)).
17. Power to license persons to collect for charitable and other causes (section 5 of the Police, Factories etc. (Misc. Provisions) Act 1916 (c.31) and s.2 of the House to House Collections Act 1939 (c.44)).
18. Power to sanction use of parts of buildings for storage of celluloid (section 1 of the Celluloid and Cinematograph Film Act 1922 (c.25)).
19. Power to register motor salvage operations (Part 1 of the Vehicles (Crime) Act 2001).
20. 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)).
21. Power to license the use of moveable dwellings and camping sites (section 269(1) of the Public Health Act 1936) (c.49).
22. Power to enforce offences to the display of no-smoking signs (section 6(5) of the Health Act 2006 ("the 2006 Act").
23. Power to enforce offences relating to smoking in smoke-free places (section 7(4) of the 2006 Act).
24. Power to enforce offences of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
25. Power to enforce offences of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
26. Power to transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368)).
27. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis (section 13 to 17 of the Local Government (Misc. Provisions) Act 1982).
28. Powers to license night cafes and take-away food shops (section 2 of the Late Night Refreshment Houses Act 1969 (c.53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994).
29. Duty to keep list of persons entitled to sell non-medicinal poisons (sections 3(1) (b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)).
30. Power to license dealers in game and the killing and selling of game (sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); s.2 to 16 of the Game Licensing Act 1860 (c.90), s.4 of the Customs and Inland Revenue Act 1883 (c.10), section 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70)).
31. Power to register and license premises for the preparation of food (section 19 of the Food Safety Act 1990 (c.16)).
32. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (the Safety of Sports Grounds Act 1975 (c.52)).
33. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds (Part III of the Fire Safety and Safety of Places of Sports Act 1987 (c.27)).
34. Power to issue fire certificates (section 5 of the Fire Precautions Act 1971 (c.40)).
35. Power to license premises for the breeding of dogs (section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)).
36. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (section 1 of the Pet Animals Act 1951 (c.35); section 1 of Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c70 and 1970 c70); s.1 of the Breeding of

- Dogs Act 1973 (c.60) and subsection 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999).
37. Power to register animal trainers and exhibitors (section 1 of the Performing Animals (Regulation) Act 1925 (c.38)).
  38. Power to license zoos (section 1 of the Zoo Licensing Act 1981 (c.37)).
  39. Power to license dangerous wild animals (section 1 of the Dangerous Wild Animals Act 1976 (c.38)).
  40. Power to license knackers' yards (Section 4 of the Slaughterhouses Act 1974 see also the Animal By-Products Order 1999 (S.I. 1999/646)).
  41. Power to license the employment of children (Part II – Children and Young Persons Act 1933 (c.33), bylaws made under that Part and Part II – Children and Young Persons Act 1963 (c.37)).
  42. Power to grant consent for the operation of loudspeaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)).
  43. Power to license agencies for the supply of nurses (Section 2 of the Nurses Agencies ~Act 1957 (c.16)).
  44. Power to issue licences for the movement of pigs (Article 12 o the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)).
  45. Power to license the sale of pigs (Article 13 of the Pigs (Records, Identification and Movement) Order 1995).
  46. Power to license collecting centres for the movement of pigs (Article 14 of the Pigs (Records, Identification and Movement) Order 1995).
  47. Power to issue a licence to move cattle from a market (Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)).
  48. Power to approve meat product premises (Regulations 4 and 5 of the Mead Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
  49. Power to approve premises for the production of minced meat or meat preparations (Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)).
  50. Power to approve dairy establishments (regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)).
  51. Power to approve egg product establishments (regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)).
  52. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods (Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)).
  53. Power to approve fish products premises (regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)).
  54. Power to approve dispatch or purification centres (regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
  55. Power to register fishing vessels on board which shrimps or molluscs are cooked (Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
  56. Power to approve factory vessels and fishery product establishments (regulation 24 of the Food Safety (Fishery Products and Shellfish) (Hygiene) Regulations 1998).
  57. Power to register auction and wholesale markets (regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
  58. Duty to keep register of food business premises (regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)).



59. Power to register food business premises (regulation 9 of the Food Premises (Registration) Regulations 1991).
60. Functions under any of the “relevant statutory provisions” within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer (part 1 of the Health and Safety at Work etc. Act 1974 (c.37)).
61. Functions relating to sea fisheries (sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)).
62. Power to make closing order with respect to take-away food shops (Section 4 of the Local Government (Misc. Provisions) Act 1982 (c.30)).

### **Code of Conduct**

The Constitution contains a supplement to the members’ code of conduct which deals with the role of elected members in relation to public safety and protection committee hearings (see part 5 of the constitution).

## **G.3 PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE**

### **Terms of Reference**

#### **Functions**

Full Council has delegated to the Public Rights of Way and Greens Committee all functions relating to public rights of way and greens as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

#### **List A**

1. Functions relating to the registration of common land and town or village greens (part 1 Commons Act 2006 and the Commons Registration (England) Regulations 2008);
2. Power to register variation of rights of common (Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471));
3. Power to apply for an enforcement order against unlawful works on common land (Section 41 Commons Act 2006);
4. Power to protect unclaimed common land and unclaimed town and village greens against unlawful interference (Section 45(2)(a) Commons Act 2006); and
5. Power to institute proceedings for offences in respect of unclaimed registered common land or unclaimed town or village greens (Section 45(2)(b) of the Commons Act 2006).

#### **List B**

6. Power to grant a street works license (section 50 of the New Roads and Street Works Act 1991 (c.22)).
7. Power to permit deposit of builder's skip on highway (section 139 of the Highways Act 1980 (c.66) ("the Act")).
8. Duty to publish notice in respect of proposal to grant permission under section 115E of the Act (section 115E of the Act).
9. Power to license planning, retention and maintenance of trees etc. in part of highway (Section 142 of the Act).
10. Power to authorise erection of stiles etc. on footpaths or bridleways (section 147 of the Act).
11. Power to license works in relation to buildings etc. which obstruct the highway (Section 169 of the Act).
12. Power to consent to temporary deposits or excavations in streets (section 171 of the Act).
13. Power to dispense with obligation to erect hoarding or fence (section 172 of the Act).
14. Power to restrict the placing of rails, beams etc over highways (section 178 of the Act).
15. Power to consent to construction of cellars etc. under street (section 179 of the Act).
16. Power to consent to the making of openings into cellars etc. under streets and pavement lights and ventilators (section 180 of the Act).
17. Power to create footpath, bridleway or restricted byway by agreement (section 25 of the Act (C.66)).
18. Power to create footpaths, bridleways and restricted byways (section 26 of the Act).
19. Duty to keep register of information with respect to maps, statements and declarations (section 31A of the Act).
20. Power to stop up footpaths, bridleways and restricted byways (section 118 of the Act).

21. Power to determine application for public path extinguishment order (sections 118ZA and 118C (2) of the Act).
22. Power to make a rail crossing extinguishment order (section 118A of the Act).
23. Power to make special extinguishment order (section 118B of the Act).
24. Power to divert footpaths, bridleways and restricted byways (section 119 of the Act).
25. Power to make a public path diversion order (sections 119ZA and 119C (4) of the Act).
26. Power to make a rail crossing diversion order (section 119A of the Act).
27. Power to make a special diversion order (section 119B of the Act).
28. Power to require applicant for order to enter into agreement (section 119C(3) of the Act).
29. Power to make an SSSI diversion order (section 119D of the Act).
30. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Act (section 121B of the Act).
31. Power to decline to determine certain applications (section 121C of the Act).
32. Duty to asset and protect the rights of the public to use and enjoyment of highways (section 130 of the Act).
33. Duty to serve notice of proposed action in relation to obstruction (section 115E of the Act).
34. Power to apply for variation of order under section 130B of the Act (section 130B(7) of the Act).
35. Power to authorize temporary disturbance of surface of footpath, bridleway or restricted byway (section 135 of the Act).
36. Power to temporarily divert footpath, bridleway or restricted byway (section 135A of the Act).
37. Functions relating to the making good of damage and the removal of obstructions (section 135B of the Act).
38. Powers relating to the removal of things so deposited on highways as to be a nuisance (section 149 of the Act).
39. Power to extinguish certain public rights of way (section 32 of the Acquisition of Land Act 1981 (c.67)).
40. Duty to keep definitive map and statement under review (section 53 of the Wildlife and Countryside Act 1981 (c.69)).
41. Power to include modifications in other orders (section 53A of the Wildlife and Countryside Act 1981).
42. Duty 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).
43. Power to prepare map and statement (section 57A of the Wildlife and Countryside Act 1981).
44. Power to designate footpath as cycle track (section 3 of the Cycle Tracks Act 1984 (c.38)).
45. Power to extinguish public right of way over land acquired for clearance (section 294 of the Housing Act 1981 (c.68)).
46. Power to enter into agreements with respect to means of access (section 35 of the Countryside and Rights of Way Act 2000 (c.37)).
47. Power to provide access to absence of agreement (section 37 of the Countryside and Rights of Way Act 2000).
48. Power to make limestone pavement order (section 34(2) of the Wildlife and Countryside Act 1981 (c.69)).

49. Power to discharge and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders (section 101 of the Local Government Act 1972).

## **H. OTHER COMMITTEES**

### **H.1 HUMAN RESOURCES COMMITTEE**

#### **Terms of Reference**

#### **Membership**

Nine members of the authority, politically balanced in line with usual proportionality rules.

#### **Overview**

The employment and remuneration of the Chief Executive (Head of Paid Service), Executive Directors and Directors. Full Council has delegated to the Committee the power to determine the terms and conditions on which employees hold office including procedures for their dismissal (s.112 Local Government Act 1972) and functions relating to local government pensions (regulations under s.7, 12 and 24 Superannuation Act 1972).

The oversight and scrutiny of the wellbeing, performance and employment practices of the council and its workforce, and the implementation of its equality policies relating to employees.

#### **Functions**

**A. Full Council has delegated the following functions to the Human Resources Committee to be discharged in accordance with the Officer Employment Procedure Rules:**

**1. Organisational change affecting Executive Directors and Directors**

- a. Consider the workforce implications of any proposal from the Chief Executive to change the organisational structure of the Council where Executive Directors or Directors may be at risk of redundancy.

**2. Conduct and capability – Chief Executive, Chief Finance Officer and Monitoring Officer**

- a. Consider any allegations/complaints regarding the conduct and/or any capability issues (performance or health) of the Head of Paid Service, Monitoring Officer, Chief Finance Officer, having regard to the model procedures and associated guidance of the Joint Negotiating Committee for Local Authority Chief Executives and Joint Negotiating Committee for Chief Officers. Where necessary, take action, except in relation to dismissal, where the Committee may recommend dismissal to Full Council.
- b. The suspension of the Chief Executive, Monitoring Officer and Chief Finance Officer is delegated to the Chair of the Committee; the suspension of Executive Directors and Directors is delegated to the Chief Executive.

### **3. Severance Payments – Chief Executive, Executive Directors and Directors**

- a. Determine the preferred option(s) for resolution and parameters of any negotiation that may lead to a severance payment to the Chief Executive, Executive Director or Director.

### **4. Grievances affecting the Chief Executive**

- a. Hear and determine any grievance submitted by the Chief Executive provided that it has been referred by the Monitoring Officer.
- b. Hear and determine any grievance submitted by an employee against the Chief Executive where referred by the Monitoring Officer or Director: Workforce and Change.

### **5. Terms and conditions of employment including remuneration of the Chief Executive, Executive Directors and Directors**

- a. Oversight of contracts of employment for the Chief Executive, Executive Directors and Directors employed in accordance with the Joint Negotiating Committee Chief Executives or the Joint Negotiating Committee Chief Officers of Local Authorities.
- b. Setting the terms and conditions of employment for the Chief Executive, Executive Directors and Directors.
- c. Determining any changes to the pay of the Chief Executive during their employment in accordance with the Council's Pay Policy Statement.
- d. Consideration of requests for increases in pay of more than 10% above the minimum of the pay range during employment for Executive Directors and Directors, subject to a recommendation from the Chief Executive and Director: Workforce and Change.
- e. Consider and make recommendations to Full Council in relation to the annual Pay Policy Statement.

## **B. The Committee oversees and scrutinises the wellbeing, performance and employment practices of the Council, and the implementation of its equality policies relating to the workforce.**

### **1. Safety Health and Wellbeing of the Council's Workforce**

- a. Receive the annual report on the safety, health and wellbeing of the Council's workforce.
- b. Monitor the development and implementation of the Council's safety, health and wellbeing plans.
- c. Receive monitoring reports on employee engagement and health and wellbeing

## **2. Workforce performance reporting**

- a. Monitor the development and implementation of the Council's Workforce Strategy.
- b. Receive monitoring reports on workforce diversity, employee engagement, performance management, workforce spend and any changes to HR policies.

## **3. The implementation of equality policies relating to the workforce.**

- a. Receive the Council's annual pay gap reports.
- b. Receive reports on the progress on workforce related actions in the Equality and Inclusion Policy
- c. Receive reports on the work of the staff led groups.

## **C. Other matters**

- a. Consider any matters referred to the Committee by the Chief Executive or Director: Workforce and Change which have significant workforce implications such as changes to terms and conditions of employment.
- b. Hear and determine any collective dispute from trade unions where referred by the Director of Workforce and Change.
- c. Approve the Senior Coroner's salary.
- d. Determine the annual work programme of the Committee.
- e. Produce an annual report to Full Council on the work of the Committee.

## **H.2 SELECTION COMMITTEE**

### **Terms of Reference - Overview**

The role of the committee primarily relates to the appointment and starting remuneration of chief officers and deputy chief officers. Full Council has delegated to the Committee the power to determine the terms and conditions on which employees hold office (s.112 Local Government Act 1972). The Chair, or in their absence, the Vice-chair, of the relevant policy committee will sit on a Selection Committee.

### **Functions**

Full Council has delegated the following functions to the Selection Committee to be discharged in accordance with the Officer Employment Procedure Rules:

1. Make recommendations to Full Council in relation to the appointment of the Head of

Paid Service (s.4 (1) Local Government and Housing Act 1989), Monitoring Officer (s.5(1) Local Government and Housing Act 1989), Chief Finance Officer (s.151 Local Government and Housing Act 1989), Electoral Registration Officer (s.8(2) Representation of the People Act 1983) and Returning Officer for local government elections (s.35 Representation of the People Act 1983).

2. Appoint all other chief officers and deputy chief officers and agree their starting remuneration.
3. Appoint a senior coroner for the Avon coroner area, subject to prior consultation with the other authorities in the coroner area and the separate written consent of the Chief Coroner and the Lord Chancellor.



## **H.3 APPEALS COMMITTEE**

### **Terms of Reference**

#### **Overview**

The primary role of the Committee is to consider employee appeals against dismissal. The Committee also takes decisions on renewal and discharge of guardianship under the provisions of the Mental Health Act 1983.

#### **Functions**

Full Council has delegated the following functions to the Appeals Committee:

1. Hear and determine any appeal submitted by the Head of Paid Service, Monitoring Officer or Chief Finance Officer in relation to disciplinary action short of dismissal.
2. Hear and determine any appeal against dismissal submitted by employees (except the Head of Paid Service, Monitoring Officer and Chief Finance Officer, where a full Council hearing is required).
3. Hear and determine any grievance appeal submitted by an employee where the grievance is against the Head of Paid Service.
4. Hear and determine any grievance appeal submitted by chief officers or deputy chief officers. (Any grievance appeal submitted by the Head of Paid Service will be heard by full Council).
5. Hear and determine any appeal submitted by chief officers or deputy chief officers regarding the classification of posts and ring-fence arrangements in the Methods of Appointment under the Council's Managing Change Policy.
6. Decide on guardianship discharge or renewal under the Mental Health Act 1983.
7. Decide an appeal against any decision made by or on behalf of the authority, except where another Council body is in place to decide that appeal.

## **H.4 AUDIT COMMITTEE (AND VALUES AND ETHICS SUB COMMITTEE)**

### **Composition of the Committee**

The Audit Committee comprises nine members of the Council and up to two independent members. The independent members are appointed by the committee. The Chair and Vice-Chair of the committee shall be confirmed by the Audit Committee as per committee procedure rules. The Leader, Deputy Leader, Chairs and Vice-chairs of Policy Committees and Party Group Leaders are not eligible to sit on the Audit Committee.

A minimum of three councillor members of the Audit Committee will be present for the meeting to be deemed quorate.

The Committee may not appoint any person as an independent member who is an active member of any political party, defined as any person who engages in political activities which would not be permissible if that person was an officer holding a politically restricted post within the Council. Independent membership may only be made if the person has particular knowledge or expertise in the functions for which the Committee is responsible.

The Committee will meet at least five times a year and will maintain the technical capability to discharge the Audit Committee responsibilities of the Council. The Chair of the Committee may convene additional meetings, as deemed necessary.

The Audit Committee may hold separate meetings with External / Internal Auditors without officer representation. The Committee should hold at last one such meeting annually with External and Internal Auditors.

### **Objectives or Purpose**

1. To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects governance, the authority's exposure to risk and weakness of the control environment, and to oversee the financial reporting process.
2. To review matters relating to Internal Audit, external audit, risk management, governance, assurance statements, anti-fraud and anti-corruption arrangements.
3. To enhance and promote the profile, status and authority of the Internal Audit function and to demonstrate its independence.
4. To contribute towards making the authority, its committees and departments more responsive to the audit function.
5. To review compliance with the relevant standards, codes of practice and corporate governance policies of the Council.

#### **1. Audit Activity**

- 1.1 To approve the Internal Audit Charter and Strategy and monitor its progress.

- 1.2 To approve the Internal Audit annual plan of work and monitor unscheduled work that could potentially divert audit resources away from a plan, and monitor performance against those plans, ensuring that there are no inappropriate scope or resource limitations.
- 1.3 To suggest work for Internal and External Audit.
- 1.4 To consider the Annual Report and opinion of the Head of Internal Audit and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance arrangements prior to approving the Annual Accounts.
- 1.5 To oversee and provide assurance to the Council on the provision of an effective internal audit service and consider the main issues arising from summary Internal Audit reports, and seek assurance that action has been taken where necessary, particularly in areas of high risk.
- 1.6 To consider reports dealing with the management and performance of the Internal Audit function, including the external peer review and reports on the results of the Quality Assurance and Improvement Programme in order to gain assurance on the effectiveness of the Internal Audit function.
- 1.7 To monitor the implementation of agreed actions within reasonable timescales.
- 1.8 To consider the External Auditor's Annual Inspection Letter, relevant reports and the reports to those charged with governance in the process for the approval of the Annual Accounts.
- 1.9 To consider specific reports as agreed with the External Auditor to ensure agreed action is taken within reasonable timescales.
- 1.10 To comment on the scope and depth of the external audit work and to ensure it gives value for money.
- 1.11 To liaise with Public Sector Audit Appointments Limited over the appointment of the Council's External Auditor.
- 1.12 To consider the reports of inspection agencies relevant to the Council.
- 1.13 To undertake an annual review of the effectiveness of the system of Internal Audit.
- 1.14 To oversee the appointment / dismissal of the Chief Internal Auditor.

## **2. Regulatory Framework**

- 2.1 To receive assurance reports on the effectiveness of the Council's Constitution in respect of contract procedure rules, financial regulations, codes of conduct and behaviour and to periodically consider proposed changes to the Constitution in order to make recommendations for amendments to Full Council.

- 2.2 To review any issue referred to it by the Head of Paid Service or Executive Director or any Committee of the Council.
- 2.3 To monitor the effective development and operation of risk management and corporate governance throughout the Council.
- 2.4 To monitor Council policies on whistleblowing and anti-fraud and anti-corruption policies, including the Council's complaints process.
- 2.5 To review the Council's Annual Governance Statement prior to approval, considering whether it properly reflects the risk environment and supporting assurances, and recommend its adoption for publication with the annual accounts, together with associated plans for addressing areas of improvement and advising the Council as appropriate.
- 2.6 To review the arrangements for corporate governance, including the Code of Corporate Governance, to agree necessary actions to ensure compliance with best practice and to recommend to Full Council as appropriate.
- 2.7 To review the Council's framework of assurance, for example Assurance maps, and ensure that it adequately addresses the risks and priorities of the Council.
- 2.8 To review the Council's compliance with its own and published national standards and controls.
- 2.9 To review assurances and assessments on the effectiveness of the Council's arrangements to secure value for money.
- 2.10 To review the assessment of fraud risk and potential harm to the Council from fraud and corruption and to monitor the use of resources to address fraud risk.
- 2.11 To report as appropriate to Full Council on issues which require their attention or further action.

### **3. Accounts**

- 3.1 To approve the annual Statement of Accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 3.2 To consider, in the context of approving the Accounts, the External Auditor's report to those charged with the governance issues arising from the audit of the accounts.
- 3.3 To review the Council's Treasury Management Strategy and policies, and make recommendations to Full Council for approval.

### **4. Risk Management**

- 4.1 To consider the effectiveness of the Council's risk management arrangements including reviewing the Risk Management Policy and the Corporate Risk Register.

- 4.2 To provide assurance to the Council, in the Committee's Annual Report, on the effectiveness of risk management arrangements in place.
- 4.3 To seek assurances that action is being taken on risk-related issues.
- 4.4 To be satisfied that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.

## **5. Accountability Arrangements**

- 5.1 To report to Full Council on an annual basis on assurances received significant control issues, the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

## **Values and Ethics Sub Committee**

The Audit Committee shall appoint a Values and Ethics Sub-Committee

### **Composition of Values and Ethics Sub-Committee**

4 elected members of the Audit Committee (one from each political group represented on the committee), and one independent member, chaired by an independent member.

### **Terms of Reference for Value and Ethics Sub Committee**

To deal with all matters relating to the ethical framework affecting members of the Council under Part 1 Chapter 7 Localism Act 2011 as amended and all other relevant legislation including regulations, directions and guidance. This shall include, but not be limited to:-

1. The promotion of the highest standards of behaviour by members of the Council, including councillors, independent members and co-optees.
2. Advising the Council on the adoption and operation of the Member Code of Conduct, making recommendations for change as the Committee sees fit.
3. Training all members in the operation of the Member Code of Conduct and ensuring it is well publicised both within and outside the Council.
4. The adoption, implementation and maintenance of a procedure for dealing with allegations of breach of the Member Code of Conduct; including monitoring and review and amending it from time to time as the Committee sees fit.
5. Dealing with allegations of Breach of the Member Code of Conduct, where these are referred to them by the Monitoring Officer, and the imposition of sanctions as

appropriate in accordance with the law, the Council's Constitution and relevant procedures adopted by the Council.

6. Consideration of applications for dispensation to allow members to participate in consideration of matters in which they would, but for a dispensation, not be able to participate, in circumstances permitted by law.
7. To adjudicate on any dispute relating to the payment of Members' Allowances or expenses under the Members' Allowances scheme in force from time to time.
8. To review the Council's use of the powers available to it under the Regulation of Investigatory Powers Act 2000.
9. Conferring of Alderman/Alderwoman status and the criteria for such awards.
10. To lead on member development and enhance the role of members as city leaders and community councillors.
11. To review compliance of Councillors in terms of mandatory training.
12. To have oversight of the Register of Members' Interests.
13. All things necessary or in the opinion of the Committee appropriate to fulfil the role and remit of a Values and Ethics Committee as defined by law or the Council's Constitution.

## **I. STATUTORY COMMITTEES**

### **I.1 LICENSING COMMITTEE**

#### **Overview**

Functions relating to licensing and gambling as set out below.

#### **Licensing Act 2003** (“the 2003 Act”)

1. All those matters relating to the discharge of licensing functions that are referred to that committee by virtue of section 7(1) of the 2003 Act;
2. Functions which, in exercise of its powers under section 7(3) of the 2003 Act, full council has arranged for the Licensing Committee to discharge, namely:
  - (a) Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers (sections 115E, 115F and 115K of the Highways Act 1980);
  - (b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (section 13(2) of the Criminal Justice and Police Act 2001 (c.16));
  - (c) Power to make a revoke an order designating a locality as an alcohol disorder zone (section 16 Violent Crime Reduction Act 2006);
  - (d) The Council’s functions under the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and
  - (e) Powers to make and cancel closure notices; make applications for closure orders; issue certificates of termination of closure orders; defend applications for the discharge of closure orders; appeal against the refusal to make closure orders; enforce closure orders or for offences in connection with closure orders (sections 19 to 28 of the Criminal Justice and Police Act 2001);

#### **Gambling Act 2005** (“the 2005 Act”)

3. All of those functions under Part 8 of the 2005 Act that are delegated to the Committee by virtue of section 154 of the 2005 Act;
4. Functions, which, in exercise of its powers under section 101 of the Local Government Act 1972, the full council has arranged for the Licensing Committee to discharge, namely:
  - (a) Duty to comply with requirements to provide information to the Gambling Commission (s.29 of the 2005 Act);
  - (b) Functions relating to exchange of information (s.30 of the 2005 Act);
  - (c) Functions relating to occasional use notice (s.39 of the 2005 Act);

- (d) Power to designate officer of a licensing authority as an Authorised Person for a purpose relating to premises (section 304 of the 2005 Act);
- (e) Power to make order disapplying section 279 or 282(1) of the Act in relation to specified premises (s.284 of the 2005 Act);
- (f) Power to exchange information (section 350 of the 2005 Act);
- (g) Power to institute criminal proceedings (section 346 of the 2005 Act);
- (h) Functions relating to the determination of fees for premises licenses (the Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479));
- (i) Functions relating to the registration and regulation of small society lotteries (Part 5 of Sch 11 to the 2005 Act);

### **Business and Planning Act 2020**

- 5. Functions relating to pavement licences (sections 1 to 7 of the 2020 Act).

### **Code of Conduct**

The Constitution contains a supplement to the members' code of conduct which deals with the role of elected members in relation to licensing committee hearings (see part 5 of the constitution).



## **I.2 HEALTH AND WELLBEING BOARD**

### **Arrangements**

The Membership of the Board shall be as follows:

- a. at least one elected member, to be appointed by the Full Council; the Board will be chaired by the relevant Policy Committee Chair.
- b. the director of adult social services.
- c. the director of children's services.
- d. the director of public health.
- e. a representative of the Local Healthwatch.
- f. a representative of the Integrated Care Board.
- g. the Bristol Locality Director and
- h. such other persons, or their representatives as deemed appropriate by a majority of the Board, including from local NHS organisations, the community and voluntary sector and from underrepresented groups.
- i. The political requirements set out in sections 15, 16 and schedule 1 of the Local Government and Housing Act 1989 shall not apply to the membership of the Board.

### **Schedule of meetings**

The Board will formally meet with such frequency as it shall determine.

### **Voting**

1. The Health and Wellbeing Board will be a committee of the Local Authority.
2. All members of the Health and Wellbeing Board will have voting rights.
3. If the Health and Wellbeing Board appoints additional members to the Board, the Board itself will determine whether those members will have voting rights.

### **Functions**

The function of the board will be to:

#### **Publish a local Strategic Needs Assessment and Strategy**

- a. assess the needs of the local community through the Joint Strategic Needs Assessment (JSNA) and consider the need or likely need capable of being met or affected by Local Authority or Integrated Care System functions;

- b. agree and produce a Health and Wellbeing Strategy that addresses need and which commissioners will need to take into account when they develop plans for health care, social care and public health;
- c. involve Healthwatch and people living and working in Bristol in the preparation of the JSNA and Joint Health and Wellbeing Strategy (JHWS);
- d. have regard to the NHS Commissioning Board mandate and statutory guidance in the preparation of the JSNA and JHWS;
- e. be involved in the process of developing and signing-off the Integrated Care System strategy and related plans;
- f. assess and provide an opinion on whether the Integrated Care System strategy has taken proper account of the JSNA and JHWS;
- g. assess and provide an opinion on how well the Integrated Care System strategy has contributed to the delivery of the JHWS.

### **Promote, encourage and assure integrated service provision**

- h. encourage integrated working between commissioners of NHS, public health and social care services to improve the health and wellbeing of the local community based on need;
- i. encourage integrated working between commissioners of NHS, public health and social care services to improve the health and wellbeing of the local community;
- j. encourage organisations who arrange for the provision of any health-related services to work closely with the Health and Wellbeing Board to improve the health and wellbeing of the local community;
- k. encourage organisations who arrange for the provision of services related to the wider determinants of health, such as housing or transport, to work closely with commissioners of health and social care;

### **Publish a Pharmaceutical Needs assessment**

- l. Publish a Pharmaceutical Needs Assessment every three years; consider the suitability of current Pharmaceutical Needs Assessments (PNA) and prepare a statement of the needs for pharmaceutical services of the local population;
- m. provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services;

### **Improve Health and reduce health inequality**

- n. The Board and all board members will be champions of health and wellbeing and will work collectively and take all necessary action to improve health and reduce health inequality

- o. The Chair or deputy will represent the Bristol HWBB on the Integrated Care Partnership (ICP).
- p. The Chair of the ICP will rotate annually between the three local authorities of Bristol, South Gloucestershire and North Somerset.
- q. The Health and Wellbeing Board will function as one of the partnerships of the Bristol One City Partnership.

The HWWB will support, advise and work with other One City partnerships and partners to address health and well-being benefits through their activities

### **Code of Conduct and Declarations of interest**

All members of the Board will be bound by the Council's code of conduct for members and will complete the Register of Interests.

## **PART 3.3 - ROLES AND RESPONSIBILITIES OF COUNCILLORS**

The roles and responsibilities of councillors has been approved by Full Council and this part of the Council's constitution sets out in detail the roles and responsibilities of Councillors generally, as well as specific roles and responsibilities. It is not an exhaustive list for each role and other duties may also be required.

### **1. Roles and Functions of All Councillors**

Councillors will participate constructively in the good government of the local authority area in the interests of all residents. They will contribute actively to the formation and review of the Authority's policies, budget, strategies, plans and service delivery.

Councillors will deal with constituents' enquiries and representations and will effectively represent the interests of the Ward for which they were elected and the views of constituents.

### **Duties and responsibilities**

1. To fulfil the statutory and locally determined requirements of an elected Member of a Local Authority.
2. To participate effectively as a member of any meeting to which the Councillor is appointed, for example by regular attendance at meetings, ensuring that they are adequately briefed and prepared for the meeting, and examine and challenge issues as appropriate.
3. To participate in the activities of an outside body to which the Councillor is appointed and to provide update reports on the work of the relevant body to Bristol City Council as required.
4. To act as community champion for their ward and promote community cohesion. This will include being consulted about ward matters and participating in local decision-making arrangements. In addition, all Councillors should provide a voice and advice for local individuals and interest groups in their dealings with the Council and, where appropriate, to advise them on the pursuit of complaints.
5. To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties and constraints and to develop good working relationships with relevant Officers of the Authority.
6. To contribute constructively to open government and democratic participation by encouraging community engagement in the governance of the area.
7. To keep up to date with all developments affecting the Local authority area and the Council including Government policies and prospective legislation.
8. To promote and uphold high standards of ethical conduct by the Council's Members and officers.
9. To uphold the public sector equalities duties set out in the Equalities Act 2010.

## **2. Lord Mayor**

The role and function of the Lord Mayor is set out in Article 7 of the Council's Constitution. In addition, the Lord Mayor will have the following duties and responsibilities:

### **Duties and Responsibilities**

1. To chair meetings of the Council and Downs Committee ensuring among other things that all points of view have a fair opportunity to be heard, that procedure rules are applied and observed, and that debate is guided towards clear and relevant decisions.
2. To represent the Council in the Local authority area and elsewhere on occasions where a civic representative is invited or otherwise required.
3. To participate in events, receptions, programmes and activities designed to recognise and encourage civic awareness in the community, where appropriate.
4. To attend and chair briefings for Council meetings, involving Leaders and Whips of the political groups and to be proactive in making proposals for the effective conduct of the agenda.
5. To host Council events of a non-party-political nature as required.
6. To promote good relationships between Councillors, between political groups and between Councillors and Officers.
7. To ensure that the Deputy Lord Mayor is kept informed of all relevant civic matters during their period of office.

## **3. Deputy Lord Mayor of Bristol**

The Deputy Lord Mayor will support the Lord Mayor in their role and in their absence undertake the duties within the role profile for the Lord Mayor.

## **4. Chair of a Regulatory Committee**

When the Council operates a Committee System, it will be necessary for the Council to establish Committees and for those Committees to elect a Chair and a Vice-chair. It is also necessary for each political group that is represented on a Committee to appoint a lead Member.

### **Role and Responsibilities of the Chair of a Regulatory Committee**

1. Lead the work of the Committee and make sure it carries out its business effectively and efficiently, lawfully and within its terms of reference.
2. Chair meetings of the Committee impartially and in such a way as to facilitate open discussion, obtain valid contributions from members and produce sound decisions.
3. Assist the public and press in terms of their rights of access.
4. Ensure respectful engagement between the Committee, its officers, guests and the public and maintain ethical conduct throughout the meeting.
5. Lead an agenda setting meeting for the Committee in association with the Vice-Chair and Party Group Leads on the Committee.
6. Act as consultee and spokesperson for their Committee in instances of exercise of delegated authority by an officer, where that delegation is subject to being in

consultation with the Chair of the Committee or where otherwise requested by a Chief Officer.

7. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair.
8. Lead in the development of the work of the Committee which they chair in association with the Vice-Chair and Group Spokespersons, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues.
9. Lead in the consideration and review of service delivery, policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair.
10. Be the Council's lead spokesperson in respect of the Committee's activities and act in liaison with the Leader and Deputy Leader in matters of Council policy.
11. Establish effective working relationships with the Party Group Leads on the Committee and with other Committee Chairs and the Leader and Deputy Leader of the Council.
12. Establish effective working relationships with the Chief Officers, and other key officers.
13. Represent and pursue the interests of the Committee which they chair in the community and at regional and national levels.
14. Ensure that meetings of the Committee which they chair are properly conducted and reports of proceedings are forwarded on as necessary, for example to full Council.

## **5. Role and Responsibilities of the Vice-chair of a Regulatory Committee**

The Vice Chair of a Committee will:

1. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee.
2. Assist the Chair in carrying out their role and responsibilities as set out at above.
3. Undertake the responsibilities of the Chair in their absence.
4. Attend agenda setting meetings with the Chair and the Party Group Leads on the Committee.

## **6. Chair of a Policy Committee**

As the Council operates a Committee System, it is necessary for the Council to establish Committees. Full Council will appoint Chairs and a Vice-chairs of all Committees. It is also necessary for each political group that is represented on a Committee to have a Party Group Lead for that Committee.

### **Role and Responsibilities of the Chair of a Policy Committee**

*Responsibilities specific to the Policy Committee Chairs:*

1. Attend regular Policy Committee Chairs' briefings, in conjunction with the Vice Chair.
2. Provide political direction to officers, including on any urgent matters, in consultation with the Vice Chair and/or Party Leads as appropriate.
3. Sit on any relevant any outside bodies that relate to the Policy Committee's work area.

4. Act as the primary spokesperson for media inquiries relating to the Policy Committee's remit.
5. Liaise with key partners and stakeholders as appropriate (note, this may require a significant time commitment).
6. Understand and communicate policy and Council positions to residents and other stakeholders.
7. Recognise and contribute to issues which cut across portfolios or are issues of collective responsibility.
8. Work with other Policy Committee Chairs to lead policy and project development.
9. Represent and pursue the interests of the Committee which they chair in the community and at regional and national levels.

*Generic Chairs' Responsibilities:*

1. Lead the work of the Committee and make sure it carries out its business effectively and efficiently, lawfully and within its terms of reference.
2. Chair meetings of the Committee impartially and in such a way as to facilitate open discussion, obtain valid contributions from members and produce sound decisions.
3. Assist the public and press in terms of their rights of access.
4. Ensure respectful engagement between the Committee, its officers, guests and the public and maintain ethical conduct throughout the meeting.
5. Lead an agenda setting meeting for the Committee in association with the Vice-Chair and Party Group Leads on the Committee.
6. Act as consultee and spokesperson for their Committee in instances of exercise of delegated authority by an officer, where that delegation is subject to being in consultation with the Chair of the Committee or where otherwise requested by a Chief Officer.
7. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair.
8. Lead in the development of the work of the Committee which they chair in association with the Vice-Chair and Group Spokespersons, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues.
9. Lead in the consideration and review of service delivery, policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair.
10. Be the Council's lead spokesperson in respect of the Committee's activities and act in liaison with the Leader and Deputy Leader in matters of Council policy.
11. Establish effective working relationships with the Party Group Leads on the Committee and with other Committee Chairs and the Leader and Deputy Leader of the Council.
12. Establish effective working relationships with the Chief Officers, and other key officers.
13. Ensure that meetings of the Committee which they chair are properly conducted and reports of proceedings are forwarded on as necessary, for example to full Council.

## **7. Role and Responsibilities of the Vice-chair of a Policy Committee**

### *Responsibilities specific to the Vice Chair of a Policy Committee*

1. To attend regular briefings with the Chair of the Policy Committee.

### *Generic Vice Chair Responsibilities*

The Vice Chair of a Committee will:

1. Assist the Chair in carrying out their role and responsibilities as set out at above.
2. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee.
3. Undertake the responsibilities of the Policy Committee Chair in their absence.
4. Attend agenda setting meetings with the Chair and the Party Group Leads on the Committee.

## **8. Role and Responsibilities of Party Group Leads on Committees**

Party Group Leads on a Committee will:

1. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee.
2. Assist the Chair and the Vice-chair in the development of the work of the Committee.
3. Attend agenda setting meetings with the Chair and the Vice-chair of the Committee.

## **9. Leader of the Council**

When the Council operates a Committee System, no formal legal powers or duties are vested in the Leader or Deputy Leader under the Local Government Act 1972 or the Local Government Act 2000. In practice, however, all local authorities need to appoint a Councillor to hold the most significant elected Member role within the Council, to be seen as the political head of the Council and to provide a focal point for political leadership and strategic direction, both within the Authority, but also to outside organisations, partners, governmental bodies and the community at large.

### **Role and Responsibilities of the Leader of the Council**

The Leader of the Council will:

1. Be the political (rather than ceremonial) leader of the Council, for the benefit of all the Local authority area's communities - its residents, taxpayers, businesses, public bodies and other public authorities.
2. Represent and pursue the interests of the Council in the community and at international, national and regional levels.
3. Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and internally for the Council's Chief Officers.



4. Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.
5. Promote the long-term financial, business and economic stability of the Council and the Local authority area.
6. Meet regularly to progress the Council's objectives with Committee Chairs, the Chief Officers, Group Leaders, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament, etc.
7. To chair meetings of the Strategy and Resources Policy Committee.
8. Promote high standards of corporate governance and ethical conduct throughout the Council including working with all political groups to seek to achieve, where possible, cross party co-operation.
9. Promote and maintain professional working relationships and mutual respect between all Members and officers.
10. Work across the Council, particularly with the Chairs and Vice-Chairs of its Committees and Sub-Committees, and be responsible for the development and implementation of the Council's strategic vision for the future, policy framework, budgets and other strategies.

### **Role and Responsibilities of the Deputy Leader**

The Deputy Leader will:

1. Assist the Leader of the Council in representing the Council to its residents, stakeholders, and partners and in providing political leadership for the Council and the Local authority area.
2. Assist the Leader in carrying out the key responsibilities associated with the role of Leader (as set out above).
3. Work with the Leader and Committee Chairs on budget and policy development.
4. Undertake the responsibilities of the Leader in their absence.

### **10. Political Group Leaders**

Political groups, and the leader (and any deputy group leader) of a political group, have a formal role under the provisions of the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990 in respect of political balance of Committees and appointments of the Council.

#### **Role and responsibilities of Political Group Leaders**

1. To provide the leadership of a political group.
2. To be the principal political spokesperson for the political group.
3. To nominate members of their Group to serve on Committees, Working Groups, outside bodies, etc.
4. To be a representative voice in dealings with government agencies, local authority associations etc.
5. To encourage the highest standards of conduct by members of the group and to work with the Monitoring Officer to resolve complaints informally where appropriate.
6. To appoint group spokespersons and allocate other responsibilities to group members as appropriate.

7. To assist in ensuring appropriate levels of attendance are maintained by group members.
8. To encourage a culture of learning and development among members, including the active participation of group members in briefings, seminars and other learning and development processes.
9. To maintain effective liaison with the other group leaders, including being a member of an informal Group Leaders' meeting, attending Group Leaders' briefings and so forth.
10. To establish and maintain effective working relationships with the Chief Officers and other senior officers and to meet regularly with them in order to keep fully apprised of relevant service issues.

## **11. Political Group Whip**

Political Groups rely on a Political Group Whip to support the Political Group Leader in the effective management of the political group and its relationship with other political groups on the Council.

### **Role and Responsibilities of a Political Group Whip**

1. To support the Political Group Leader in the effective management of the political group.
2. To contribute to the effective management of Council business.
3. To support Council officers in co-ordinating logistical matters for Council meetings and other events.
4. Support the Political Group Leader to encourage the highest standards of conduct by members of the group and to work with the Monitoring Officer to resolve complaints informally where appropriate.
5. To provide pastoral support to members of the political group and to raise confidentially any well-being matters with Council officers.
6. To attend regular Whips meetings.

## **PART 3.4 - DELEGATIONS TO OFFICERS**

### **STATUTORY OFFICERS AND PROPER OFFICERS**

FULL COUNCIL HAS MADE OR APPROVED THE APPOINTMENTS SET OUT BELOW

<b>Title / Responsibility (+ statutory derivation)</b>	<b>Officer Appointed</b>
Director of Children's Services (S18 Children Act 2004)	Executive Director Children and Education
Director of Adult Social Services (S6 Local Authority Social Services Act 1970)	Director, Adult Social Care
Director of Public Health (Health and Social Care Act 2012)	Director, Communities and Public Health
Officer Responsible for Financial Administration (S151 Local Government Act 1972)	Director of Finance
Head of Paid Service (S4 Local Government and Housing Act 1989)	Head of Paid Service
Monitoring Officer (S5 Local Government and Housing Act 1989)	Director, Legal and Democratic Services
Electoral Registration Officer (S8, (2A) Representation of the People Act 1983)	Director, Legal and Democratic Services
Returning Officer (S35 (1A) Representation of the People Act 1983)	Director, Legal and Democratic Services
Statutory Scrutiny Officer	Head of Democratic Engagement

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Government Act 1972	Section 46	Transfer of securities	Director Finance
Local Government Act 1972	Section 83 (1) to (4)	Witnessing and receiving declarations of acceptance of office	Director Legal and Democratic Services
Local Government Act 1972	Section 84(1)	Receiving a councillor's resignation	Director Legal and Democratic Services
Local Government Act 1972	Section 88 (2)	Calling a full council meeting to elect a chair if there is a casual vacancy	Director Legal and Democratic Services
Local Government Act 1972	Section 89 (1)	Giving notice of a casual vacancy	Director Legal and Democratic Services
Local Government Act 1972	Section 100 except 100 (d)	Opening meetings to the public	Director Legal and Democratic Services
Local Government Act 1972	Section 100 (d)	Listing background papers for reports and making copies available for the public to look at	Director Legal and Democratic Services
Local Government Act 1972	Section 115 (2)	Receiving money due from officers	Director Finance
Local Government Act 1972	Section 146 (1)(a) & (b)	Making declarations and certificates about transferring securities	Director Finance
Local Government Act 1972	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Director Legal and Democratic Services
Local Government Act 1972	Section 225	Depositing documents	Director Legal and Democratic Services
Local Government Act 1972	Section 228 (3)	Making accounts available for councillors to look at	Director Finance
Local Government Act 1972	Section 229 (5)	Certifying photocopies of documents	Director Legal and Democratic Services
Local Government Act 1972	Section 234	Authenticating documents	Director Legal and Democratic Services
Local Government Act 1972	Section 238	Certifying byelaws	Director Legal and Democratic Services
Local Government Act 1972	Section 248	Keeping a list of freemen of the city	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Government Act 1972	Section 228	Accounts to be opened for inspection	Director Finance
Local Government Act 1972	Part V (a)	Access to reports, etc	Director Legal and Democratic Services
Local Government Act 1972	Section 96(1) & (2)	Notice of pecuniary interests	Director Legal and Democratic Services
Local Government Act 1972	Sections 100 B (2) & (7)	Circulation of reports and agendas and supply of papers to the press	Director Legal and Democratic Services
Local Government Act 1972	Section 100 D (1) (a)	Background papers	Director Legal and Democratic Services
Local Government Act 1972	Section 210 (6) & (7)	Exercise of residual charity functions	Director Finance
Local Government Act 1972	Section 100 C	Summaries of minutes	Director Legal and Democratic Services
Local Government Act 1972	Schedule 12, Para 4 (2) (b)	Signing the summons to full council	Director Legal and Democratic Services
Local Government Act 1972	Schedule 12 Para 4(3)	Being told where to send summonses to full council meetings	Director Legal and Democratic Services
Local Government Act 1972	Schedule 14 Para 25	Certifying resolutions passed under this paragraph	Director Legal and Democratic Services
Local Government Act 1974	Section 30 (5)	Giving notice that copies of an ombudsman's report are available	Individual appointed by Chief Executive
Local Government (Miscellaneous Provisions) Act 1976	Section 41 (1)	Certifying copies of resolutions and minutes	Director Legal and Democratic Services
Local Authorities Cemeteries Order 1977	Regulation 10	Signing exclusive burial rights	Individual appointed by Executive Director Growth and Regeneration
Representation of the People Act 1983	Section 67	Receiving declarations of election candidature	Director Legal and Democratic Services
Representation of the People Act 1983	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Elections (Principal Area) Rules 1986	Rule 46	Keeping documents after an election and making them available for the public to look at	Director Legal and Democratic Services
Local Government and Housing Act 1989	Section 2 (4)	Keeping the list of politically restricted posts	Director Legal and Democratic Services
Local Government (Committees and Political Groups) Regulations 1990	Regulation 14	Notification of allocated or vacated seat	Director Legal and Democratic Services
Local Authorities (Standing Orders) (England) Regulations 2001		Giving notice of appointments and dismissals at chief or deputy chief officer level	Head of Paid Service
Local Government Act 2000		Acting as proper officer for all responsibilities in the Local Government Act 2000 and subordinate legislation	Director Legal and Democratic Services
Public Health Act 1936	Section 85 (2)	Serving a notice requiring action to deal with verminous people or things	Director of Public Health
Public Health Act 1961	Section 37	Controlling verminous things	Director of Public Health
Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 18	Getting information about cases of notifiable disease or food poisoning	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 20	Stopping of work to prevent disease spreading	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 21	Excluding children from school if they are likely to carry a notifiable disease	Director Management of Place

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Public Health (Control of Disease) Act 1984	Section 22	Asking for the names and addresses of pupils at a school or department of a school	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 31	Certifying the need to disinfect premises	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 32	Certifying the need to remove someone from an infected house	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 40	Getting a warrant to examine residents of a common lodging house	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 42	Certifying a common lodging house to be free from infection	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 48	Certifying that it would be a health risk to keep a body in a building	Director Management of Place.
Public Health (Control of Disease) Act 1984	Section 59	Authenticating documents about things they are responsible for	Director Management of Place
Public Health (Infectious Diseases) Regulations 1988	Regulations 6, 8, 10 & 12	Reporting of infectious diseases; arrangements for vaccination/immunisation; divulging of confidential documents relating to infectious diseases	Director Management of Place

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Public Health (Aircraft) Regulations 1979 and Public Health (Ships) Regulations 1979		Functions of the “Medical Officer”	Director Management of Place
National Assistance Act 1948	Section 47	Taking people in need of care and attention to a suitable place	Director Legal and Democratic Services
National Assistance (Amendment) Act 1951	Section 1	Certifying the need for immediate action	Director Legal and Democratic Services
Money Laundering Regulations 2003	Regulation 7	Being told about suspected money laundering	Director Legal and Democratic Services
Housing Act 2004	Section 4	Complaint as to condition of residential premises	Individual appointed by Executive Director Growth and Regeneration
Food Safety Act 1990	Section 49(3)(a)	Authentication of documents, etc.	Individual appointed by Executive Director Growth and Regeneration
Building Act 1984	Section 93	Authentication of documents, etc	Individual appointed by Executive Director Growth and Regeneration
Building Act 1984	Section 78	Functions of the “surveyor”	Individual appointed by Executive Director Growth and Regeneration
Marriage Act 1949		Proper Officer for registrations	Director Legal and Democratic Services
Births and Deaths Registration Act 1953		Proper Officer for registrations	Director Legal and Democratic Services
Regulation of Investigatory Powers Act 2000		Designated person for authorising the acquisition of communications data	Licensing and Trading Standards Manager
Any legislation past or made before or during 1972		Any functions of “the Clerk of the Council” or the “Town Clerk” which is to be construed as a reference to the Proper Officer of the Council.	Director Legal and Democratic Services



<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Any legislation past or made before or during 1972		Any function of the "Treasurer"	Director Finance
General Data Protection Regulation		Statutory Data Protection Officer	Head of Information Assurance
Traffic Management Act 2004	Section 17(2)	Traffic Manager	Head of Traffic and Highways Maintenance
Regulatory Reform (Fire Safety) Order 2005		The 'responsible person' for ensuring that the council's premises comply with the duties imposed by the Order.	Chief Executive

## **C. DELEGATION OF FUNCTIONS TO OFFICERS**

**Any of the functions below may be exercised by the Head of Paid Service notwithstanding its delegation to another Executive Director.**

### **C.1 Human Resources Functions**

The power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal (section 112 of the Local Government Act 1972) is delegated to the Head of Paid Service who, in accordance with “General Principles applying to the exercise of delegated powers by officers” set out in part 3 of the Constitution may arrange for the discharge of these functions through Executive Directors. All officers exercising HR functions must do so in accordance with the Council’s HR policies and any advice provided by the Director Workforce and Change

### **C.2 Licensing Functions**

All those functions set out in the terms of reference of the Licensing Committee which full council has arranged for that committee to discharge are the responsibility of the Executive Director Growth and Regeneration except for the power to institute proceedings (s. 346 Gambling Act 2005) which is the responsibility of the Director Legal and Democratic Services.

### **C.3 Planning and Development Control Functions**

All the functions set out in the terms of reference of the Development Control Committees are delegated to the Executive Director Growth and Regeneration except for the determination of any application where a member of the council for a ward containing the site of the application requests the matter be determined by a Development Control Committee (such request to be made on the appropriate referral form to one of the Development Management Managers within the published consultation period for the application, specifying the planning grounds on which the request is made).

### **C.4 Public Safety & Protection Functions**

All functions set out in the Public Safety & Protection Committee terms of reference are delegated to the Executive Director Growth and Regeneration.

### **C.5 Public Rights of Way & Greens Functions**

- (a) All the functions set out in List A of the Public Rights of Way & Greens Committee are delegated to the Chief Executive.
- (b) All the functions set out in List B of the Public Rights of Way & Greens Committee are delegated to the Executive Director Growth and Regeneration.

## **C.6 Miscellaneous Functions Delegated to the Chief Executive**

### Marriages and Registration

- (a) Power to approve premises for the solemnisation of marriages (S.46A of the Marriage Act 1949 (c.76) & the Marriages (Approved Premises) Regs 1995 (S.I. 1995/510).

### Elections

- (b) Power to assign officers in relation to requisitions of the registration officer (section 52(4) of the Representation of the People Act 1983).
- (c) Duty to divide constituency into polling districts (Sections 18A and 18E of Schedule A1 to the Representation of the People Act 1983).
- (d) Power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act).
- (e) Power in respect of holding of elections (Section 39(4) of the Representation of People Act 1983).
- (f) Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983).
- (g) Power to fill vacancies in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985).
- (h) Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972).
- (i) Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972).
- (j) Power 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 People Act 2000 (Section 10 of the Representation of the People Act 2000).
- (k) Duty to consult on change of scheme for elections (Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act ("the 2007 Act")).
- (l) Duties relating to publicity (Sections 35, 41 and 52 of the 2007 Act).
- (m) Duties relating to notice to Electoral Commission (Sections 36 and 42 of the 2007 Act).
- (n) Power to alter years of ordinary elections of parish councillors (Section 53 of the 2007 Act).

- (o) Functions relating to change of name of electoral area (serving notice) (Section 59 of the 2007 Act).

### Pensions and Finance

- (p) Functions relating to local government pensions etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972).
- (q) Functions under the Fireman's Pension Scheme relating to pensions, etc., as respects persons employed by the fire and rescue authorities pursuant to Section 1 of the Fire and Rescue Services Act 2004 (Sections 34 and 36 of the Fire and Rescue Services Act 1972).
- (r) Duty to make arrangements for proper administration of financial affairs etc. (Section 151 of the Local Government Act 1972).

### **C.7 Employment of Children Functions**

The power to license the employment of children is delegated to the Executive Director Children and Education (Part II Children and Young Persons Act 1933, byelaws made under that Part and Part II Children and Young Persons Act 1963).

### **C.8 Other functions delegated to all Executive Directors**

- (a) Power to enforce byelaws (any provision of any enactment (including a local Act), whenever passed and section 14 of the Interpretation Act 1978).
- (b) Power to make payments or provide other benefits in cases of maladministration (Section 92 Local Government 2000) in respect of functional areas administered within the particular department.

### **C.9 Appointment of proper officers**

Power to appoint officers for particular purposes is delegated to the Head of Paid Service, following consultation with the Director Legal and Democratic Services unless legislation indicates the appointment is made by full council or an Executive Director (appointment of "proper officers") (section 270 (3) of the Local Government Act 1972).

### **C.10 Children and Education Directorate Functions**

Any function of a Committee falling within the portfolio of the **Children and Education Directorate** including functions relating to:

- (a) Children and Families Services;
- (b) Educational Improvement;

shall be executed by the Executive Director – Children and Education notwithstanding its onward delegation in the officer schemes of delegation.

### **C.11 Adult and Communities Directorate Functions**

Any function of a Committee falling within the portfolio of the **Adult and Communities Directorate** including functions relating to:

- (a) Adult Social Care;
- (b) Public Health;

shall be executed by the Executive Director – Adults and Communities notwithstanding its onward delegation in the officer schemes of delegation.

### **C.12 Resources Directorate Functions**

Any function of a Committee falling within the portfolio of the Resources **Directorate** including functions relating to:

- (a) Finance management;
- (b) Workforce and Change;
- (c) Legal and Democratic Services;
- (d) Digital Transformation;
- (e) Policy, Strategy and Partnerships;
- (f) Commercialisation;

shall be executed by the Chief Executive notwithstanding its onward delegation in the officer schemes of delegation.

### **C.13 Growth and Regeneration Directorate Functions**

Any function of a Committee falling within the portfolio of the **Growth and Regeneration Directorate** including functions relating to:

- (a) Development of Place;
- (b) Economy of Place;
- (c) Management of Place;
- (d) Housing and Landlord Services;

shall be executed by the Executive Director – Growth and Regeneration notwithstanding its onward delegation in the officer schemes of delegation.

### **C.14 Delegation of functions to other officers**

Each delegated officer shall be entitled to discharge functions allocated to the department described in paragraphs C.10 to C.13 above for which they are the delegated officer, subject to the general provisions governing delegations contained in C.15 below:

- (a) The officer occupying the post of Director: Legal and Democratic Services (and members of the team under their direction) is authorised to do all things necessary to perform legal services in connection with the discharge of functions delegated under this section of the constitution. For the avoidance of doubt the conferring of the function on the officer occupying the post of Director: Legal and Democratic Services is not to intend or remove the power of any authorised officer engaged in

investigation to obtain or seek from a Justice of the Peace, or the court, a warrant of entry, Order under RIPA 2000 or other process ancillary to the investigation they are engaged in.

- (b) The officer designated as the Chief Finance Officer (and the team under their direction) is authorised to do all things necessary in the performance of financial services and insurance arrangements in connection with the discharge of functions delegated under this section of the constitution.
- (c) In addition to any other delegation to an officer contained in this section of the constitution, each council officer may discharge any function as necessary for them to perform such of the duties as are set out in their job description as they are required to undertake by the officer or officers responsible for their management and subject to the general provisions governing delegations contained in section 7 below.
- (d) The officers specified in this paragraph may institute criminal proceedings at designated police stations by requesting the custody officer to charge a suspect on the council's behalf, but only:
  - (i) in connection with offences the council has power to enforce; and
  - (ii) following consultation with the Director: Legal and Democratic Services or an appropriate member of their team, except when the officer is acting outside of normal council business hours.

The following officers in the trading standards team are so authorised: trading standards manager or acting manager; enforcement officer; accredited financial investigator; trading standards officer.

The following officers in the South West illegal money lending/scam-buster team are so authorised: South West regional enforcement manager or acting manager; senior investigator; investigator.

### **C.15 General provisions governing delegations to area committees, officers and members**

- (a) The conferring of a delegated power is not intended to and does not in fact supersede or replace any statutory requirement or override any provision of the city council's articles, procurement regulations, financial regulations and any other provision of the constitution.
- (b) Accordingly decision makers acting under delegated powers must do so in accordance with any such provision and having due regard to any relevant council policy or Government guidance.
- (c) Reference to any act, order or regulation etc. is deemed to be a reference to any modification or re-enactment thereof.
- (d) Where there is a clear and pressing need for a key decision to be taken and it is not reasonably practicable, for any reason, for that decision to be taken by a relevant Committee then each Executive Director shall have authority to take key decisions within their directorate in conjunction with the Chief Executive. Before exercising such exceptional authority, the Executive Director must, so far as is practicable, consult with the Monitoring Officer, the Chief Finance Officer and the relevant Committee Chair. Any decision taken under this exemption will be reported to all members immediately and be subject of a formal report to the next relevant

Committee meeting.

- (e) It is recognised that delegated officers cannot personally undertake the discharge of every function conferred upon them. Delegated officers are accordingly entitled to arrange for the discharge by their subordinate officers of functions allocated to them provided that the delegated officer remains responsible for and accountable to the council for the exercise of their delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those officers assisting him / her in the discharge of functions do so in accordance with the provisions of this constitution and do not exceed the limits of any authorisation made to them by the delegated officer to assist them in this task.
- (f) For the avoidance of doubt, any reference in this part to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.
- (g) If any delegated officer receives any statutory notice which if contravened would give rise to a risk of prosecution, they shall immediately refer it to the Director: Legal and Democratic Services, who shall be entitled to call for a report on the matter to himself and as necessary, to a relevant Committee or Full Council.
- (h) For the avoidance of doubt, an officer seized of the power to make a decision, may, where they consider it necessary in the particular circumstances, refer the matter for decision by the relevant Committee Chair;
- (i) All delegated officers should seek and obtain appropriate professional advice from those employed or otherwise engaged by the city council for that purpose in connection with the matter under consideration. Any report made by officers to a Committee should state whether or not such advice has been obtained.
- (j) All decisions taken by CIL/s.106 committees and officers must be consistent with the council's budget and policy framework and in accordance with any policy, plan or criteria adopted by the the Council.

## **D. General principles applying to the exercise of delegated powers by officers**

- (a) Delegated officers must refer matters to the relevant committee as they consider appropriate having regard to the following factors:-
- i) whether the matter would have such an effect on communities, businesses or individuals such as the matter ought to be considered/determined by Councillors;
  - ii) whether a Councillor, applicant or other person with a significant interest has requested that the matter be determined by committee;
  - iii) whether there is evidence that the public or Councillors have a significant actual or potential interest in the matter such as would give rise to a desire or expectation that it be determined by Councillors;
  - iv) whether the matter is likely to involve consideration of disputed or uncertain matters of fact or law or whether the decision gives rise to a fine balance between various options such as might reasonably give rise to an expectation that the matter will be considered by Councillors;
  - v) where it is desirable that representations made in relation to the matter by an applicant, objector or other interested party should be heard and considered by Councillors;
  - vi) the need for consistency of approach in the council's decision-making process;
  - vii) whether there are any specific national or local policy or (in relation to development control decisions only) development plan implications arising from the matter under consideration which are of such significance that they might reasonably give rise to an expectation that they ought to be considered by Councillors;
  - viii) whether the legal consequences of the matter are of such significance that they should be considered by Councillors.
- (b) Delegated officers are entitled to arrange for the discharge of functions allocated to them by their subordinate officers, provided that the delegated officer remains responsible for and accountable to the council for the exercise of the delegated powers.
- (c) The Full Council have conferred delegated powers upon all of its officers to undertake, under management supervision, the tasks contained in their job description.
- (d) An officer with the delegated power to make a decision may, where they consider it necessary, refer the matter for decision by Full Council or by the relevant committee.
- (e) A committee may delegate to sub-committees and officers.



- (f) All delegated officers and delegated committees should seek and obtain appropriate professional advice from those employed by the council for that purpose. Any report made by officers to Councillors should record whether or not such advice has been obtained.
- (g) Committees and/or directors exercising the power to levy and/or determine fees or charges must not make a decision unless there has been prior consultation with the relevant policy committee chair. Where the decision is being made by a delegated officer, they must also consult with the chair of any relevant committee. Where the proposal is not in accordance with the corporate charging policy or is the subject of an objection by one or more of those Councillors with whom the officer/committee is required to consult as above, then the matter should be reported to the relevant committee or Full Council.

# PART 3.5 - AREA COMMITTEES TERMS OF REFERENCE

## 1. Overview

1.1 There is an Area (Community Infrastructure Levy) CIL/s.106 Committee for each of the following 9 Areas (each to be known as an “Area Committee”):

No	Ward 1	Ward 2	Ward 3	Ward 4
1	Avonmouth and Lawrence Weston	Henbury and Brentry	Southmead	Horfield
2	Stoke Bishop	Westbury on Trym and Henleaze	Redland	Bishopston and Ashley Down
3	Clifton	Clifton Down	Cotham	Hotwells and Harbourside
4	Central	Ashley	Lawrence Hill	Easton
5	Lockleaze	Eastville	Hillfields	Frome Vale
6	St George West	St George Central	St George Troopers Hill	-
7	Southville	Bedminster	Windmill Hill	Filwood
8	Hartcliffe and Witherwood	Bishopsworth	Hengrove and Whitchurch Park	-
9	Knowle	Stockwood	Brislington West	Brislington East

1.2 Area Committees will make decisions about the local element of CIL monies raised within the Area and devolved s.106 monies.

1.3 The Councillors elected to serve the wards in a neighbourhood are members of the corresponding Area Committee. For the purposes of the Council constitution, all of the Councillors on an Area Committee comprise a Council committee with delegated power to take certain local decisions on behalf of the council.

1.4 The Area Committee is expected to take its decisions as part of a public meeting, following consultation with the community and networks within the community to agree local Community Infrastructure Levy (CIL) priorities.

1.5 As a committee of council, Area Committees will be governed by the Committee Procedure Rules, subject to any amendments within these Terms of Reference.

## 2. Functions delegated to Area Committees

- 2.1 Decision-making in relation to devolved s.106 monies where there is a decision to made about in relation to what and where the monies should be spent (as opposed to when the funds have already been earmarked for a specific project as part of the agreement) and the expenditure of local CIL.
- 2.2 When s.106 monies have been earmarked for a specific project, the only decision relates to when that project should be delivered. Such decisions will be taken at Service Director level in consultation with the members of the Area Committee.
- 2.3 Area Committees will also have the following functions:

<b>Function</b>	<b>Description</b>
Community Investment Funds	Preparatory work can be done to understand how to ensure an equitable distribution of funding across the City in anticipation of the next round of grant funding allocations.
Delivery of services	An Area Committee can refer matters raised with it under Public Forum to a relevant officer in the Council for a response.
Highways Maintenance	A requirement to communicate with Area Committees about the prioritisation of highways maintenance works.
Road Safety Budgets	There should be greater involvement of Area Committees in prioritisation of road safety schemes. This is subject to a review of the resourcing requirements in the relevant departments, to include a review of the budgets that could be devolved to Area Committees in respect of road safety schemes.
Parks and Play Areas	Annual consultation role for Area Committees in respect of changes to front line services and provision, e.g. grass cutting frequency, play area equipment.
Disposal of local authority land, community buildings and community asset transfers	The Area Committee should be consulted on any proposal to dispose of local authority land, community buildings or any community asset transfer, recognising that some transactions will be commercially sensitive.
Allotments	The Area Committee should be consulted about any new allotment provision.
Street cleaning, provision of street bins and enhanced street recycling	This links to the current contractual arrangements with Bristol Waste Company. There should be liaison with BWC representatives at a local level.

### **3. Membership**

- 3.1 The membership of each Area Committee will include all Councillors who have been elected for wards in the Area and no other Councillors. It is expected that all Councillors will attend each meeting of their respective Area Committee.

### **4. Procedure rules**

#### **Meeting arrangements**

- 4.1 Area Committee meetings will normally be held in-person twice per annum, with the option of two further meetings to be held online when required. These meetings will be supported by Democratic Services. Formal decisions by the Area Committees can only be taken at in-person meetings.

#### **Election of Area Committee Chair**

- 4.2 An Area Committee Chair will be elected at a formal meeting of its members.
- 4.3 The Area Committee Chair will be elected by overall majority. Where there is no overall majority of votes, the Area Committee Chair shall be either: a member of the political group with the most Councillors on the Area Committee; or where there is no such largest group, a member of whichever political group represented on the Area Committee, is the largest group on the Council.
- 4.4 The Area Committee Chair shall remain in post until:
- (a) they resign;
  - (b) a motion is passed by the majority of the Area Committee members to remove the Chair; or
  - (c) a local election is held after which a chair shall again be elected at an informal meeting of the new members.

#### **Quorum**

- 4.5 The quorum for the Area Committee to take a delegated council decision is 50% of Councillors in the Area Committee (rounded up to the nearest whole number).

#### **Voting**

- 4.6 Only elected Councillors are entitled to vote on delegated council decisions taken by Area Committees.
- 4.7 In the event of an equality of votes the Area Committee Chair will have a second, or casting vote.

#### **Substitute arrangements**

- 4.8 Area Committee Councillors cannot be substituted.

#### **Agenda**

- 4.9 The agenda for an Area Committee meeting will include the following:
- a) Apologies for absence
  - b) Approval of minutes from previous meeting.
  - c) Declarations of Interest (of Councillors)

- d) Public Forum petitions, statements and questions (maximum time of 30 minutes)
- e) Reports on proposed decisions for Councillors

#### **Minutes of meetings**

- 4.10 The meetings of Area Committees shall be minuted and such minutes will be made available to the public in accordance with the Access to Information Procedure Rules (in part 4 of the Council's constitution).

#### **Right to submit petitions, statements and questions**

- 4.11 Members of the public may submit statements and questions that relate to issues that are on the agenda for the meeting or any other issues within the terms of reference of the Area Committee, provided sufficient advance notice is given.
- 4.12 Anyone wishing to submit a petition is expected to submit their petition by no later than 12.00 noon 2 working days before the meeting. Where a petition has 200 signatures or more it will trigger a petition debate at the Area Committee, in accordance with the Council Petition Scheme.
- 4.13 Anyone wishing to submit a statement is expected to submit their statement by no later than 12.00 noon 2 working days before the meeting. Statements must be no longer than 1,000 words.
- 4.14 Anyone wishing to ask a question is expected to submit their question by no later than 5.00pm at least 3 clear working days before the meeting. Each questioner can ask a maximum of 3 questions. Questions will be referred to officers for a written reply following the meeting.
- 4.15 The Chair has the discretion to allow any member of the public, whether or not they have submitted a written statement or question, to speak during the meeting.
- 4.16 Statements and questions should be submitted by e-mail to:  
democratic.sevices@bristol.gov.uk.

### **5. Access to Information Rules**

- 5.1 Area Committees will comply with the Access to Information Rules contained in Part 4 of the Council's constitution, which means, among other things, that:
- (a) Meetings must be held in public;
  - (b) 5 days' notice of meetings must be given;
  - (c) Agendas and reports must be published 5 days in advance of meetings;
  - (d) Minutes and records of decisions with reasons must be published.

## **6. Code of Conduct**

6.1 Area Committee Councillors shall comply with the Members' Code of Conduct and any other code of conduct or protocol relating to the conduct of Councillors which may be adopted by the council (e.g. officer member protocol).

## **7. Decision making**

7.1 Area Committees must make decisions:

- (a) in accordance with the Council's budget and policy framework;
- (b) in accordance with the approved local CIL/s.106 budget and requirements for its area;
- (c) after due regard to the local priorities and consultation with the local community;
- (d) in accordance with the Council's Equalities Duties;
- (e) in accordance with all relevant procedure rules within the constitution including -
  - (i) financial regulations;
  - (ii) contract procedure regulations;
  - (iii) procurement rules;
- (f) in accordance with any other Council policy, plan or criteria approved by cabinet and with any relevant contractual arrangements; and
- (g) in a meeting following consideration of a report from the Chief Executive or an Executive Director or his/her nominee.

7.2 An Area Committee may only exercise a function in so far as the function impacts on its own area.

7.3 Area Committees may not make a decision which impacts in a significant way on another Area without first consulting with the committee for that Area. If they cannot secure the agreement of that neighbouring Area Committee, then the matter should be referred to the relevant Executive Director or the relevant Policy Committee for decision.

7.4 An Area Committee, or two or more Area Committees jointly, may refer a matter to either the relevant Executive Director or the relevant Policy Committee for a decision.

7.5 The decision-making power of Area Committees is delegated by the Full Council.

7.6 Where the Monitoring Officer or Chief Finance Officer is of the opinion that a proposal, decision, or omission of an Area Committee is or if made would be:

- (a) outside its terms of reference; or
- (b) outside its approved budget; or
- (c) outside any relevant policy, plan or criteria approved by the Council or with any relevant contractual arrangements; or
- (d) outside the budget and policy framework; or
- (e) not in accordance with any relevant procedure rules,

then the Monitoring Officer or Chief Finance Officer shall refer the matter to the relevant Policy Committee or Full Council, as appropriate, for consideration at the next available meeting.

- 7.7 Where a matter has been referred to the relevant Policy Committee or Full Council under section 7.6, the implementation of the proposal or decision shall be suspended until the matter has been considered by the relevant Policy Committee and/or Full Council.
- 7.8 Where a matter has been referred to the relevant Policy Committee under 7.6 (a) (b) or (c) the relevant Policy Committee may:
- (a) decide the matter itself; or
  - (b) endorse any decision already made; or
  - (c) refer the matter back to the Area Committee for determination; and/or
  - (d) make any other decision it considers appropriate.
- 7.9 Where a matter has been referred to the relevant Policy Committee under 7.6 (d) or (e), then the relevant Policy Committee may:
- (a) refer the matter to Full Council for consideration; or
  - (b) decide the matter within the budget and policy framework or in accordance with the procedure rules; or
  - (c) refer the matter back to the Area Committee for determination within the budget and policy framework, or in accordance with the procedure rules.
- 7.10 Before deciding any matter in accordance with section 7.6 to 7.8, the relevant Policy Committee will consider a report from a statutory officer or Executive Director.

## **8. The Local CIL Equity Fund**

- 8.1 The Council will establish an Equity Fund whereby 15% of the overall Local CIL is ringfenced to an Equity Fund.
- 8.2 The following procedure will be put in place for bids to the Equity Fund.
- (a) Bids to the Equity Fund would be made to the relevant Area Committee in line with current eligibility criteria for applications for the Local element of CIL;
  - (b) The relevant Area Committee would consider the application(s) as part of their annual decision-making process;
  - (c) The Area Committee would express their support or otherwise for each bid to the Equity Fund;
  - (d) If an Area Committee supports a bid then the Area Committee will submit the bid to the Council for consideration;
  - (e) If an Area Committee does not support a bid, then the bid will not be submitted to the Council (however in those circumstances, the bid may still be eligible for the Local element of CIL that is not part of the Equity Fund);
  - (f) The final decision on bids for the Equity Fund would be taken by the Public Health and Communities Committee on an annual basis, having considered all applications supported by the Area Committees.

# **PART 4.1 - COUNCIL PROCEDURE RULES (CPR)**

## **CPR1**

### **ANNUAL MEETING OF THE FULL COUNCIL**

#### **CPR1.1**

##### **Timing and business**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. The annual meeting will commence at 2.00 p.m.

The annual meeting will:

- (i) elect a person to preside if the Lord Mayor is not present;
- (ii) elect the Lord Mayor ;
- (iii) elect the deputy Lord Mayor;
- (iv) deal with any other civic business  
*(for example appointment of honorary aldermen);*
- (v) approve the minutes of the last meeting;
- (vi) receive any declarations of interest from members of council;
- (vii) receive any announcements from the Lord Mayor and / or head of paid service;
- (viii) appoint such committees as the council considers appropriate to deal with matters which are not reserved to the full Council (as set out in part 3, of this constitution);
- (ix) agree the scheme of delegation (or such part of it) as the constitution determines it is for the full Council to agree (as set out in part 3 of this constitution);
- (x) approve a programme of ordinary meetings of the full Council for the year including a meeting to determine the budget and policy framework; and
- (xi) consider any business set out in the notice convening the meeting.

#### **CPR1.2**

##### **Selection of members of council on committees**

At the annual meeting, the full Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;



- (iii) decide the allocation of seats to political groups in accordance with the political balance rules; and
- (iv) receive nominations of members of council to serve on each committee.

## **CPR2**

### **ORDINARY MEETINGS (including a meeting to determine the budget)**

#### **CPR2.1**

##### **Ordinary meetings**

- (1) Ordinary meetings of the Full Council (including a meeting to determine the budget) will take place seven times each year in accordance with a programme decided at the annual meeting.
- (2) Ordinary meetings (except the meeting to determine the budget) (total time limit two hours 30 minutes excluding time taken for refreshments), unless otherwise agreed by the Lord Mayor at Agenda set, will:
  - (i) elect a person to preside if the Lord Mayor and Deputy Lord Mayor are not present;
  - (ii) approve the minutes of the last meeting;
  - (iii) receive any declarations of interest from members of council
  - (iv) receive any announcements from the Lord Mayor or the Head of Paid Service;
  - (v) receive petitions, statements and questions (and provide answers) from members of the public.

**Time limit - 30 minutes**
  - (vi) receive petitions from members of council.

**Time limit - 10 minutes**
  - (vii) receive any other business which the Lord Mayor accepts as urgent;
  - (viii) a statement from the Youth Council/Youth Mayors
  - (ix) a progress report from Mayoral Commissions for information.
  - (x) receive reports from council committees;

**Time limit - 1 hour**
  - (xi) receive reports on the business of joint arrangements and external organisations;
  - (xii) consider motions; and

**Time limit - 30 minutes**
  - (xiii) consider any other business specified in the summons to the meeting.

## **CPR3 EXTRAORDINARY MEETINGS**

### **CPR3.1 Calling extraordinary meetings**

Those listed below may request the proper officer to call Full Council meetings in addition to ordinary meetings:

- (i) the Full Council by resolution;
- (ii) the Lord Mayor;
- (iii) the proper officer; and
- (iv) any five members of council if they have signed a requisition presented to the Lord Mayor and the Lord Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **CPR3.2 Business**

The agenda for an extraordinary meeting will specify the matters that the meeting will deal with. Petitions, questions and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

## **CPR4 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer notified in the summons, Start times will generally be either 14:00 or 18:00.

## **CPR5 NOTICE OF, AND SUMMONS TO, MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules (APR). At least six clear working days before a meeting, the proper officer will email a summons to every member of council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

**Notice required - 6 clear working days**

## **CPR6 CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Lord Mayor. Where these rules apply to committee and sub-committee meetings, references to the Lord Mayor also include the chair of committees and sub-committees.

## **CPR7 QUORUM**

The quorum for full Council is 18. During any meeting if the Lord Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Lord Mayor. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.

## **CPR8 DURATION OF MEETING**

### **CPR8.1 Interruption of the meeting**

If the business of the meeting has not been concluded within two hours 30 minutes (excluding time taken for refreshments), a bell will be rung and the member of council speaking must immediately sit down. The Lord Mayor must interrupt the meeting and call for the vote if appropriate immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

### **CPR8.2 Motions and recommendations not dealt with**

If there are other motions or recommendations on the agenda that have not been dealt within two hours 30 minutes, they will be deemed to fall.

The Council will continue with the 'golden motion' process whereby the first motion to be debated will rotate between the political groups with the allocation of golden motions over the municipal year being politically proportionate to the Full Council membership. Other motions may be debated subject to the 30 minute time allocation. This 'silver motion' will be determined by a ballot operated by the Proper Officer prior to the publication of the agenda and will not include members of the party with the golden motion.

Any other motions received will be itemised on the agenda with an explanatory note that they are unlikely to be reached within the available time. The time limit for debating motions is 30 minutes.

### **CPR8.3 Recorded vote**

If a recorded vote is called for during this process it will be taken immediately.

### **CPR8.4 Motions which may be moved**

During the process set out in CPR8.1, 8.2 and 8.3 above, the only other motions which may be moved are:

- (i) that a matter be withdrawn; or

- (ii) that a matter be delegated or referred to an appropriate body or individual for decision or report.

## **CPR8.5**

### **Close of the meeting**

When the time limit for the meeting has been reached, the Lord Mayor will declare the meeting closed and any motions and recommendations which have not been dealt with will fall.

## **CPR9**

### **PETITIONS, QUESTIONS AND STATEMENTS**

*(This rule does not apply at a meeting to determine the budget)*

## **CPR9.1**

### **General**

#### **Public Petitions and statements**

- (a) Members of the public who live or own a business in Bristol, provided they give notice in writing or by electronic mail to the proper officer by no later than 12 noon two working days before a meeting, may present a petition or submit a statement at ordinary meetings of the full Council. The following applies:
  - (i) Submissions must include the name and address of the member of the public along with details of the wording of the petition, and in the case of a statement, a copy of the submission.
  - (ii) One statement per member of the public shall be admissible
  - (iii) A maximum of one minute shall be permitted for the presentation of each petition and statement.

#### **Notice required - 12 noon two working days before the meeting**

- (b) The total time allowed for dealing with petitions, statements (including questions under CPR 9.1(g) below) is thirty minutes. Petitions will be addressed in priority to statements and questions.

#### **Time limit - 30 minutes**

- (c) Persons presenting petitions will be required to read out the objectives of the petition. A written reply will be provided to the lead petitioner within 10 working days following the Council meeting.
- (d) Statements, provided they are no more than 1,000 words in length, will be circulated to all members of council and published on the website. If requested, a written reply will be provided within 10 working days following the Council meeting.
- (e) There will be no debate but after receiving a petition with less than 3500 signatures / statement the Lord Mayor will refer the petition / statement for further consideration to the relevant policy chair, committee or officer or any other person he or she considers appropriate.

- (f) Where a petition has more than 3500 signatures then the petition will be debated by Council if the petition organiser so requests. The Monitoring Officer will ensure that an appropriate signature verification process takes place before a petition debate is scheduled.

### **Public Questions**

- (g) Questions by members of the public may be asked of the Leader of the Council or the Chair of a Policy or Regulatory Committee;

#### **CPR9.2**

##### **Order of questions**

Questions will be listed in the order received, except that the Lord Mayor may group together similar questions and determine whether to take a limited number of supplementary questions.

#### **CPR9.3**

##### **Notice of questions**

- (a) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than three clear working days before the day of the meeting. Each question must give the name and address of the questioner and must identify the person to whom it is to be put.

**Notice required - 3 clear working days before the meeting**

- (b) Late urgent questions may be asked provided:

- (i) the question relates to urgent matters; and
- (ii) the consent of the Lord Mayor has been obtained; and
- (iii) the content of the question has been given to the proper officer by no later than two hours before the meeting on the day of the meeting.

**Notice required - 2 hours before the meeting**

#### **CPR9.4**

##### **Number of questions**

A member of the public may ask a maximum of three questions and a maximum of two supplementary questions.

#### **CPR9.5**

##### **Scope of questions, statements and petitions**

The Lord Mayor in consultation with the proper officer may reject a question, statement or petition if it:

- (a) is not about a matter for which the local authority has a responsibility or which directly affects the city;
- (b) is defamatory, frivolous or offensive;

(c) requires the disclosure of confidential or exempt information.

### **CPR9.6 Record of questions**

The proper officer will record each question in a format open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting, by no later than one hour before the meeting.

### **CPR9.7 Supplementary questions**

A questioner who has put a question in person may also put without notice, one supplementary question to the Leader or Chair of a Policy or Regulatory Committee who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Lord Mayor may reject a supplementary question on any of the grounds in CPR9.5 (scope of questions) above. A maximum of two supplementary questions may be asked by a member of the public, one supplementary question is permitted per original question asked.

### **CPR9.8 Response**

- (1) Replies to questions will be given verbally. All questions (including questions not reached due to lack to time) will also receive a written reply after the meeting.  
**Time limit – 10 working days following the meeting**
- (2) Oral answers will be given to urgent questions asked under CPR9.3 (b) (notice of questions).

### **CPR 9.9 MEMBER PETITIONS**

Upon the conclusion of the public petitions questions and statements the Council shall receive petitions from Members of Council. The rules in respect of public petitions shall apply equally to those presented by Members of Council.

### **CPR10 MOTIONS ON NOTICE**

#### **CPR10.1 Notice**

Except for motions which can be moved without notice under CPR11, written notice of every motion must be delivered to proper officer not later than seven clear working days before the date of the meeting. These will be entered in a book open to public inspection.  
**Notice required - 7 clear working days**

## **CPR10.2**

### **Motion set out in agenda**

- (1) Motions for which notice has been given will be listed on the agenda in the order in which the notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- (2) Where notice of motions has been given in accordance with the above rule, at the meeting, the Lord Mayor (at their discretion) may allow the motion to be moved by another member.

## **CPR10.3**

### **Scope**

Motions must be about matters for which the council has a responsibility or which directly affect the city of Bristol.

## **CPR11**

### **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

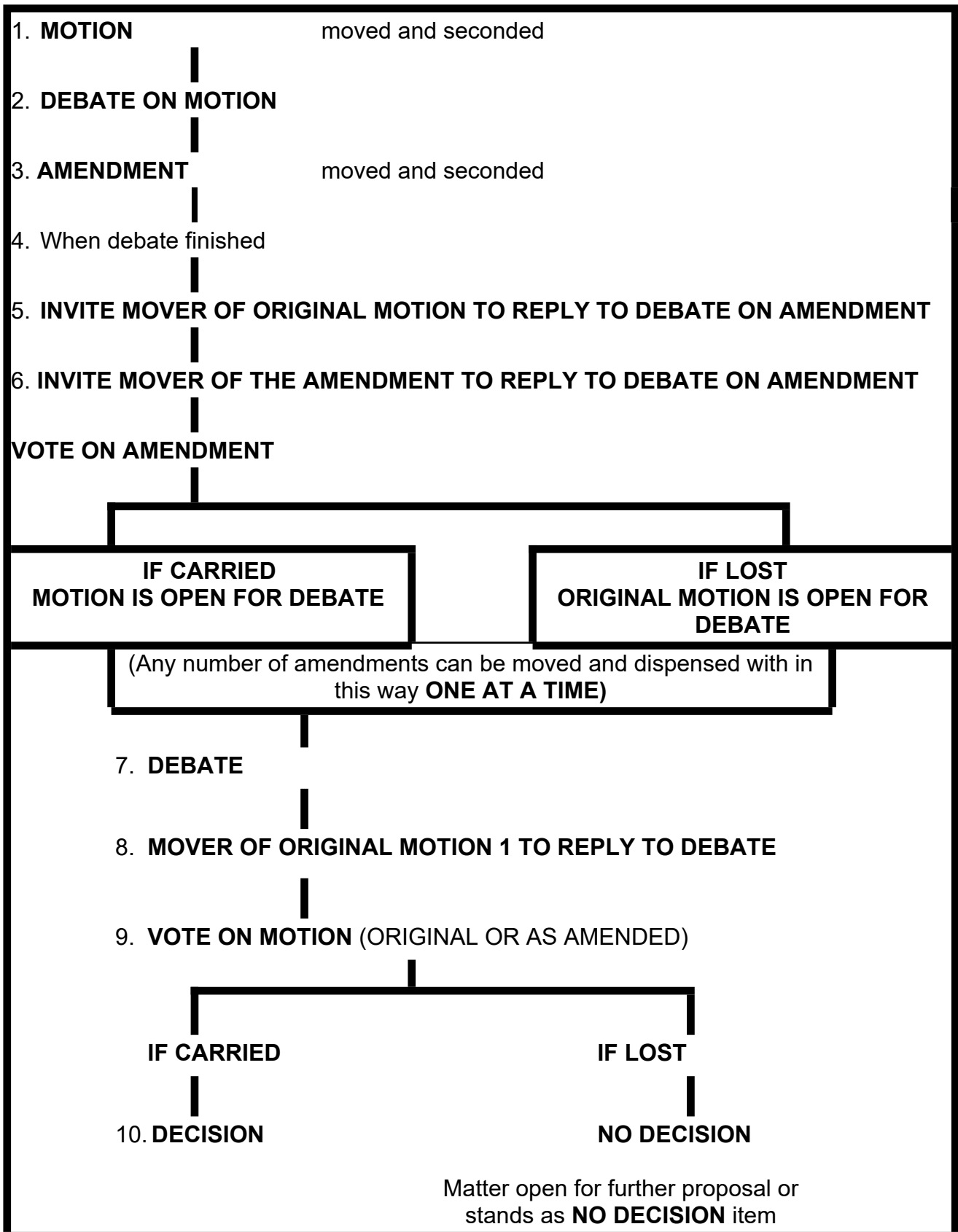
- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond two hours 30 minutes in duration, excluding time taken for refreshments.
- (n) to suspend a particular Council Procedure Rule (CPR);

- (o) to exclude the public and press in accordance with the Access to Information Rules (APR);
- (p) to not hear further a councillor named under CPR 17.3 or to exclude them from the meeting under CPR 17.4; and
- (q) to give the consent of the council where its consent is required by this constitution.



**CPR12  
RULES OF DEBATE**

Simplified diagram showing how decisions might be reached



### **CPR12.1**

#### **No debate until motion or amendment is seconded**

A motion or an amendment may be debated only after it has been seconded by another member of council. If a report is only for noting, a seconder is not required.

### **CPR12.2**

#### **Right to require motion or amendment in writing**

Unless notice of the motion or amendment has already been given, a signed copy of the motion must be put in writing and sent electronically to the proper officer either before it is moved or immediately after it is moved. (See also CPR12.6 (g) re. amendments)

### **CPR12.3**

#### **Secunder's speech**

When seconding a motion or amendment, a member of council may reserve their speech until later in the debate.

**Time limit - 3 minutes**

### **CPR12.4**

#### **Content and length of speeches**

*(These time limits do not apply at a meeting to determine the budget)*

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech moving a substantive motion may exceed three minutes and no other speech shall last more than three minutes from each speaker.

**Time limit - 3 minutes for moving a motion**  
**Time limit - 3 minutes for individual speeches**

### **CPR12.5**

#### **When a Councillor may speak again**

A member of council who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his / her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation (see CPR 12.13).

## **CPR12.6**

### **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words as long as the effect of (ii) to (iv) is not to negate the motion.
  - (v) an amendment must not:
    - 1) be a direct negative of a motion or:
    - 2) seek to introduce into the motion a new issue unrelated to the subject dealt with in the motion
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) A signed copy of the amendment must be given to the proper officer either before it is moved or immediately after it has been moved.

## **CPR12.7**

### **Alteration of a motion**

- (a) A member may alter a motion (of which they have given notice) with the consent of the meeting. The consent of the meeting will be signified without discussion.
- (b) A member may alter a motion (which they have moved) without notice with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

## **CPR12.8**

### **Withdrawal of motion**

A member may withdraw a motion (they have moved) with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion. No

member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **CPR12.9**

#### **Right of reply**

- (1) The mover of the amendment has a right of reply to the debate on their amendment.
- (2) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (3) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

### **CPR12.10**

#### **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to amend a motion;
- (b) that the question be now put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting;
- (e) that the meeting continue beyond two hours 30 minutes in duration;
- (f) to exclude the public and press in accordance with the Access to Information Rules; and
- (g) to not hear further a member named under CPR17.3 or to exclude them from the meeting under CPR17.4.

### **CPR12.11**

#### **Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) that the question be now put;
  - (ii) to adjourn a debate; or
  - (iii) to adjourn a meeting.
- (b) If a motion “that the question be now put” is seconded and the Lord Mayor considers the item has been sufficiently discussed, the procedural motion will be put to the vote. If it is passed the Lord Mayor will give the mover of the original motion a right of reply before putting their motion to the vote.

- (c) If a motion “to adjourn the debate” or “to adjourn the meeting” is seconded and the Lord Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the procedural motion will be put to the vote without giving the mover of the original motion the right of reply.

### **CPR12.12**

#### **Point of order**

A member may raise a point of order at any time. The Lord Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure (CPR) or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Lord Mayor on the matter will be final.

### **CPR12.13**

#### **Personal explanation**

A member may make a personal explanation at any time. A personal explanation should relate to an action or statement of the member which may appear to have been misunderstood. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

### **CPR13**

#### **PREVIOUS DECISIONS AND MOTIONS**

### **CPR13.1**

#### **Motion to rescind a previous decision**

A motion to rescind a decision, made at a meeting of the full Council within the past six months, cannot be moved unless:

- (a) written notice of the motion has been supplied to the proper officer before the rising of the meeting of the full Council at which the original motion has been passed; and
- (b) oral notice has been given to the Lord Mayor during the meeting of the full Council at which the original motion was passed, and then placed in writing to the proper officer within fifteen minutes of the end of that full Council meeting.

**Notice required - within 15 minutes following the meeting**

### **CPR13.2**

#### **Motion similar to one previously rejected**

A motion in similar terms to one that has been rejected at a meeting of the full Council in the past six months cannot be moved unless the notice of motion is given in accordance with CPR13.1 (motion to rescind a previous decision) above. Once the motion is dealt with, no one can propose a similar motion for six months.

## **CPR14 VOTING**

### **CPR14.1 Majority**

Any matter will be decided by a simple majority of those members voting and present at the time the motion or amendment is put.

### **CPR14.2 Lord Mayor's casting vote**

If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote.

### **CPR14.3 Recorded vote**

If four or more members present at the meeting immediately demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

### **CPR14.4 Right to require individual vote to be recorded** *[This rule cannot be suspended]*

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **CPR14.5 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

If there are two people nominated then there will be a vote and the person with the majority of votes will be elected.

### **CPR14.6 Voting on the Budget**

At a budget decision meeting of the Council:

- (a) Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the members who cast a vote for or against the decision or who abstained from voting;
- (b) Reference to a "budget decision meeting" means a meeting of full Council at which it

- (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(4); or
- (ii) issues a precept under Chapter 4 of Part 1 of that Act;

References to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

## **CPR15 MINUTES**

### **CPR15.1 Signing the minutes**

The Lord Mayor will sign the minutes of the proceedings at the next suitable meeting. The Lord Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is the accuracy.

### **CPR15.2 No requirement to sign minutes of previous meeting at an extraordinary meeting** *[This rule cannot be suspended]*

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **CPR15.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Lord Mayor put them.

## **CPR16 EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules (APR) in part 4 of this constitution or CPR 18 (disturbance by public).

## **CPR17 MEMBERS' CONDUCT**

### **CPR17.1 Standing to speak**

When a member of council speaks at the full Council they must stand (if able to do so) and address the meeting through the Lord Mayor unless the Lord Mayor permits the speaker to remain seated. If more than one councillor stands, the Lord Mayor will ask one to speak

and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

**CPR17.2**  
**Lord Mayor standing**

When the Lord Mayor stands (or otherwise indicates) during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

**CPR17.3**  
**Member not to be heard further**

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

**CPR17.4**  
**Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the Lord 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.

**CPR17.5**  
**General disturbance**

If there is a general disturbance making orderly business impossible, the Lord Mayor may adjourn the meeting for as long as they consider necessary.

**CPR18**  
**DISTURBANCE BY PUBLIC**

**CPR18.1**  
**Removal of member of the public**

If a member of the public interrupts proceedings, the Lord Mayor will warn the person concerned. If they continue to interrupt, the Lord Mayor will order their removal from the meeting room.

**CPR18.2**  
**Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Lord Mayor may call for that part to be cleared.

**CPR19**  
**SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**CPR19.1**  
**Suspension**



All of these Council Rules of Procedure (CPR) except CPR 14.4\* and 15.2\*\* may be suspended by motion on notice or without notice if at least 35 members are present. Suspension can only be for the duration of the meeting.

\* *CPR14.4 - Right to require an individual vote to be recorded*

\*\* *CPR15.2 - No requirement to sign minutes of previous meeting if extraordinary.*

## **CPR19.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure (CPR) will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the full Council.

## **PART 4.2 - ACCESS TO INFORMATION PROCEDURE RULES (APR)**

### **APR1 SCOPE**

Save as mentioned below, these rules apply to all meetings of the Council, area committees and meetings of any committee or sub committee appointed by the Council. The rules set out in this Section shall not apply to meetings of the Licensing Committee or sub-committees which shall be governed by Regulations made under Section 9 of the Licensing Act 2003 and any future rules determined by the Licensing Committee under that Section.

### **APR2 ADDITIONAL RIGHTS TO INFORMATION**

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

### **APR3 RIGHTS TO ATTEND MEETINGS**

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

### **APR4 NOTICES OF MEETING**

- (1) The proper officer will give at least five clear working days' notice of any meeting, with the exception of Full Council where the summons will be issued six clear working day in advance, by posting details of the meeting on the Council's website.

**Notice required - 5 clear working days  
Full Council – 6 clear working days**

- (2) Where it is necessary to hold a meeting in private and exclude the press and public in order to consider exempt or confidential information, notice of the intention to hold such a meeting will be published in the Forward Plan and the provisions of APR5 (access to agenda and reports before the meeting) will apply.

### **APR5 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING (see also APR 9)**

- (1) The proper officer will make copies of the agenda and reports open to the public available for inspection on the Council's website not less than five clear working days before the meeting. If an item is added to the agenda later, the revised agenda

(where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection at the time the item was added to the agenda.

- (2) A summons to attend Council meetings will be emailed to members at least 6 clear working days before the meeting.
- (3) In respect of a meeting of a Policy Committee, or a Sub-committee of a Policy Committee the proper officer will:
  - (i) At least 28 clear days before a private meeting (e.g. where one or more of the reports on the agenda includes “exempt information”) a notice of the intention to hold part or all of the meeting in private must be included in the Forward Plan published on the website by the Proper Officer and be available for inspection. The notice must state the intention that the meeting is to be held in private.
  - (ii) At least 5 clear days before a private meeting a further notice of the intention to hold part or all of the meeting in private must be included in the agenda published on the website by the Proper Officer and be available for inspection. The notice must:
    - (a) state the reasons for the meeting to be held in private;
    - (b) provide details of any representations received about why the meeting should be open to the public; and
    - (c) include a statement of the Council’s response to any such representations.
  - (iii) Where the date by which a private meeting must be held makes compliance with (i) and (ii) above impracticable, the meeting may only be held in private where agreement has been obtained by the relevant Director from the Chair and Vice-chair of the relevant policy committee, the Monitoring Officer and the Section 151 Officer that the meeting is urgent and cannot reasonably be deferred. As soon as reasonably practicable after such agreement has been obtained, a further notice must be published on the agenda on the website and be available for inspection, setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

## **APR6 SUPPLY OF COPIES**

The Council will supply copies of:

- (i) any agenda and reports which are open to public inspection;

- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

## **APR7**

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

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

- (i) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (ii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

**Time limit - 6 years**

## **APR8**

### **BACKGROUND PAPERS**

#### **APR8.1**

##### **List of background papers**

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in APR 10).

#### **APR8.2**

##### **Public inspection of background papers**

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

**Time limit - 4 years**

## **APR9**

### **SUMMARY OF THE RIGHTS OF THE PUBLIC**

A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept at and available to the public on the Council's website.

## **APR10**

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

#### **APR10.1**

##### **Confidential information – requirement to exclude public**

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

Confidential information means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.

#### **APR10.2**

##### **Exempt information – discretion to exclude public**

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is appropriate and lawful.

Exempt information is information falling within one of the categories set out in APR 10.3. However, information which would otherwise be exempt will not be exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 Town and Country Planning General Regulations 1992.

#### **APR10.3**

##### **Meaning of exempt information**

"Exempt information" means information for the time being defined in the Local Authorities (Access to Information) (Variation) Order 2006 which amends Part 1 Schedule 12A of the Local Government Act 1972. The categories of exempt information and relevant qualifications are:

	<b>Category</b>	<b>Qualifications</b>
1	Information relating to any individual.	
2	Information which is likely to reveal the identity of an individual.	

3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information falling within this paragraph is not exempt information by virtue of this paragraph 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 Act (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour matters relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	
5	Information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.	
6	Information which reveals that the authority proposes: (a) to give any enactment under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
8		Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
Information which falls within any of sections 1 to 7 above; and is not prevented from being exempt by virtue of the qualification in section 8 or the qualification to section 3 is		

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

## **APR11**

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

If the proper officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with APR 10 (exclusions of press and public to meetings), the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

## **APR12**

### **APPLICATION OF RULES TO POLICY COMMITTEES**

- (1) Rules APR 13 – 18 apply to meetings of Policy committees. If a Policy Committee meets to take a key decision then it must also comply with APR 1 – 11 unless APR 15 (general exception) or APR 16 (special urgency) apply. A key decision is as defined in Article 14.03 of this constitution.
- (2) If a Policy Committee meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with APR 1 – 11 unless APR 15 (general exception) or APR 16 (special urgency) apply. A key decision is as defined in Article 14.03 of this constitution.
- (3) This requirement does not include meetings, whose sole purpose is for officers to brief Councillors.

## **APR13**

### **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to APR5 (access to agendas and reports before a meeting) and APR15 (general exception) and APR16 (special urgency), a key decision may **not** be taken unless:

- (i) a notice (called here a forward plan) has been published in connection with the matter in question;
- (ii) at least 28 calendar days have elapsed since the publication of the forward plan; and
- (iii) where the decision is to be taken at a meeting of a Policy Committee, notice of the meeting has been given in accordance with APR 4 (notice of meetings).

## **APR14 THE FORWARD PLAN**

Forward plans will be prepared in respect of each of the Policy Committees and published by the Proper Officer on a monthly basis.

### **APR14.1 Contents of forward plan**

- (1) The forward plan will contain matters which the Proper Officer, in consultation with the Chair and Vice Chair of the relevant Policy Committee, has reason to believe will be subject of a key decision to be taken by a Policy Committee. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
  - (i) the matter in respect of which a decision is to be made;
  - (ii) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name and details of membership;
  - (iii) the date on which, or the period within which, the decision will be taken;
  - (iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
  - (v) the means by which any such consultation is proposed to be undertaken;
  - (vi) the steps any person might take who wishes to make representations to the decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
  - (vii) background papers relating to the subject matter of the report. The forward plan must be published at least twenty-eight days before the start of the period covered.

**Notice required - 28 days**

- (2) Exempt information need not be included in a forward plan and confidential information cannot be included.

## **APR15 GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to APR 16 (special urgency), the decision may still be taken if:



- (i) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (ii) the proper officer has given notice to the Leader of the Council in writing, of the matter to which the decision is to be made;
- (iii) the proper officer has made copies of that notice available to the public at the offices of the council; and
- (iv) at least five clear working days have elapsed since the proper officer complied with (i) and (ii).

**Notice required - 5 clear working days**

## **APR16 SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken APR 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains:

- (i) the agreement of the chair and vice-chair of the relevant Policy Committee and the Monitoring Officer and the Section 151 Officer that the taking of the decision cannot be reasonably deferred.

## **APR17 REPORTS TO FULL COUNCIL**

### **APR17.1 Quarterly reports on special urgency decisions**

The Proper Officer will submit quarterly reports to the Full Council on the Policy Committee decisions taken in the circumstances set out in APR16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **APR18.1 OFFICER DECISION NOTICES**

Officer decisions as identified in (i) and (ii) below, will be published as soon as reasonably practical and will be made available for inspection on the Council's website. The record will include a statement of the reasons for each decision and any alternative options considered;

- (i) All officer decisions involving a resource commitment of between £100k and £500k shall be taken in consultation with the Chair of the relevant Policy Committee.

The officer decision notice published by the Officer taking the decision shall also include reference to the name of the Chair of the relevant Policy Committee to signify their agreement with the decision made.

- (ii) Officer decisions that raise issues of public importance having regard to the general principles applying to the exercise of delegated powers set out in Part 3 of the constitution.

The Chair or a relevant Policy Committee reserves the right, in consultation with the Vice-chair of a relevant Policy Committee and the Monitoring Officer and Section 151 Officer to refer a matter that would otherwise be the subject of an officer decision to the next available meeting of the relevant Policy Committee for decision.

## **PART 4.3 - POLICY AND BUDGET FRAMEWORK PROCEDURE RULES (PBR)**

### **PBR1**

#### **The framework for Policy Committee decisions**

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

### **PBR2**

#### **Process for developing the framework**

The process by which the Policy and Budget framework shall be developed is:

- (a) By a date designated by the Strategy and Resources Committee, where a plan that forms part of the Policy and Budget Framework needs to be adopted, the Proper Officer will include in the forward plan for the Strategy and Resources Committee, a timetable for making proposals to the Council for the adoption of any strategy or plan that forms part of the framework. This will include its arrangements for consultation pre or post the publication of those proposals. This will be published at the council's main office and also available on the council's web page - [www.bristol.gov.uk](http://www.bristol.gov.uk).

The designated date referred to in paragraph (a) of these Rules shall be three (3) months unless the Strategy and Resources Committee, in consultation with the Monitoring Officer and the Section 151 Officer, considers that there are special factors that make this timescale inappropriate. If it does, the reason shall be stated in publicising the Forward Plan in accordance with paragraph (a) of these Rules.

#### **Notice required - 3 months**

The Strategy and Resources Committee will draw up proposals having regard to representations made and these representations shall be reflected in any report dealing with them. If the matter is referred to the Finance Sub-committee to carry out a review or look at particular issues and bring forward recommendations for consideration to help the development of a strategy or plan that forms part of the Policy and Budget framework; then the outcome of that review will be reported to the Strategy and Resources Committee and considered in firming up the proposals for submission to the Council.

- (b) The Strategy and Resources Committee may canvass the views of local stakeholders if it considers it appropriate and undertake formal consultation in accordance with the matter under consideration.
- (c) Having considered the report of the Finance Sub Committee, outcome of the local stakeholder engagement or consultation report, the Strategy and Resources Committee if it considers it appropriate, may amend its proposals before submitting them to the Full Council meeting for decision. In that report the Strategy and Resources Committee should reflect how it has taken into account the deliberations of the Finance Sub-committee and responses to the stakeholder engagement and or consultation.

- (d) In reaching a decision on the Strategy and Resources Committee strategy or plan, the Council may:
- (1) adopt or approve the strategy or plan;
  - (2) ask the Strategy and Resources Committee to reconsider and amend the strategy or plan; or
  - (3) accept the alternative recommendations agreed 'in principle' by the Council.

Pursuant to (i) this will include the submission (where required) to the Secretary of State or any Minister of the Crown for approval.

- (e) If the Council approves the Strategy and Resources Committee recommendation or accepts the alternative recommendations agreed 'in principle' the Council may make a decision which has immediate effect. The decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) If the Council rejects the Strategy and Resources Committee recommendations and 'in principle' alternative recommendations, the Strategy and Resources Committee will be given instructions requiring it to reconsider, in light of the objections to the strategy or plan.
- (g) Where the Council has given instructions in accordance with (f) above, the Strategy and Resources Committee will have 5 working days beginning on the day after the date of the Council decision, within which the Strategy and Resources Committee may:
- (1) submit alternative proposals to the Council; or
  - (2) resubmit its proposals and provide written reasons why. The Strategy and Resources Committee may exercise this right by writing to the Monitoring Officer within the 5 working days permitted or it may waive this right by also writing to the Monitoring Officer.
- (h) If the Strategy and Resources Committee submits or resubmits proposals under rule (g) the Monitoring Officer will call a Council meeting within a further 10 working days and the Council shall consider these proposals.
- (i) The Council may approve the proposals of the Strategy and Resources Committee or any alternative proposal by a simple majority of votes cast at the meeting.
- (j) Once proposals are approved, the decision shall be made public in accordance with Article 4 and shall be implemented immediately.

### **PBR3**

#### **Process for developing the budget**

- (a) For the purposes of the Constitution, the Budget shall be defined as meaning the process whereby in any financial year, the Strategy and Resources Committee submits to the Full Council for its consideration for the following financial year:
- (i) calculations in accordance with the following areas of the Local Government Finance Act 1992;

- (1) estimates of the amounts to be aggregated in the calculation of the budget requirement (sections 31A, 31B, 34 to 36A)
  - (2) calculations for determining the council tax requirement for the year and taxation levels for different valuation bands (sections 42A, 42B, 45 to 49, 52ZF, 52ZJ)
  - (ii) estimates of other amounts to be used for the purposes of such a calculation;
  - (iii) estimates of such a calculation; or amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992; and a
  - (iv) report in accordance with Section 25 of the Local Government Act 2003; or report on robustness of estimates and adequacy of the financial reserves.
- (b) The Strategy and Resources Committee will publish in advance a timetable for the Budget. The timetable will be subject to variation dependent upon the timing of the Local Government Finance Settlement and the information available. This will be advised upon by the s151 Officer.
  - (c) The Strategy and Resources Committee (or delegated subgroup) will receive regular updates on financial matters and performance and may conduct such research that they wish to enable them to develop opinions and form comments for the relevant parts of the Budget for the forthcoming year.
  - (d) The Strategy and Resources Committee shall publish its major budgetary proposals and / or Council Tax options in accordance with the timetable referred to in paragraph (2) above. The Major proposals (where necessary) and Council Tax options shall form the basis of any consultation process or exercise either individually or as a collective and will also be disseminated to the Political group leaders. The proposals may be updated from time to time by the Strategy and Resources Committee as further information becomes available.
  - (e) The initial proposals shall be referred, in accordance with the timetable above, to Finance Sub-committee for consideration and comment. The Sub-committee shall have such time as the timescale provided for by the Strategy and Resources Committee to respond to the initial proposals. Having regard to representations made and comments received from Finance Sub-committee on the initial proposals, the Strategy and Resources Committee will finalise its proposals before submitting them to the Council for consideration and will include within its report to Council how it has taken into account any comments.
  - (f) The Chairs of Policy Committees, Board Members and Senior Officers of the Council and its subsidiaries will, during the course of any meetings requested by the Strategy and Resources Committee update on the progress and the possible changes and pressures within their areas of responsibility.

### **Political Process**

- (g) Once the Strategy and Resources Committee's proposals have been approved for onward recommendation to Full Council, the political groups, can chose to prepare a budget amendment(s). The Finance function will specifically assign a senior finance officer to each political group to support this exercise.
- (h) Consistent information will be made available to all groups but discussions and

requests for supplementary information within the groups are confidential to that group. If similar requests are made by more than one group, officers will take steps to ensure there is no duplication of effort, whilst maintaining group confidentiality.

- (i) The budgets amendment(s) produced must have the effect of providing the Council with a “balanced budget” as determined by the s151 Officer. Following which a budget motion can be submitted for presentation to Full Council
- (j) The process outlined above reflects historic practice; however failure to comply with the process outlined in paragraphs (g)-(i) will not in any way invalidate the budgetary process and this convention is not enforceable by the Council or any Political party in any manner.

#### **PBR4**

#### **Procedure for the budget approval meeting**

- (a) A meeting of the Full Council will be held in February or March in each year:
  - (i) to approve the civic budget;
  - (ii) to pass the statutory resolutions in respect of the council tax including provision for collection of precepts, charges and other items included in the council tax or local taxation for the following financial year (i.e. the year commencing on 1 April after the budget meeting).

#### **Publication of the civic budget:**

- (b) The civic budget prepared by the Strategy and Resources Committee will be published not less than **fifteen** clear working days before the date of the budget approval meeting.

**Notice Required - 15 clear working days**

- (c) At least **five** working days prior to the first council meeting any political group shall advise the Monitoring Officer of any amendments to the Strategy and Resources Committee’s proposals which are to be included in the agenda and presented at the first council meeting. Such requests shall detail the alternative/referral and must have the effect of providing the Council with a “balanced budget” as determined by the s151 Officer. Any alternative proposals submitted will be circulated to all Councillors **four** working days before the first council meeting.

**Notice Required - 5 clear working days**

#### **Procedure at the budget approval meeting:**

- (d) The Chair of the Strategy and Resources Committee will open the budget speech by moving: “That the proposed civic budget be approved”. Once the motion has been seconded each party group will be given the opportunity to respond to the budget proposals in order of size of group and the Chair of the Finance Sub-committee will then be given an opportunity to present comments on behalf of the Sub-committee. The Council may:-

- (a) Adopt the Strategy and Resources Committee's proposals as presented
- (b) Consider the previously advised alternative proposals (referred to in c above) as a request for an amendment to the proposals of the Strategy and Resources Committee for consideration.

**Amendments to the proposed civic budget:**

- (e) Once the motion has been seconded, any political group / member of council may move an amendment to the motion that the proposed civic budget be approved provided that the budget amendment to be proposed is in accordance with paragraph (c) above.
- (f) When considering the budget amendments referred to in (c) the Council shall consider the amendments presented by the political group in order by which they were submitted. Each amendment shall be moved and if seconded shall be debated.
- (g) There will be a time limit on the length of speeches and at the conclusion of the debate on that individual motion the budget amendment is voted on.
- (h) This process shall apply to each group amendment in turn. No amendments to the alternative budget amendments shall be allowed. and the vote on group amendment is carried on a simple majority of those voting.
- (i) As the amendments are voted on, the Lord Mayor will be advised as necessary if certain amendments effectively "fall by default" due to an earlier amendment(s) being carried. Once all amendments have been voted on, after consultation with the S151 Officer, the Lord Mayor will confirm the position as necessary in terms of which budget amendments were carried.
- (j) A vote shall be taken as to whether the Council wishes to:
  - (i) approve the budget as proposed;
  - (ii) accept the budget as now amended by the Council; or
  - (iii) ask the Strategy and Resources Committee to reconsider its proposals and resubmit with modification or clear written reason why not
- (k) In the event that no budget amendments were carried or following acceptance of the budget amendments by Council, the budget recommendations (including amendments carried) can be put to the Council for a decision. The Lord Mayor (seconded by Deputy Lord Mayor) will then move that Full Council note the s151 Officer's statement as required under the Local Government Act 2003 and will put the question on the motion that the civic budget (amended or not)) be approved on a simple majority of votes cast at the meeting and the Council's decision will be publicised in accordance with Article 4.
- (l) Where the Council resolves to refer proposals back to the Strategy and Resources Committee for re- consideration or the Strategy and Resources Committee in accordance with (k) above proposes to submit or resubmit proposals, the Monitoring Officer shall as soon as practicably possible summons a Second Council meeting to consider:-

- (i) the Strategy and Resources Committee's proposals following the referral back from the First Council meeting;
  - (ii) adopting (with or without modification) the proposal;
  - (iii) such decisions required to comply with statutory requirements and/or Ministerial/ Governmental guidance/requirement as advised by the s151 Officer.
- (m) At the Second Council meeting, the Council must take into account the reasoning put forward by the Strategy and Resources Committee in considering its re-submitted budget and consider whether it wishes to approve an alternative budget to that now proposed.
- (n) At the Second Council meeting, the s151 Officer will advise the Council of the minimum decisions and resolutions the Council must make at that meeting as required to comply with statutory requirements.
- (o) There will be no time limit on the length of this second meeting and the Council shall continue to meet until such matters as the S151 Officer advises that the Council is required to make decisions in accordance with (l)(iii) above are determined. (Note: An example of a requirement to pass a resolution in law may include the setting of a lawful budget by a certain date, or the determination of the Council Tax). The Council shall at that meeting make its final decision on the matter on the basis of a simple majority and will continue until it is. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
- (p) On the approval of the civic budget, the Chair of the Strategy and Resources Committee will move the adoption of the statutory resolutions in respect of the levying of council tax or other local taxation for the ensuing year including the provision for the collection of precepts, charges and other items included in the council tax or other local taxation.
- (q) In approving the civic budget, the Council will also specify the degree of any in- year changes to the Budget which may be undertaken by the Strategy and Resources Committee, over and above the rules in paragraphs associated to PBR 7 and 8 of these Rules (virement, supplementary estimates and in-year adjustments). Any other changes to the Budget are reserved to the Council.

## **PBR5**

### **Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph PBR 7 (virement and supplementary estimates) the Policy Committees and any officers, area committees or joint arrangements may only take decisions which are in line with the Policy and Budget Framework. If any of these bodies or persons wishes to make a decision which is contrary to the framework, or contrary to or not wholly in accordance with the budget approved by the Full Council, then that decision may only be taken by the Full Council, subject to PBR 7 (urgent decisions) below.
- (b) If the Policy Committees and any officers, area committees or joint arrangements want to make such a decision, they shall take advice from the Monitoring Officer and



s151 Officer as to whether the decision they want to make would be contrary to the Policy and Budget Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and / or Policy and Budget Framework, then the decision must be referred by that body or person to the Full Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph PBR 7 (urgent decisions outside the Policy and Budget framework) shall apply.

## **PBR6**

### **Urgent decisions outside the budget or policy framework**

This procedure covers decisions contrary to the Policy and Budget Framework and contrary to or not wholly in accordance with the budget.

- (a) The Policy Committees or officers, area committees or joint arrangements may take a decision which is contrary to the Full Council's Policy and Budget Framework or contrary to or not wholly in accordance with the financial budget approved by the Full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (i) if it is not practical to convene a quorate meeting of the Full Council; and
  - (ii) with the agreement of the chair and vice-chair of the relevant Policy Committee and the Monitoring Officer and the Section 151 Officer that the taking of the decision cannot be reasonably deferred on the basis that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council must be noted on the record of the decision and the agreement of the chair and vice-chair of the relevant Policy Committee and the Monitoring Officer and the Section 151 Officer to the decision being taken as a matter of urgency must be noted on the record of the decision.

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

## **PBR7**

### **Virement and Supplementary Estimates**

- (a) Steps taken by the Policy Committees or officers, area committees or joint arrangements to implement council policy shall not exceed those financial budgets allocated to each budget head. However, such bodies or individuals shall be entitled to transfer a budget allocated to a budget head for a particular purpose to be transferred across budget heads and used for another purpose (**virement**) across budget heads in accordance with the requirements set out in the council's **financial regulations**. Beyond the limits set out in Financial Regulations, approval to any virement across budget heads shall require the approval of the Full Council.
- (b) Where services wish to undertake an activity not originally identified in the approved budget, or there is an overall increase in the cash expenditure of the Council, approval must be sought for a **supplementary revenue estimate** in line with the limits set out in the Financial Regulations. Supplementary revenue estimates which are to be

funded wholly or in part from the approved policy level of general reserves, regardless of value, must be approved by Council.

- (c) Where services wish to increase the level of capital expenditure on an existing or new allocation and new external funding is not available or the funding is not going to be vired from another existing allocation, approval must be sought for a **supplementary capital estimate** in line with the limits set out in the Financial Regulations. Where the funding includes prudential borrowing in excess of the borrowing level agreed in the budget or, are to be funded wholly or in part from the approved policy level of general reserves, regardless of value, must be approved by Council.
- (d) Council approval is also required where there are significant implications (as determined by the s151 Officer) for future years' budgets arising from the supplementary estimates.

## **PBR8**

### **In-year changes to policy framework**

The responsibility for agreeing the Policy Framework lies with the Full Council, and decisions by the Policy Committees or officers, area committees or joint arrangements must be in line with it. No changes to any policy and strategy which make up the framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a financial budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Full Council following consultation, but where the existing policy document is silent on the matter under consideration;
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; and
- (e) which the Monitoring Officer and/or s151 Officer agree is contrary to or not wholly in accordance with the Council's Budget.

## **PART 4.4 - OFFICER EMPLOYMENT PROCEDURE RULES**

### **OER1**

#### **Recruitment and appointment**

##### **(a) Declarations**

- (i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing member of council or officer of the council; or of the partner of such persons.
- (ii) No candidate so related to a member of council or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by them.

##### **(b) Seeking support for appointment**

- (i) The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- (ii) No member of council will seek support for any person for any appointment with the council.

##### **(c) Equalities and employment legislation**

- (i) All appointments to the Council will be made in accordance with all relevant equalities and employment legislation.

### **OER2**

#### **Recruitment of chief officers and deputy chief officers**

Where the council proposes to appoint a chief officer or deputy chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:

- (a) Draw up a statement specifying:
  - (i) the duties of the officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

### **OER3**

#### **Appointment of head of paid service**

*This process is subject to Part II of the Local Authorities (Standing Orders) (England) Regulations 2001.*

Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.

### **OER4**

#### **Appointment of chief officers and deputy chief officers**

*This process is subject to Part II of the Local Authorities (Standing Orders) (England) Regulations 2001.*

- (a) A committee or sub-committee of the council will interview for the posts of chief officers and deputy chief officers. All members of the committee or sub-committee must have received recruitment and selection training. The Chair, or in their absence, the Vice-chair, of the relevant policy committee will sit on a Selection Committee.
- (b) An offer of employment as a chief officer or deputy chief officer shall only be made where the procedure set out in Annex 1 to these rules has been completed.
- (c) The committee will be responsible for the appointment of chief officers and deputy chief officers, except those officers designated as follows:
  - (i) Head of Paid Service
  - (ii) Monitoring Officer
  - (iii) Chief Finance Officer
  - (iv) Returning Officer for local elections
  - (v) Electoral Registration Officer
- (d) In the case of those appointments designated in (c) above the committee will recommend to full council accordingly.

## **OER5**

### **Other appointments**

#### **(a) Officers below deputy chief officer**

Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of the paid service or their nominee, and may not be made by members of council.

#### **(b) Assistants to political groups**

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **OER6**

### **Disciplinary action**

Members of council will not be involved in disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

## **OER7**

### **Dismissal**

- (a) Members of council will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.
- (b) Notice of dismissal of a chief officer or a deputy chief officer must not be given until the procedure set out in Annex 2 to these rules has been completed.
- (c) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice of dismissal is given to that person.
- (d) The chief finance officer, head of the authority's paid service or monitoring officer may not be dismissed by the authority unless the procedure set out in Annex 3 to these rules has been followed.

## **Annex 1**

### **Appointment of chief officers and deputy chief officers**

1. This procedure applies to the appointment of chief officers and deputy chief officers ("relevant officers").

2. In this procedure, “appointor” means, in relation to the appointment of a relevant officer, full Council, the committee, sub-committee or officer discharging the function of appointment.
3. An offer of an appointment as a relevant officer must not be made until:
  - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
  - (b) the proper officer has notified the Leader of the Council and the Chairs of the Policy Committees of:
    - (i) the name of the person to whom the appointor wishes to make the offer;
    - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
    - (iii) the period within which any objection to the making of the offer is to be made by the Leader of the Council and the Chairs of the Policy Committees to the proper officer; and
  - (c) either:
    - (i) the proper officer has notified the appointor that no objection was received by him/her within that period from the Leader of the Council or the Chairs of the Policy Committees; or
    - (ii) the appointor is satisfied that any objection received from the Leader of the Council or the Chairs of the Policy Committees within that period is not material or is not well-founded.

## Annex 2

### Dismissal of chief officers and deputy chief officers

1. This procedure applies to the dismissal of chief officers and deputy chief officers (“relevant officers”).
2. In this procedure, “dismissor” means, in relation to the dismissal of a relevant officer, full Council, the committee, sub-committee or officer discharging the function of dismissal.
3. Notice of the dismissal of a relevant officer must not be given by the dismissor until:
  - (a) The dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
  - (b) The proper officer has notified the Leader of the Council and the Chairs of the Policy Committees of:
    - (i) the name of the person who the dismissor wishes to dismiss;
    - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
    - (iii) the period within which any objection to the dismissal is to be made by the the Leader of the Council and the Chairs of the Policy Committees to the proper officer; and
  - (c) Either:
    - (i) the proper officer has notified the dismissor that no objection was received by him/her within that period from the the Leader of the Council or the Chairs of the Policy Committees; or
    - (ii) the dismissor is satisfied that any objection received from the the Leader of the Council or the Chairs of the Policy Committees within that period is not material or is not well-founded.

## Annex 3

### Dismissal of the head of paid service, chief finance officer or monitoring officer

1. This procedure applies to the dismissal of the head of paid service, chief finance officer or monitoring officer and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
2. In the following paragraphs:
  - (a) “the 2011 Act” means the Localism Act 2011;
  - (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
  - (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
  - (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
  - (f) “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
  - (g) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
  - (h) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.
3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. The authority must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order:
  - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the



authority;

- (c) a relevant independent person who has been appointed by another authority or authorities.
5. The authority is not required to appoint more than two relevant independent persons but may do so.
  6. The authority must appoint any Panel at least 20 working days before the relevant meeting.
  7. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:
    - (a) any advice, views or recommendations of the Panel;
    - (b) the conclusions of any investigation into the proposed dismissal; and
    - (c) any representations from the relevant officer.
  8. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

## **PART 4.5 - COMMITTEE PROCEDURE RULES (CMR)**

### **CMR1 ANNUAL MEETING OF COMMITTEES**

#### **CMR1.1 Timing and business**

The annual meeting will:

- (i) note the election by Full Council of a person to chair the committee for the ensuing municipal year;
- (ii) note the election by Full Council a person to be vice-chair of the committee for the ensuing municipal year (if appropriate);
- (iii) establish any sub-committees considered necessary including:
  - (a) determining the membership of the sub-committee; and
  - (b) agreeing the terms of reference of the sub-committees;
- (v) approve the minutes of the last meeting;
- (vi) receive any declarations of interest from councillors;
- (vii) receive any announcements from the chair; and
- (viii) consider any business set out in the notice convening the meeting.

### **CMR2 ORDINARY MEETINGS**

#### **CMR2.1 Ordinary meetings**

Ordinary meetings will:

- (i) elect a person to preside if the chair (and vice chair, if appointed) are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chair;

- (v) receive petitions, questions and statements from members of the public and to provide answers in respect of questions;
- (vi) receive petitions, questions and statements from members of council and to provide answers in respect of questions;
- (vii) receive reports on any matter which is within the committee's general remit; and
- (viii) consider any other business which the chair has agreed is urgent.

## **CMR2.2**

### **Meetings of the Policy Committees**

Annex 1 to these rules sets out specific rules that relate to meetings of the Policy Committees.

## **CMR2.3**

### **Meetings of the Escalation Panel**

Annex 2 to these rules sets out specific rules that relate to meetings of the Escalation Panel.

## **CMR3**

### **EXTRAORDINARY MEETINGS**

#### **CMR3.1**

##### **Calling extraordinary meetings**

Those listed below may request the proper officer to call committee meetings in addition to ordinary meetings:

- (i) the committee by resolution;
- (ii) the chair;
- (iii) the proper officer; and
- (iv) any two members of the relevant committee, if they have signed a requisition presented to the chair and the chair has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **CMR3.2**

##### **Business**

The agenda for an extraordinary meeting will specify the matters that the meeting will deal with which shall be limited to the matters set out in the requisition to call the meeting. Petitions, questions and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

## **CMR4 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES**

### **CMR4.1 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

### **CMR4.2 Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary councillor for whom they are the designated substitute;
- (ii) where the ordinary councillor will be absent for the whole of the meeting;

## **CMR5 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer notified in the summons. The place and time of meetings can be varied by the proper officer in consultation with the Chair of the Committee.

## **CMR6 NOTICE OF AND SUMMONS TO MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the **Access to Information Rules** (APR). At least five clear working days before a meeting, the proper officer will publish on the Council's website a summons which will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by all reports to be considered at the meeting.

**Notice required - 5 clear working days**

## **CMR7 CHAIR OF MEETING**

The person presiding at the meeting (where this is not the person appointed at the annual meeting as chair) may exercise any power or duty of the chair.

## **CMR8 QUORUM**

The quorum for meetings will be as indicated on the table below. During any meeting if the chair counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If a date is not fixed, the remaining

business will be considered at the next ordinary meeting.

<b>Committee Size</b>	<b>Quorum</b>
25 - 30	8
21 - 24	7
16 - 20	6
13 - 15	5
10 - 12	4
7 - 9	3
3 - 6	2

## **CMR9 PETITIONS, QUESTIONS AND STATEMENTS**

### **CMR9.1 General**

#### **Petitions and statements**

**Further details of the Council's petition scheme is set out in part 4.10 of the Constitution.**

- (i) Save for the exceptions in CMR9.9, members of the public and members of council, provided they give notice in writing or by electronic mail to the proper officer (and include their name and address and details of the wording of the petition and the number of signatories to the petition, and in the case of a statement, a copy of the submission), by no later than 12 noon 2 working days before the meeting, may present a petition or submit a statement at ordinary meetings of the committee. The petition or statement must relate to the terms of reference and role and responsibility of the committee in question.

**Notice required - 12 noon 2 working days before the meeting**

- (ii) Save for committees established to determine planning applications, the total time allowed for dealing with petitions, statements (including questions under CMR 9.2 below) is thirty minutes.

**Time limit - 30 minutes**

- (iii) Persons presenting petitions may be required to read out the objectives of the petition.

- (iv) Statements, provided they are no more than 1,000 words in length, will be circulated to all members and will be published on the Council's website no later than one hour before the meeting.

**Time limit no later than 1 hour before the meeting**

- (v) Save for committees established to determine planning applications, there will be no debate but after receiving the petition / statement the committee will resolve;

- (a) *"that the petition / statement be noted"*; or

if the content relates to a matter on the agenda for the meeting:

- (b) *“that the contents of the petition / statement be considered when the item is debated”*; or
- (c) *“that the petition/statement be referred to the relevant department within the Council for a response”*.

### **Variations - committees established to determine planning applications (development control committees):**

- (vi) Petitions / statements relating to planning applications to be determined at the meeting will be received at the time the item is determined. There will be no discussion on the submissions, but the committee will consider the issues as the item is debated.

### **Questions**

- (vii) Questions by members of the public or members of council may be asked of the chair of the committee.

### **CMR9.2 Order of questions**

Questions will be asked in the order that they were received, except that the chair may group together similar questions.

### **CMR9.3 Notice of questions**

- (i) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than 5pm, three clear working days before the day of the meeting.

**Notice required – no later than 5pm, 3 clear working days before the meeting**

- (ii) Late urgent questions **may** be asked of the chair of the committee provided:
  - (a) the question relates to urgent matters; and
  - (b) the consent of the chair has been obtained; and
  - (c) the content of the question has been given to the proper officer by no later than **two hours** before the meeting on the day of the meeting.

**Notice required - 2 hours before the meeting**

### **CMR9.4 Number of questions**

There will be a limit of three questions and two supplementary questions in total for each questioner.

## **CMR9.5**

### **Scope of questions, statements and petitions**

The chair in consultation with the proper officer may reject a question, statement or petition if it:

- (i) is not about a matter for which the committee has a responsibility;
- (ii) is defamatory, frivolous or offensive, or
- (iii) requires the disclosure of confidential or exempt information

Rejected questions will be resent to the questioner and include reasons for rejection.

## **CMR9.6**

### **Record of questions**

Copies of all questions will be circulated to all members of the relevant committee and will be published on the Council's website no later than one hour before the meeting.

**Time limit – no later than 1 hour before the meeting**

## **CMR9.7**

### **Supplementary questions**

There will be a limit of two supplementary questions in total for each questioner. A questioner who has put a question in person may also put without notice, two supplementary questions to the chair. A supplementary question must arise directly out of the original question or the reply. The chair may reject a supplementary question on any of the grounds in CMR9.5 (scope of questions) above.

## **CMR9.8**

### **Response**

- (i) Replies to questions (*for which three clear working days' notice has been given*) will be available on the Council's website at least **one hour** before the meeting  
**Time limit – at least 1 hour before the meeting**
- (ii) Oral answers will be given to urgent questions asked under CMR9.3 (b) (notice of questions).

## **CMR9.9**

### **Exceptions**

CMR9.1 - CMR9.8, will **not** apply to committees established to deal with:

- (i) the appointment or dismissal of first and second tier officers;
- (ii) appeals.

## **CMR10**

### **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

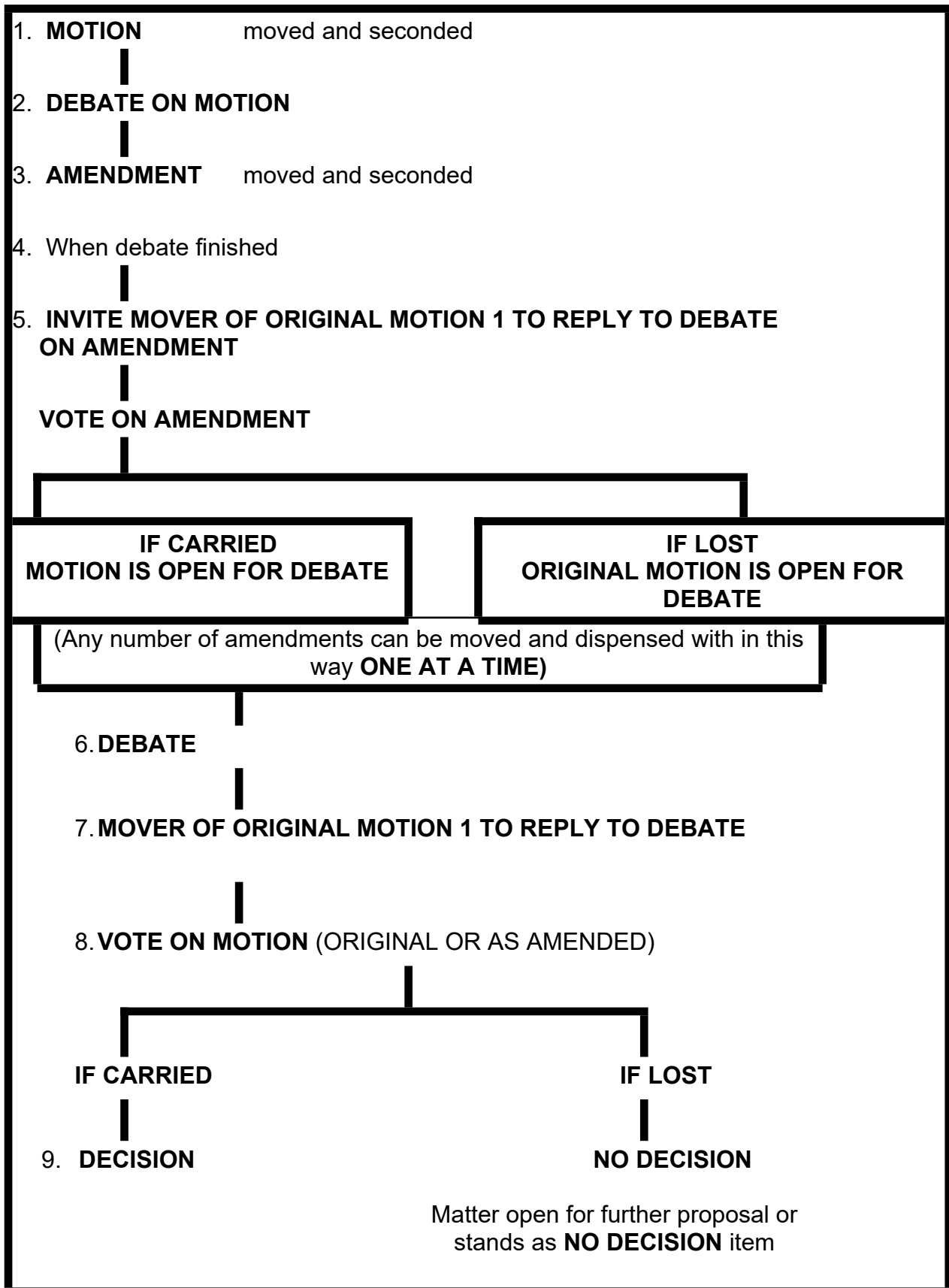
- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;

- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a sub-committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular **Committee Procedure Rule** (CMR);
- (n) to exclude the public and press in accordance with the **Access to Information Rules** (APR);
- (o) to not hear further a member or co-optee named under CMR 16.3 or to exclude them from the meeting under CMR 16.4; and
- (p) to give the consent of the council where its consent is required by this constitution.



**CMR11  
RULES OF DEBATE**

Simplified diagram showing how decisions might be reached



### **CMR11.1**

#### **No debate until motion or amendment is seconded**

A motion or an amendment may be debated only after it has been seconded by another Councillor.

### **CMR11.2**

#### **Right to require motion or amendment in writing**

Unless notice of the motion or amendment has already been given, a copy of the motion must be put in writing and sent electronically to the proper officer either before it is moved or immediately after it is moved. (See also CMR11.6 (f) re. amendments).

### **CMR11.3**

#### **Secunder's speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

### **CMR11.4**

#### **Content of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

### **CMR11.5**

#### **When a Councillor may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### **CMR11.6**

#### **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;

- (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
  - (c) If an amendment is not carried, other amendments to the original motion may be moved.
  - (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
  - (e) After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
  - (f) A copy of the amendment must be put in writing and sent electronically to the proper officer either before it is moved or immediately after it has been moved.

#### **CMR11.7**

##### **Alteration of a motion**

- (a) A member may alter a motion (of which they have given notice) with the consent of the meeting. The consent of the meeting will be signified without discussion.
- (b) A member may alter a motion (which they have moved) without notice with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **CMR11.8**

##### **Withdrawal of motion**

A member may withdraw a motion (they have moved) with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **CMR11.9**

##### **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

## **CMR11.10**

### **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to amend a motion;
- (b) that the question be now put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting;
- (e) to exclude the public and press in accordance with the **Access to Information Rules**; and
- (f) to not hear further a member or co-optee named under CMR 16.3 or to exclude them from the meeting under CMR 16.4.

## **CMR11.11**

### **Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) that the question be now put;
  - (ii) to adjourn a debate; or
  - (iii) to adjourn a meeting;
- (b) if a motion *“that the question be now put”* is seconded and the chair considers the item has been sufficiently discussed, the procedural motion will be put to the vote. If it is passed the chair will give the mover of the original motion a right of reply before putting their motion to the vote; or
- (c) If a motion *“to adjourn the debate”* or *“to adjourn the meeting”* is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the procedural motion will be put to the vote without giving the mover of the original motion the right of reply.

## **CMR11.12**

### **Point of order**

A member may raise a point of order at any time. The chair will hear them immediately. A point of order may only relate to an alleged breach of these **Committee Procedure Rules** (CMR) or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the chair on the matter will be final.

## **CMR11.13**

### **Personal explanation**

A member may make a personal explanation at any time. A personal explanation should relate to an action or statement of the Councillor which may appear to have been misunderstood. The ruling of the chair on the admissibility of a personal explanation will be final.

## **CMR12 PREVIOUS DECISIONS AND MOTIONS**

### **CMR12.1 Motion to rescind a previous decision**

A motion to rescind a decision, made at a meeting of a committee within the past six months, cannot be moved unless:

- (a) written notice of the motion has been supplied to the proper officer before the rising of the meeting of the committee at which the original motion has been passed; and
- (b) oral notice has been given to the chair during the meeting of the committee at which the original motion was passed, and then placed in writing to the proper officer within fifteen minutes of the end of that committee meeting.

**Notice required – within 15 minutes following the meeting**

### **CMR12.2 Motion similar to one previously rejected**

A motion in similar terms to one that has been rejected at a meeting of the committee in the past six months cannot be moved unless the notice of motion is given in accordance with CMR 12.1 (motion to rescind a previous decision) above. Once the motion is dealt with, no one can propose a similar motion for six months.

## **CMR13 VOTING**

### **CMR13.1 Majority**

Any matter will be decided by a simple majority of those members voting and present at the time the question was put.

### **CMR13.2 Chair's casting vote**

If there are equal numbers of votes for and against, the chair will have a second or casting vote.

### **CMR13.3 Recorded vote**

If two or more members present at the meeting immediately demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

#### **CMR13.4**

##### **Right to require individual vote to be recorded**

*[This rule cannot be suspended]*

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

#### **CMR13.5**

##### **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

If there are two people nominated then there will be a vote and the person with the majority of votes will be elected.

#### **CMR14**

##### **MINUTES**

#### **CMR14.1**

##### **Signing of the minutes**

The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is the accuracy.

#### **CMR14.2**

##### **No requirement to sign minutes of previous meeting at extraordinary meeting**

*[This rule cannot be suspended]*

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

#### **CMR14.3**

##### **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the chair put them.

#### **CMR15**

##### **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the **Access to Information Rules** (APR) in part 4 of this constitution or CMR 17 (disturbance by public).

## **CMR16 MEMBERS' AND CO-OPTees' CONDUCT**

### **CMR16.1 Speaking at committees**

When a member or a co-optee speaks at the committee they must address the meeting through the chair. If more than one Councillor or a co-optee seeks to speak, the chair will ask one to speak. Other members and co-optees must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **CMR16.2 Chair's Ruling**

When the chair so requires during a debate, any member or cooptee speaking at the time must stop. The meeting must be silent.

### **CMR16.3 Member or Co-optee not to be heard further**

If a member or co-optee persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **CMR16.4 Member or Co-optee to leave the meeting**

If the member or co-optee continues to behave improperly after such a motion is carried, the chair 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.

### **CMR16.5 General disturbance**

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as they consider necessary.

## **CMR 17 DISTURBANCE BY PUBLIC**

### **CMR17.1 Removal of member of the public**

If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

### **CMR17.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

**CMR18  
SUSPENSION AND AMENDMENT  
OF COMMITTEE PROCEDURES RULES**

**CMR18.1  
Suspension**

All of these **Committee Procedure Rules** (CMR) except CMR 13.4\* and 14.2\* may be suspended by motion on notice or without notice if at least one half of the whole number of members are present. Suspension can only be for the duration of the meeting.

- \* *CMR 13.4 - Right to require and individual vote to be recorded*
- \* *CMR 14.2 - No requirement to sign minutes of previous meeting if extraordinary.*

**CMR18.2  
Amendment**

Any motion to add to, vary or revoke these **Committee Procedure Rules** (CMR) will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the committee.



## **Annex 1**

This Annex contains specific rules of procedure that relate to meetings of the Policy Committees and their sub-committee. In the event of a conflict between the rules in this Annex and the Committee Procedure Rules, the rules in this Annex shall apply.

The Policy Committees and their sub-committees shall have the following rules and procedures:

### **1. Frequency of meetings of Policy Committees**

Each Policy Committee will meet approximately 6-8 times per annum, with the exception of the Strategy and Resources Committee which will meet on a monthly basis.

### **2. Work Programme**

Each Policy Committee will set a Work Programme twice a year which sets out the matters that are likely to be considered by the committee in the next six months.

When drawing up its work programme, a Policy Committee will take into account the wishes of all members on that committee.

In setting its work programme, a Policy Committee will have regard to the Council's strategic priorities and policies, including the policy framework and budget and spending plans and their impact on service delivery and outcomes for the people of Bristol.

### **3. Forward Plans**

Each Policy Committee will publish a Forward Plan in accordance with the rules set out in the Access to Information Procedure Rules.

### **4. Sub-committees**

Each Policy Committee can establish sub-committees to discharge any of the functions of the committee.

The Chair of a sub-committee shall be a member of the Policy Committee that established the sub-committee.

Membership of any sub-committee established by a Policy Committee may include any member of the Council.

The membership of any sub-committee shall be determined by the Party Group Whips and shall be based on the political proportionality of the Council.

### **5. Task and Finish Groups**

Each Policy Committee can establish up to two Task and Finish Groups (e.g. Working Groups, Inquiry Days) in each municipal year.

The terms of reference and working arrangements for a Task and Finish Group shall be determined by the Policy Committee, taking into consideration the overall resources

available to the Council following advice from officers.

When a Task and Finish Group has prepared its final report, it will submit its report and recommendations to the Policy Committee for consideration.

Where the report of the Task and Finish Group relates to a service which is provided directly by or is supported by the council, the appropriate senior officer(s) will then be invited to comment on the recommendations prior to the submission of the report to the Policy Committee.

Where the report of the Task and Finish Group relates to a service which is supplied by an external agency, then that agency will be invited to comment on the recommendations prior to the submission of the report to the Policy Committee.

## **6. Policy Development**

Each Policy Committee can undertake policy development work in respect of any matter within its terms of reference.

In carrying out policy development work, a Policy Committee shall take into consideration matters which are on its Work Programme or the Forward Plan for the Policy Committee.

Taking into consideration the overall resources available to the Council following advice from officers, a Policy Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They 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.

## **7. Statutory scrutiny functions**

The following rules apply to the discharge of statutory scrutiny functions by the relevant Policy Committee or sub-committee.

### **7.1 Health scrutiny**

Where a Policy Committee is exercising its functions in relation to the planning, provision or operation of local health services and it makes a report relating to the planning, provision and operation of health services in its area, it may make a report and recommendations to a local NHS body, that body must respond in writing within 28 days of the request (or if this is not possible, as soon as reasonably practicable thereafter to a timescale agreed with the proper officer).

Where a Policy Committee is exercising its functions in relation to the planning, provision or operation of local health services, a local NHS body must provide it with any such information as the Policy Committee may require in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 or any legislation that supersedes it.

## **7.2 Crime and disorder scrutiny**

Where a Policy Committee which is discharging a statutory crime and disorder function makes a report or recommendations to a responsible authority (including any part of the council) or cooperating person or body, the relevant Policy Committee must provide the responsible authority or cooperating person or body with a copy of the report or recommendations with a written notice requiring that they:

- (a) consider the report and recommendations;
- (b) respond in writing to the committee within 28 days of the date of the report or recommendations (or, if this is not possible, as soon as reasonably possible thereafter) indicating what (if any) action they propose to take;
- (c) have regard to report or recommendations in exercising its functions.

Where a Policy Committee makes a request in writing for information to a responsible body or co-operating person or body, that information must be provided in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009 or any legislation that supersedes it.

## **7.3 Flood risk management scrutiny**

Where a Policy Committee is discharging a statutory flood risk management function, it can make a request for information and make reports and recommendations to a flood risk management authority.

A flood risk management authority must comply with a request made by a policy committee for information and have regard to reports and recommendations of a Policy Committee discharging flood risk management functions.

## **8. Referral of matters to a Policy Committee**

The Chair or a Policy Committee, in consultation with the Monitoring Officer and Section 151 Officer may refer a matter to a Policy Committee for decision.

The Head of Paid Service, the Monitoring Officer and Section 151 Officer, in consultation with the Chair of a Policy Committee, may refer a matter to a Policy Committee for decision.

## **9. Recording of decisions**

All decisions taken by a Policy Committee shall be recorded in a log and published on the Council's website within two working days of the date of the decision.

The Chair of the relevant Policy Committee shall confirm that the decision record is accurate prior to publication of the record of decision. In the absence of the Chair, the Vice-chair of the relevant Policy Committee shall confirm that the decision record is accurate prior to publication.

Nothing in this rule shall require the publication of 'exempt' or 'confidential' information as defined in the Access to Information Procedure Rules.

## **Annex 2**

This Annex contains specific rules of procedure that relate to meetings of the Escalation Panel. In the event of a conflict between the rules in this Annex and the Committee Procedure Rules, the rules in this Annex shall apply.

The Escalation Panel shall have the following rules and procedures.

### **1. Meetings of the Escalation Panel**

The Proper Officer shall call a meeting of the Escalation Panel when a decision of a Policy Committee has been escalated in accordance with these rules.

### **2. Membership of the Escalation Panel**

Any member of the Council is eligible to sit on an Escalation Panel provided that they did not participate in the consideration of the decision that is to be escalated to the Escalation Panel.

The membership of any Escalation Panel shall be determined by the Party Group Whips and shall be based on the political proportionality of the Council.

### **3. Chair of the Escalation Panel**

The Chair of an Escalation Panel shall be held on rotation by the Political Groups on the Council in an order to be determined by the Party Group Whips.

### **4. Procedure for escalation of a decision to the Escalation Panel**

- (a) When a decision is made by a Policy Committee or a key decision is made by an officer with delegated authority from a Policy Committee, the decision shall be published on the Council's website, within two clear working days of the decision being made.
- (b) That decision notice will bear the date on which it was published and will specify that the decision will come into force, and may then be implemented, unless the decision is escalated to the Escalation Panel by 5pm on the fifth clear working day from the date the decision was taken.
- (c) During that period, at least ten members of the Council may ask the proper officer to escalate a decision to the Escalation Panel using the appropriate 'escalation notice' pro forma.
- (d) Where an escalation notice has been received, the proper officer will first satisfy themselves that the following requirements have been met:
  - (i) the escalation notice has been received within the prescribed time scales;
  - (ii) the decision taker's decision has been properly identified and described;
  - (iii) the members seeking to escalate the decision to the Escalation Panel have identified those principles of Article 14 of the constitution which they

believe have been breached; and

- (iv) the proper officer is satisfied that none of the members seeking to escalate the decision participated in the consideration of the decision that is to be escalated to the Escalation Panel.
- (e) If the proper officer is satisfied that the requirements are met, then within five clear working days the proper officer will call a meeting of the Escalation Panel to consider the decision.

## **5. Suspension of a decision pending consideration by the Escalation Panel**

Where a decision has been escalated to the Escalation Panel, the implementation of the decision is suspended pending the outcome of the decision of the Escalation Panel.

## **6. Exclusion of urgent decisions from consideration by the Escalation Panel**

A decision is exempt from escalation to the Escalation Panel where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the escalation to an Escalation Panel would seriously prejudice the council's or the public's interests.

The record of the decision and notice by which it is made public shall state whether, in the opinion of the Head of Paid Service and the Monitoring Officer, in consultation with the Chair of the relevant policy committee, the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Head of Paid Service, the consent of the Chief Financial Officer shall be required, and in the absence of the Monitoring Officer, the consent of the Deputy Monitoring Officer shall be required.

Decisions taken as a matter of urgency must be reported by the Chair of the relevant policy committee to the next available meeting of the Full Council, together with the reasons for urgency.

## **7. Procedure for a meeting of the Escalation Panel**

A meeting of the Escalation Panel shall have the following procedure:

- (a) The Chair explains the purpose of the meeting and the decisions which the Escalation Panel is able to take.
- (b) The members escalating the decision present their case, explaining reasons for escalating the decision.
- (c) Members of the Panel ask questions and seek clarification from the members escalating the decision.
- (d) The Chair of the relevant policy committee and the relevant Strategic/ Service Director will explain the background to the decision.
- (e) Members of the Panel ask questions and seek clarification from the the Chair of the relevant policy committee and the relevant and Strategic/Service Director.

- (f) General debate during which Panel members may ask questions of both parties with a view to helping them make up their mind.
- (g) The Chair sums up and identifies the key issues arising out of the debate.
- (h) The Panel resolves either;
  - (i) to take no further action;
  - (ii) to refer the matter back to the relevant Policy Committee for reconsideration with issues (to be detailed in the minute) for the relevant Policy Committee to consider before taking its final decision;
  - (iii) to recommend to Full Council that the decision is not implemented; or
  - (iv) to refer the matter to Full Council for consideration.

## **PART 4.6 - LICENSING COMMITTEE PROCEDURE RULES (LCR)**

Note: The Licensing Committee is a statutory committee, which must be appointed by the full Council. It is responsible for deciding and determining its own rules.

### **LCR1 TIMING AND BUSINESS**

The first licensing committee meeting of the council's municipal year shall be its annual meeting. The annual meeting will:

- (i) elect a member to the office of chair of the licensing committee for the ensuing municipal year;
- (ii) elect a member to the office of vice-chair for the ensuing municipal year;
- (iii) establish a special purposes sub-committee comprising the chair of the licensing committee, its vice-chair and one other committee member whose terms of reference must enable it to deal with any matters of business which would ordinarily be referred to the next ordinary meeting of the licensing committee but which are, in the opinion of the licensing manager (in consultation with the chair) of such urgency that they cannot await the date of the next ordinary meeting;
- (iv) establish any other sub-committees considered necessary and in respect of each of them:
  - (a) agree the membership;
  - (b) agree the terms of reference;
- (v) approve the minutes of the last meeting;
- (vi) effect delegations to sub-committees and review / revise as appropriate existing delegations to officers;
- (vii) receive any declarations of interest from members;
- (viii) receive any announcements from the chair;
- (ix) receive a report concerning the city council's Statement of Licensing Policy and Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003;
- (x) consider any other business set out in the notice convening the meeting.

### **LCR2 ORDINARY MEETINGS**

Ordinary meetings will:

- (i) in the case of the licensing committee: elect a member to preside if the chair (and

vice-chair, if appointed) are not present and in the case of a sub-committee: elect a member to preside as chair for that meeting subject to preference being given to those members who have completed an appropriate course of training as provided by the city council;

- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chair;
- (v) (other than in respect of business to be conducted in accordance with the hearings regulations) receive petitions, questions, (and provide answers) and statements made in accordance with the provisions of LCR9;
- (vi) receive reports on any matter which is within the committee's general or specific remit; and
- (vii) make reports on any matter as required by section 7 of the Licensing Act 2003 and in particular sub-sections (4), (6) and (8) of that section.

### **LCR3 EXTRAORDINARY MEETINGS**

#### **LCR3.1 Calling extraordinary meetings**

The proper officer may call committee meetings in addition to ordinary meetings of their own volition and those listed below may request the proper officer to do so:

- (i) the committee by resolution; or
- (ii) the chair; or
- (iii) any two members of the licensing committee if they have signed a requisition presented to the chair and the chair has refused to call for a meeting or has failed to call for a meeting within seven days of the presentation of the requisition.

#### **LCR3.2 Business**

The agenda for an extraordinary meeting shall specify the matters that the meeting will deal with. Petitions, questions and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

### **LCR4 SUBSTITUTE SUB-COMMITTEES**

#### **LCR4.1**

Where a licensing sub-committee convened for the purpose of a hearing is unable to discharge any function delegated to it by the licensing committee because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it (whether that inability be due to their being absent from the meeting or having a declarable interest in the matter or any other cause) the proper officer (or their representative) shall be entitled to substitute another sub-committee to deal with the matters on the agenda at the time and place notified. The substitute sub-committee may include one or more members of the sub-committee it is replacing.



## **LCR4.2**

Where a member of a licensing sub-committee convened for the purpose of a hearing is absent or unable to participate for whatever reason (but the sub-committee remains capable of meeting the quorum) and it is reasonably practicable to substitute a differently constituted sub-committee which includes the two remaining members then the proper officer may convene a meeting of that other sub-committee. However, the proper officer shall not take this step if unreasonable delay would thereby be caused to the completion of the sub-committee's business. In that event, the sub-committee would continue with a complement of two members.

## **LCR5 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer and notified in the summons.

The place of the meeting may also include and permit the use of remote hearings facilitated over the internet.

Decisions to conduct the meeting remotely will rest with the Licensing Manager or Licensing Team Leader in consultation with the respective chair and when necessary a representative of Legal Services.

## **LRC6 NOTICE OF AND SUMMONS TO MEETINGS**

Subject to the provisions of any enactment and where it is reasonably practicable to do so at least five clear working days before it occurs the proper officer will give notice to the public of the time and place of any meeting and send the summons by email to every member of the committee or subcommittee as appropriate. The summons should be posted on the council's website and contain the date, time and place of each meeting and will identify the business to be transacted.

## **LCR7 CHAIR OF MEETING**

The person presiding at the meeting (where this is not the person appointed at the annual meeting to the office of chair) may exercise any power or duty of the chair.

## **LCR8 QUORUM**

- (1) The quorum for meetings of the licensing committee will be five.
- (2) The quorum for meetings of a sub-committee shall be two.
- (3) During any meeting if the chair counts the number of councillors present and declares there is not a quorum, then the meeting will stand adjourned to a time and date fixed by the proper officer. If the law requires the business to be transacted by a particular date ("*the deadline*") then the date so fixed must be prior to the deadline. In respect of sub-committees which stand adjourned for this reason, if it should not be reasonably practicable for the particular members to meet prior to the deadline, then

the proper officer will convene a meeting of a differently constituted sub-committee to deal with the remaining business. In all other cases, if a date is not fixed at the time of adjournment, the remaining business will be considered at the next ordinary meeting.

## **LCR9 PETITIONS, QUESTIONS AND STATEMENTS**

### **LCR9.1**

The following rules do not apply in respect of business to be conducted in accordance with the hearings regulations:

- (a) residents who are affected by the business of the committee and members, provided they give notice in writing or by electronic mail to the proper officer (which notice must include:
- their name;
  - their full address;
  - (in the case of a petition) the wording of the petition; or
  - (in the case of a statement) a copy of the submission)

by no later than 12 noon 2 working days before the day of the meeting may present a petition or submit a statement at ordinary meetings of the committee or sub-committee concerned. The petition or statement must relate to the terms of reference and role and responsibilities of the committee or sub-committee concerned. Where the statement or petition concerns business governed by the hearings regulations, the proper officer will return the statement or petition concerned and will inform the resident or member of the statutory provisions governing the making of representations including the restrictions upon who may make representations and the times within which they must be made;

- (b) individuals presenting petitions may be required to read out the objectives of the petitions;
- (c) statements, provided they are no more than 1,000 words in length will be circulated to all relevant members and will be published on the Council's website no later than 1 hour before the meeting;
- (d) there will be no debate but after receiving the petition/statement the Committee will resolve:-
- (1) *"that the petition / statement be noted"*; or
  - (2) if the content relates to a matter on the agenda to the meeting;  
*"that the contents of the petition / statement be considered when the item is debated"*; or
  - (3) *"that the petition / statement be referred (as appropriate) to the relevant department within the Council for a response"*.

## **LCR9.2 Questions**

Residents who are affected by the business of the licensing committee or members of council may submit questions to be answered by the chair of the licensing committee. Notice of such questions must be given in accordance with LCR9.3 below.

## **LCR9.3 Order of Questions**

Questions will be asked in the order that they were received, except that the chair may group together similar questions.

## **LCR9.4 Notice of questions**

- (a) A question may only be asked if notice has been given by delivering the question in writing or by electronic mail to the proper officer no later than 5pm, three clear working days before the day of the meeting. Each question must be accompanied by the name and full address of the questioner.
- (b) The chair of the committee may, in his/her absolute discretion, agree to receive questions notwithstanding a failure to comply with the notice provisions set out in paragraph (a) above, but where the chair does not so agree she/he must either:
  - (i) direct that the questions be answered at the next ordinary meeting of the licensing committee; or
  - (ii) indicate the date by which a written response will be provided.

In the event of the chair indicating a written response both the question and its answer will be published prior to the date fixed for the next ordinary meeting of the committee.

## **LCR9.5 Number of questions**

There will be a limit of three questions and two supplementary questions in total for each questioner.

## **LCR9.6 Scope of questions**

The chair, in consultation with the proper officer may reject a question if, in the opinion of the chair, it does not relate to a matter falling within the committee's terms of reference or it is defamatory, frivolous or offensive.

## **LCR9.7 Response**

- (1) Written replies to questions notified in accordance with LCR9.4 as above will be made available no later than one hour before the time fixed for the meeting to begin.

- (2) Where the chair agrees to respond to late questions they may do so either orally or in writing.

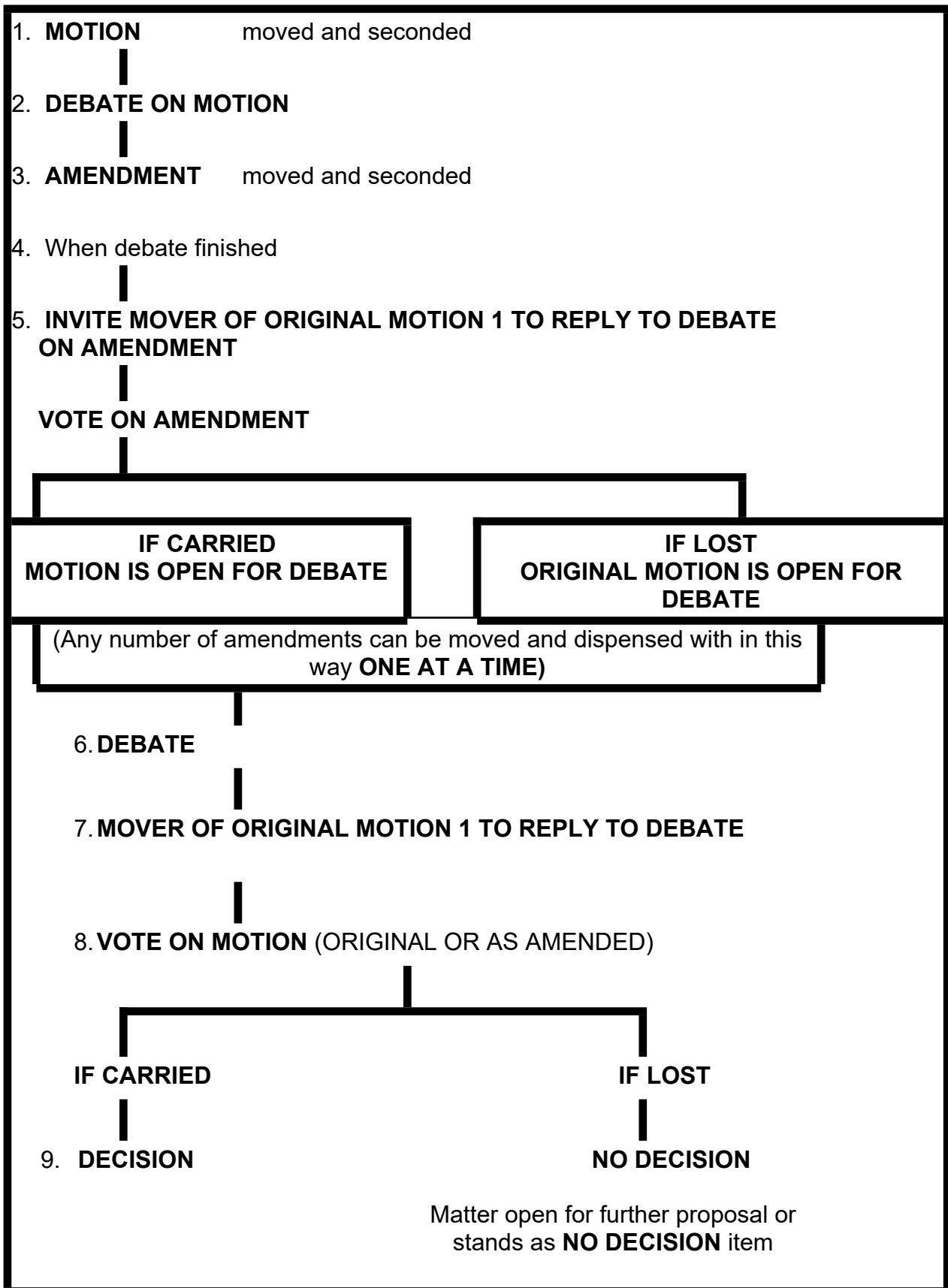
## **LCR10 MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a sub-committee or member arising from an item on the summons to the meeting;
- (f) to receive or make reports or to adopt recommendations of sub-committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to suspend a particular licensing committee procedure rule (LCR);
- (m) to exclude the public and press.

**LCR 11  
RULES OF DEBATE**

Simplified diagram showing how decisions might be reached.



### **LCR11.1**

#### **No debate until motion or amendment is seconded**

A motion or an amendment may be debated only after it has been seconded by another member.

### **LCR11.2**

#### **Right to require motion or amendment in writing**

Unless notice of the motion or amendment has already been given, a copy of the motion must be put in writing and sent electronically to the proper officer before it is moved or immediately after it is moved (see also LCR11.6 (f) concerning amendments).

### **LCR11.3**

#### **Seconders' speech**

When seconding a motion or amendments, a member may reserve their speech until later in the debate.

### **LCR11.4**

#### **Content of speeches**

Speeches must be directed to the business under discussion or to a personal explanation or point of order.

### **LCR11.5**

#### **When a councillor may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since s/he last spoke;
- (c) if his / her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### **LCR11.6**

#### **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words as long as the effect of (ii) – (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments or if there are none, push it to the vote.
- (f) A copy of the amendment must be put in writing and sent electronically to the proper officer either before it is moved or immediately after it has been moved.

#### **LCR11.7**

##### **Alteration of a motion**

- (a) A member may also alter a motion of which they have given notice with the consent of the meeting. The consent of the meeting will be signified without discussion.
- (b) A member may alter a motion (which they have moved) without notice with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **LCR11.8**

##### **Withdrawal of a motion**

A member may withdraw his / her motion with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **LCR11.9**

##### **Right to reply**

- (1) The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
- (2) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (3) The mover of the amendment has no right of reply to the debate on their amendment.

### **LCR11.10**

#### **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to amend a motion;
- (b) that the question being as put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting;
- (e) to exclude the public and press; and
- (f) to not hear further a member named under LCR16.3 or to exclude them from the meeting under LCR16.4

### **LCR11.11**

#### **Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) that the question be now put;
  - (ii) to adjourn a debate; or
  - (iii) to adjourn a meeting.
- (b) If a motion *“that the question be now put”* is seconded and the chair considers the item has been sufficiently discussed, the procedural motion will be put to the vote. If it is passed the chair will give the mover of the original motion a right of reply before putting their motion to the vote; or
- (c) If a motion *“to adjourn the debate”* or *“to adjourn the meeting”* is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the procedural motion will be put to the vote without giving the mover of the original motion the right of reply.

### **LCR11.12**

#### **Point of order**

A member may raise a point of order at any time. The chair will hear the member immediately. A point of order may only relate to an alleged breach of the licensing committee procedure rules (LCR) or the law. The member must indicate the rule or law and the way in which they consider it has been breached. The ruling of the chair on the matter will be final.

### **LCR11.13**

#### **Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.



## **LCR12 RULING OF CHAIR TO BE FINAL**

The chair's ruling on any matter of procedure arising out of these rules shall be final.

## **LCR13 VOTING**

### **LCR13.1 Majority**

Subject to the provisions of any enactment and / or as the case may be of any procedures specific to the conduct of and preparation for hearings, any question coming or arising before the licensing committee (or any of its sub-committees) shall be decided by the majority of the members present and voting thereon at a meeting.

### **LCR13.2 Chair's casting vote**

Subject to those provisions in the case of an equality of votes the member presiding at the meeting shall have a second or casting vote.

If two or more members present at the meeting immediately demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

### **LCR13.4 Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **LCR13.5 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **LCR14 MINUTES**

### **LCR14.1**

For the avoidance of doubt the provisions of paragraphs 40, 41, 43 and 44 of the Twelfth Schedule to the Local Government Act 1972 (as amended) shall apply to the minutes of the licensing committee and its sub-committees.

### **LCR14.2**

For the purpose of signing the minutes in accordance with the provisions referred to in LCR14.1 above, the next suitable meeting will be either:

- (i) in respect of minutes of the licensing committee: the next ordinary meeting of the licensing committee or its annual meeting; or
- (ii) in respect of the minutes of a sub-committee of the licensing committee: either the next ordinary meeting of that particularly constituted sub-committee or the next ordinary meeting of the licensing committee whichever of those two bodies shall meet soonest following the minutes being ready for approval, save that where approved minutes are required prior to either of those two bodies being scheduled to meet then the next suitable meeting will be a meeting of the licensing (special purposes) sub-committee.

### **LCR14.3**

#### **Form of minutes**

The minutes will contain all motions and amendments in the exact form and order the chair put them.

### **LCR15**

#### **EXCLUSION OF THE PUBLIC**

Subject to any provisions to the contrary in any relevant enactment (and in particular in the hearings regulations) members of the public and press may only be excluded from a meeting in accordance with the Access to Information Rules (APR) in Part 4 of the city council's constitution (which rules are for the avoidance of doubt hereby incorporated into these procedure rules in so far as they do not conflict with them) or LCR 17 (disturbance by public).

### **LCR16**

#### **MEMBERS' CONDUCT**

#### **LCR16.1**

##### **Speaking at committees**

When a member speaks at the committee they must address the meeting through the chair. If more than one member seeks to speak, the chair will ask one to speak. Other members must remain silent whilst the member is speaking unless they wish to make a point of order or a point of personal explanation.

#### **LCR16.2**

##### **Chair's ruling**

When the chair so requires during a debate, any member speaking at the time must stop. The meeting must be silent.

#### **LCR16.3**

##### **Councillor not to be heard further**

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

#### **LCR16.4**

##### **Councillor to leave the meeting**

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

#### **LCR16.5**

##### **General disturbance**

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as they consider necessary.

#### **LCR17**

##### **DISTURBANCE BY PUBLIC**

#### **LCR17.1**

##### **Removal of member of the public**

If a member of the public interrupts proceedings the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

#### **LCR17.2**

##### **Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

#### **LCR18**

##### **SUSPENSION AND AMENDMENT OF LICENSING COMMITTEE PROCEDURE RULES**

#### **LCR18.1**

##### **Suspension**

All of these licensing committee procedure rules (LCR) except LCR13.4, 14.2 and 20.1, may be suspended by motion on notice or without notice if at least one half of the whole number of members are present. Suspension can only be for the duration of the meeting.

#### **LCR19**

##### **FINANCE AND CONTRACTS**

For the avoidance of doubt it is hereby confirmed that:

#### **LCR19.1**

##### **Financial management**

The management of the licensing committee's financial affairs will be conducted in accordance with the financial procedure rules (FPR) set out in part 4 of the city council's constitution.

## **LCR19.2**

### **Contracts**

Every contract made by or on behalf of the licensing authority acting through its statutory licensing committee and those subcommittees and officers delegated thereunder shall comply with the Procurement Rules set out in part 4 of the city council's constitution.

## **LCR20**

### **RULES SPECIFIC TO THE CONDUCT OF HEARINGS HELD BY THE LICENSING AUTHORITY UNDER THE LICENSING ACT 2003**

#### **LCR20.1**

The provisions of the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) will be observed in connection with the conduct of hearings and where the regulations apply all licensing procedure rules will be construed and applied in a manner which does not offend those provisions.

*NB This rule may not be suspended in any circumstances.*

#### **LCR20.2**

##### **Questions, statements and petitions**

The rules concerning questions, statements and petitions do not apply to any business of the licensing authority in respect of which it is required to conduct a hearing at any time prior to the decision being notified following conclusion of the hearing concerned.

#### **LCR20.3**

##### **Hearings – preliminary steps**

- (a) Whenever it appears to the licensing manager (or any authorised member of his / her team) that the authority's obligation to hold a hearing has arisen then, as soon as is reasonably practicable, they will take steps to refer the application and any representations to a duly authorised sub-committee or, exceptionally, following consultation with the chair, to the licensing committee itself.
- (b) The licensing manager will take instructions from that subcommittee with regard to the following preliminary matters (where relevant):
- whether any member considers themselves unable to hear the matter by virtue of prejudicial interest / appearance of bias;
  - the procedure to be followed at the particular hearing;
  - any particular points on which the sub-committee considers that it will want clarification at the hearing from a party;
  - whether there are any representations from interested parties which will be determined not to be relevant representations by virtue of their being, in the opinion of the sub-committee, frivolous or vexatious;
  - time estimate for the hearing;
  - a time and date when all members can convene to conduct the hearing;
  - a provisional indication regarding which of their number will chair the meeting.

- (c) Where any member indicates that they consider themselves to be disqualified from hearing the matter then the Licensing Manager shall take steps to refer the matter to a differently constituted committee which shall not include the member who is so disqualified but may include the remaining members of the originally selected sub-committee.

#### **LCR20.4**

##### **Procedure following conclusion of the hearing**

- (a) At the conclusion of the hearing the members of the subcommittee will withdraw to consider the determination of the relevant application / revocation / review / decision to give counter-notice as appropriate.
- (b) The parties shall not be entitled to accompany the members who will generally deliberate in private. Deliberation can take place at a time to be decided by the sub-committee provided it will be completed so as to ensure the city council can meet any statutory deadline for determination and notification.
- (c) The members may be accompanied by appropriate officers for the purpose of receipt of advice and / or guidance and / or administrative support; in particular the sub-committees administrator and its legal and policy advisers.
- (d) The strict rules of debate (such as those concerning the proposing and seconding of motions and imposing limits on the ability of councillors to participate in debate) shall not automatically apply to the deliberations referred to in this rule. The chair will lead a discussion of their colleagues with a view to ascertaining if the meeting can reach consensus on the merits of the application or other matter before it and any matters flowing from that (such as the imposition of conditions where appropriate). If it appears that a consensus view will not be reached within a reasonable time the chair will direct the manner in which deliberations will continue. Once a consensus appears to have been reached (or a proposal is before the meeting in accordance with any directions made by the chair) the matter will be put to the meeting and a determination made by a majority of the members present and voting thereon. The sub-committee shall direct its officers as to the completion of a decision record, which should include the determination, together with a summary of relevant findings and reasons supporting the decision made. The determination will be notified in accordance with the statutory rules and the decision record published following its being certified by signature of the chair as being correct.

# Bristol City Council Financial Regulations

2024

# Financial Regulations

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## 1 Introduction

### 1.1 Status of Financial Regulations

Financial Regulations provide the framework for managing the authority's financial affairs. They apply to every Member and officer of the authority and anyone acting on its behalf. The Regulations will be supplemented by detailed financial procedures and will be reviewed annually. Breach of these regulations or procedures will constitute a disciplinary offence.

Executive Directors and Heads of Service are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's financial regulations and other internal regulatory documents and that they comply with them.

All Members and staff have a general responsibility for taking reasonable action to provide for the security of all council assets, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

These regulations specifically identify the financial responsibilities of:

- The Full Council
- The Policy Committees
- Head of Paid Service (S4 Local Government and Housing Act 1989)
- Heads of Service, Legal and Democratic Services, Monitoring Officer (S5 Local Government and Housing Act 1989)
- S151 Officer, Officer responsible for financial administration (S151 Local Government Act 1972)
- Executive Directors and Heads of Service

The Financial Regulations are divided into the following sections:

- Financial Roles and Responsibilities
- Financial Planning
- Financial Management
- Risk Management and Internal Control
- Systems and Procedures
- External Arrangements

The Financial Regulations apply to all services of the Council. Whilst Schools with delegated budgets, under the Scheme for Financing Schools, have their own Financial Regulations for Schools with Delegated Budgets, these should not be contrary to the Council's own Financial Regulations and any exceptions from it should be reported to the S151 Officer.

The S151 Officer is responsible for maintaining a continuous overview of the Financial Regulations and for updating them, as necessary, for Full Council to approve.

## 2 Financial Roles and Responsibilities

### 2.1 Introduction

Financial management covers all financial accountabilities in relation to the running of the authority, including the Budget and Policy Framework.

### 2.2 Full Council

The Full Council has responsibility for adopting the Budget and Policy Framework.

- The policy framework is made up of overarching plans and strategies as set out in the Constitution. Additional corporate strategies may become part of the policy framework once adopted by full Council.
- The budget includes the allocation of financial resources to corporate priorities, services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the council's borrowing, investments, capital expenditure, determining the authority's minimum revenue provision and the setting of virement limits.

### 2.3 Policy Committees

Policy Committees are responsible for all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution. The Policy Committees will also:

- Recommend to Full Council the Policy Framework and Council Budget for approval and any subsequent amendments;
- Make all decisions within and in furtherance of the agreed Policy Framework and Budget;
- Recommend to Full Council the making of bye-laws;

### 2.4 Other Committees and Statutory Officers

#### 2.4.1 Audit Committee

The Audit Committee is an advisory body, that provides assurance, or otherwise, to Full Council in relation to the adequacy of the Council's governance, risk management and internal control arrangements. Its full functions are set out in the Constitution and the Committee's terms of reference.

#### 2.4.2 Head of Paid Service

The Head of Paid Service is responsible for the corporate and overall strategic management of the Council as a whole. The functions of the Head of Paid Service are explained fully in the Council's Constitution.

#### 2.4.3 Monitoring Officer

The functions and responsibilities of the Monitoring Officer are carried out by the Heads of Service, Legal and Democratic Services.

The functions of the Monitoring Officer are explained fully in the Council's Constitution. However, the functions that are pertinent in the context of the Financial Regulations include:

- After consulting with the Head of Paid Service and S151 Officer, ensuring lawfulness and fairness of decision making;
- Advising whether executive decisions are within the budget and policy framework

#### 2.4.4 S151 Officer

The S151 Officer has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations (as amended)
- The Local Authorities Goods and Services Act 1970
- The Local Government Acts 2000 and 2003
- The Localism Act 2011

The S151 Officer is responsible for:

- The proper administration of the authority's financial affairs
- Setting and monitoring compliance with financial management standards
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- Reporting to members on the overall budget performance and recommending corrective action where appropriate
- Providing financial information
- Preparing the revenue budget and capital programme and reporting to Full Council on the robustness of the estimates and the adequacy of reserves
- Prepare and publish the Council's Statement of Accounts for each financial year, in accordance with the statutory timetable and arrangements specified by law.
- Treasury management arrangements.
- Internal audit

Section 114 of the Local Government Finance Act 1988 requires the S151 Officer after consulting the Head of Paid Service and Monitoring Officer to report to the Policy Committees, Members and external auditor if the authority or one of its officers:

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

## 2.5 Executive Directors

The S151 Officer has overall responsibility for the finances of the Council however Executive Directors have delegated responsibility for the management of the finances of their services. As such they should

- Put in place appropriate budget management and delegation arrangements to ensure the effective use of resources, the safeguarding of assets and the operation of a system of appropriate internal controls.
- Promote appropriate financial management standards within their Services, and monitoring adherence to the standards and practices, liaising as necessary with the, S151 Officer and ensuring that relevant training is provided to those staff with financial management responsibilities.
- Promote sound financial practices in relation to the standards, performance and development of staff in their services.
- Advise the relevant Policy Committee and the S151 Officer of the financial implications of all proposals.
- Seek approval, in conjunction with the, S151 Officer on any matter liable to affect the Council's finances materially, before any commitments are incurred.
- Consult with, and obtaining the approval of, the S151 Officer before making any changes to accounting records or procedures.
- Comply with the following principles when allocating accounting duties:
  - Separating the duties of providing information about sums due to or from the Council and calculating, checking (including reconciling the accounts) and recording these sums from the duty of collecting or disbursing them.
  - Ensuring that employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
  - Ensuring that claims for funds (including grants and 'match funding') are made, in accordance with accounting instructions issued by the S151 Officer and the conditions defined by the grant awarding body, by the due date and that appropriate records are maintained.
  - Ensuring debts are collectable and that systems are in place for the effective recovery of sums due.
  - Contributing to the development of performance plans in line with statutory requirements.
  - Contributing to the development of corporate and service targets and objectives and performance information.

## 2.6 Internal Audit

Internal Audit independently reviews, appraise and report upon the whole control framework including risk management, internal control and governance arrangements. In relation to financial controls, their focus is to review and report on:

- The extent of compliance with, and effectiveness of, relevant financial policies, plans and procedures.
- The adequacy and application of financial and other related management controls.
- The suitability of financial and other related management data.
- The extent to which the Council assets and interests are accounted for and safeguarded from loss of any kind from:
  - Fraud and other offences.
  - Waste, extravagance and inefficient administration.
  - Inefficient value for money or other causes.

## 2.7 Compliance

Compliance with these Rules is mandatory.

Those with responsibility for fulfilling their duties in line with the Rules are required to maintain ongoing knowledge and awareness to ensure compliance.

It will be the responsibility of Officers (including those with line management responsibilities) to address non-compliance swiftly and in the most appropriate way according to the circumstances.

Means of reporting concerns can also be raised anonymously in line with the Council's Whistleblowing Procedure.

Failure to comply with these Rules may constitute a disciplinary matter that would be pursued, as appropriate, in accordance with the relevant Human Resources Policy Framework.

## 3 Financial Planning

### 3.1 Introduction

The Full Council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Strategy and Resources Policy Committee. In terms of financial planning, the key elements are:

- Medium Term Financial Plan (MTFP)
- Annual Revenue Budget
- Capital Programme and Strategy
- Treasury Management Strategy, prudential indicators and Minimum Revenue Provision policy

### 3.2 Finance Scheme of Delegation to Officers

The Finance Scheme of Delegation details the power that officers have to make decisions on spending and other finance issues, across the council. The Scheme sets out the approved financial limits within which authorised officers may conduct the Council's business. Changes to limits/values contained within it may only be made with the approval of the S151 Officer.

The Scheme includes general limits on spending money, capital expenditure, Treasury Management, virement and supplementary estimates. Details of finance functions delegated to officers can be found here [Finance Scheme of Delegation](#)

## 3.3 Revenue Budget

### 3.3.1 Budget Format

The Council is required to set an annual balanced budget presenting how its financial resources, are to be allocated and utilised; thus showing the Council's financial plan for the coming year with regard to statutory services as well as local key priorities and objectives.

The general format of the budget will be approved by the Full Council and proposed by the Strategy and Resources Policy Committee on the advice of the S151 Officer.

The S151 Officer, as the Council's Chief Finance Officer, must report to Council (as required by the Local Government Act 2003) that the spending plans identified in its annual budget and the council tax calculation for the budget year are robust estimates that:

- Direct resources towards Council priorities in a way that is achievable
- Reflect the best estimate of pay and price increases available at this time
- Consider and recognise the major financial risks facing the Council
- Contain proposals for increased income or reduced expenditure that are achievable.

The S151 Officer must also confirm that the level of Council reserves is sufficient to meet the known financial risks facing the Council over the medium term.

### 3.3.2 Budget Preparation

The Council operates within an annual cash limit, approved when the annual budget is set. The S151 Officer is responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the Strategy and Resources Policy Committee, before submission to the Full Council. Full Council may amend the budget or ask the executive to reconsider it before approving it.

S151 Officer, in consultation with the Chair of the Strategy and Resources Policy Committee, will issue detailed guidance and a timetable for production of the budget. The guidelines will take account of:

- Legal requirements;
- Medium-term planning prospects;
- Available resources;
- Spending pressures;
- Best value and other relevant Government guidelines;
- Other internal policy documents; and
- Cross-cutting issues (where relevant).

Executive Directors must prepare detailed draft revenue and capital budgets, in consultation with the S151 Officer and the Chair of the Strategy and Resources Policy Committee, and in

accordance with the laid-down guidance and timetable, for consideration by the Strategy and Resources Committee

It is the responsibility of Heads of Service to ensure that budget estimates reflecting the Corporate Strategy are submitted to the Strategy and Resources Policy Committee and that these estimates are prepared in line with guidance issued by the S151 Officer.

### 3.3.3 Maintenance of Reserves and Balances

Reserves are maintained to enable the Council to cope with unpredictable financial pressures, and to plan for future spending commitments. A general strategic reserve is maintained to cover unforeseen strategic, operational and financial risks whilst earmarked reserves are held for identified spending commitments. The S151 Officer will ensure that there are clear protocols for the establishment and use of reserves.

The creation of, or addition to, any reserve will be subject to the approval of the S151 Officer. For each reserve established, the purpose, usage (including the timeframe for usage) and basis of transactions will be clearly articulated.

The withdrawal of funds from a reserve will require the approval of the S151 Officer. In the case of balances held by schools, the appropriate Board of Governors are responsible for giving authorisation.

The level of reserves will be reviewed annually by the S151 Officer who will advise upon prudent levels of reserves and balances for the Council. In developing a reserve strategy the S151 Officer will ensure;

- The level of reserves should be sufficient to ensure that the Council can comply with its statutory financial duties of setting a balanced budget.
- The level of reserves should take into account the known risks over the life of the current financial plan.
- The level of reserves should be capable of covering the estimated financial risk of the Council including contingent liabilities and insurance exposure risks.

Under section 114 of the Local Government Finance Act 1988 the S151 Officer must report to Council if there is or is likely to be unlawful expenditure or an unbalanced budget. This would include situations where reserves have become seriously depleted and it is forecast that the Council will not have the resources to meet its expenditure in a particular financial year.

## 3.4 Capital Budgets

### 3.4.1 Capital Programme

The S151 Officer is responsible for ensuring that a capital programme is prepared, with the associated financial implications set out in the revenue budget, on an annual basis for consideration by the Strategy and Resources Policy Committee before submission to the Full Council.

Capital schemes will normally only be added to the capital programme as part of the annual budget setting process.

### 3.4.2 Capital Expenditure

Capital expenditure involves the acquisition and enhancement of assets which provide a long term benefit to the Council, such as buildings and highways. Capital assets are integral to how

services are delivered and create long term financial revenue commitments in the form of life cycle costs and financing costs if funded by borrowing.

The S151 Officer and Executive Directors have clear responsibilities along with a schedule of key controls to provide a framework to ensure resources are applied effectively to meet the goals of the authority and that the delivery of new capital projects including significant changes are reported accordingly.

Schemes can only be approved if they are in the Capital Programme. Finance functions delegated to officers, including general spending limits in respect of capital expenditure can be found in the Finance Scheme of Delegation

## 3.5 Asset Leasing

Leasing arrangements, including rental agreements, operating leases and hire purchase arrangements will only be entered into with the prior approval of the S151 Officer. This approval is required to ensure that leases that constitute credit arrangements are taken into account when the Council determines its borrowing limits and to ensure such arrangements represent best value for money and are accounted for appropriately.

## 3.6 Treasury Management

Treasury management activities are those associated with the management of the Council's cash flows borrowings and treasury investments, and the effective control of the risks associated with these activities.

The authority is required to have regard to the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (2011) which requires the following:

- Annual Treasury Management Strategy including investment and borrowing strategies, a set of prudential indicators and a policy for making revenue provision for the repayment of debt (Minimum Revenue Provision) approved by Full Council. These will be consistent with the Council's revenue budget and capital programme proposals.
- Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management arrangements.
- Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives
- A Mid-year and outturn Treasury Management Report to provide an update including any revisions to policies or strategies.
- To nominate a committee to keep under review the treasury management arrangements. Under the current constitution this is undertaken by the Audit Committee.

In addition, the S151 Officer and Executive Directors have clear responsibilities along with detailed requirements to ensure borrowing and lending activity is carried out in accordance with limits and criteria approved by Full Council including the Ethical Investment Policy.

## 3.7 Income and Charging Policy

All new fees and amendments to existing charges, where these have not been approved as part of the budget setting, will be reviewed by the relevant Executive Directors and are subject



to formal approval by the relevant Policy Committee) following consultation with the Chair of the Strategy and Resources Policy Committee, Executive Director and Section 151 Officer. Officers do not have the power to make changes to policies relating to fees and charges or give concessions to fees and charges.

All fees and charges must be reviewed annually, and will generally be increased in line with inflation through the budget setting process. Where it is proposed that the charges should be increased either materially above or below inflation the proposal must be submitted to the Chair of the Strategy and Resources Policy Committee and will require relevant Policy Committee or Full Council approval, in line with the Finance Scheme of Delegation.

### 3.8 Pay Policy Statement

Officer's remuneration must be set in accordance with the Council's [Pay Policy](#).

## 4 Financial Management

### 4.1 Budget Monitoring and Control

The S151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. The S151 Officer is responsible for monitoring and controlling overall expenditure and income against budget allocations and must report to the Strategy and Resources Policy Committee on the overall position on a regular basis.

Once the budget is approved by Full Council, Executive Directors will be required to sign off their annual budgets and are authorised to incur expenditure in accordance with the approved budget, subject to the limits in the Constitution the Finance Scheme of Delegation

It is the responsibility of Executive Directors to control income and expenditure within their area and within the cash limited budget allocation delegated to them. They should monitor and report on variances within their own areas and take any action necessary to avoid exceeding their budget allocation and alert the S151 Officer to any problems. Where there are budget pressures mitigating actions must be identified.

Executive Directors must ensure that no commitments are made that would result in an approved budget being exceeded. Prior approval must be obtained to increase the budget either by virement or by a supplementary estimate (see below).

### 4.2 Virement

Heads of Service have a responsibility to ensure spending remains within the services overall cash limit. It is, in some instances, permissible to transfer a budget either between directorates or between services or budget headings within a directorate, subject to approved service plans and Council priorities. This change of purpose of a budget is known as a virement. Budget virements must follow the Finance Scheme of Delegation. Details can be found at the Finance Scheme of Delegation

### 4.3 Supplementary Estimates

In the event that it is not possible to transfer resources between budget headings to meet a liability, or no other mitigating actions can be taken, a request may be made for additional funding from the general balance, an earmarked reserve or from a contingency for unforeseen costs. These are referred to as supplementary estimates.

Supplementary estimates can only be requested for one off purposes. Where additional funding is required on an on-going basis, the full year effect must be addressed through the revenue budget setting process.

Following consultation with the S151 Officer, who will advise on the source(s) of supplementary funding, approval must follow the Finance Scheme of Delegation. All supplementary estimates must be approved by the Strategy and Resources Policy Committee or Full Council.

The S151 Officer will withdraw supplementary funding if it becomes apparent that the funding is not being used for the agreed purpose, or is no longer required and can be returned to the reserve from which it was allocated.

## 4.4 Capital Monitoring and Expenditure

Once the capital programme or a scheme is approved, Executive Directors are, subject to rules in the Constitution and the Finance Scheme of Delegation, authorised to progress capital projects that have:

- (i) An approved start date in the current or prior financial year
- (ii) Adequate scheme and payments approval in the Capital Programme to finance these projects

The principles and framework for managing the revenue budget apply equally with regards to the monitoring and management of individual capital projects within their scheme and payment approvals.

## 4.5 Accounting Records and Financial Systems

### 4.5.1 Accounting Records

The S151 Officer is responsible for determining the accounting procedures and records for the Council and for the completion of all accounts and accounting records.

The Council's accounting records are maintained within its General Ledger. A standard coding convention is maintained that enables actual and budgeted income and expenditure to be analysed in a variety of ways (management and statutory reporting requirements). The integrity of the Council's financial reporting is then dependent on transactions being correctly coded at source.

All financial records must be retained in line with the Councils [Document Retention Schedule](#).

### 4.5.2 Annual Statement of Accounts

The Council has a statutory responsibility to prepare its accounts to present a true and fair view of the financial performance and results of its activities during the year, and is responsible for approval and publishing those annual statements in accordance with the timetable specified in the Accounts and Audit Regulations.

The S151 Officer is responsible for selecting suitable accounting policies, and for applying them consistently, to insure that the Council's annual Statement of Accounts is prepared in compliance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom and other relevant accounting standards and practices. In addition, the S151 Officer will ensure that the Statement of Accounts is compiled, approved and published in accordance with the statutory timetable specified within the Accounts and Audit Regulations.

The S151 Officer will issue accounting instructions on the closure of accounts, including a timetable annually. All budget holders must comply with these accounting instructions and supply the information requested by the dates specified.

The S151 Officer must sign and date the Statement of Accounts, thereby confirming they give a true and fair view of the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March.

The S151 Officer is responsible for making proper arrangements for audit of the Council's accounts.

### 4.5.3 Transparency Requirements

The [Local Transparency Act 2015](#) requires that the Council must publish on its website details of all expenditure on goods and services over £500. Similarly, it must also publish on its website details of contracts awarded over a value of £5,000. The S151 Officer is responsible for ensuring these arrangements are met.

## 4.6 Financial Systems

The S151 Officer is responsible for the provision of a corporate system for the preparation of the Council's accounts and for monitoring expenditure and income. This is currently provided by means of the Council's financial system.

Executive Directors are responsible for ensuring that the financial system accurately records the financial transactions of their functions, and for complying with any guidance issued by the S151 Officer. Executive Directors shall ensure that all income and expenditure, regardless of source must be processed through the financial system and that all transactions are recorded in a manner that complies with proper accounting practices, enables returns to be made to taxation authorities and complies with other legal requirements. The S151 Officer shall give whatever guidance is necessary to enable this obligation to be fulfilled.

Executive Directors shall use the financial system as the prime means of monitoring expenditure and income in their services and for comparing spending against budget. Executive Directors shall keep such subsidiary information and records as are necessary to effectively monitor expenditure, income and commitments, and to support any required returns.

Executive Directors shall provide all relevant information deemed necessary to compile the Council's annual accounts in accordance with guidance issued by the S151 Officer.

## 5 Risk Management and Internal Control

### 5.1 Introduction

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

### 5.2 Risk Management

The Council operates a Risk Management Policy that details its approach and methodology for risk identification, assessment and management. The policy promotes operating with active

risk awareness rather than risk aversion and requires operation at the highest risk levels to be escalated, reported and accepted via a directorate/corporate risk registers.

The Audit Committee is responsible for approving the authority's risk management policy statement and approach and provides independent assurance to the Council on the effectiveness of risk management and internal control.

Elected Members and officers alike are required to assist in, and take responsibility for, identifying, and controlling risk and opportunities (and better use of resources) in all their activities and areas of responsibility. Internal Control

The system of internal control is a significant part of the Council's overall governance framework. The Council will compile an Annual Governance Statement each year which is supported by statements from management across the Council providing assurance that governance principles are embedded into everyday management. 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 and properly accounted for. These arrangements also need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.

The S151 Officer is responsible for assisting the Council to put in place effective systems of internal financial control and to ensure a robust control environment. However, it is for managers across the Council to ensure that the system of internal control is operating effectively in their areas of service delivery.

Internal Audit will undertake a programme of independent reviews to establish the strength of control frameworks operated. Where improvement to internal control, risk management and governance arrangements is required, recommendations will be made by Internal Audit and timeframes for implementation agreed with service management.

It is the responsibility of service management to ensure that such improvements are made in a timely manner in line with that agreed. Any non-implementation of recommendations will be escalated through the management structure and reported to the Audit Committee

## 5.3 Audit Requirements

### 5.3.1 External Audit/Inspection

The duties of the external auditor include reviewing and reporting upon:

- (i) The financial aspects of the Council's corporate governance arrangements.
- (ii) The Council's financial statements; the external auditor must be satisfied that the Statement of Accounts give a 'true and fair view' of the financial position of the Council and its income and expenditure for the year in question and complies with the legal requirements.

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

The External Auditors and other statutory inspectors must be given reasonable access to premises, personnel, documents and assets that it is considered necessary for the purposes of their work. Regard must be given to the Councils GDPR policy though, and if there is any

doubt about whether it is appropriate to provide such data to the external auditor or other statutory inspector, advice should be sought from the Monitoring Officer.

## 5.3.2 Internal Audit

The Accounts and Audit Regulations require the Council to maintain an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account Public Sector Internal Audit Standards (PSIAS).

Internal audit is an independent and objective appraisal function, established by the Council for reviewing the systems of internal control, risk management and governance arrangements across the Council. It assists the Council's stakeholders by providing an opinion on the effectiveness of those arrangements related to the main risks faced by the Council.

Internal Audit adhere to proper practices in relation to internal control; specifically the PSIAS. They examine, evaluate and report upon the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

The Internal Auditors / Investigators have the authority to:

- (i) Access any Council premises, assets, records, documents and correspondence, and control systems.
- (ii) Receive any information and explanation related to any matter under consideration.
- (iii) Require any employee of the Council or school maintained by the Council to account for cash, stores or any other asset under his or her control.
- (iv) Access records belonging to third parties (e.g. Contractors) when required.
- (v) Directly access the Head of Paid Service, the Audit Committee and all elected members.

Managers must respond to Internal Audit reports in writing, within a timescale agreed as part of the internal audit methodology detailing the action intended, responsible officer, timescale for implementation and whether the action will require additional resources, to address all agreed recommendations. The relevant manager must ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion. This is validated by the follow-up process undertaken by Internal Audit and reported to Audit Committee.

Any recommendations not agreed by the responsible officer must be reported to Audit Committee, with an explanation as to why the recommendation has not been accepted.

The Head of Internal Audit will be given the opportunity to evaluate the adequacy of new systems, or changes to existing systems, for maintaining financial records or records of assets prior to live implementation.

## 5.4 Preventing Fraud and Corruption

The diverse nature of services provided by the Council mean that there are many areas where we could be a target for fraud. The Council is committed to implementing and maintaining the highest standard of corporate and financial governance and ethical behaviour.

Under the terms of the Criminal Finances Act 2017 the council must ensure it does not facilitate tax evasion. If we fail to put sufficient measures in place to prevent tax evasion by the people with whom we interact we may be prosecuted for a criminal offence.

Fraud against the Council harms the citizens and taxpayers of Bristol and for that reason, fraud, bribery and corruption against the council will not be tolerated and all such occurrences will be investigated.

In accordance with the Council's Anti-fraud, Bribery and Corruption Policy all suspected irregularities must be reported to the Head of Internal Audit. The Head of Internal Audit will maintain a record of all such reports and will ensure a proportionate investigation is completed. Significant matters will be reported to the Head of Paid Service, Strategy and Resources Policy Committee and the Chair of the relevant Policy Committee and the Audit Committee as appropriate.

The Council operates a Whistleblowing Procedure which provides further guidance on how employees can raise issues or concerns about other inappropriate behaviour. Additionally, the Codes of Conduct for both Members and Officers set out the standards of behaviour expected regarding personal interests in professional matters and acceptance of gifts and hospitality. Declarations of interest, gifts and hospitality are required by these codes to ensure open and transparent transactions.

The Council also has a legal duty under the Money Laundering Regulations 2007 to ensure staff are aware of the risks and report any suspected money laundering activity. The Anti Money Laundering Policy and Guidance provides details of the reporting procedure and guidance on recognising potential money laundering activity and the areas of operation most likely to be affected. Management in those areas are responsible for ensuring their staff understand their obligations so they can recognise and report suspicious activity. To mitigate the risks of the Council in respect of money laundering, cash payments in excess of £10,000 will not be accepted except with the prior approval of the S151 Officer.

## 5.5 Insurance

The S151 Officer is responsible for arranging insurance cover on behalf of the Council, excluding any insurance under contracts which is the responsibility of the contractor.

The S151 Officer will hold in safe custody all insurance policies of the Council, arrange for payment of premiums by the due date, and manage the Council's own Insurance Fund. Procedures for dealing with claims on the Council's own Insurance Fund will be prescribed by the S151 Officer.

With regard to the insurance of property, other than buildings, and any other insurable risks appropriate to the Council's services, it is the duty of all Executive Directors to:

- Periodically review the valuation of insurable assets.
- Inform the S151 Officer promptly of any additions, disposals or revaluations of assets, so that appropriate changes in cover can be effected.
- Inform the S151 Officer promptly of any circumstances which necessitate the submission of a claim to an external insurer, or on the Council's Insurance Fund.

With regard to the insurance of assets, it is the duty of all Executive Directors to inform the S151 Officer promptly of any changes in the fabric, use or contents of any assets which may affect its valuation for insurance purposes.

It is the duty of the S151 Officer to periodically undertake a general revaluation of Council buildings so that appropriate amendments to insurance cover can be arranged.

The S151 Officer is responsible, in consultation with the appropriate Executive Directors, for submitting and agreeing insurance claims with external insurers and agreeing amounts to be met from the Council's Insurance Fund.

Insurance records relating to liability policies and related correspondence must be retained indefinitely. Documents relating to other policies and internal funding arrangements must be retained in accordance with the Council's [Document Retention Schedule](#).

## 6 Financial Systems and Procedures

### 6.1 Introduction

Sound systems and procedures are essential to an effective framework of accountability and control.

The S151 Officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by Executive Directors to the existing financial systems or the establishment of new systems must be approved by the S151 Officer. However, Executive Directors are responsible for the proper operation of financial processes in their own departments.

Any changes to agreed procedures by Executive Directors to meet their own specific service needs should be agreed with the S151 Officer.

Executive Directors should ensure that their staff receive relevant financial training that has been approved by the S151 Officer.

Executive Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Executive Directors must ensure that staff are aware of their responsibilities under freedom of information legislation.

### 6.2 Income

The S151 Officer will agree the arrangements for the collection of income due to the Council and approve the procedures, systems and documentation for its collection and associated debt recovery. It is the responsibility of Executive Directors to ensure that a proper scheme of delegation has been established within their area and is operating effectively.

The S151 Officer and Executive Directors will be responsible for:

- (i) Administering all invoicing, credit notes, income collection and debt recovery.
- (ii) Ensuring that claims for Government grants and other monies are made properly and promptly and properly.
- (iii) Ensuring that all monies received are properly receipted and recorded and banked promptly.
- (iv) Administering the process for writing off irrecoverable debts and monitoring and reporting on write off levels
- (v) Recommending and implementing the Council's debt management policy.

#### 6.2.1 Writing off Irrecoverable Income

In the course of collecting debt it is recognised that cases will arise where full payment or repayment is unlikely to be made, and where continued recovery action is ineffective or not

economic, or where any possible arrangement will not lead to the debt being settled in realistic and reasonable timescales. In this instance the debt is written off and no longer pursued. The finance scheme of delegation sets out delegated authority to write off any debt due to the Council,

Twice annually the amounts written off will be reported Audit Committee.

At the end of each financial year, each Executive Director will be required to supply the Finance Business Partner - Technical with lists of outstanding debts to be brought into account in the Final Accounts of the year.

## 6.3 Payment for Goods, Works and Services

Expenditure may only be incurred where budgetary provision is available and must comply with the Council's procurement rules and approved payment processes. All supplier invoices must be supported by a valid purchase order, otherwise this is likely to cause delay in payment.

## 6.4 Banking and Cash Handling

The S151 Officer is responsible for,

- The opening, operating and closing of bank accounts in the name of the Council.
- Ensuring there are satisfactory arrangements in place for the ordering, storage and control of all cheques drawn on the Council's main bank accounts.
- Ensuring regular reconciliations are carried out between all bank accounts and the financial records of the Council
- Approving the operation of imprest (petty cash) accounts.

Executive Directors are responsible for the proper administration of any imprest (petty cash) accounts including record keeping, document retention and the paying in of income.

## 6.5 Imprest Accounts

Imprest (petty cash) accounts can only be established in exceptional circumstances, where there is no other practicable means of meeting minor expenditure on behalf of the Council. S151 Officer approval is required before establishing an imprest account. Heads of Service are responsible for ensuring the imprest account is regularly reviewed and reconciled and must provide the S151 Officer with a certificate of the value of the account held at 31 March each year.

## 6.6 Purchase Cards

Purchase cards should only be used where it is not possible to go through the formal ordering process. Any request for a purchase card requires S151 Officer authorisation. Purchase cards can only be used in line with the Council's Purchase Card Policy.

## 6.7 Procurement

Officers responsible for the purchase or commissioning of goods, services or works must ensure the appropriate procurement procedures are followed. These procedures are different depending on what it is being procured and how much is being spent. The rules are governed by European law, UK law, and the council's own rules and regulations. Full details of the Council's procurement rules, along with associated guidance can be found at [procurement and commissioning](#)



## 6.8 Assets

The Council holds many different assets including property, land, vehicles, works of art and cash. These assets must be safeguarded and used efficiently in service delivery. Executive Directors must ensure that assets are properly maintained, securely held and appropriately documented. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place. Executive Directors are responsible for ensuring intellectual property rights are protected.

## 6.9 Land and Property Transactions

The Council will enter into a variety of property agreements. These transactions will have a financial consequence for the Council. Approval is therefore required to authorise such property transactions for completion, and to declare properties surplus to requirements.

The term "land" means real estate of whatever nature including land, buildings or structures, plus any rights over, under or through the land.

Prior to any disposal of Council property, the asset must first be declared surplus to requirements.

## 6.10 Stocks and Stores

Heads of Service must make appropriate arrangements for the care and custody of stocks and stores held by their services and maintain inventory records that document the purchase and usage of these items. Stock levels should be subject to a regular independent check. All discrepancies should be investigated and pursued to a satisfactory conclusion.

## 6.11 Taxation

The S151 Officer is responsible for advising Executive Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

The S151 Officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. This includes National Insurance, VAT and the necessary Construction Industry Tax Deduction Scheme requirements.

The S151 Officer will ensure that VAT incurred in relation to "exempt" business income is not at risk of exceeding the partial exemption limit in any financial year, and undertake the annual calculation after year-end.

Executive Directors have the responsibility to check the VAT status of any new type of income with Finance. Ensure all new schemes, in particular involving capital expenditure or changes to current arrangements that in service areas which involve VAT exempt income, are notified to Finance at the earliest opportunity. Executive Directors should liaise with Finance if there is any type of query concerning VAT or if it is believed that an error may have occurred.

## 6.12 Staffing

The Full Council is responsible for determining how officer support for executive and non-executive roles within the authority will be organised.

The Head of Paid service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

Executive Directors are responsible for controlling total staff numbers by:

- Advising the executive on the budget necessary in any given year to cover estimated staffing levels
- 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
- The proper use of appointment procedures.
- Ensuring the recruitment of agency staff, interim managers and consultants is in line with the Council's policy for recruiting non-permanent staff and take into consideration Intermediaries Legislation (known as IR35)

## 6.13 Payments to Employees and Members

The Director of Workforce and Change is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

## 6.14 Expenses and Allowances

The Director Workforce and Change is responsible for the payment of certified expense claims submitted by employees that are made in accordance with the Council's [Expenses, Benefits and Travel Policy](#). Certification of travel and subsistence claims is taken to mean that journeys were authorised and expenses properly and necessarily incurred for business purposes, and the allowances are properly payable by the Council. Further guidance is provided in the Expenses, Benefits and Travel Policy.

The S151 Officer will ensure that taxable allowances and benefits are accounted for, recorded and returned, where appropriate, to HM Revenue and Customs. Details of any employee benefits in kind must be notified to the S151 Officer to enable full and complete reporting within the income tax self-assessment system.

Member's allowances and expenses are covered by part 6 of the [Constitution](#).

## 6.15 Declarations of Interests, Gifts and Hospitality

The public is entitled to expect conduct of the highest standard from both local government Members and employees. Both a register of interests and a register for gifts and hospitality are maintained for both Members and employees and are examined by both Internal and External Audit. Full details of the requirements and guidance can be found in the following

Code of Conduct Employee Declaration

Code of Conduct for Members

It is the S151 Officers responsibility to ensure that suspected irregularities are reported to the Chief Internal Auditor and, where appropriate the Head of Paid Service and the Chair of Strategy and Resources Policy Committee.. Executive Directors must ensure staff are properly informed of the requirements and guidelines laid down in the Councils Code of Conduct, and also of relevant service-specific issues.

## 7 External Arrangements

### 7.1 Introduction

The local 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.

All partnership and joint working arrangements with outside bodies must be properly evaluated for risk before being entered into, and be supported by clear governance, accounting and audit arrangements.

### 7.2 Partnerships

The Strategy and Resources Policy Committee is responsible for approving delegations, including frameworks for partnerships. The Strategy and Resources Policy Committee is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The Strategy and Resources Policy Committee can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the Strategy and Resources Policy Committee remains accountable for them to the Full Council.

The Head of Paid Service represents the authority on partnership and external bodies, in accordance with the scheme of delegation.

The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the authority.

The S151 Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. The S151 Officer must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies and must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

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

### 7.3 External Funding

#### 7.3.1 Funding Conditions

External funding is an important source of income to the Council, but funding conditions need to be carefully considered prior to entering into agreements, to ensure that:

- (i) They are compatible with the aims and objectives of the Council;
- (ii) The requirements of the funding body are clearly understood and necessary procedures are in place to meet funding conditions and reporting requirements; and
- (iii) Appropriate budget provision is available if 'match funding' is required.

#### 7.3.2 Accounting for External Funding.

The S151 Officer, in conjunction with Executive Directors must, as appropriate, will ensure:

- Any match funding requirements are considered prior to entering into any agreement, that future budgets reflect these requirements, and that any long term sustainability costs have been properly assessed.
- That all funding awarded or committed by external bodies is received and properly recorded in the Council's accounts. This will include ensuring that claims for funding are made by the due date, and in accordance with the funding conditions.
- That a central register of external funding and grant arrangements is maintained
- All audit requirements are met

### 7.3.3 External Funding Claims

The S151 Officer and Executive Directors must, as appropriate, satisfy audit requirements in respect of external funding claims. This includes maintaining appropriate records that accord with the funding conditions, and making these available to the auditors as required.

For more information see the Grant Bid and Claim Protocol

### 7.3.4 Third Party Expenditure

Sometimes, grant funding awarded to the Council may be passed to an organisation falling outside of the direct responsibility of the Council. The Council will however remain accountable for the grant funding and, as such, will be responsible for ensuring that all of the terms of the grant are met.

The Executive Director in receipt of the grant must ensure that effective monitoring and reporting procedures are in place to provide assurances over the eligibility of expenditure incurred by the third party and the delivery of outcomes. Upon audit, if the eligibility of third party expenditure cannot be proven by the Council, the Council will itself usually be required to return the grant funding to the awarding body.

## 7.4 Work for Third Parties

### 7.4.1 Approval to Contractual Arrangements

Work can only be undertaken for third parties where the Council has the legal powers to undertake the work. Before progress is started the advice of the Head of Service Legal Services must be sought as to whether this is within the Council's legal powers. Where such legal powers exist, Executive Directors are responsible for:

- (i) Approving the contractual arrangements for any work undertaken by their services for third parties or external bodies.
- (ii) Ensuring that the appropriate expertise exists to fulfil the contract.
- (iii) Ensuring that no contract adversely impacts upon the services provided by the Council.

### 7.4.2 Financial Aspects of Third Party Contracts

With regard to the financial aspects of third party contracts, Executive Directors will:

- (i) Comply with any guidance issued by the S151 Officer and will ensure that the appropriate insurance arrangements are made.
- (ii) Ensure that all costs arising from the provision of services to a third party are recovered and hence that there is no subsidy included within the contract.

- (iii) Ensure that the Council is not exposed to the risk of bad debts.

### 7.4.3 Documenting and Recording Contracts

A written agreement must be put in place between the Council and the third party, which details the services to be provided, over what period and at what price; this will be signed by both parties to the agreement. Executive Directors will provide information on the contractual arrangements to the S151 Officer as requested, in order that the appropriate disclosures can be made within the Council's annual statement of accounts.

## 7.5 Council Owned or Controlled Entities

The Council recognises that a mix of different service delivery and business models are necessary to improve services and maximise value for money. Different service delivery models are available to the Council including the establishment of trading companies.

No such entities are to be established by the Council other than with the approval of the Strategy and Resources Policy Committee. Reports seeking approval for the establishment of such an arrangement must clearly set out:

- Both short and long term financial implications
- Comprehensive risk assessments
- How the proposed arrangement contributes to agreed priorities
- The legal basis for establishing the arrangement
- Exit strategies

No grants, loans, credit or other form of assistance, financial or otherwise, shall be provided to any owned or controlled entities outside the approved business plan other than with the prior agreement of the S151 Officer and where the transaction represents a key decision, the approval of the Strategy and Resources Policy Committee. Regard must always be had in relation to such proposals to any Subsidy Control implications that might arise as a result of the provision of such benefits.

Where the Council owns shares, or in some cases the share, in an external entity a shareholder representative will ordinarily be appointed. Currently the power to appoint the shareholder representative rests with the Strategy and Resources Policy Committee.

The principal responsibility for the financial management of Council owned and controlled entities is of the Finance Director, Board of Directors and other staff and officers of the entities. However, given the requirement for the Council to prepare and publish consolidated accounts referencing such entities and the responsibilities of the S151 Officer as to proper accounting practices and protection of the Council's financial position, the S151 Officer is authorised to exercise such control as is appropriate and lawful in relation to the proper financial management of such entities. This includes recommending to such entities the embedding of and compliance with appropriate accounting arrangements and the adoption of appropriate Financial Regulations and Procedure Rules.

The Council's Shareholder Group has been established to provide an oversight function for the Council's corporate portfolio.



**THE CITY COUNCIL OF BRISTOL**

**PROCUREMENT RULES**

**May 2024**

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## SECTION 1 INTRODUCTION

### Background

- 1.1. The City of Bristol Council (the Council) is accountable to the public for the way it spends public funds, ensuring efficient, effective and economic delivery of services and maximising the benefits available from the budgets and activity which supports the Council's strategic objectives. These Procurement Rules (the Rules) set out the Rules that must be followed by the Council for:
  - i. The procurement of Supplies, Services or Works and / or,
  - ii. The award of any Concession.
- 1.2. The Rules are complemented with supporting Procedural Notes and guidance which must be adhered to unless otherwise approved by the Head of Procurement & Contract Management Service. These documents will be periodically reviewed and amended in consultation with Legal Services and the Section 151 Officer where appropriate, to reflect changes in law, corrections etc.
- 1.3. In the case of Concessions, reference should be made to the **Procedural Note: Concession Contracts** and the associated Concession Contracts Regulations 2016 (**CCR**).
- 1.4. At the time of formal adoption due relevance to existing legislation was taken into account and would need due consideration on any subsequent related equivalent changes that may occur (e.g. changes in regards to EU status).

### General Principles

- 1.5. These Rules constitute the Council's standing orders in respect of third party contracts for the purposes of section 135 of the Local Government Act 1972:
  - i. To ensure that the Council complies with its legal obligations regarding the procurement of Supplies, Services and Works;
  - ii. To ensure that the Council obtains Value for Money and Best Value;
  - iii. To prevent corruption or the suspicion of it;
  - iv. To ensure fairness and equality of treatment of all suppliers, avoidance of bias, favouritism and that fairness can be demonstrated through an audit



trail and;

- v. To promote social value, including the local economy and environmental sustainability, to the extent that it is legally permitted.
- 1.6. All contracts must be let in accordance with:
- i. applicable UK and European Union legal requirements (including the [PCR](#) and [CCR](#) and the principles of transparency, equal opportunity and non-discrimination set out in the Treaty on the Functioning of the European Union ('**TFEU**'));
  - ii. these Rules and the Constitution (including the Financial Regulations and scheme of delegation);
  - iii. on the Council's terms and conditions. Where this is not possible or departure is being considered a clear note on why it is not possible to be noted for audit purposes. Depending on nature of risk / complexity Legal Services shall be consulted ahead of any formal decision.
- 1.7. For all Supplies or Services procurement related to Financial, Legal or ICT these should not commence without prior approval from the Director with responsibilities for those functions.
- 1.8. The Council's procurement process shall:
- i. Comply with the Council's Social Value Policy and associated supply chain standards and initiatives;
  - ii. Seek to reduce disadvantage, advance equality and promote community cohesion as defined in the Equality Act 2010;
  - iii. Make every effort to promote local business including Small and medium-sized enterprises (SME).
- 1.9. No Contract shall be made unless:
- i. There is a statutory power to do so;
  - ii. It can be demonstrated that it represents Value for Money;
  - iii. The necessary authorisation has been obtained in accordance with the Constitution and decision pathway.
- 1.10. In addition, where a procurement is to be undertaken it should:
- i. Ensure that the whole needs of Council are considered and wherever possible taken into account;
  - ii. Take into consideration opportunities to benefit from collaboration or

using existing compliant contracts.

- 1.11. In the event of Contracts where the Council is entering into a contract to be funded from the Council's delegated schools grant the Schools Forum must be given an opportunity to comment and give views.

### **When the Rules do not apply**

- 1.12. These Rules do not apply to:

- 1.13. Service contracts excluded under Regulation 10 of the Public Contracts Regulations 2015 (**PCR**), including but not limited to:

- i. Contracts regarding the purchase or lease of property, acquisition, disposal, transfer of land, or any interest in land which includes licenses (for which the Council's Corporate Land Policy shall apply);
- ii. Legal costs (including all associated costs and fees) in connection with legal proceedings (including tribunals, inquiries, civil or criminal court proceedings);
- iii. Treasury Transactions as outlined within the Treasury Management Strategy.

- 1.14. Contracts awarded under the PCR 12(1) (formerly referred to as the Teckal exemption);

- 1.15. Contracts awarded under PCR 12(7) (e.g. establishing or implementing a public contract with another public sector entity).

- 1.16. Contracts for employment which make an individual a permanent or interim employee of the Council (for the avoidance of doubt this exemption does not apply to the appointment of consultants);

- 1.17. Non-contractual funding arrangements (including Grant agreements under which the Council gives a Grant to third parties) provided that the terms of the funding arrangements do not constitute a contract (rather than a Grant);

- 1.18. Specific licencing requirements (such as TV Licence or Public Entertainment Licence) or subscriptions to national organisations (such as the Local Government Association: LGA);

- 1.19. A contract for or on behalf of a school with a delegated budget, where the contract has been procured in accordance with the school's own formal procurement and contractual rules;

- 1.20. Contracts for the execution of either Works or provision of Supplies or Services which must be provided by Statutory Undertaker other than the Council. This includes, but is not limited to, arrangements with a utilities provider, where the Council has no discretion regarding whether Works are required or who must deliver them;
- 1.21. Disposal of supplies deemed surplus to the Council needs;
- 1.22. The **Procedural Note: Social Care and Education Placements** applies in the situation of social care services and related services (e.g. fostering placements) for vulnerable adults or young people and where there is either,
- i. the right for the service user choice around provision;
  - ii. a panel or tribunal led placement decision;
  - iii. a judicial review or other court or tribunal decision directing the placement and / or;
  - i. allowance under PCR, in-line with the Council's obligations under legislation governing care, support and / or education of children or adults
- 1.23. In the event of a genuine emergency or a major disaster involving immediate risk to persons, property or serious disruption to Council services or significant financial loss, these Rules would not apply to the extent necessary to deal with the immediate risk.
- 1.24. Once the immediate risks of that genuine emergency or major disaster has been duly mitigated, any follow up actions which would typically be subject to these Rules should look to comply with the Rules as soon as practically possible following this.

### **Compliant Exceptions**

- 1.25. It should be the default position to obtain best value through competition, as described in the Rules, unless there are compelling reasons not to do which are compliant with relevant national legislation and European Union laws. The **Procedural Note: Modifications, Compliant Exceptions, Deviations and Breaches** must be applied in these instances.
- 1.26. When considering a Compliant Exception, it must be done in a manner that ensures the best interests of the Council are being secured.
- 1.27. Note that the approval of a Compliant Exception does not preclude the need to formalise any necessary approvals and administration, for example, the

creation of purchase orders and a formal contract.

### **Standards, Breaches and non-compliance**

- 1.28. Compliance with these Rules is mandatory.
- 1.29. Those with responsibility for fulfilling their duties in line with the Rules are required to maintain ongoing knowledge and awareness to ensure compliance.
- 1.30. It will be the responsibility of Officers (including those with line management responsibilities) to address non-compliance swiftly and in the most appropriate way according to the circumstances.
- 1.31. Means of reporting concerns can also be raised anonymously in line with the Council's Whistleblowing Policy – [whistle-blowing-policy](#)
- 1.32. Failure to comply with these Rules may constitute a disciplinary matter that may be pursued as appropriate, in accordance with the relevant Human Resources Policy Framework.
- 1.33. A Councillor or Officer must not seek or receive any bribe, gift or inducement of any kind. Any Councillor or Officer who has either been offered a bribe, gift or inducement, or is aware or suspects that another Councillor or Officer has been, shall report it to the Chief Internal Auditor or the Director: Legal and Democratic Services.
- 1.34. If a Councillor or Officer is or could be in a position where somebody with whom they have a family, personal or financial relationship might bid for a contract, they must not be involved in any way in the procurement exercise or seek to influence it. Officers and Councillors shall be aware of the requirements of the appropriate codes of conduct and must declare any direct or indirect interest in accordance with the law and such codes.
- 1.35. Officers should follow the Code of Conduct for Employees and relevant authorisations.
- 1.36. Councillors are not permitted to form part of the process once a procurement exercise is active and must ensure that their actions do not compromise or impact on the due process that has been set out.
- 1.37. Further details regarding Breaches of the Rules and their consequences can be found in the **Procedural Note: Modifications, Compliant Exceptions,**

## Deviations and Breaches

### SECTION 2 KEY FINANCIAL & PROCUREMENT THRESHOLDS

#### General

- 2.1. Before undertaking a new procurement, the following approaches should be used in the first instance:
  - i. Use of internal Council service(s);
  - ii. Use of an existing corporate Contract (including Teckal arrangements).
- 2.2. All of the above should take into account the wider principles of these Rules.

#### Observance of Thresholds

- 2.3. The value for a proposed Contract must be a genuine pre-estimate and must be based on the total aggregated value over the life of the Contract, including any provision for extension(s).
- 2.4. Where there is a requirement for similar Supplies, Services and / or Works, this spend should be aggregated to ensure compliance with the PCR in particular Regulation 6. There shall be no disaggregation of requirements from across the Council in order to avoid the thresholds.
- 2.5. The **Procedural Note: Financial Value Calculations and Authorisation Paths** should be followed when determining which threshold applies in particular circumstances.

#### Authorisation and approvals Stages

- 2.6. Approvals and authorisations shall be made at four key stages (Sign Off Approvals):
  - i. Stage 1 – Determining the appropriate Route to Market (Business case sign off)
  - ii. Stage 2 – Confirmation of Award Decision
  - iii. Stage 3 – Contract Variations / Extensions
  - iv. Stage 4 – Benefits Realisation (for Significant Contracts)

**Table 1 Key Financial Thresholds & Procurement Procedures**

ACTIVITY	UP TO £5k	Over £5k to £25k	Over £25k to £250k (Works only) or to relevant OJEU Threshold (Services, Supplies, Concessions or Light Touch Regime)	Over £250k (Works) or over relevant OJEU threshold (Services, Supplies, Concessions or Light Touch Regime)
<b>Tender process (as a minimum)</b>	Obtaining at least one Quotation (preferably written), wherever possible from local / SME supplier	Seek as a minimum one Quotation (preference for three) via email from appropriate suppliers. This must include local / SME supplier wherever possible	Seeking a minimum of three Quotations where possible with one of the three quotes from local / SME suppliers or formal compliant tender procedure	Formal compliant tender procedure
<b>Formal Advertising / Publication of opportunity and award</b>	Optional	Optional	Yes Contracts Finder (award only)	Yes – OJEU* and Contracts Finder
<b>Contract published on Contract Register?</b>	Not required	Yes	Yes	Yes
<b>Use of electronic Tendering System?</b>	Optional	Optional – unless approach is not taken then eTendering required	Yes	Yes
<b>Application of a Compliant Exception (see Procedural Note: Modifications, Compliant Exceptions, Deviations and Breaches)</b>	Not required but necessary records to be kept for audit purposes	Not required but necessary records to be kept for audit purposes	Yes – in line with Scheme of Delegation	Yes – in line with Scheme of Delegation
<b>Procurement &amp; Contract Management Service engaged</b>	Optional	Optional	Yes	Yes

**Notes:**

\*Not required for Works below threshold.

Where possible all quotations should be confirmed in writing for audit purposes. Where a quotation from a local supplier is not possible, the reasons must be recorded for audit purposes.

**Official Journal of European Union (OJEU) Thresholds:** [here](#) (see “Other Contracting Authorities”).

**Table 2 Authorisations, approvals and Contract signatory**

<b>VALUE LEVEL</b>	<b>METHOD/APPROACH</b>	<b>AUTHORISATION POINT</b>
<b>Up to £25,000</b>	Relevant means for audit purposes as needed, e.g. emails, etc.	<b>Budget Holder</b> (or Officer delegated by Budget Holder)
<b>In excess of £25,000, but not more than £100,000</b>	1) Formal Authorisation carried out between authorisation points in line with decision pathway	<b>Head of Service</b> (or Officer with authority delegated by the Budget Holder) and <b>Head of Procurement &amp; Contract Management Service</b> (or Officer delegated by Head of Procurement & Contract Management Service)
<b>In excess of £100,000, but not more than £250,000</b>  • <b>Note:</b> OJEU Supplies / Services Threshold within this value level	1) Formal Authorisation carried out between authorisation points in line with decision pathway 2) Completion of Officer Executive Decision (OED) form for record of decision (within 5 days of decision)	<b>Director</b> (following consultation with the Budget Holder and relevant Committee Chair) and <b>Head of Procurement &amp; Contract Management Service</b> (or Officer delegated by Head of Procurement & Contract Management Service)
<b>In excess of £250,000, but less than £500,000</b>	1) Formal Authorisation carried out between authorisation points in line with decision pathway 2) Completion of Officer Executive Decision (OED) form for record of decision (within 5 days of decision)	<b>Executive Director</b> with approval of the <b>Section 151 Officer</b> (with consultation of <b>Head of Procurement &amp; Contract Management Service</b> ) and relevant <b>committee Chair(s)</b>
<b>£500,000 and above, but not more than £1m</b>  • <b>Note:</b> OJEU Social and other specific services Threshold within this value level	Committee Report (Note: OED form required where delegation has previously been approved, e.g. approved route to market but delegation to award)	<b>Committee approval</b>
<b>Over £1m</b>  • <b>Note:</b> OJEU Works Threshold within this value level	Committee report (Note: OED form required where delegation has previously been approved, e.g. approved route to market but delegation to award)	<b>Committee approval</b>

## **SECTION 3      KEY PROCESSES AND OTHER CONSIDERATIONS**

### **Background**

- 2.1. The following section provides a summary of key areas to consider when assessing procurement implications and / or undertaking a procurement process.

### **Due Diligence**

- 2.2. Relevant subject matter experts (e.g. service area teams, Legal Services, Finance, IT, Property, Information Security, Data Protection, etc.) are to be consulted at appropriate times during the procurement process.
- 2.3. Prior to their involvement in a procurement activity, Officers (including those involved in the development specifications through to being part of an evaluation team) are required to sign a declaration any conflict / interest form, outlining any direct or indirect interest, canvassing and confidentiality matters. The completed form should be retained as part of the Contract records.

### **Timescales**

- 2.4. Documenting specifications clearly and accurately is critical to achieving the right long-term outcomes for the Council so Officers should dedicate sufficient time for this activity.
- 2.5. Timescales for submission of tenders / quotations shall be reasonable, sufficient and proportionate in order to enable suppliers to submit a suitable response in order to facilitate genuine competition and compliance with the relevant PCR requirements.
- 2.6. Where the procurement is a re-tender it is essential to put in place necessary and appropriate time in advance to ensure continuity of service.

### **Preliminary Market Consultation**

- 2.7. Where relevant and proportionate to do so, preliminary market consultation is permitted and encouraged with the intention of informing the procurement process and potential suppliers. Where such consultation takes place, care shall be taken that it is in line with the PCR and in particular Regulations 40 and 41.



## **Advertising Opportunities**

- 2.8. Publishing of quotation / tender opportunities shall be in line with Table 1 Key Financial Thresholds & Procurement Procedures. The primary means of advertising shall be via Contracts Finder, any associated Portal in connection with the Council default eTendering System and for those subject to the PCR and the Official Journal of the European Union.
- 2.9. Advertising of Contracts subject to the PCR shall be in line with the requirements of the PCR and in particular Regulations 49 and 50 plus Regulation 106 in relation to Contracts Finder.

## **Procurement Clarifications**

- 2.10. Where Quotations/Tenders are placed via the Council's eTendering System, clarifications on the procurement are only permitted via that System.
- 2.11. Discussions with tenderers after submission of a Tender and before the award of a Contract, with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) is generally not permitted. If this is considered necessary then advice must be sought from Legal Services.
- 2.12. Planned and structured supplier contact in the form of a Bidder's day or dialogue / negotiation as part of a prescribed procedure are permitted.

## **Evaluation**

- 2.13. Quotations / Tenders will be evaluated in accordance with the evaluation criteria disclosed in the published procurement documents.
- 2.14. In setting criteria and in the evaluation of quotes/tenders, reference should be made to the accompanying evaluation guidance.

## **Opening of Quotations / Tenders**

- 2.15. In line with Table 1 Key Financial Thresholds & Procurement Procedures, Quotations / Tenders are submitted via eTendering System and will be transmitted by electronic means. Quotations and Tenders submitted by electronic means shall ensure that:
- i. evidence that the transmission was successfully completed is obtained and recorded through the system, and;
  - ii. Quotations / Tenders are not opened until the deadline has passed for

receipt of tenders.

- 2.16. Quotations / Tenders received after the specified date and time must be assessed in line with **Procedural Note: Late Submissions**.
- 2.17. Where information is felt to be missing or omitted in a Quotation / Tender then reference should be made to **Procedural Note: Missing or Omitted Materials in a Tender**.
- 2.18. Where the electronic Tendering System is not used in relation to a quotation process, an audit trail shall be put in place in order to uphold the principles as set out in the Rules. A record shall be made of the Quotations received including names, addresses and the date and time of opening.

### **Contract Award**

- 2.19. Where a Contract is awarded with a value of above £25,000 the following information shall be published on Contracts Finder: name of contractor; date on which Contract entered into; value of Contract; whether contractor is a SME or voluntary and community vector enterprises (VCSE).
- 2.20. For all Contracts subject to the PCR, Contract Award Notices shall take into account any requirements and conditions around Standstill Period, in line with Regulation 87 and an individual contract report is to be completed in line with regulation 84 of the PCR.

### **Application of the Light Touch Regime**

- 2.21. Under the PCR the Council can apply flexibility to the approach and procedures for certain Services. A list of services to which the Light Touch Regime applies can be found in [Schedule 3](#) of the PCR.
- 2.22. The Light Touch Regime only applies to Contracts over the [PCR stated threshold](#).
- 2.23. Although the use of the flexibility permitted by the Light Touch Regime is encouraged, the principles of the TFEU still apply, meaning that the procurement procedures and the award of Contracts shall be fair, transparent and non-discriminatory.
- 2.24. Application of the Light Touch Regime does not negate requirements to comply with these Rules and follow the Council's formal decision-making process.

## **Contracts and documentation**

- 2.25. All Contracts shall be executed by an Officer with authority to do so under the Council's scheme of delegations.
- 2.26. The use of electronic signatures is permitted provided a process has been established and approved by Legal Service.
- 2.27. Subject to 0, a Contract must be executed as a deed when one or more of the following situations exist:
- i. The Contract relates to a construction project (whether a Contract for Works or a Contract for Services) where the overall value of the Works or Services is greater than £500,000;
  - ii. Contracts for Works below the value of £500,000 where there is a risk of latent defects;
  - iii. Where it is particularly complex or high risk;
  - iv. Where it is a mortgage or charge;
  - v. Where it is for the acquisition or disposal of an interest in land;
  - vi. Where it is an appointment of a trustee, and/or;
  - vii. Where it is a power of attorney.

Additional guidance on the use of deeds can be found in the **Procedural Note: Execution as a Deed**

- 2.28. Notwithstanding the above, there is no requirement for a Contract to be executed as a deed where the Monitoring Officer has determined that a deed is not required.
- 2.29. The formal advice of a Legal Officer must be sought for a Contract that includes one or more of the following features:
- i. Where the Contract Value is greater than the EU Threshold for Services and Supplies and greater than £250,000 for Works;
  - ii. Where it involves financial lease arrangements;
  - iii. Where it is proposed to use a contractor's own terms;
  - iv. Where it is particularly complex or high risk;
- 2.30. Where payment in advance is required then formal written approval of the S151 Officer is also required. In the event of industry standards leading to a

common accepted practice of advance payments (e.g. software licences) this would only need to be sought once.

- 2.31. All Contract formalities must be concluded before the supply, service or works begin, bar in exceptional circumstances, and then only with the written approval of a Legal Officer. All related parent company guarantees and/or bonds should be delivered in accordance with the Contract/Tender.
- 2.32. The Officer responsible for securing signature of the Contract must ensure that the person signing for the other contracting party has authority to bind it. Cases where this is uncertain must be referred to legal services.

### **Contract Extensions and Variations**

- 2.33. Extensions or variations to existing contracts must be made in line with the **Procedural Note: Modifications, Compliant Exceptions, Deviations and Breaches** and the **Procedural Note: Financial Value Calculations and Authorisation Paths**.
- 2.34. If the particular circumstances of an extension or variation are not covered by these Procedural Notes, guidance should be sought from the Procurement & Contract Management Service, with confirmation sought from a Legal Officer (where required) that the variation or extension does not conflict with EU and UK procurement law. Additional guidance from the Crown Commercial Service is available [here](#).

### **Contract Management**

- 2.35. Contract management must be an integral part of the consideration when seeking to award a new Contract. This will include establishing dedicated contract managers and contract management systems that are aligned to contract and corporate objectives, Value for Money and performance improvement.
- 2.36. Payments shall be made in accordance with the contract and in a timely manner so as to avoid the payment of any interest charges.
- 2.37. During the life of a Contract, the contract manager must monitor the Contract in line with any approved Contract management framework
- 2.38. If a contractor fails to comply with any of the provisions of a Contract, the contract manager must try to secure compliance. Proper records must be kept regarding Contract failings and any corrective measures put forward. If

this is not successful, the matter should be referred promptly to the Procurement & Contract Management Service and their advice sought as to what action should be taken to protect the Council's interests.

- 2.39. Where practicable, all Contracts should contain a dispute resolution procedure. If a contractor raises a dispute which is not clearly within the terms of a contract, the contract manager must not negotiate a settlement until the claim has been referred to:
- i. A Legal Officer for advice about the Council's legal liability, and,
  - ii. The Section 151 Officer for advice about the financial implications.

## **OTHER MATTERS AND CONSIDERATIONS**

### **Frameworks and Dynamic Purchasing Systems (DPS)**

- 2.40. Framework Agreements and DPS can be set up internally to procure batches of similar Supplies, Services or Works which the Council expects to need over a period of time, but has no certainty as to what sort of quantity or details it may require.
- 2.41. The use of a Framework Agreement or DPS set up by a third party must be approved by Procurement & Contract Management Service, who will seek advice from Legal where necessary. This is to ensure that the framework is both the most appropriate route and that it is open for the council to use.
- 2.42. All Framework Agreements and DPS must be awarded, set up and managed strictly in accordance with the Public Contracts Regulations 2015, where applicable.
- 2.43. All call offs must be in accordance with the terms of relevant framework agreement.
- 2.44. In looking to establish a Framework or DPS, due consideration must be given to sub-dividing the contract into lots and the reasoning provided where it is decided that this is not appropriate.

### **State Aid**

- 2.45. State Aid must be considered in situations or circumstances where the proposed arrangement may provide an advantage through state resources on a selective basis to any organisation(s) that could potentially distort competition and / or trade in the European Union (EU).

### **Provision of Art**

- 2.46. Where the Council is seeking to acquire or commission the creation of a unique work art or an artistic performance then the **Procedural Note: Acquisition and Commissioning of Art** shall be followed.

### **Bonds and Parent Company Guarantees**

- 2.47. As part of the overall due diligence consideration should be taken as to the necessity or otherwise around seeking a Bond or Parent Company Guarantee based on strategic risk. The **Procedural Note: Performance Bonds, Parent Company Guarantees and Insurances** shall be followed.

## SECTION 4 Roles and Responsibilities

Stakeholder	Role / Responsibility
<b>Director</b>	<p>Directors must:</p> <ul style="list-style-type: none"> <li>- In prior written consultation with the Procurement &amp; Contract Management Service and advice from Legal Services, only approve variations to Contracts where there are financial, legal or commercial implications within their delegated limit of authority, and in accordance with the Public Contracts Regulations;</li> <li>- In prior written consultation with the Council's Procurement &amp; Contract Management Service and the Section 151 officer, seek approval of the relevant Committee to accept any tender other than the first ranked tender evaluated in accordance with prescribed procedures and criteria declared before submission of tenders;</li> <li>- Provide information to the Head of Procurement &amp; Contract Management Service for the maintenance of a contracts register, to include identifying a named contract manager for each Contract awarded;</li> </ul>
<b>Procurement &amp; Contract Management Service</b>	<p><b>Procurement &amp; Contract Management Service</b> must:</p> <ul style="list-style-type: none"> <li>- Provide commercial advice and support to members and all service areas on commercial and procurement matters in accordance with these procurement rules;</li> <li>- Promote the Procurement approach, policies and procedures and initiate appropriate reviews;</li> <li>- Ensure the contracts register is maintained for all Contracts above £5,000;</li> <li>- Approve any: <ul style="list-style-type: none"> <li>o Guidance containing permanent alternative practices to the Procurement Policies and Procedures;</li> <li>o Variations to the Standard Procedure subject to consultation with the Section 151 officer and Legal Officer where there are financial and legal implications respectively;</li> </ul> </li> <li>- Initiate the Sign Off Approach and ensure major</li> </ul>

	<p>procurement activity is strategically managed;</p> <ul style="list-style-type: none"> <li>- Designate a Procurement Officer in consultation with Directors and ensure appropriate training is given and appropriate systems are in place and observed for the proper discharge of the procurement activity.</li> <li>- In addition to any other responsibilities set out in these Rules, the Section 151 Officer shall: <ul style="list-style-type: none"> <li>o Conduct financial appraisals of organisations where required, including advising on the most appropriate form of financial assurance;</li> <li>o Make payments from the Council's funds upon the receipt of proper original, certified copy or valid electronic VAT invoices that have been checked, coded and certified by the Service. Details of the rules applying to payment of suppliers are set out in the Council's <u>Financial Regulations</u>.</li> <li>o Standard payment terms are 30 days from date of an undisputed invoice. Any variation to this must be approved by the Section 151 officer.</li> </ul> </li> </ul>
<p><b>Committees</b></p>	<p>The Strategy and Resources Committee makes strategic decisions over the budgetary and policy framework within which procurement plans are developed and implemented.</p> <p>Decisions to approve procurement processes leading to the award of Contracts that constitute Key Decisions can only be made by the relevant Committee, or other body or individual delegated this authority, as prescribed in the Council's Constitution.</p> <p>Where a Key Decision is made, the relevant Committee will generally authorise the procurement process to be followed and delegate the Contract award to the relevant Executive Director or Director.</p>
<p><b>Officers</b></p>	<p>Officers responsible for purchasing and the relevant Director must:</p> <ul style="list-style-type: none"> <li>- Comply (and ensure that any agents, consultants and contractual partners acting on their behalf also comply) with these Rules, the <a href="#">Financial Regulations</a>, the <a href="#">Constitution</a> and with all UK and European Union legal requirements;</li> <li>- Comply with all of the obligations set out in the</li> </ul>



	<p>Procurement Guidance and have regard to all other aspects of the Procurement Guidance;</p> <ul style="list-style-type: none"> <li>- Ensure compliance with the requirements of the Public Services (Social Value) Act 2012 and the Council's <a href="#">Social Value Policy</a>;</li> <li>- Agree annual service procurement plans for their directorate. These plans should be considered and approved by the appropriate Procurement Officer for that service area before the start of each financial year. The plans should detail existing Contracts / spend, pending Contract renewals and any new Contract / spend identified for the coming year. In drawing up these procurement plans the Director should consider: <ul style="list-style-type: none"> <li>• Utilising any internally provided services and corporate Contracts;</li> <li>• Future service projections and known requirements for the year to come, including potential regulatory changes;</li> <li>• Current and future budgetary considerations;</li> <li>• Links to the corporate plan and directorate business plans and how the objectives set out within this document will be supported by the annual procurement plan;</li> </ul> </li> <li>- When any employee either of the Council or of a contractor may be affected by any transfer arrangements, ensure that the Transfer of Undertakings (Protection of Employment) (TUPE) and pension issues are considered and that legal advice is obtained before commencing the procurement procedure;</li> <li>- Consult with the relevant Procurement Officer to establish whether a suitable Contract or external Framework Agreement may exist, before commencing a new procurement project; where internal services are provided or corporate contracts have been procured these will be used throughout the Council;</li> <li>- Ensure that for Contracts in excess of £25,000, all contact with any Bidder during a competitive process is conducted using the Council's e-tendering system</li> </ul>
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## SCHEDULE 1 – DEFINITIONS

DEFINED TERM	MEANING
“Best Value”	Means arrangements to secure <a href="#">continuous improvement</a> in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
“Bidder”	Means any person who asks or is invited to submit a quotation or tender.
“Concession”	Means any contract under which the Council grants rights, land or property to another organisation
“Constitution”	Means the Council’s Constitution.
“Contract”	Means Contracts that have been set up with the expressed intention of supporting the delivery of Works, Service or Supplies or Concessions,
“Contract Manager”	Means the officer appointed by the relevant Director (pursuant to Rule 2.37) with responsibility for managing a particular Contract.
“Contract Value”	<p>Means the whole life value or estimated whole life value (in money or equivalent value) for any purchase (including any extensions available) calculated as follows:</p> <p>(a) Where the Contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the fixed period;</p> <p>(b) Where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions over the life expectancy of the Contract;</p> <p>(c) Where the Contract is for an uncertain duration, by multiplying the monthly payment by 48.</p> <p>Specific guidance is available in the <b>Procedural Note: Financial Value Calculations and Authorisation Paths</b>.</p>
“Councillor”	Means a duly elected Member representing the Council in line with the Council’s Constitution.
“EU Procedure”	Means a procurement procedure required under the Public Contracts Regulations 2015.
“EU Threshold”	Means the Contract Value at which the full requirements of the Public Contracts Regulations 2015 / Concession Contracts Regulations 2016 apply. <a href="https://www.gov.uk/government/publications/procurement-policy-note-new-thresholds-2020">https://www.gov.uk/government/publications/procurement-policy-note-new-thresholds-2020</a>
“Framework Agreement”	Means an agreement between one or more public bodies with one or more contractors, the purpose of which is to establish the terms governing contracts to be awarded during a given period.

<b>“Grants”</b>	For the purpose of this document Grants shall mean a payment to help the recipient (e.g. charity) to delivery an agreed outcome, but has no contractual basis. In return, the grant funder (e.g. the Council) gets no direct service delivery. A grant is usually provided subject to conditions that state how the Grant shall be used (for example to support the wider objectives of the Council in promoting the social, economic or environmental well-being within their communities). Grant funding is usually preceded by a call for proposals. The Grant offer letter will normally set out general instructions as to how this is to be achieved, and any particular conditions in regards to clawback if those wider objectives are not met
<b>“Head of Procurement &amp; Contract Management Service”</b>	Means the lead officer for the Procurement & Contract Management Service, or such other Procurement Officer / Manager with the appropriate delegated authority.
<b>“Key Decision”</b>	Means a key decision as defined in the Constitution.
<b>“Legal Officer”</b>	Means the Director – Legal and Democratic Services or such other Legal Officer with the appropriate delegated authority.
<b>“Local Authorities”</b>	Means Public Sector organisations as defined as Local Authorities in the UK
<b>“Officer”</b>	Means an Officer as employed by the Council with relevant and appropriate authority to act on behalf of the Council.
<b>“Procurement Guidance”</b>	Means the guidance issued by the Procurement & Contract Management Service, together with a number of standard documents and forms, which supports the implementation of these Rules.
<b>“Procedural Note”</b>	Means detailed guidance issued by the Procurement & Contract Management Service, together with a number of standard documents and forms, which supports the practice and the implementation of these Rules.
<b>“Procurement Officer”</b>	Means the appropriate officer for the Procurement & Contract Management Service.
<b>“Quotation”</b>	Means a quotation of price and any other relevant matter (without the formal issue of an invitation to Tender).
<b>“Section 151 Officer”</b>	Means the Director of Finance and Section 151 Officer or such other finance officer with the appropriate delegated authority.
<b>“Sign Off Approval”</b>	Means a series of quality assurance checkpoints through which a procurement project needs to pass prior to approval, publication and contract award.

<b>“Significant Contract”</b>	For the purposes of Rules a Significant Contract shall mean a Contract that is defined in line with the Council’s contract management framework (currently under development).
<b>“Social Value”</b>	Public authorities are required, under the Public Services (Social Value) Act 2012 to, when commissioning a public service, consider how the service they are procuring could bring added economic, environmental and social benefits.
<b>“Standstill Period”</b>	Means a period following the notification of an award decision in a contract tendered via the Official Journal of the European Union (OJEU), before the Contract is awarded to the successful Bidder(s) as set out in the Public Contract Regulations 2015 in line with Regulation 87.
<b>“Supplies, Services or Works”</b>	Means Supplies, Services or Works as defined in the Public Contracts Regulations 2015.
<b>“Teckal”</b>	The right to award contracts for Works, Services or Supplies from the controlling authority to the Council Owned company. See the Regulations regulation 12 for more details:  <a href="http://www.legislation.gov.uk/uksi/2015/102/regulation/12/made">http://www.legislation.gov.uk/uksi/2015/102/regulation/12/made</a>
<b>“Tender”</b>	Means a Bidder’s proposal submitted in response to an invitation to tender.
<b>“Treaty on the Functioning of the European Union (TFEU)”</b>	Originating as the Treaty of Rome, the TFEU forms the detailed basis of European Union law, by setting out the scope of the EU’s authority to legislate and the principles of law in those areas where EU law operates.
<b>“Value for Money”</b>	Means optimum combination of whole-life cost and quality (or fitness for purpose) to meet the customer’s requirement. This includes consideration of Social Value.

## SUMMARY OF PROCEDURAL NOTES

PROCEDURAL NOTE	CONTENT
Modifications, Compliant Exceptions, Deviations and Breaches	<ul style="list-style-type: none"> <li>• When and how an existing contract can be changed, extended or added to (<b>Modifications</b>)</li> <li>• When and how a contract can be legitimately awarded to a supplier without the usual competitive process (<b>Compliant Exceptions</b>)</li> <li>• When and how requests to deviate from the Rules can be authorised (<b>Deviations</b>)</li> <li>• Consequences of <b>Breaching</b> these Rules</li> </ul>
Financial Value Calculations and Authorisation Paths	<ul style="list-style-type: none"> <li>• <b>How to calculate the financial values for a particular situation that will determine:</b> <ul style="list-style-type: none"> <li>○ Possible procurement routes</li> <li>○ Procurement authorisation paths</li> </ul> </li> <li>• <b>Procurement authorisation paths</b></li> <li>• Approval paths for <b>Deviations</b> from the Rules</li> <li>• Acknowledgement paths for <b>Breaches</b></li> </ul>
Social Care and Education Placements	The criteria and processes associated with the procurement of Social Care and Education placements for Adults and Children.
Acquisition and Commissioning of Art	The criteria and processes associated with the acquisition and commissioning of art
Performance Bonds Parent Company Guarantees and Insurances	<ul style="list-style-type: none"> <li>• When and how <b>Performance Bonds</b> and <b>Parent Company Guarantees</b> should be included in tenders and contracts</li> <li>• Key considerations for <b>Insurances</b></li> </ul>
Late Submissions	Procedure to be followed when a Quotation or Tender is submitted late (i.e. after the published submission deadline).
Missing or Omitted Materials in a Tender	Procedure to be followed when there appears to be an error in the information provided within a Quotation or Tender.
Concession Contracts	<ul style="list-style-type: none"> <li>• The types of contract that are regarded by the Council as concession contracts</li> <li>• Guidance on the <b>law, procedures and considerations</b> affecting concession contracts</li> </ul>

Execution as a Deed	Guidance on when and why a contract should be Executed as a Deed
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## KEY LINKS

Public Contracts Regulations 2015  
[Public Contracts Regulations 2015](#)

Concession Contracts Regulations 2016  
[Concession Contracts Regulations 2016](#)

Public Services (Social Value) Act 2012  
<http://www.legislation.gov.uk/ukpga/2012/3/enacted>

Bristol City Council's Social Value Policy  
[Bristol CC - Social Value Policy](#)

Internal procedural notes and guidance on Bristol City Council procurement (intranet):  
[Commissioning-procurement guidance](#)

Published details on Bristol City Council procurement (external website):  
<https://www.bristol.gov.uk/tenders-contract/procurement-rules-regulations>

# **PART 4.9 - MEMBER FORUM PROCEDURE RULES**

## **1. TIMING AND BUSINESS**

Immediately before each Ordinary Council meeting except the Budget Meeting, the Council will hold a Member Forum. The meeting shall be webcast.

- (a) The purpose of the Member Forum shall be to facilitate Councillors in presenting statements to and asking questions of the Leader of the Council and the Chairs of Policy Committees and the Chairs of Regulatory Committees.
- (b) The Question Time will last for no more than one hour and will be subject to the Access to Information Rules applicable to meetings of the Council except as varied by these Member Forum Procedure Rules.
- (c) Subject to Council Procedure Rule 10.5 (Scope of Questions and Statements) there shall be no restriction on the subject matter of questions or statements.

## **2. CHAIR OF MEETING**

The Question Time will be chaired by the Lord Mayor, or in his absence the Deputy Lord Mayor or by a member elected by the members to preside if the Lord Mayor and Deputy Lord Mayor are not present.

## **3. STATEMENTS**

Councillors may, provided they give notice in writing by electronic mail to the Proper Officer (including details of the wording of the statement, and a copy of the submission) by no later than 12 noon of the working day before a meeting, submit a statement to the Member Forum. A maximum of one minute shall be allowed for the presentation of each statement.

There shall be no debate on the statements, and the Lord Mayor shall refer them to the Leader of the Council or the Chair of the relevant Policy or Regulatory Committee for consideration.

## **4. NOTICE OF QUESTIONS**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer by no later 5pm on the working day after publication of the Full Council papers. Each question must give the name of the questioner. Copies of all questions and answers from the Leader of the Council and the Chairs of Policy Committees and the Chairs of Regulatory Committees will be published to all members and made available to the public attending the meeting if requested by no later than noon on the day before the meeting.

## **5. ORDER OF QUESTIONS**

Questions will be asked in the order notice of them was received, except that the Lord Mayor may group together similar questions.

## **6. NUMBER OF QUESTIONS AND SUPPLEMENTARY QUESTIONS**

Members of Council shall be entitled to ask two questions and two supplementary questions.

A supplementary question must arise directly out of the original question or the reply.

## **7. RESPONSE**

Replies to questions will be given verbally. If a reply cannot be given at the meeting (including due to lack of time) or if written confirmation of the verbal reply is requested by the questioner, a written reply will be provided within 10 working days of the meeting.

## **8. COUNCIL PROCEDURE RULES**

The Council Procedure Rules shall apply to the Member Forum except as expressly or impliedly varied by these Member Forum Procedure Rules.



## PART 4.10 - PETITION SCHEME

### 1. Introduction

- 1.1. The Council welcomes petitions and recognises that these are one way in which people who live or work in Bristol can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 1.2. In this scheme there are 4 types of petitions:
  - (a) Petitions that trigger the right to a Full Council debate - these must be signed by at least 3,500 signatories.
  - (b) Petitions that trigger the right to a Policy Committee debate – these must be signed by at least 1,500 signatories .
  - (c) Petitions that trigger the right to an Area Committee debate – these must be signed by at least 200 signatories.
  - (d) Ordinary petitions (which can be submitted to any committee meeting via the public forum process ) - must be signed by at least 20 signatories.
- 1.3. Paper petitions can be sent via email to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) or by post to Democratic Services, Bristol City Council, City Hall, PO Box 3399, Bristol BS1 9NE
- 1.4. E-petitions can be created, submitted and signed online by following this link: [Bristol City Council's E-Petitions site](#) (see section 7 below)
- 1.5. There are other websites which offer e-petitions such as 38 Degrees and Change.Org. In this case, details of the e-petition should be sent to the email address above, once the closing date for the e-petition has passed.
- 1.6. If you would like to present your petition to a committee meeting, or would like your Councillor to present it on your behalf, please contact Democratic Services via [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) at least 10 working days before the meeting date and they will let you know the process and deadlines for this.
- 1.7. You can also submit petitions to committee meetings with 48 hours notice by following the public forum guidance and deadlines as set out in the published meeting agenda. Details of when these meetings take place can be found on the [Council's Website](#).

### 2. Petitions that are excluded from this Scheme

#### Planning and Licensing decisions

- 2.1. The following matters are excluded from this petitions scheme:

- a. Any matter relating to a planning decision, including about a development plan document or community infrastructure levy (*a local levy that authorities can use to help fund infrastructure in their area.*)
  - b. Any matter relating to an alcohol, gambling or sex establishment licensing decision.
- 2.2. However, a petition that alleges a failure to deliver services in the above areas is within the scope of this Scheme (e.g. while a petition on an individual planning application could not be taken, a petition about the Council's failure to deliver an effective service for planning applications would be within the scope of this scheme).

### **3. Petitions that can be rejected under this scheme**

- 3.1. Petitions can be rejected based on the following grounds;
- a. Contains defamatory, frivolous, or vexatious language.
  - b. Is identical or too similar to a petition submitted in the past 6 months.
  - c. Discloses confidential or exempt information, including information protected by court order or government department.
  - d. Discloses material which is otherwise commercially sensitive.
  - e. Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings.
  - f. Provides information relating to the personal and private lives of individual officers of public bodies or makes criminal accusations.
  - g. Contains advertising statements.
  - h. Relates to a specific issue where there is already a right of appeal.
  - i. Relates to a specific and individual planning or licensing decision. Such 'petitions' will be referred to the relevant Officer or Regulatory Committee in accordance with existing procedures for representations.
  - j. Does not relate to something which is the responsibility of the authority, or over which the authority has some influence.

#### **Duplicate Petitions**

- 3.2. Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, the petition organisers will be asked to combine the petitions and for one petition organiser to address the meeting. If this is unacceptable to the petition organisers, the Monitoring Officer will determine which should proceed and who should be invited to address the relevant meeting.

### **4. What are the guidelines for submitting a petition**

- 4.1. Under the terms of this scheme a petition must include:
- a. A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
  - b. The contact details and address of the petition organiser who must also live or work in the Bristol local authority area.

- c. The name and postcode and signature of any person supporting the petition (you are deemed to have 'signed' the petition if you have added your name and postcode to it.)
  - d. A minimum of 20 signatures of people who live or work in the Bristol local authority area.
- 4.2. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

## **5. What will the Council do when it receives my petition?**

- 5.1. An acknowledgement will be sent to the petition organiser within 15 working days of receiving the petition. It will let them know what options are available for the petition to be heard at a public meeting. It will also be published on our e-petitions site where all petitions received will be registered.
- 5.2. If you wish to submit your petition to a committee meeting it will follow the process as set out in the committee meeting agenda.
- 5.3. If the petition has enough signatories to trigger a Full Council, Policy Committee or Area Committee debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place.
- 5.4. We reserve the right to verify signatories as required. Please ensure you include a valid postcode that relates to your home address (if you live in Bristol) or work postcode (if you work or run a business in Bristol). These details will be considered when identifying if there are enough signatories from people who live or work in Bristol to trigger a debate.

## **6. Full Council, Policy Committee and Area Committee debates**

- 6.1. If a petition contains enough signatories (See 1.2 above) from people who live or work in Bristol it can then trigger the right to request a debate at Full Council (or at the relevant Policy Committee or Area Committee). This means that the issue raised in the petition will be discussed at a public meeting which Councillors attend.
- 6.2. If the petition organiser wishes to take up this opportunity, they will be given five minutes to present the petition at the next suitable meeting of the Full Council, which will be determined by the Lord Mayor, or at the next suitable meeting of the relevant Policy Committee or Area Committee, which will be determined by the relevant Chair of that Committee. The petition will then be discussed by Councillors for up to 15 minutes. Full Council, or the relevant Policy Committee or Area Committee, will decide how to respond to the petition at the meeting.
- 6.3. The petition organiser will receive written confirmation of the outcome of the Full Council debate or the debate at the relevant Policy Committee, of the Council's decision and any explanation in the event of the Council not being able to take the

action which has been requested. This information will also be published on our e-petitions website.

## **7. E-petitions**

- 7.1. E-petitions must follow the same guidelines as paper petitions.
- 7.2. You will also need to decide how long you would like your petition to remain open. Most petitions run for six months, but you can choose a shorter or longer timeframe. You may wish to time the ending of the petition to coincide with a relevant meeting or decision. It may be helpful to discuss this with our petition administrator. If so, please contact us via email at [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk).
- 7.3. When you create an e-petition, it may take up to ten working days before it is published online. This is because we have to check that the content of your petition is suitable for publication before it is made available for signature.
- 7.4. If we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be sent to you.
- 7.5. When an e-petition has closed for signature, Democratic Services will be notified. At this stage you must let us know if you would like to present your e-petition to a committee meeting please contact [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) within 10 working days of your receipt of the acknowledgement.

## **8. How do I 'sign' an e-petition?**

- 8.1. You can see all the e-petitions currently available for signature on [Bristol City Council's E-Petitions website](#)
- 8.2. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete you will have been added as a signatory to the petition.

## **9. What can I do if I feel my petition has not been dealt with properly?**

- 9.1. If you feel that the Council has not dealt with your petition properly, please contact the Democratic Services Manager at [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) with a short explanation of the reasons and the action you would like us to take.

## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **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 behaviors 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.

## **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 you 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 wellbeing 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 Registerable 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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	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.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the



	<p>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 —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘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.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(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.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* '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 C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***



people policies

# Code of Conduct for Employees



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# Policy

## Purpose of the policy

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**The council exists for the benefit of the people of Bristol, and is accountable to them; they are entitled to expect conduct of the highest standard from you.**

This Code of Conduct for Employees sets out standards of conduct expected from you and applies to all employees.

This code has been written for the effective operation of council business and the wellbeing of its employees. All employees are expected to act in accordance with the Code - failure to do so may result in disciplinary action.

The aim of this Code is to assist employees to perform effectively by ensuring the rules and standards of the organisation are clearly communicated.

The various sections of this Code summarise the key policies and procedures in respect of behaviour and the way you are required to work.

## Employee's responsibilities

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**You must consider this Code carefully and comply with it fully as it forms part of the terms and conditions of your employment. If you do not understand something in the code you should ask your manager to help explain it to you.**

**The council endorses the seven principles of public life defined by the Committee on Standards in Public Life – these principles apply to all employees.**

**The principles are:**

**Selflessness:** Holders of public office must take decisions solely in terms of the public interest. They must not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**Integrity:** Holders of public office must not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office must make choices on merit.

**Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness:** Holders of public office must be as open as possible about all the decisions and actions that they take. They must give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership:** Holders of public office must promote and support these principles by leadership and example.

Therefore, you are expected to:

- Maintain conduct of the highest standard so public confidence in your integrity is sustained
- Ask for clarification from your manager on any aspects of the Code that are not clear
- Incorporate and promote equality in all that you do
- Perform your work to the best of your ability and in accordance with the council's performance management policies and procedures. Where performance falls short of the required standard you should work with your manager, complying with any performance improvement plans, to improve your performance to the required standard.

You are responsible for familiarising yourself periodically with the latest version of the Code and for complying with it at all times.



## Manager's responsibilities

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Managers are responsible for the application of this policy in their work area.

- Managers must ensure this Code is adhered to and will:
  - 1 Set a positive personal model of behaviour
  - 2 Ensure standards in the Code are established and communicated
  - 3 Provide clarification, where required, to improve employee understanding
  - 4 Take appropriate action at the earliest opportunity to manage non-compliance with the standards set out in this Code

## 1 Public funds

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**1.1** The council has responsibility for the administration of public funds. We emphasise to the public and to you the importance of probity, financial control and honest administration. Our arrangements for the prevention and detection of fraud and corruption, are regularly reviewed – suspected irregularities are vigorously pursued.

**1.2** Where you have direct responsibility for financial transactions e.g. the ordering of goods or services, you must comply with our Financial Regulations and Procurement Regulations.

**1.3** If you are found to have claimed entitlement to a government benefit or service (ie Council or Housing Benefit, Direct Payment, Blue Badge, Council Property etc from the council or another local authority), either directly or indirectly, and failed to disclose accurately/fully your financial or other circumstances that may affect your entitlement to the benefit or service, this would be regarded as gross misconduct, and you may be dismissed. Such cases may also be passed to the Police.

## 2 Customers

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You should ensure courteous, efficient and impartial service to all within the community. Antagonistic or aggressive behaviour, is not acceptable. If you work with customers who behave aggressively familiarise yourself with the Arrangement for Responding to Violence, Aggression, Harassment and Hate Crime.

## 3 Equalities

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**3.1** Your commitment to implement equalities in all aspects of your work is fundamental to effective service and working relationships.

**3.2** All members of the local community, customers and colleagues have a right to be treated with fairness and equity.

**3.3** The Public Sector Equality duty applies to all decisions made by the Council. The duty includes the need to promote equality for persons with “protected characteristics” i.e. age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and have due regard to the need to i) eliminate discrimination, harassment, and victimisation; ii) advance equality of opportunity; and iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it..

**3.4** The council will not tolerate discriminatory behaviour, including harassment, which will be dealt with using the Disciplinary policy and may lead to criminal proceedings.

## 4 Health and Safety

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**4.1** You have a duty of care as prescribed in the corporate Health and Safety policy, and you must not act wilfully or intentionally in a manner liable to place the public, your colleagues or yourself at risk.

**4.2** Identify Cards – You must display your identity card at all times on Council premises. An exception can be made when displaying their identity card could put an employee at risk and a risk assessment is in place to this effect. In such circumstances the ID must be retained on the employee's person.

## 5 Standards of Dress and Appearance

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**5.1** You must ensure standards of dress and personal ornamentation are appropriate in relation to your duties. Inappropriate dress can create offence or be interpreted as disrespectful.

**5.2** The council values the ethnic diversity of its workforce and will take into account ethnic and religious dress requirements by ensuring you are free to observe them.

In all cases you are expected to wear any uniform issued for health and safety reasons.

## 6 Professional Qualifications, Registrations and Conduct

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**6.1** If your employment with the council is in a post which requires you to either be registered with a statutory and/or professional organisation, to hold membership of a professional body or hold any other qualification, it is your duty to ensure you are able to comply with the relevant obligation. You may be requested to provide evidence of compliance to your line manager. You should also comply with any duty you may have to inform your professional body of a matter which may impact on your registration or membership. You should inform your line manager of the matter too.

**6.2** You must ensure that the relevant code of practice is followed during the course of your duties, this includes formal reporting to the professional body on any matter where there is a duty to do so.

## 7 Alcohol and Substance Misuse Policy

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**7.1** You are responsible for delivering a high quality service, which depends upon timely attendance and effective performance at work. This may be compromised if alcohol or substances have been misused; you are expected to comply with the Alcohol and Substance Misuse Policy.



# Conflicts of Interest

## 8 Public Duty and Private Interest

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**8.1** Your off-duty hours are your personal concern but you should not put yourself in a position where there is a conflict of interests between your private life and public duties. If, for example you are a member of a secret society which may cause a conflict of interest, such as the Freemasons, you must declare your membership to your manager and on a declaration form that will be held on your HR record.

**8.2** You should raise suggestions or concerns about service delivery with your manager. Suggestions about service delivery away from your own service area can also be raised with relevant management, through staff forums or with your trade union.

**8.3** Any questions or statements you wish to submit as a citizen to public council meetings must be drafted and sent in your own time and using your own resources (e.g. not with work email). You must be clear that you are doing so as a citizen and not as a council employee. You should not lobby a councillor inappropriately on personal employment matters. If you are unsure about the process you are advised to speak to your manager. This does not restrict your right to raise concerns regarding possible malpractice under the whistleblowing policy.

**8.4** The council reserves the right to bring action against you where your conduct outside work conflicts with your public duties, i.e. where your conduct outside of work could undermine the council's reputation or public confidence.

**8.5** Employees must disclose information which is relevant to their capability, capacity and suitability to carry out the duties and responsibilities for which they are employed. An employee must immediately inform their manager in writing if, during their employment with the council, they are subject to any of the following which it would be reasonable to understand may impact upon their role, professional standing or the reputation of the council:

- Advised that they are under investigation for a criminal act (including road traffic offences)

- Arrested in connection with a criminal act
- Notified that criminal charges are being considered against them
- In receipt of a summons to appear before a Court of Law for an alleged offence
- Found guilty and convicted of any offence
- Given a police caution

**8.6** Employees who are required to drive as part of their duties must also declare any penalties received in connection with motoring offences.

**8.7** In all cases, a failure to disclose relevant information or the deliberate withholding of such information can amount to a breach of trust and confidence and may lead to disciplinary action up to and including dismissal.

**8.8** Serious misconduct or criminal offences committed during or outside working hours, which bring you or the council into disrepute, will be subject to disciplinary action under the council's Disciplinary policy, and may result in dismissal.

**8.9** If you are involved with granting permissions or benefits, for example, planning permission, you must take no part in considering any application made by yourself, relative, friend or neighbour.

## 9 Declaration of Financial and Other Interests

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**9.1** You are required to declare any financial interest - whether direct or indirect - in any existing or proposed contract. If you have such an interest you must declare it in writing to your manager.

**9.2** You must also declare in writing to your manager, any interest or association with any council activity, which could cause a potential conflict of interest.

## 10 Secondary Employment

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**10.1** You may undertake secondary employment such as: work on a voluntary, fee-paying or recognition- in-kind basis; or engaging in any other business; as well as secondary employment within the council itself.

**10.2** Appointments as governors, Councillors to other local authorities, membership of the Territorial Army, Justice of the Peace etc., do not constitute secondary employment.

**10.3** Your working time should not exceed an average of 48 hours per week, taking into account secondary employment. Employees graded up to and including spinal column point 20 or equivalent basic pay pro rata (NJC Green Book pay scale) must notify their manager of any secondary employment undertaken.

**10.4** Employees graded above spinal column 20 or equivalent basic pay pro rata (NJC Green Book pay scale), and all officers under JNC Conditions of Service for Chief Officers, must obtain the express consent of their Chief Officer prior to engaging in any other business or taking up any secondary employment. Employees must subsequently keep their Chief Officer advised of any changes to their secondary employment.

**10.5** You may also be required to disclose your total working hours, to enable the council to monitor your hours worked to comply with the Working Time Regulations.

**10.6** Any secondary employment outside the council must not conflict with the council's interests, or bring it into disrepute. You are not permitted to undertake secondary employment during your working hours, use council property, equipment or associated documents or communications.

**10.7** Your declaration of secondary employment does not remove the right of the council to take action if it is deemed to be detrimental to the interests or reputation of the council, or where it affects your work performance.

**10.8** You may not become a trustee or board member of any organisation which receive any form of funding from the council unless you have the express consent of your Chief Officer, who will consider this in consultation with the Monitoring Officer. If you give lectures/advice for other organisations, using your professional skills and expertise gained through your work at the council if the work forms part of the duties of the post you are regarded as carrying out an official duty and must forward the fees to the employing Directorate.

**10.9** If the lecture/advice work does not form part of your duties you may retain the 'fees' provided

the preparation and the lecture/advice is undertaken in your own time and you are not acting as a representative of the council. You must not use council equipment and/or materials.

## 11 Probity of Records and Other Documents

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**11.1** The deliberate falsification of documents is not acceptable. If you falsify records or other documents to secure pay or another financial benefit for yourself or others, this is regarded as a criminal offence as well as a serious disciplinary matter.

**11.2** Such falsification is dealt with in accordance with the council's Anti-Fraud and Corruption Strategy. Where deliberate falsification is intended to gain a nonfinancial advantage such as flexi-time credit, the council will regard this as a serious disciplinary matter. Any deliberate falsification of records or other documents may lead to your dismissal.

## 12 Financial Inducements, Gifts and Hospitality

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**12.1** It is an offence to accept any fee or reward whatsoever other than your proper pay. You may receive offers of inducements and it is important you are able to recognise what is, and what is not acceptable, it is advisable to discuss these with your manager.

The following guidelines, taken from the council's Financial Regulations, should be adhered to:

**12.2** On no account should an employee accept secondary employment or a financial payment from any person, body or organisation, e.g. contractors, developers, consultants, with which the council is involved. Gifts may only be accepted when they are low cost, functional items suitable for business use, rather than personal use, e.g. diaries, calendars, pens. Other gifts, which may be sent to employees by outside contractors or organisations, should be returned officially with a suitable letter.

**12.3** Normally, visits by employees to exhibitions, demonstrations, conferences, business meals, and social functions, in connection with their official duties shall be at the council's expense.

**12.4** Where hospitality, in the form of meals and drinks, is offered by a third party, this is normally

only acceptable where it forms part of, or immediately follows on from, normal business meetings/discussions held during the normal working day.

**12.5** Where offers of hospitality are made, e.g. invitations to dinners, these should only be accepted if there is a clear and demonstrable benefit to the council, and the hospitality would not expose the council to criticism that the provider of the hospitality was achieving undue influence. Attendance must be approved in advance, and will be recorded in the Department Register of Gifts and Hospitality.

Approval must be obtained as follows:

- Monitoring Officer approves Head of Paid Service
- Head of Paid Service approves Executive Director
- Executive Director approves Director
- Director approves Head of Service
- Head of Service approves all colleagues working in their service area

**12.6** Offers of hospitality in the form of purely social events and sporting occasions should on no account be accepted when these are from organisations with which the council has commercial links. However, invitations to social events from non-commercial organisations with which the council has a partnership arrangement will be acceptable, but must have the Chief Officer's advance approval, and must be recorded in the Department Register.

**12.7** Regular social contact e.g. drinks in a public house with representatives of organisations which supply, or hope to supply, goods or services to the council, must be avoided. Where such instances do occasionally take place, e.g. after late working, officers should ensure they "pay their way" and that the other party does not meet the costs of such contact in full. For their own protection, employees should record such events in the Department Register.

**12.8** Department Registers will be subject to regular Audit inspection.

**12.9** Apart from participating in concessionary schemes arranged by trade unions or other such groups for their members, you should not engage the services of contractors commissioned by the

council when acquiring materials, labour or plant at cost, trade or discount prices. Whilst this may enable you to make savings compared with other suppliers, you face the risk of being in a compromising situation, and bringing the council into disrepute – this is not acceptable and cannot be over-emphasised.

**12.10** The acceptance of, or giving of a gift to obtain financial or other advantage, is a criminal offence, as is a threat or retaliation against someone refusing to commit a bribery offence. (Bribery Act 2010). The prevention, detection and reporting of bribery is the responsibility of all those working for the council or under its control. All workers are required to avoid any activity that might lead to, or suggest, a breach of the Bribery Act 2010.

## 13 Public Concern and Whistleblowing

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**13.1** The council does not tolerate any form of malpractice. You have an important part to play in reporting any concerns, and are expected to co-operate with investigations. Although it is often difficult for employees to report legitimate concerns through fear of victimisation or reprisal, please be assured that in raising concerns you will be supported. Please refer to the Whistleblowing policy for more information.

N.B. Separate provisions apply in Social Care – please refer to your manager for more information.

## 14 Safeguarding

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**14.1** There is a statutory requirement for the Council and its employees to protect children and vulnerable adults. If you have any safeguarding related concerns, including but not limited to various forms of abuse, including modern slavery, you are responsible for speaking promptly to your line manager or another manager about your concerns. You should seek guidance from your line manager or safeguarding lead as necessary.

## 15 Employees in Positions of Trust

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**15.1** If you have a caring role or provide a direct personal service you may experience situations where you could benefit financially. For example, people in residential care homes may express their thanks to you by offering gifts, money or even making you a beneficiary of their will. You should

refuse such 'gifts' politely and explain why you cannot accept them before reporting this matter to your line manager.

**15.2** If you, your partner or family have been made a beneficiary in the will of a service user, you should tell your line manager immediately.

**15.3** You, your partner and family must not have any financial dealings with any service user to whom the council provides services, and must not borrow money or property, nor act as executor of a service user's will, except where this is a specific requirement of your post and only within the specific boundaries of your duties.

**15.4** You must not give financial advice to service users except where this is a requirement of your post and within the specific boundaries of your duties.

**15.5** Where a customer is dependent upon you for a service or has special needs, you must not compromise this relationship; avoid unprofessional emotional or physical interaction or sexual interaction with a service user. If you suspect such behaviour on the part of a colleague you must tell your manager immediately.

**15.6** If you work with children or vulnerable adults you must inform your line manager immediately if you are subject to a criminal conviction, caution, ban, police enquiry or pending prosecution - this is essential in helping to safeguard children and vulnerable adults.

## **16 Promotional Offers and Prizes**

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**16.1** If you are responsible for the purchase of goods and supplies, any promotional offers or prizes given by suppliers are the council's property. These promotional offers are normally a free gift, holiday offer or vouchers. Promotional offers should only be used for the benefit of the council, and the Chief Officer decides how offers are used promotional offers should be discussed with your manager and a record maintained whether accepted or declined.

## **17 Contracts**

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**17.1** If you engage or supervise contractors, or have an official relationship with existing or potential contractors, or have had or have a relationship in a private or domestic capacity, you must declare that relationship to the Chief Officer (this means relationship with a director or

employee of the contractor). You must ensure no special favour is shown to current or former partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior capacity.

**17.2** An employee contemplating a management buy-out, or any arrangement to provide a service similar or identical to that provided by the council must, as soon as they have formed a definite intent, notify the Chief Officer.

**17.3** Where a contract awarding process is under way you must withdraw from, or otherwise play no part in that process, and must comply with any written guidance issued by the Chief Officer, the Monitoring Officer or HR Service Director on their behalf. If you are setting up competing businesses to the council you should not use confidential information obtained during the course of your duties.

**17.4** No materials, information (including contacts, property or other resources) are to be accessed or used by you in the course of your competing business during or after your employment with the council. Where such access or use takes place the council will vigorously pursue its rights.

**17.5** If you carry out competitive tendering services - directly or indirectly - you must declare to the Chief Officer your membership of, or affiliation to, any organisation, which may have an interest in tendering for the service.

**17.6** When dealing with contractors, you should be clear on the separation of the client and contractor roles within the council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

## **18 Sponsorship**

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**18.1** Where the council sponsors an event or service, you, your partner, spouse or relative must not benefit from the sponsorship. You must seek guidance from the Chief Officer, if you are involved with an event or service, which the council proposes to sponsor.

**18.2** Where the council gives support in the community, through sponsorship, grant aid, financial or other means, you should ensure that impartial advice is given and no conflict of interest exists.

**18.3** Where an outside organisation wishes to sponsor a local government activity by invitation, tender, negotiation or voluntarily, the rules concerning acceptance of gifts and hospitality apply.

## **19 Political Neutrality**

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**19.1** You serve the council as a whole and must serve all elected Members - not just those of the controlling group - and must ensure the individual rights of all councillors are respected.

**19.2** Advice to political groups must be given by, or with the consent of, the Chief Officer, who will ensure advice is given in ways which do not compromise political neutrality.

**19.3** You must not allow your personal or political opinions to interfere with your work. Political assistants appointed on fixed term contracts are exempt from this.

**19.4** Whilst engaged in council business, you must not wear or display any objects indicating support for or opposition to any political party or view. This applies to private vehicles used whilst undertaking council business.

**19.5** If your post is politically restricted you will be advised upon appointment of restrictions and must comply with these.



# Relationships

## 20 Councillors

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**20.1** You must declare any personal relationship with a councillor. Where the relationship could present a conflict of interest, your manager will need to consider how this will be effectively managed.

**20.2** You are accountable to council members through their Chief Officer. Some employees are required to give advice to councillors in the course of their duties. Mutual respect between employees and councillors is essential to provide quality local government services. However, close personal familiarity between you and councillors should be avoided, as this could damage the relationship and prove embarrassing to other employees and councillors.

## 21 Contractors

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**21.1** All orders and contracts must be awarded on merit, by fair competition against other bids, quotations or tenders, and no favouritism must be shown to any business. No section of the community should be discriminated against, and employees in client and contractor units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

**21.2** If you are privy to confidential information on tenders or costs for external or internal contractors you should not disclose that information to any unauthorised party or organisation.

## 22 The Media

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**22.1** In general, all communications with the media relating to the activities of the council are handled through the Corporate Communications Office. You are not permitted to communicate with the media on matters relating to the activities of the council without authorisation from the Corporate Communications Office. If you are contacted by journalists you should refer them to the Corporate Communications Office. This is not intended to prevent or deter lawful whistleblowing.

**22.2** If you have ideas for positive stories about the council contact the Corporate Communications

Office. If you wish to write material for publication which does not refer to the council, but relates to your profession (e.g. an article in a professional journal), advise your manager before publication. The article should also contain a disclaimer, which states that the views are those of the individual and not of the council.

## 23 Other Employees

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**23.1** You must treat colleagues with courtesy and respect, and must not abuse them verbally or physically. You must not harass or bully or be insubordinate to colleagues and must comply with the standards set out in this Code in relation to Equalities.

**23.2** The provisions of this paragraph apply equally to relationships with colleagues not directly employed by the council, e.g. co-workers from organisations with which the council is in partnership.

**23.3** Employees who are in a partner, family or emotional relationship may at some time work together. Such personal relationships seldom interfere with work and the presumption will be that the relationship will not affect performance.

**23.4** There are situations when a personal relationship between employees becomes a management concern and they may unintentionally impair operational efficiency or affect the integrity of service delivery. You must declare any personal relationship with another employee, where the relationship could affect, or could be perceived to affect your or any colleagues' performance.

**23.5** In any situation where employees in a personal relationship work in close proximity, the council reserves the right (without breach of contract) to require one or both employees to change their roles or duties. This is intended to avoid the employees in a relationship finding themselves in a potentially difficult situation and avoid perceptions of undue influence or unfairness (whether real or imagined).



## 24 Appointments and other Employment Decisions

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**24.1** Appointments should be made on merit. The relevant procedures are detailed in the council's Recruitment and Selection policy, and where internal organisational change is taking place, in the Managing Change policy.

**24.2** In order to avoid any possible accusation of bias, you should not be involved in an appointment, either on an Appointment Panel or as a referee, if you are related to an applicant, or have a close personal relationship with them outside work. Candidates for any appointment with the council must disclose any relationship with a council Member or Chief Officer when making an application. You should not be involved in decisions relating to discipline or other sanction, or in decisions relating to pay, if you are related to, or have a close personal relationship with, the employee who is subject to that decision.



# Use of Council Property, Facilities or Equipment

## 25 Use of Council Facilities and Systems

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**25.1** The council's property and facilities are provided for official council business. You are responsible for taking reasonable steps to ensure the safety and security of any portable equipment provided to you. All council- owned portable equipment and devices must be returned on leaving council employment and any council- owned or supplied data must be deleted. Access to systems used for council purposes must be terminated permanently.

**25.2** Employees are often provided with equipment to use for their work. Telephones, photocopiers, computers and faxes are available for private use, with authorisation from the Chief Officer. Personal use of other council equipment, for any purpose, is not permitted. Where equipment owned by the council is no longer required, you may be permitted to acquire them for private use, with the authorisation of your manager. Depending on the circumstances and the value of the items, you may be required to make a financial contribution to the council, in line with guidance from Internal Audit.

**25.3** As a member of the public, if you wish to access property, facilities, services or equipment, which is normally provided by the council on a commercial basis, you must not gain advantage due to your employment with the council. Where there may be a perception of potential conflict, you must advise your manager you propose to use council property, facilities, equipment or services - your manager will guide you and take appropriate action.

## 26 Use of Council Communication Systems

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**26.1** The council has the right to access and monitor communication systems provided to you, and will monitor usage of its communication systems e.g. telephone, email and Internet access, to ensure their proper use and will run reports detailing usage levels of staff.

**26.2** Communication systems may be accessed when the council suspects an employee has been misusing council facilities, or, for the investigation of suspected fraud or other irregularity. Very exceptionally and where service delivery reasons exist, employees' senior officer, in conjunction with HR and IT, may approve access to emails when an employee is absent. Access to facilities may be temporarily suspended whilst an investigation is on-going and may be permanently withdrawn where misuse is detected. Cases of 'misuse' may result in disciplinary action being taken - this may include dismissal.

## 27 Telephones and Mobile Phones

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**27.1** You should use the telephone or other mobile devices provided by the council for business use only.

**27.2** The council recognises in exceptional circumstances it may be necessary for you to make or receive personal calls or email during working hours - personal use should be brief, and made during your breaks if possible. You must not use your device for personal calls outside the UK.

**27.3** Telephone usage is monitored by the Call Logging System, which also records numbers dialled. The council is able to listen to telephone calls for the purposes of monitoring customer service, investigating potential misuse of the system, and will do so from time to time.

## 28 Email and the Internet

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**28.1** Email and the Internet are available for work use and provisions apply as part of agile working. External email is not secure, you must take this into account when choosing how personal and confidential information is communicated. Good practice guidelines for the use of email and the Internet are available on the Source.

**28.2** You should not make inappropriate comments by emails, and be aware contracts formed by email or over the Internet might be legally binding. Any contractual agreement, offer or acceptance must only be made electronically if you have authority to do this or where specific management authorisation has been given.

**28.3** Cases of 'misuse' may result in disciplinary action being taken. This may include dismissal.

## 29 Personal use

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**29.1** It is recognised that from time to time, email and Internet facilities may be used for personal reasons. Use should be brief, outside of working hours (except in a case of emergency) and must exclude activities listed under 'misuse'. Excessive personal use of email or the Internet is unacceptable and appropriate disciplinary action will be taken.

## 30 Social networking websites

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**30.1** The council does not allow access to social networking websites for personal use during work time. Access to some journals, blogs and social networking sites during work time may be authorised and is permitted only if it is relevant for your work only. You must act in the best interests of the council and comply with your obligations of confidentiality at all times (as set out in the Confidentiality and Information Security, Data Protection and Use of Council Information section of this Policy.)

**30.2** The council respects your right to a private life and you are encouraged to exercise discretion and use social media responsibly at all times.

The council must also ensure relevant protection for its operations, confidential information and reputation. If using social networking websites at work or in your private life, the following applies to you:

- You must avoid making any social media communications that could damage the council's business, operations or reputation, even indirectly.
  - You must not use social media to:
    - 1 defame or disparage the council, staff or any third party;
    - 2 harass, bully or unlawfully discriminate against staff or third parties;
    - 3 make false or misleading statements; or
    - 4 impersonate colleagues or third parties
    - 5 upload or publish photographs, videos or recordings without necessary consent (refer to section 38 for further information)
  - You must not express opinions on our behalf using social media, unless expressly authorised to do so by your manager: you may be required to undergo training in order to obtain such authorisation.
  - You must not post comments about sensitive business-related topics, such as draft proposals or information belonging to any organisation (or person) with which the council works in partnership.
  - You must not do anything to jeopardise our confidential information and intellectual property.
  - You must not include our logos or other trademarks connected to the council's work in any social media posting or in your profile on any social media.
  - Communications for these purposes includes the use of words and images.
- 30.3** Breach of the above, whether at work or otherwise, may result in disciplinary action being taken. This may include dismissal.

## 31 Personal Websites and Blogs

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**31.1** If you wish to set up personal web forums or blogs you must do so outside of work time, not use council equipment and adhere to this Code. Any breach committed in or out of work time could lead to disciplinary action, including dismissal.

## 32 Trade Union Representatives

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**32.1** Accredited trade union representatives can use council communication systems for the purposes of undertaking trade union duties and these will be treated as confidential. See Time off for Trade Union Duties and Activities guidance.

## 33 Misuse

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**33.1** The council's communication facilities must not be used for any activity that is illegal, unacceptable or inappropriate to the good conduct of council business. Cases of 'misuse' may result in disciplinary action being taken. This may include dismissal.

Examples include:

- 1 Creating, sending or forwarding any message that could constitute bullying or harassment (on the grounds of a 'protected characteristic') or whose content or intent would reasonably be considered inappropriate or unacceptable.
- 2 Participating in forwarding chain letters, pictures or graphics etc.
- 3 Accessing pornography
- 4 On-line gambling
- 5 Committing or implying commitment to any contractual arrangements
- 6 Posting confidential information about the council, other employees and clients
- 7 Any illegal activities
- 8 Accessing any non-work related or otherwise inappropriate or unacceptable material
- 9 Mass-mailing/mail shots ("spamming") for specific personal views, gain or other personal use which is not relevant to an employee's job
- 10 Unauthorised use of council facilities or employee's personal IT equipment, for personal use during the employee's working time.

**33.2** This list is not exhaustive and applies to employees whilst they are undertaking city council duties using personal IT equipment. If you are unsure about whether something you propose to do might breach this policy seek advice from your manager.

You must inform your manager immediately if you receive inappropriate communication or material.

You should familiarise yourself with the council's Data Protection Guide.

## 34 General Computer Usage

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**34.1** You are only permitted access to parts of the computer system, which are necessary for you to do your work or for authorised personal use.

The following examples constitute computer misuse:

- 1 Fraud and theft
- 2 Introduction of viruses
- 3 Loading and/or using unauthorised software
- 4 Obtaining unauthorised access
- 5 Using the system for non-work related activities, including games during work time (Use of the system outside work time is permitted, providing the employee has received authorisation from their manager)
- 6 Breach of the council's IT Security policy

This list is not exhaustive.

## 35 Intellectual Property

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**35.1** 'Intellectual Property' is a generic legal term, which refers to the rights and obligations in relation to: inventions, patents, creative writings and drawings (including policy, training and technical documents and materials). If you create these during the course of your employment, the copyright belongs to the council.

# Confidentiality and Information Security, Data Protection and Use of Council Information

## 36 Confidentiality and Information Security

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**36.1** The council supports and promotes the principles of open government and welcomes opportunities to share information with the community. There is some information that is too sensitive or confidential to release however.

**36.2** You should be aware of the type of information which must be made available, and to whom; and the type of information which must not be disclosed at all or without specific permission. "Information" can be stored, or communicated in many ways:

- image (e.g. photos, CCTV, microfiche)
- verbal conversation (e.g. face to face or by telephone, Skype, etc.)
- paper documents and manual filing systems (including personal work-related notes)
- computerised and other electronic systems (e.g. email, voicemail, instant messaging, computer disk, USB, social media, case management systems or other departmental computer systems, etc.)

**36.3** The council's Information Classification Policy Guidance sets out how to identify what information must be kept confidential and what information can only be disclosed with relevant authority.

The Council must ensure that:

- the information will be protected against unauthorised access
- the confidentiality of information will be assured,
- the integrity of information will be maintained
- regulatory and legislative requirements will be met.

**36.4** The council's Information Security Policies are found on the Source. Adherence to these policies is mandatory. Any breach of these policies may result in disciplinary and/or criminal proceedings. Disciplinary action may include dismissal.

## 37 Data Protection

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**37.1** The combined data protection laws of the UK (DPA 2018 & UK GDPR) deal with appropriate protection of any information in which any living person can be identified. This is personal information and it may not necessarily include a person's name. Both the council and all staff are under an obligation to comply with the data protection laws of the UK (DPA 2018 & UK GDPR).

**37.2** Information about your obligations can be found in the council's **Data Protection Policy**. These obligations include how personal information should be obtained, stored, accessed and used.

**37.3** A breach of the data protection laws of the UK (DPA 2018 & UK GDPR) may result in criminal proceedings and may result in disciplinary action which could include dismissal.

## 38 Photography

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**38.1** It is important to be aware that permission may be required when using photographs, videos and recordings that identify people. You must follow the advice and guidance on using these media at **Media consent: photography, videos and recordings – advice and guidance for employees of Bristol City Council**.

**38.2** If you plan to publish or upload any photographs of colleagues to the internet or social media you must seek their permission before doing so.

## 39 Use of Council Information

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**39.1** You must not use any information obtained in the course of your employment for personal gain or benefit, or pass it on to others who might use it in such a way. You must not disclose to any third party confidential information, which could be prejudicial to the council's interests.

## 40 Recordings

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**40.1** The council expects that the recording of a meeting or conversation during the course of employment will take place only with the consent of all those present. Where a request is made to make a recording, it will be considered on a case-by-case basis taking into account relevant considerations, for example where the recording of a meeting may be a reasonable adjustment related to an employee's disability. The council will reserve the right to request a copy of the recording. The council does not permit covert recording under any circumstances. Any such recording will be considered to be a disciplinary matter.

# Compliance with the Code

## 41 Contract of Employment

**41.1** This Code is part of your contract of employment. An extract of the Code is issued to every employee as part of their terms and conditions of employment, together with advice on how to access the full document.

## 42 Failure to comply

**42.1** Failure to comply with any of the provisions included in this Code may result in disciplinary action being taken under the Disciplinary policy, or legal action if necessary.

## 43 Employee Declarations

**43.1** You are responsible for ensuring you keep your manager informed of any change of circumstance that gives rise to a need to update your declarations. Declarations should be made in writing using the appropriate form and copies will be held on your HR File. Periodic reviews will also be undertaken and you are required to respond accurately to these.

The council holds all Employee Declarations with proper confidentiality.



# Additional guidance and support

This policy provides you with an overview of the purpose of the policy and the roles and responsibilities of those for whom it is intended. It also provides guidance in the Process section on the application of the policy. There are other documents which provide more detail and helpful guidance that should be read in conjunction with the policy and these are listed below.

## **44** Additional guidance

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**Bristol City Council Financial Regulations**  
**Procurement Regulations**  
**Arrangement for Responding to Violence, Aggression, Harassment and Hate Crime**  
**Anti-Fraud and Corruption Strategy**  
**Internal Audit**  
**Data Protection**  
**The Equality Act**  
**Time off for Trade Union Duties and Activities Guidance**  
**Bribery Act 2010 Summary**  
**IT Security Guide**

## **46** Letters and forms

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**Code of Conduct Declaration form**  
**Working Time Directive – Opt Out Letter Template**

## **45** Associated policies

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**Whistleblowing policy**  
**Equality, Diversity and Cohesion policies**  
**Corporate Health, Safety and Welfare policy**  
**Alcohol and Substance misuse policy**  
**Disciplinary policy**  
**Recruitment and Selection policy**  
**Managing Change policy**  
**Anti-Fraud, Bribery and Corruption policy**  
**Working Arrangements policy**  
**Data Protection Policy**





Author and owner: **Human Resources**

Contact: [hr.advicecentre@bristol.gov.uk](mailto:hr.advicecentre@bristol.gov.uk)  
0117 35 21400

Date adopted: 3 November 2014

The audience of this document is made aware that a physical copy may not be the latest available version. The latest version, which supersedes all previous versions, is available on The Source.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

### History of most recent policy changes – must be completed

Version	Date	Change
V1.14	9 October 2023	Pluralisation of 36.4
V1.13	19 May 2023	Secondary employment SCP updated in line with former revised pay scale
V1.12	25 November 2022	Updated Safeguarding section
V 1.11	25 March 2022	'Data Protection Act 2018 which covers and supplements the GDPR 2016' replaced with 'combined data protection laws of the UK (DPA 2018 & UK GDPR)'
V1.10	21 September 2021	Fixed broken hyperlinks
V1.09	24 January 2020	Update to Hospitality guidance. Refreshed reference to Arrangement for Responding to Violence.
V.1.06	6 November 2018	Updated advice on identity cards and photography
V.1.05	6 August 2018	Removed LADO from last sentence of section 14.
V.1.04	1 August 2018	Fourth bullet point added under "Employee's Responsibilities – Leadership" Paragraph 3.3 re-written Paragraphs 4.2, 6, 8.2, 8.3, 8.5-8.7, 14, 38 and 40 added
V.1.03	11 June 2018	Data Protection 1998 updated to Data Protection 2018



# PART 5 - PROTOCOL ON MEMBER/OFFICER RELATIONS

## Introduction

1. An effective working relationship between elected Members of the Council ('Members') and Council staff ('Officers') is critical to the successful operation of Council business. Excellent working relationships are required to deliver best value services to local citizens and to maintain confidence in local government in Bristol. This protocol is designed to help Members and Officers to perform effectively by giving guidance on their respective roles and their relationship with each other. This protocol applies to independent Chairs and Members of committees when they are acting in that capacity.

## Respective roles

2. Members and Officers are public servants. They are indispensable to each other, but their responsibilities are distinct. All Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a corporate body and not to any single Member. Their job is to give advice to all Members and to the authority, and to carry out the authority's work under the direction and control of the Council and relevant Committees. Officers are accountable to the Head of Paid Service.

The role of Political Assistants is covered under specific legislation.<sup>1</sup>

3. Respect between Members and Officers, both personally and for their different roles, is crucial to the successful operation of the Council's business.

## Members' roles

4. Members generally have six main areas of responsibility:
  - (a) Determining Council Policy, Budget and Strategy;
  - (b) Making decisions within overall Council policy (for example on planning applications, or on the establishment or closure of a school);
  - (c) Monitoring and reviewing performance;
  - (d) Representing Bristol and the Local Authority;
  - (e) Community Leadership;
  - (f) Acting as advocates on behalf of constituents;

It is not the role of Members to involve themselves in the day-to-day management of the Council's services.

5. The Leader, Deputy Leader Committee Chairs and Vice Chairs have additional powers or responsibilities. As a result, their relationships with Officers may differ from

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<sup>1</sup> [S.9 Local Government and Housing Act 1989](#)

and have additional complexity compared to those of Members without those responsibilities. However, such Members must still respect that Officers have a duty to be impartial and therefore must not ask them to undertake work of a political nature.

6. All Members have the same rights and duties in their relationships with Officers.

### **Officers' Roles**

7. The role of Officers is to give advice and information to Members to inform their decision making and to implement the policies and decisions of the Council. In giving their advice, it is the responsibility of the Officer to present their professional views and recommendations. Members must not pressurise an Officer to make a recommendation contrary to their professional view or seek to persuade an Officer to withdraw a report.
8. In discharging their role as an Officer of the authority, staff must act in a politically neutral way.
9. Certain officers<sup>2</sup> hold statutory posts, which confer legal responsibilities over and above their obligations to the authority and its Members. Members must respect these obligations and must not obstruct them in the discharge of these responsibilities. Certain Officers hold politically restricted posts. Additional guidance can be found at Appendix A.

### **Expectations**

10. Members can expect from Officers:
  - (a) Commitment to the Council as a whole and not only to a part of it, or to any political group;
  - (b) Promote equality and treat others with respect and courtesy;
  - (c) The highest standards of integrity;
  - (d) A working partnership;
  - (e) An understanding of and support for respective roles, workloads and pressures;
  - (f) Timely responses to enquiries and complaints i.e. within the corporate standard of 7 working days;
  - (g) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers;
  - (h) Regular up-to-date information that is appropriate and relevant to their needs, having regard to any individual responsibilities that they have;
  - (i) Awareness of and sensitivity to the political environment;
  - (j) Training and development in order to carry out their role effectively;
  - (k) Appropriate confidentiality;
  - (l) Support for the role of Members as the local representatives of the authority;
  - (m) Compliance with the Employees' Code of Conduct.

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<sup>2</sup> Head of Paid Service, Monitoring Officer, Chief Finance Officer, Director of Adult Social Services, Director of Children's Services, Director of Public Health and Statutory Scrutiny Officer.

Officers can expect from Members:

- (a) Promote equality and treat others with respect and courtesy;
- (b) The highest standards of integrity, including maintaining confidentiality where required;
- (c) A working partnership;
- (d) An understanding of and support for individual Officers' roles, workloads and pressures;
- (e) Political leadership;
- (f) Not to be subject to bullying or to be put under pressure, taking into consideration the seniority of roles and potential vulnerability of Officers in junior roles;
- (g) That Members will not use their position or relationships with Officers to seek to advance their personal interests, or those of others, or to influence decisions improperly;
- (h) Compliance with the Members' Code of Conduct;
- (i) Participation in any mandatory training sessions e.g. before sitting on Selection or Regulatory Committees.

### **Close Personal Relationships**

11. Both Members and Officers must maintain public confidence in the separation of their roles. Close personal relationships between Members and Officers can cause confusion and get in the way of the proper discharge of the authority's functions. Members and Officer must declare to the Chief Executive any relationships which may be seen as influencing their work to avoid creating any appearance of improper conduct.

### **Political Groups**

12. The operation of political groups is an integral feature of local government. They have an important part to play in the development of policy and the political management of the authority. It is in the interest of the authority to support the effective operation of political groups.
13. The impartiality of Officers should not be compromised through their support of political groups. Officers may assist party groups if requested to do so, 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. All groups must be informed of party briefings and offered an identical session.
14. Officers may not engage in political discussion when attending party group meetings. Information will be provided on the issue being considered and appropriate questions answered. Officers must withdraw after any briefing and questions, and before political discussion commences. Officers should not support political groups by writing political reports.

Party group meetings do not make decisions on behalf of the Council. Where Officers provide information and advice to a party group meeting in relation to Council business, this is not a substitute for providing all necessary information and advice to

the relevant Committee or Sub-Committee of the Council when the matter in question is considered.

15. Special care needs to be taken if Officers are providing information and advice to a party group meeting which includes people who are neither Members nor Officers of the Council, as they are not bound by the Council Code of Conduct. Officers must be cautious about attending and/or giving advice to such meetings and seek guidance from the Head of Paid service or the Monitoring Officer if they have any concerns about doing so.
16. Officers must respect the confidentiality of any party group discussions at which they are present and in particular they must not relay the content of any discussion to another party group.
17. The Council can only provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to Members to assist them in discharging their role as Members of the Council. It is recognised that some Members may need additional support. Council resources should not be used in connection with party political or campaigning activity or for private purposes, including the use of ICT and social media as set out in the Member Code of Conduct.

#### **Decision-making by Full Council or Policy Committees and Officers**

18. The following arrangements will apply to formal decision-making by Full Council, Policy Committees and Officers.
  - (a) Under the Council's Constitution decisions may be made by Full Council, committees or sub-committees. The Council's Constitution provides that Member decisions may only be taken on the basis of a written report containing all relevant considerations. Reports to the Policy Committees or sub-committees should be written by the Executive Director or another officer authorised by them.
  - (b) Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct Officers to act.
  - (c) At some committee or sub-committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair (or other Members). In these circumstances it is the Officer, not the Chair, who takes the action and is responsible for it.
  - (d) Senior Officers (including the Monitoring Officer and the Chief Finance Officer) have the right to attend meetings and to present reports and give advice to committees and sub-committees.

Additional guidance can be found at Appendix A.

#### **Chair, Vice-chair and Group Spokespersons briefings**

19. The following arrangements will apply to Chair, Vice-chair and Group Spokespersons briefings.

- (a) Regular briefings will be given to the Chair and Vice-chair of Policy Committees by officers and the decision logs and actions from those briefings will be made available to all members of the relevant policy committee. Briefings for the Chair and Vice-chair are not formal decision-making meetings as decisions under the Committee Model of governance cannot be taken by individual members: they can only be made by a committee or delegated to officers.
- (b) Agenda setting meetings for policy committees will include the Chair, Vice-chair and Group Spokespersons and will be attended by senior officers.

### **Local Ward Member briefings**

20. The following arrangements will apply to Local Ward Member briefings.

- (a) Where Officers are dealing with a local ward issue, they shall ensure that all Local Ward Members are appropriately briefed on the issue.
- (b) Where a Local Ward Member requests a meeting on a local ward issue with Officers, Officers shall ensure that meetings are arranged in a timely way.
- (c) All briefings and meetings between Local Ward Members and Officers about a local ward issue will need to be mindful of any formal process that is being carried out.
- (d) General information regarding activities in a particular ward, should, where appropriate, be sent to all Local Ward Members for information.

### **Communications, including electronic communications**

21. The following arrangements will apply to communications on behalf of the Council and to the use of electronic communications.

- (a) Official letters written on behalf of the Council dealing with Council business should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of the Leader of the Council or the Chair of a Policy Committee or other Committee of the Council.
- (b) Members should pass all correspondence relating to Council business to Officers, so that Officers can respond on behalf of the Council.
- (c) Correspondence between an individual Member and an Officer should not be shared with any other Member.
- (d) Correspondence which creates legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.
- (e) Officers can provide Members with technical, Council information, which Members can use as part of their own correspondence and Members should correspond in their own name. When writing in an individual capacity, Members must make clear that fact.
- (f) Members and Officers should follow the Council's Electronic Communications Policy at all times.

## Access to Information

22. Members have a right to view Council documents (including both exempt and confidential material) in accordance with the statutory framework, i.e. where matters are to be considered at a formal committee meeting of the Council. Members may also be entitled to access information which is reasonably necessary to enable them to exercise their duties as a Member of the Council. Members with a particular role may have an additional (and in some cases statutory) right to access information, for example:
  - (a) Policy Committee Members - matters relating to any policy committee of which they are a member;
  - (b) Ward Members - matters with particular implications for the ward (i.e. significantly more than for the general city).
23. All Members are also entitled to be briefed, as appropriate, on the same basis and within the same constraints as set out above.
24. Access to information is also limited where:
  - (a) The information is primarily needed for a non-Council purpose;
  - (b) There is a conflict of interest;
  - (c) There is an over-riding individual right of confidentiality (for example, in a children's or employment matter).
25. The Proper Officer (Director of Legal and Democratic services) will make final decisions on Member access to information. Full Council appoints an officer to discharge certain statutory functions known as the Proper Officer. The relevant Proper Officer for access to information is the Director of Legal and Democratic Services<sup>3</sup>.
26. Members may have access to exempt information in reports or exempt appendices. Exempt information is defined in our Constitution in the Access to Information Procedure rules [APR10.3](#).
27. The presumption is that all information in formal reports should be open to the public but, where this is not possible, the public will be made aware of the nature of any information that is being discussed in exempt session. Any exempt information will, wherever possible, be contained in an exempt appendix.
28. The process for deciding on whether information in a report is exempt and the relevant Member access is as follows:
  - (a) Report authors must ensure that as much information as possible is open by using exempt appendices and/or redactions;
  - (b) Where an Officer considers that information may be exempt, the Proper Officer will decide based on the rules set out above;

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<sup>3</sup> A list of Proper Officer functions can be found in the Constitution

- (c) If the Proper Officer is satisfied that there is information that may need to be discussed in exempt session, they will consult with the Chair of the relevant Policy Committee;

Members of the relevant Policy Committee will be given access to the exempt information in the report once the papers are published.

29. Apart from information in reports, confidential material may be shared with Members if requested (except where there is an overriding Council interest e.g. protecting its legal and financial position) and natural justice requires disclosure (for example, giving an individual the chance to respond to allegations). All requests for access to confidential information will be considered by the Proper Officer.
30. The Chairs and Vice-chairs of Policy Committees are entitled to regular confidential briefings on matters relevant to their portfolios and in support of the policies they are developing, prior to the formulation of formal proposals. Informal briefings cannot be a substitute for providing all necessary advice in the formal decision-making process. Officers must ensure that their objective professional advice is robustly presented in the formal report.
31. Any unauthorised disclosure of Council documents will be treated as a breach of the Code of Conduct for Members (and Officers) and may also expose the Member to the risk of legal action from a third party.

## **Publicity**

32. The Council has a duty to publicise its services and activity and to explain its objectives and policies to citizens in an accessible manner.
33. The Government has issued a code of Recommended Practice on Local Authority Publicity which deals with the conventions that apply to publicity. It requires that all local authorities shall have regard to its provisions in reaching decisions relating to publicity.
34. Particular care should be taken in relation to any publicity in the run-up to an election. Prior to each pre-election period, specific guidance is provided by the Monitoring Officer to all Members and Officers on the necessary precautions required in relation to publicity.
35. The Code does not apply to press releases and publicity that Members may arrange and distribute in their individual political capacity. Members should refer to the Member Code of Conduct, which sets out the requirements related to publicity and communications. Members should neither use Council resources for party political purposes, nor ask officers to do so.



## **Dispute Resolution**

36. If an officer or a member feels that the protocol has not been followed, then they should raise it with the officer or member in question and if the matter is not resolved, it should be referred to the officer's line manager or the member's Party Group Whip or Leader as appropriate.

Further advice on the application of this Protocol can be obtained from the Monitoring Officer. This Protocol will be reviewed annually by the Values and Ethics Sub Committee of the Audit Committee and guidance on its application will be provided as appropriate.

## Additional Guidance Notes

### 1. Decision-making

- 1.1 Officer advice should be obtained, if possible, before the meeting on any alternative recommendation to be moved in order to ensure that relevant operational, financial and legal factors are taken into account.
- 1.2 The principle of unified advice requires that financial and legal and other implications of a decision are obtained and made clear in the report. The Article 14 principles of decision making must be taken into account when preparing the report.
- 1.3 The Chairs and Vice-chairs of Policy Committees will determine the timetable for developing their policies, including:
  - (a) The point at which confidential ideas become formal proposals for publication;
  - (b) Who to consult and to what deadline;
  - (c) The timing of executive reports.
- 1.4 The Chief Financial Officer and/or the Monitoring Officer may require a report to be withdrawn.

### 2. Councillor Involvement in Casework and Staff Issues

- 2.1 A Member pursuing a ward matter on behalf of a family member or friend should declare the relationship and consider whether to ask another Member to represent.
- 2.2 Members should not provide a reference in relation to staffing matters within the Council (other than in exceptional circumstances). They should avoid involvement in staff lobbying outside of formal procedures.
- 2.3 Officers may raise issues with their local Councillor as citizens. They should not lobby a Councillor inappropriately on personal employment or budgetary matters in accordance with the Code of Conduct for Employees.
- 2.4 Councillors should refuse to respond to inappropriate lobbying from Officers and inform the Head of Paid Service who can direct the individual to the appropriate channels.
- 2.5 Senior Officers should ensure their staff are aware of these requirements and ways that their views can be put forward.

### **3. Politically Restricted Posts**

3.1. The Local Government and Housing Act 1989 introduced a regime aimed at ensuring that key local authority employees are politically impartial. The Act designates certain posts as 'politically restricted' and those who hold such positions are disqualified from holding office as a Member of Parliament or Member of a local authority.

3.2 The following posts are politically restricted:

- (a) The Head of Paid service;
- (b) The Monitoring Officer and the Chief Financial Officer;
- (c) The Chief Officers and Deputy Chief Officers;
- (d) Any other posts that conduct the following activities:
  - (i) Giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented or to the executive of the authority, to any committee of that executive, or to any member of that executive who is also a member of the authority;
  - (ii) Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

It is possible for Officers to apply to be removed from the list and details can be obtained from the Monitoring Officer.

**PART 5.4 CODE OF CONDUCT FOR MEMBERS  
AND OFFICERS: PLANNING MATTERS**

**BRISTOL CITY COUNCIL**

**GOOD PRACTICE PROTOCOL FOR PLANNING**

## 1. Introduction

- 1.1 **The aim of this code** is to ensure that, in the planning process, planning decisions are not biased, are well founded on planning considerations, and to inform potential developers and members of the general public of the standards adopted by the City Council and the performance of its planning function.
- 1.2 **The aim of the planning system**, as set out in the National Planning Policy Framework, is to contribute to the achievement of sustainable development and has the three overarching objectives of economic, social and environmental.
- 1.3 **When this code applies** – to all members of the development control committees and officers at all times when they are involved in the planning process. This would include, for example, making decisions at development control committees, or if an officer, making delegated decisions on applications, or on less formal occasions such as meetings between members and officers and/or members of the public on planning matters. The code applies equally to planning enforcement matters or site-specific policy issues and to planning applications.
- 1.4 The process of arriving at decisions on a planning matter must be open and transparent and the involvement of both Officers and Members must be clearly understood. The main principles which Members should have clear regard to are: -
- a) The key purpose of planning is to achieve sustainable development which effectively balances economic, social and environmental interests and takes relevant local circumstances into account.
  - b) The overriding duty as a Councillor is to all residents of the City of Bristol and in relation to planning issues to help ensure that the council's planning policies are achieved.
  - c) The role as a member of the planning authority is to make planning decisions openly, impartially, with sound judgement, and for justifiable reasons.
  - d) Whilst Members may be strongly influenced by the views of others and of their party it is their sole responsibility to independently decide what view to take on any planning issue which councillors have to decide upon.
  - e) Section 38(1) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act requires members to take planning decisions in accordance with the provisions of the development plan unless material considerations indicate otherwise. They should ensure that all decisions they make have regard to proper planning considerations and are made impartially and in a way, which does not give rise to public suspicion or mistrust.

- f) The Code applies to all decisions of the Council on planning related matters. This includes Members' involvement in any planning application, whether or not it is reported to a committee and all applications determined by any committee.
- 1.5 When acting in your capacity as a Councillor, Members must also have regard to the Council's Member Code of Conduct.
- 1.6 Any concerns regarding whether this code of conduct applies to a particular circumstance should be raised at the earliest possible opportunity with the Director Legal and Democratic Services. Any advice should be sought well before any meeting of the local planning authority takes place.

## **2. The Member Code of Conduct**

- 2.1 The Member Code of Conduct sets out the standards of behaviour expected of Councillors and the requirements in relation to the declaration of interests in the Members Register of Interests and at meetings. Not only should impropriety be avoided but also any appearance or ground for suspicion of improper conduct. When considering any planning matter Members should have regard to the Code, and particularly the requirement to properly declare all interests. Members should:
  - a) Comply with the requirements of the adopted Member Code of Conduct first
  - b) Then apply the rules in this Good Practice Protocol for Planning
- 2.2 **If Members do not** follow and apply the code then they may put
  - a) The Council at risk of proceedings challenging the legality of the decision made or of a complaint to the Ombudsman in respect of alleged maladministration and
  - b) Themselves at risk of sanction if there has been a failure to comply with the Member Code of Conduct

## **3. Development Proposals and Declaration of Interests Under The Member Code of Conduct**

- 3.1 When considering planning matters Members may find that they need to
  - a) Declare interests in accordance with the requirements of the adopted Code of Conduct or
  - b) Indicate whether or not they may have come to a fixed view on a planning application prior to the meeting (i.e. pre-determination)

- 3.2 The existence and nature of any interest should be disclosed in accordance with this Code at any development control committee, any informal meetings or discussions with officers and any other Members.
- 3.3 Members should disclose their interest at the commencement of the meeting and not at the beginning of the discussion on that particular matter.
- 3.4 Members should notify the Director - Legal and Democratic Services as monitoring officer in writing of their interest to ensure that a proper record of the interest is noted at any meeting
- 3.5 Where a Member has a Disclosable Pecuniary Interest (DPI) or a Prejudicial Interest they should ensure that they:**
- a) **Do not** participate or give the appearance of trying to participate in the making of any decision by the Local Planning Authority.
  - b) **Do not** get involved with the processing of the application and direct any queries or technical matters to the relevant officer
  - c) **Do not** seek or accept preferential treatment or place themselves in such a position so that members of the public would think they are receiving preferential treatment because of their position as a Councillor. An example would be where a member has an interest in a property and uses their position as Councillor to discuss a planning application with officers or members when ordinary members of the public would not have the same opportunity to do so. A member in this position may need to identify another local member who is prepared to represent local interests
  - d) **Leave the room** whilst the item is being discussed.

#### **4. Pre-Determination in the Planning Process**

- 4.1 Allowance made for Councillors to be predisposed to a particular view and this is a practical recognition of:
- a) The role played by party politics in Local Government
  - b) The need for Councillors to inform constituents of at least an initial view on a matter as part of their public role
  - c) The structure of local government which ultimately requires the same Councillors to make decisions
- 4.2 It is therefore particularly important for elected Members to have a clear understanding about the implications of expressing strong opinions or views on planning matters
- 4.3 Section 25 of the Localism Act 2011 introduced provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue

about the validity of a decision, where the decision-maker(s) had or appeared to have a closed mind (to any extent) when making the decision.

- 4.4 The Act provides that a decision-maker is not be taken to have had (or to have appeared to have had) a closed mind when making the decision just because
- a) they had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and
  - b) the matter was relevant to the decision
- 4.5 On this basis it is expected that councillors will be able to publicise their views on issues, indicate their likely voting intentions and to engage fully with their local communities without this affecting their participation in the council's formal decision making. In addition, councillors should be able to engage with planning applicants to educate themselves about their proposals.
- 4.6 So if a Member has campaigned on an issue or made public statements about their approach to an item of council business, they will be able to participate in discussion of that issue in the council and to vote on it if it arises in an item of council business requiring a decision.
- 4.7 The key point is that Members still need to be and seen to be open minded at the point that the decision is taken in the sense of listening to all of the arguments, and weighing them against their preferred outcome, before actually voting.
- 4.8 The difference is that the fact that councillors may have campaigned against a proposal will not be taken as proof that they are not open-minded.
- 4.9 For example, in a situation where a member said something like "over my dead body" in respect of voting a particular way on an issue, the view must be that whilst the provision on predetermination in the Localism Act might be useful in giving councillors confidence about making their views on particular issues known, it has not changed the legal position that if a member could be shown to have approached a decision with a closed mind, that could affect the validity of the decision.
- 4.10 Equally, if a member had expressed views on a particular issue but could show that when taking the decision they had approached this with an open mind and taken account of all the relevant information, they could reasonably participate in a valid decision.
- 4.11 An important point to bear in mind is that if you give an indication of your own viewpoint, ensure that you indicate that you will take all relevant considerations into account and that the decision will be based firmly on planning grounds but that they will ensure views are fully heard and taken into account by the Council. It is also a good idea to record your involvement.



- 4.12 In practice, a Councillor may campaign for or against a planning application, and still vote at planning committee, so long as they go into the meeting with an open mind to hear all the facts and evidence. This can be demonstrated by the Committee Chair asking the Councillor at the beginning of the meeting to confirm whether or not they still have an open mind on a proposal.
- 4.13 A Councillor quoted in a newspaper having said, “Over my dead body will that planning application be approved. I will never support it under any circumstances” could be said to have pre-determined the decision. These extreme statements should still be avoided.
- 4.14 It is important to note that if a member has expressed particularly extreme views, it will be more difficult in practice to be able to get away from the impression that they would approach the decision with a closed mind.

## **5. Contact with Applicants, Developers and Objectors**

- 5.1 Local Authorities are encouraged to enter into pre-application discussions with potential applicants.
- 5.2 Members can be involved, provided their roles in discussions are clearly understood at the outset. In particular members of development control committees need to be aware of the distinction between the giving and receiving information and engaging in negotiations. Member involvement may inadvertently open up a decision to challenge on the ground of apparent pre-determination. Members **should** also be aware that presentations by developers are, in effect, a form of lobbying and that the principles set out.
- 5.3 Points to note:
- a) Members should take advice from the Monitoring Officer if they are invited to attend meetings with applicants, developers or groups of objectors if they are likely to be part of the decision-making process. This will enable Members to make an informed decision on attending a meeting and any issues relating to pre-determination.
  - b) Members should refer those who approach them for planning, procedural or technical advice to officers.
  - c) Members should not agree to any formal meeting with applicants, developers or groups of objectors. Where a formal meeting would be useful in clarifying the issues, this should be part of a structured arrangement organised by officers. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the

application file and the record of the meeting is disclosed when the application is considered by the Committee.

- d) Members should remember that the presentation is not part of the formal process of debate and determination of any subsequent application, as this will be carried out by the appropriate Committee of the Local Planning Authority
- e) Members should be aware that a presentation is a form of lobbying and if they express a view, they will need to carefully consider if they have pre-determined the matter prior to the vote.
- f) Members should follow the rules on lobbying and report to the Head of Development Management any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and Member involvement in them and ensure that this is recorded on the planning file.

## 6. Lobbying of Members

6.1 Lobbying is an integral part of the planning process. However, care has to be taken to avoid members' integrity and impartiality being called in question and accordingly there is a need to declare publicly that an approach of this nature has taken place. Lobbying can take place by professional agents, public relations consultants, as well as un-represented applicants / landowners and community action groups.

6.2 Members should:

- a) Remember that their overriding duty is to the whole community and not just the people in their own particular ward
- b) Explain to those lobbying or attempting to lobby them that whilst they can listen to what is being said it may prejudice their impartiality and may affect your ability to participate in the Committee's decision making to express an intention to vote one way or another.
- c) **Not** accept any gifts or hospitality from any person or group involved in or affected by a planning proposal. Whilst a degree of hospitality may be unavoidable, members must ensure that such hospitality is of a minimum and its acceptance is declared as soon as is possible.

6.3 Members **must** enter hospitality in accordance with the rules on gifts and hospitality and should:

- a) Copy or pass on any lobbying correspondence received to the Head of Development Management or one of the planning team managers at the earliest opportunity.

- b) Immediately refer to the Head of Development Management or one of the planning team's area managers any offers made of planning gain or a constraint of development through a proposed s106 obligation or otherwise.
- c) Inform the Monitoring Officer where there has been undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) that may require an investigation.
- d) Note that a matter will not have been pre-determined of the code breached if:
  - i. Members have listened or have received views from residents or other interested parties;
  - ii. Members have made comments to residents, interested parties, other Members or appropriate officers, provided the comments have not amounted to a pre-determination of the issue and they have made it clear that they are keeping an open mind;
  - iii. Members have sought information through appropriate channels; or
  - iv. Members are representing opinion or speaking at the meeting as a Ward/Local Member, provided that this is clear at the beginning of the meeting or item and that, having expressed the opinion or ward/local view, that they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

## 7. Lobbying by Development Control Committee Members

7.1 A Development Control Committee Member who represents a ward affected by a particular application is in a difficult position particularly if it is a controversial application around which a lot of lobbying takes place. There is a balance to be struck between the duties to be an active ward representative and the overriding duty as a Councillor to the whole community. In these circumstances the member:

- a) Is able to join general interest, resident or amenity groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals. Examples are local civic societies, the Ramblers' Association, the Victorian Society and CPRE. Members **must**, however, disclose any interest in accordance with the code of conduct when that group has made representations on a particular matter and such members should make it clear to that group and to the Development Control Committee that they have reserved judgment and the independence to make up their own mind on each and every proposal.

- b) **Should not** excessively lobby fellow members regarding their concerns or views nor attempt to persuade other members how they should vote in advance of a meeting at which a planning decision is to be taken.
- c) **Should** not discuss at any political group meeting how to vote on a planning matter or lobby any other member to do so. Political group meetings should never dictate how members should vote on a planning issue.

## 8. Site Visits by Members

8.1 Any Member of the Development Control Committee may request a site visit. Members should:

- a) Try to attend site visits organised by the Council where the relevant development control committee has resolved that a visit is required. If the member does not attend a formal site visit, they will be unable to participate in the debate or vote on the relevant item when it is formally considered for decision by the Committee. This does not apply to site visits arranged informally by officers with the agreement of the Chair.
- b) **Not** request a site visit unless they feel it is strictly necessary and where:
  - i. Particular site factors are significant in the terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - ii. There are significant policy or precedent implications and site factors need to be carefully addressed.
- c) Ensure that any information gained from the site visit is reported back to the Committee, so that all Members have the same information
- d) Ensure that the site visit is only used an opportunity of seeking information and to observe the site.
- e) Ask the officers questions and seek clarification from them on matters, which are relevant to the site inspection.
- f) **Not** hear representations from any other party at the site visit. If approached by the applicant or a third party, the member should advise them that they should make representations in writing to the Council and direct them to or inform the officer that is present.
- g) **Not** express opinions or views to anyone at a site visit.

- h) Not enter a site that is subject to an application or proposal other than on an official site visit, even if it is in response to an invitation, as this may give the impression of bias. The only exception to this being:
  - i. If it is essential for to visit the site other than as part of an official site visit; and
  - ii. The member has spoken to the Head of Development Management or a Planning Manager of your intention to do so and why (which will be recorded on the file)

## **9. The Decision Making Process**

- 9.1 A decision on a planning application cannot be made at the committee meeting until all of the available information is to hand and has been duly considered.
- 9.2 Any political group meeting prior to a Committee meeting should not be used to decide how Councillors should vote.
- 9.3 Any pre-Committee meetings will solely be for the purpose of enabling an exchange of briefing material between Officers and Members on planning issues of concern in relation to particular applications, and will be open to Members of all political groups.
- 9.4 All applications considered by Development Control Committee or by way of a delegated decision shall be the subject of written reports and clear recommendations.
- 9.5 If the recommendations are contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated. The recommendations put forward by officers and the decision by members are separate parts of the same process,

## **10. Members Relationship with Officers**

- 10.1 The Council's protocol for member/officer relationships governs the working relationship between Officers and members and the principle of mutual respect and courtesy should be observed at all times.
- 10.2 Members should not put pressure on officers to put forward a particular recommendation. If Members wish to speak to an officer regarding any proposal then they should speak to the case officer or the relevant Planning Manager.
- 10.3 Officers must act in accordance with the Council's Code of Conduct for Officers and their own professional codes of conduct. Officers' views, opinions and recommendations will be based on their overriding obligation of professional

independence, which may on occasion be at odds with the views, opinions and decisions of a committee or its members.

## **11. Public Speaking at Meetings by Members**

- 11.1 Members must not allow members of the public to communicate with them during the committee proceedings (orally or in writing, including via social media) other than through the scheme for public speaking.
- 11.2 Members must ensure that they comply with the Council's procedures in respect of public speaking.

## **12. Decision Making by Members**

- 12.1 Members should come to a meeting with an open mind on a matter and demonstrate this through their behaviour at the meeting .
- 12.2 Members should comply with the Sections 38(1) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.3 Members should come to a decision only after due and proper consideration of all of the information reasonably required upon which to base a decision. If there is insufficient time to consider new information or there is insufficient information to enable a decision to be taken further information should be requested and, if necessary, the application should be deferred.
- 12.4 Members should not vote or take part in a discussion at a meeting unless they have been present for the entire meeting or for the whole of the matter in question and this includes the public speaking and the officers' introduction to the matter. If a member needs to leave a meeting for a short period, such as for a comfort break, that member should seek an adjournment.
- 12.5 The reasons for the Committee's decision to defer any proposal should be recorded
- 12.6 If a Member is proposing, seconding or supporting a decision **contrary to** officer recommendation or the development plan they should clearly identify the planning reasons leading to this conclusion/decision. These reasons, **must** be given prior to the vote and be recorded.
- 12.7 Any reasons given by a member for a decision **must** be their reasons. They cannot ask an officer to give the reasons for them but an officer may assist in the drafting of reasons. See guidance at Appendix 1.

### 13. Training of Members

- 13.1 All Members serving on the Development Control Committee and/or who have any decision making role on planning matters including substitute members in accordance with the Council's Constitution must be trained in planning procedures before serving on the Committee and making any decisions.
- 13.2 Member training is offered annually but in any event Committee Members must attend mandatory re-training every 4 years to coincide with the Council's electoral cycle.
- 13.3 It is good practice to attend any other specialised training sessions provided, to extend knowledge of planning law, procedures, Regulations, Codes of Practice and the Development Plan.
- 13.4 A training record will be maintained in respect of all training received.

### 14. The Role of Officers In Planning Matters

#### Decision making function:

- 14.1 Officers **must**:
- a) Act fairly and openly at all times
  - b) Consider each and every application with an open mind
  - c) Consider all the material planning considerations attaching the appropriate weight to each one
  - d) Avoid any inappropriate contact with applicants, members and any other interested parties
  - e) Ensure that the reasons for any decision are clearly recorded
  - f) Ensure that the reasons for any decision are sufficient and reasonable and that the recording of such reasons comply with the relevant legislation and guidance in accordance with Article 31 of the Town and Country Planning Development Management Procedure) (England) Order 2010 (SI 010/2184), regarding reasons for approval and refusal.

#### Reporting function

- 14.2 When reporting to a committee on a planning matter officers **will**:
- a) Provide professional and impartial advice at all times
  - b) Ensure that all the information necessary for a decision by Members is made available to those members
  - c) Ensure that a report includes the substance of all the objections and the views of the consultees
  - d) Produce a clear, accurate and objective written analysis of the Issues
  - e) Make a clear recommendation.

- 14.3 Every planning application file and other files relating to planning matters should contain an accurate assessment of that application's history. Particular care should be taken with files relating to delegated decisions, which should be as carefully maintained as those files relating to decisions taken by members.
- 14.4 Any material planning information received after the writing of the report and up to midday of the day before the date of the committee meeting will be presented verbally by officers or be included on an amendment sheet.
- 14.5 The Head of Development Management or relevant Planning Manager may, after consulting the Chair of the relevant development control committee, withdraw any item from the agenda of that committee before that item is discussed by that committee if the circumstances of an application have changed after the report has been prepared.
- 14.6 Officers have a duty to carry out the decisions of members even when Members decide a matter against officer recommendations.

## 15. Discussions Regarding Planning Applications

- 15.1 Officers should have regard to the relevant parts of this code regarding members' involvement in pre application or post submission discussions with applicants, supporters or objectors.
- 15.2 In particular all officers taking part in such discussions should inform all those present at such discussions that the decision on the particular application will either be taken by elected members in a committee or in specified circumstances by the Head of Development Management or by a duly authorised officer of that department.
- 15.3 An officer **must** always take a note of all such meetings. All meeting notes and follow-up correspondence **must** be placed on the relevant file.

## 16. Officers' Disclosures of Interests

- 16.1 Officers **must not** play any part in the processing of any application where they have, or can be perceived to have, a conflict of an interest. Such interests would include financial or professional interests and the interests of family and friends.

## 17. Hospitality – Officers

- 17.1 Officers **must not** accept any gift or hospitality from any person or group affected by a planning proposal. Whilst a degree of hospitality may be unavoidable, officers



**must** ensure that such hospitality is minimal and its acceptance is declared as soon as is possible.

## **18. Action to be taken by Officers Regarding Decisions taken Contrary to Professional Advice**

18.1 In matters where members have refused an application against an Officer recommendation for approval:

- a) Officers will give their full support to members and any external witnesses appointed on behalf of the Council in the preparation of the evidence for any planning inquiry
- b) Officers will only give evidence themselves in the exceptional circumstances where their code of professional conduct has not been breached or where a hearing is to be held, with no cross examination and where the officer concerned has not been involved with formulating the original recommendation
- c) Officers will give their full support to Member decisions that are appealed under the written representations procedure

## **19. Sanctions**

19.1 A failure to adhere to the Code gives rise to potential consequences to the Council and individual Members.

### **a) The Local Government Ombudsman**

Although the Local Government Ombudsman will not investigate the merits of a particular planning decision they may agree to investigate a planning complaint in relation to the way in which a decision was taken. If it is found injustice has been caused by maladministration in the light of statutory or established Council procedures they will recommend redress, which may take the form of compensation.

### **b) Appeals to the Secretary of State**

An applicant who has been refused planning permission has a right of appeal to the Secretary of State. If an appeal is successful and it is shown that the Council's conduct in dealing with the matter was unreasonable the appellant's costs may be awarded against the Council. Examples of "unreasonable behaviour" are: failing to follow the Council's policies; no evidence of significant harm; and giving too much weight to local opposition to proposals.

### **c) Judicial review**

If objectors are convinced that the Council in determining to grant an application did not observe their statutory duties to carry out all necessary procedures, did not base their decision on the development plan and or did not take into account all relevant representations they may apply for Judicial Review of the decision which might result in the decision being suspended and subsequently quashed. In such circumstances it would be normal for the costs of the applicant to be awarded against the Council.

**d) Powers of the Secretary of State**

The Secretary of State possesses a range of powers which could be exercised where a Local Planning Authority appears to make inconsistent decisions or decisions which are seriously in conflict with national and Development Plan Policies. This could involve the greater use of the power to call in applications whereby an application will be determined by the Secretary of State following a Public Inquiry. Where permission has already been granted by the Council powers exist to revoke or modify permissions or to require discontinuance of a land use which if exercised would give rise to a liability to compensate on the part of the Council

**e) District Auditor**

Each of the above courses of action could result in significant costs to the Council. The District Auditor will closely examine these costs. Where it appears to an Auditor that a loss has been incurred or a deficiency caused in the Councils accounts by the wilful misconduct of any person they are required to certify that the loss or deficiency is due to that person and it may therefore lead to a formal report to Council in accordance with the powers granted to District Auditors under the Local Government Act 2000.

**19.3 Possible sanctions against individual Members for breach of the Code of Conduct which could include:**

- a) Investigation and Report on findings to Full Council i.e. “naming and shaming”.
- b) Recommendation to a Group Leader that the member concerned be removed from any committee or sub-committee.
- c) In relation to any members of the executive recommendation that the member concerned be removed from the Executive.
- d) Recommendation to arrange appropriate training for the member concerned.
- e) Recommendation to remove a member concerned from any outside body appointments.
- f) The withdrawal of Council facilities e.g. use of computer or internet.
- g) Exclusion of a member from the Council’s offices or other premises except for the purpose of attending formal meetings.

## **Appendix 1: Committee Making Decisions Contrary to the Officer Recommendation**

### **Overturn from Officer Recommendation of Approval to Refusal**

1. Normally, in making a decision on any planning application before the DC Committee, the Chair will move a motion in accordance with the officer recommendation (to test this is what the Committee want to do) or seek another Member to do so.
2. If that motion is not seconded, or if the vote on the motion is not carried, the Chair will move a motion to defer a decision (allowing more time for Members to propose grounds for refusal if needed) and request that officers bring back a report to the next meeting of the Committee with detailed advice on these grounds, supporting Members to make a final decision.
3. The Committee would then consider the report of potential reasons for refusal and the original report before making a final decision on the application.
4. If the Chair's motion in 2 is not seconded or not carried the Chair will seek an alternative motion from the Committee.
5. The full Committee debate and decision process is illustrated by the diagram in Appendix 2.

### **Overturn from Officer Recommendation of Refusal to Approval**

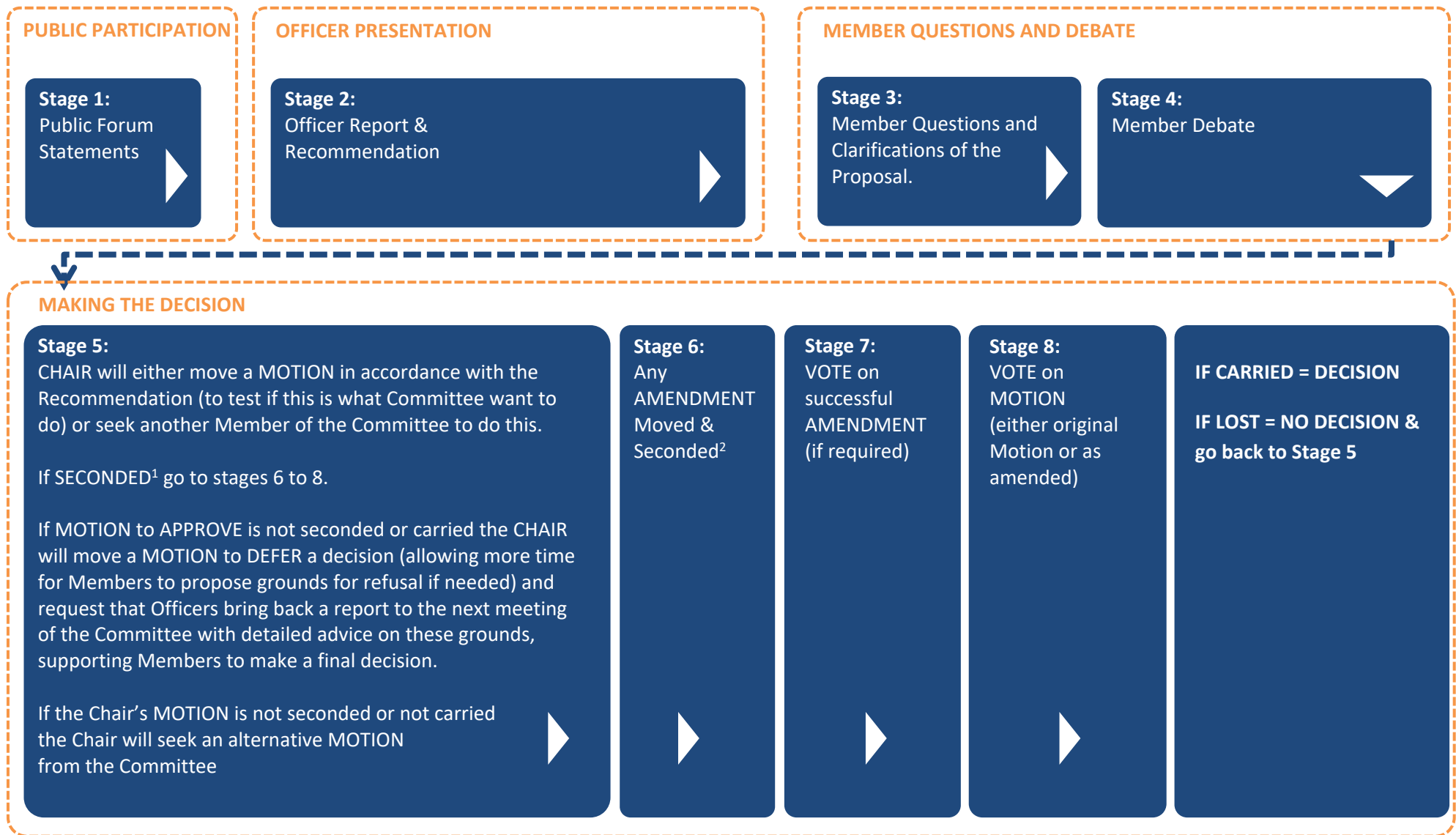
1. Members should clearly identify and understand the planning reasons leading to this conclusion and should specify the planning reasons for approval during the debate.
2. At the time the motion for approval is moved, Members should specify the planning reasons upon which the motion for approval is based to ensure that all members are clear as to the basis for their vote.
3. The decision by Members is an 'in principle' only decision at this time. For example, Members support the application subject to conditions.

That Delegated Authority is resolved to be given to officers to prepare conditions and (where necessary) section 106 obligations and issue the decision notice **OR**

Delegated authority is given to officers to draft conditions to be considered by the next available Development Control Committee **OR**

The Committee approves the delegation to draft conditions in consultation with the Chair of the Committee.

# Part 5.4 Appendix 2: Development Control Committee Debate and Decision Process



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<sup>1</sup> A Motion must be Seconded in order to be formally accepted. If a Motion is not Seconded, the debate continues

<sup>2</sup> An Amendment can occur on any formally approved Motion (ie. one that has been Seconded) prior to Voting. An Amendment must itself be Seconded to be valid and cannot have the effect of negating the original Motion. If Vote carried at Stage7, then this becomes the Motion which is voted on at Stage 8



**PART 5.5 CODE OF CONDUCT FOR MEMBERS**

**LICENSING COMMITTEE HEARINGS**

**UNDER THE LICENSING ACT 2003**

## **1. Introduction**

- 1.1 This Code of Conduct must be read in conjunction with the Member Code of Conduct, the Protocol on Member / Officer Relations, any other codes and protocols approved by the Full Council and the Licensing Committee Procedure Rules.
- 1.2 The Council's Licensing Committee comprises 15 elected Members and that committee has established sub-committees comprising any three of those elected Members. The sub-committees meet to determine licence applications where there are objections and/or relevant representations. Should the applicant or those who have made representations/objections be dissatisfied with the decision of the Licensing Committee there is the right of appeal to the Magistrates Court.
- 1.3 The Licensing Committee determines applications under the Licensing Act 2003 and applications under the Gambling Act 2005. The Licensing Committee will also consider applications for sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) but will not do so in its capacity as statutory licensing committee.
- 1.4 Whilst all local authority actions are subject to the rules regarding probity, as embodied in the Council's Code of Conduct for Members, the Licensing Committee (like the Development Control Committee) will need to be especially diligent in this respect. The licensing function of the Committee entails it acting in a quasi-judicial capacity so it must follow a fair and 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.
- 1.5 Members must not, in their official capacity, or any other circumstances, conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute). Members of the Licensing Committee must make all of their decisions in accordance with the rules of natural justice, which includes an obligation not to act with bias or where there is an appearance of bias (the test for appearance of bias being that there exists a "real possibility" of bias in the particular circumstances). A Member who accepted hospitality from an applicant for a licence to supply alcohol and/or provide regulated entertainment could well thereby give rise to an appearance that they are likely to be biased in favour of the applicant. This may be so even though the value of the hospitality is less than the £25 which would trigger an entry into the Authority's hospitality register. If a decision has been made which has shown bias to a party then this decision could be quashed. Any bias whether influencing a decision or not can bring the Councillor's office or the Authority into disrepute. Therefore whilst the receipt of hospitality under the value of £25 would not be declarable in the register this Code discourages the acceptance by Licensing Committee members of any gift or hospitality from applicants or others involved in applications under the Act, even where those gifts are of nominal value.

1.6 This Code is primarily aimed at Members of the Licensing Committee itself, however various parts of it (such as the Section on Councillors making representations on licensing applications) are relevant to all Bristol City Councillors.

## **2. The Councillor making a representation on a Licensing Application**

2.1 Councillors should understand this guidance in the context of the decision making processes established under the Licensing Act 2003. In particular, Councillors should be aware that under the Act there is now a right for any person to make representations on applications etc. and those representations will only be relevant representations (and therefore capable of being considered) if they relate to the effect that granting the application for licence or variation etc. would have on the promotion of one or more of the four licensing objectives. The four licensing objectives are the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

2.2 As far as individuals are concerned, any person may make a representation and has a right to be heard so long as that representation is relevant to one or more of the four licensing objectives. There is no longer a requirement that only persons whose residence or business is in “the vicinity of” the premises concerned may make relevant representations.

2.3 All representations must be made within a defined period. The Licensing Authority has no discretion whatsoever to accept late representations.

2.4 There are therefore numerous applications in respect of which a Councillor would be entitled to make representations.

2.5 A Councillor wishing to establish if she would be entitled to make a representation in her own right can seek guidance from a member of the Licensing team.

2.6 If a Member exercises a right to make representation then paragraph 4 of the Code of Conduct, which addresses the issue of when a personal interest is a prejudicial interest, should be considered as this action could be argued to give rise to an interest “which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member’s judgement of the public interest”. Consequently, Councillors who have a statutory right to make relevant representations should exercise caution and take great care not to conduct themselves in a manner which may subsequently be viewed as being in breach of the Code. Further advice in respect of interests can be sought from the monitoring officer.

2.7 Councillor who is involved in an application as an interested party should take care not to abuse his position as an elected member to gain access to more information than would be available to an ordinary member of the public.

### **3. Constituents and Lobbying**

- 3.1. Lobbying of Members by their constituents is legitimate as is the practice of a Member who does not have a prejudicial interest acting as the representative of a constituent at a hearing if requested to do so. However, if a member of the Licensing Committee is approached by persons wishing to persuade them to make a decision one way or another on a pending application then the Member should politely explain that they cannot discuss the issue as it may be construed as an unlawful pre-determination of the matter. The person should be referred to the Licensing Officers who will provide suitable guidance in the circumstances of the particular case.
- 3.2. Where a Member, who is a serving member of the Licensing Committee, is asked to represent a constituent s/he cannot act as both a representative and a decision maker.
- 3.3. In assisting their constituents, Members should take care not to pressurise officers of the Licensing Authority or any of the Responsible Authorities to exercise their professional judgement in a particular way and of course any conduct towards officers which amounts to bullying is entirely inappropriate. If Members have concerns they should raise them through appropriate channels, such as an individual's line manager or through the established scrutiny processes.

### **4. The appearance of bias and pre-determination**

- 4.1. Decision making which may be described variously as being quasi judicial/being a hearing to which the rules of natural justice apply/being a decision to which to which Article 6 of the European Convention on Human Rights (the right to a fair trial) applies, requires the decision maker to be able to act judicially. This includes a requirement to act without actual bias or without the "appearance of bias". It is obvious what constitutes actual bias.
- 4.2. The appearance of bias arises where a fair minded observer informed of the facts and having regard to circumstances of the particular case would conclude that there was a real possibility (sometimes referred to as "real danger") of apparent bias effecting the Local Authority's decision.
- 4.3. Section 25 of the Localism Act 2011 introduced a codified test for dealing with issues of bias and pre-determination where the decision maker had "or appeared to have had" a closed mind when making the decision.
- 4.4. Section 25 of the Localism Act 2011 provides that:

"a decision maker is not to be taken to have had, or to have appeared to have had a closed mind when making the decision because:

  - a) The decision maker had previously done anything that directly or individually indicated what view the decision maker took, or would or might take, in relation to a matter, and;



- b) The matter was relevant to the decision.”
- 4.5. The key point is that at the time the member considers the application they must have an open mind and appear to have an open mind when determining the application.
- 4.6. It is therefore particularly important for elected Councillors to have a clear understanding about the implications of expressing strong opinions or views on licensing matters.
- 4.7. A Councillor may be involved in discussions about a licensing application before the matter comes before the Licensing Committee. Such involvement need not on its own debar a Councillor from participating in the decision making process when the application comes before committee for determination, provided that the Councillor has not already decided how they will vote on the matter. Councillors should, however, always consider carefully whether in any particular case they can reasonably be seen to approach the application on its own merits and with an open mind. If the Councillor considers this is not possible, the Councillor should withdraw from consideration of that application.

## **5. Procedure and Conduct at Meetings**

- 5.1. Members of the Licensing Committee or its sub-committees who are considering applications which may affect an individual’s livelihood and/or the private and family life of residents etc. should take special care to ensure not only that justice is done but that it is seen to be done. To this end Councillors should conduct themselves at all times in an appropriate manner. They must remain alert and focussed on the business of the meeting and, importantly, they must appear to be alert and focussed on the business of the meeting during hearings. Councillors should not sleep, or appear to be asleep, consume food or drink, use electrical devices for any purpose not connected to the committee or allow other interruptions to the business in hand.
- 5.2. Councillors should not be over familiar with officers and other individuals who regularly appear before the Committee. Whilst the hearings are to be conducted as a discussion rather than as a formal debate, this does not lessen the importance of the role of the Chair in providing a firm steer. On the contrary, the role of the Chair in leading the discussion that is required under the Regulations is extremely important and Councillors should, like the parties to the meeting, be led in the discussion by the Committee Chair so that the discussion remains focussed on relevant issues and proceeds in an orderly fashion with all relevant points being explored fully around the table.
- 5.3. The Chair and his/her colleagues must under no circumstances engage in unwarranted joviality or make comments and asides which are not directly relevant to the matter under consideration. It may be considered that such conduct will serve to put applicants and members of the public at their ease, but there is always a risk that the opposite effect will be produced and that the Applicant and other

parties will feel that they are not being taken seriously. The Chair should therefore aim to foster a relaxed but nonetheless business like atmosphere in the hearing.

- 5.4. Whilst it is permissible for Members to make clear that they have relevant local knowledge (for example, the Chair may say “we all know the premises and their vicinity very well”) it is not appropriate for Members to engage in personal anecdotes which are not directly relevant to the business before the meeting; members should focus on their duty to have regard to the representations made by other persons and bodies and to consider guidance and policy. It is unlikely anecdotes will have any relevance to the business of the meeting and recounting them can give the appearance that the Committee is not taking the matter as seriously as the parties expect them to, or that the member is predisposed towards the interests of one party over another in advance of hearing from them all.

#### Fairness

- 5.5. When the Licensing Committee is considering an application, all parties will be given an opportunity to put their case before the Committee in accordance with the Regulations governing such hearings and the Licensing Committee Procedure Rules. If a party does not attend, the Licensing Committee may proceed in his or her absence in accordance with the Regulations.
- 5.6. All Members of the Licensing Committee shall be present throughout the consideration of a particular application. Where a Member arrives late or leaves the room once consideration of a particular application has started, that Member shall play no part in the decision making process for that particular application. Where an application is adjourned part heard, it shall be heard by the same Members, save for in exceptional circumstances.

#### Prejudicial and Disclosable Pecuniary Interests and the Prevention of Bias

- 5.7. The rules about prejudicial interests and disclosable pecuniary interests as set out in the Member Code of Conduct shall be firmly applied.
- 5.8. Members are also referred to the guidance about bias and pre-determination in paragraph 4 above.

#### Decision Making Process

- 5.9. When the Members of Licensing Committee move into private session to deliberate and reach a decision, they should be accompanied only by the Democratic Services Officer, Legal Advisor and Licensing Policy Advisor, all of who shall take no substantive part in the debate nor in the decision making process. Only Members of the Committee can take part in the decision making process.

## Site Visits

- 5.10. It is considered the need for site visits will only occasionally arise. While it is proper for the Committee to do this, care must be taken not to undermine the integrity of the licensing process. The following guidelines will help to prevent this: -
- a) Arrangements for visits should be approved by the Committee and arranged by officers. Members should not make their own arrangements. If Members are approached direct, they should refer the person concerned onto officers
  - b) There should be no discussion of individual applications (including those that have been determined) or of the application under consideration
  - c) At the site visit, there should be no one-to-one discussions between Members and others
  - d) Officers should always be in attendance at site visits.
  - e) Officers should keep a note of who attended the visits, what occurred and an outline of any discussions

## **6. Participation of Ward Members in Sub-Committees which are convened to consider applications in the Member's own Ward**

- 6.1. All Councillors are required to act in the public interest and this will prevail over the interests of individual constituents in their Ward. Therefore a well-informed observer would not consider that there was a real possibility of bias arising when Ward Members are participants in a Committee making decisions in respect of premises or individuals in their Ward. However, the volume of applications and the number of potential parties appearing before Committee Members is such that there is a higher risk in this area of the Council's work of a Member inadvertently serving on a Committee when they should have stepped down for example because they have provided assistance to one of the parties at an earlier stage. For this reason it would be good administrative practice in the context of this legislation to generally select Members to serve on Committees which will be dealing with matters in other areas of the City.

## **7. Training of Members**

- 7.1. All Members serving on the Licensing Committee and/or who have any decision making role on licensing matters including substitute members in accordance with the Council's Constitution shall be trained in licensing procedures prior to serving on the Committee. All Members serving on the Licensing Committee must attend further training on licensing procedures within each four year period although annual refresher training is recommended.

- 7.2. Members must not take part in the decision making process at committee meetings unless they have attended mandatory licensing training which will generally be provided in-house.
- 7.3. Members should attend any other specialised training sessions provided, since these will be designed to extend their knowledge of licensing law and procedures. All training will be devised to assist Members in carrying out their role properly and effectively.
- 7.4. A training record will be maintained in respect of all training received.

**PART 5.6 CODE OF CONDUCT FOR MEMBERS**

**PUBLIC SAFETY AND PROTECTION**

**COMMITTEE HEARINGS**

## 1. Introduction

- 1.1 This Code of Conduct must be read in conjunction with the Member Code of Conduct, the Protocol on Member / Officer Relations, any other codes and protocols approved by the Full Council.
- 1.2 The sub committees meet to determine applications for licences relating to the Hackney Carriage and Private Hire Trade or to review licences where officers have concerns relating to the fit and proper standing of those persons to hold a licence. Such decisions will be in conjunction with the relevant Bristol City Council Policies relating to licensed vehicles, including the [Council's policy on the Relevance of Criminal Behaviour of Private Hire and Hackney Carriage Drivers](#).
- 1.3 The Public Safety and Protection Committee also considers applications for Street Trading licences and consents and has further powers and duties under the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) including animals, food safety and Health Act 2006 in relating to smoking.
- 1.4 The Public Safety and Protection Committee determines applications under the Town Police Clauses Act 1847 and the Local Government Miscellaneous Provisions act 1976 (as amended) for licences in connection with the taxi trade and also under Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982 (as amended) for street Trading Licences and consents.
- 1.5 Whilst all local authority actions are subject to the rules regarding probity, as embodied in the Council's Code of Conduct for Members, the Public Safety and Protection Committee will need to be especially diligent in this respect.
- 1.6 The Public Safety and Protection function of the Committees entails it acting in a quasi-judicial capacity so it must follow a fair and 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.
- 1.7 Members must not, in their official capacity, or any other circumstances, conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. Members of the Public Safety and Protection Committee must make their decisions in accordance with the rules of natural justice, which includes an obligation not to act with bias or where there is an appearance of bias (the test for appearance of bias being that there exists a "real possibility" of bias in the particular circumstances).
- 1.8 A Member who accepted a free taxi ride from an applicant for a licence in connection with the taxi trade or free goods from a street trader whose application was before the committee could give rise to an appearance that they are likely to be biased in favour of the applicant. This may be so even though the value of the hospitality is less than the £25 which would trigger an entry into the Authority's hospitality register. If a decision has been made which has shown bias to a party then this decision could be quashed. Any bias whether influencing a decision or not

can bring the Councillor's office and the Local Authority into disrepute. Therefore, whilst the receipt of hospitality under the value of £25 would not be declarable in the register, this Code discourages the acceptance by Public Safety and Protection Committee members of any gift or hospitality from applicants or others involved in applications for licences or consent s within the remit of the committee, even where those gifts are of nominal value.

- 1.9 This Code is primarily aimed at Members of the Public Safety and Protection Committee and substitute; however various parts of it (such as the Section on Councillors supporting applicants) are relevant to all Bristol City Councillors.

## **2. The Councillor supporting a complaint on an Application**

- 2.1 The complaint may be from the personal experience of the Councillor or otherwise they may be representing one or more of their constituents who have raised concerns, for example, with the behaviour of a licenced driver.
- 2.2 A Councillor wishing to establish if they would be entitled to make a representation in their own right can seek guidance from a member of the Licensing team.
- 2.3 If a Member either makes a complaint or supports another's complaint then paragraph 4 of the Code of Conduct, which addresses the issue of when a personal interest is a prejudicial interest, should be considered as this action could be argued to give rise to an interest "which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest". Councillors should exercise caution and take great care not to conduct themselves in a manner which may subsequently be viewed as being in breach of the Code. Further advice in respect of interests can be sought from the monitoring officer.
- 2.4 A Councillor who is involved in an application as an interested party should take care not to abuse his position as an elected member to gain access to more information than would be available to an ordinary member of the public.

## **3. Constituents and Lobbying**

- 3.1 Lobbying of Members by their constituents is legitimate as is the practice of a Member who does not have a prejudicial interest acting as the representative of a constituent at a hearing if requested to do so .However, if a member of the Public Safety and Protection Committee is approached by persons wishing to persuade them to make a decision one way or another on a pending application then the Member should politely explain that they cannot discuss the issue as it may be construed as an unlawful pre-determination of the matter. The person should be referred to the Licensing Office who will provide suitable guidance in the circumstances of the particular case.

- 3.2 Where a Member, who is a serving member of the Public Safety and Protection Committee is asked to represent a constituent they cannot act as both a representative and a decision maker.
- 3.3 In assisting their constituents, Members should take care not to pressurise officers of the Licensing Authority or any other Authorities to exercise their professional judgement in a particular way and of course any conduct towards officers which amounts to bullying is entirely inappropriate. If Members have concerns they should raise them through appropriate channels, such as an individual's line manager or through the established scrutiny processes.

#### **4. The appearance of bias and pre-determination**

- 4.1. Decision making which may be described variously as being quasi-judicial/being a hearing to which the rules of natural justice apply/being a decision to which to which Article 6 of the European Convention on Human Rights (the right to a fair trial) applies, requires the decision maker to be able to act judicially. This includes a requirement to act without actual bias or without the "appearance of bias". It is obvious what constitutes actual bias.
- 4.2. The appearance of bias arises where a fair minded observer informed of the facts and having regard to circumstances of the particular case would conclude that there was a real possibility (sometimes referred to as "real danger") of apparent bias effecting the Local Authority's decision.
- 4.3. Section 25 of the Localism Act 2011 introduced a codified test for dealing with issues of bias and pre-determination where the decision maker had "or appeared to have had" a closed mind when making the decision.
- 4.4. Section 25 of the Localism Act 2011 provides that:  
"a decision maker is not to be taken to have had, or to have appeared to have had a closed mind when making the decision because:  
a) The decision maker had previously done anything that directly or in directly indicated what view the decision maker took, or would or might take, in relation to a matter, and;  
b) The matter was relevant to the decision."
- 4.5. The key point is that at the time the member considers the application they must have an open mind and appear to have an open mind when determining the application.
- 4.6. It is therefore particularly important for elected Councillors to have a clear understanding about the implications of expressing strong opinions or views on licensing matters.
- 4.7. A Councillor may be involved in discussions about a taxi or street trading application before the matter comes before the PSP Committee. Such involvement need not on



its own debar a Councillor from participating in the decision making process when the application comes before committee for determination, providing that the Councillor has not already decided how they will vote on the matter. Councillors should, however, always consider carefully whether in any particular case they can reasonably be seen to approach the application on its own merits and with an open mind. If the Councillor considers this is not possible, the Councillor should withdraw from consideration of that application.

## **5. Procedure and conduct at meetings.**

- 5.1. Members of the Public Safety and Protection Committee or its sub-committees who are considering applications which may affect an individual's livelihood and/or the private and family life of residents etc. should take special care to ensure not only that justice is done but that it is seen to be done. To this end Councillors should conduct themselves at all times in an appropriate manner. They must remain alert and focussed on the business of the meeting and, importantly, they must appear to be alert and focussed on the business of the meeting during hearings. Councillors should not sleep, or appear to be asleep, consume food or drink, use electrical devices for any purpose not connected to the committee or allow other interruptions to the business in hand
- 5.2. Councillors should not be over familiar with officers and other individuals who regularly appear before the Committee. Whilst the hearings are to be conducted as a discussion rather than as a formal debate, this does not lessen the importance of the role of the Chair in providing a firm steer. On the contrary, the role of the Chair in leading the discussion that is required under the Regulations is extremely important and Councillors should, like the parties to the meeting, be led in the discussion by the Committee Chair so that the discussion remains focussed on relevant issues and proceeds in an orderly fashion with all relevant points being explored fully around the table.
- 5.3. The Chair and his/her colleagues must under no circumstances engage in unwarranted joviality or make comments and asides which are not directly relevant to the matter under consideration. It may be considered that such conduct will serve to put applicants and members of the public at their ease, but there is always a risk that the opposite effect will be produced and that the Applicant and other parties will feel that they are not being taken seriously. The Chair should therefore aim to foster a relaxed but nonetheless business like atmosphere in the hearing.
- 5.4. Whilst it is permissible for Members to make clear that they have relevant local knowledge (for example, the Chair may say "we all know the premises and their vicinity very well") it is not appropriate for Members to engage in personal anecdotes which are not directly relevant to the business before the meeting; members should focus on their duty to have regard to the representations made by other persons and bodies and to consider guidance and policy. It is unlikely anecdotes will have any relevance to the business of the meeting and recounting them can give the appearance that the Committee is not taking the matter as

seriously as the parties expect them to, or that the member is predisposed towards the interests of one party over another in advance of hearing from them all.

#### Fairness

- 5.5. When the Public Safety and Protection Committee is considering an application, all parties will be given an opportunity to put their case before the Committee. If a party does not attend, the Public Safety and Protection Committee may proceed in their absence providing it is in the public interest to do so.
- 5.6. All Members of the Public Safety and Protection Committee shall be present throughout the consideration of a particular application. Where a Member arrives late or leaves the room once consideration of a particular application has started, that Member shall play no part in the decision making process for that particular application. Where an application is adjourned part heard, it shall be heard by the same Members, save for in exceptional circumstances.

#### Prejudicial and Disclosable Pecuniary Interests and the Prevention of Bias

- 5.7. The rules about prejudicial interests and disclosable pecuniary interests as set out in the Member Code of Conduct shall be firmly applied.
- 5.8. Members are also referred to the guidance about bias and pre-determination above.

#### Decision Making Process

- 5.9. When the Members of the Public Safety and Protection Committee move into private session to deliberate and reach a decision, they should be accompanied only by the Democratic Services Officer, Policy Officer and Legal Advisor, who shall take no substantive part in the debate nor in the decision making process. Only Members of the Committee can take part in the decision making process.

#### Site Visits

- 5.10. It is considered the need for site visits will only occasionally arise. While it is proper for the Committee to do this, care must be taken not to undermine the integrity of the hearing process. The following guidelines will help to prevent this: -
  - a) Arrangements for visits should be approved by the Committee and arranged by officers. Members should not make their own arrangements. If Members are approached direct, they should refer the person concerned onto officers
  - b) There should be no discussion of individual applications (including those that have been determined) or of the application under consideration

- c) At the site visit, there should be no one-to-one discussions between Members and others
- d) Officers should always be in attendance at site visits.
- e) Officers should keep a note of who attended the visits, what occurred and an outline of any discussions

## **6 Participation of Ward Member in Sub-Committees which are convened to consider applications in the Member's own Ward**

- 6.1. All Councillors are required to act in the public interest and this will prevail over the interests of individual constituents in their Ward. Therefore a well informed observer would not consider that there was a real possibility of bias arising when Ward Members are participants in a Committee making decisions in respect of premises or individuals in their Ward. However, the volume of applications and the number of potential parties appearing before Committee Members is such that there is a higher risk in this area of the Council's work of a Member inadvertently serving on a Committee when they should have stepped down for example because they have provided assistance to one of the parties at an earlier stage. For this reason it would be good administrative practice in the context of this legislation to generally select Members to serve on Committees which will be dealing with matters in other areas of the City.

## **7. Training of members**

- 7.1. All Members serving on the Public Safety and Protection Committee and/or who have any decision making role on licensing matters including substitute members in accordance with the Council's Constitution shall be trained in relevant procedures prior to serving on the Committee.
- 7.2. Members must not take part in the decision making process at committee meetings unless they have attended mandatory training which will generally be provided in-house.
- 7.3. Members should attend any other specialised training sessions provided, since these will be designed to extend their knowledge of law and procedures for the matters dealt with by the committee. All training will be devised to assist Members in carrying out their role properly and effectively.
- 7.4. A training record will be maintained in respect of all training received.

# **PART 5.7 - LORD MAYORS PROTOCOL**

## **Introduction**

1. The office of Lord Mayor is apolitical and mostly ceremonial. During their year of office, the Lord Mayor will chair meetings of the Full Council, represent the city at civic and ceremonial occasions, welcome visitors to Bristol and support a wide range of Bristol based organisations and institutions by way of visits and promotion.
2. This document sets out the functions of the Lord Mayor (and Deputy Lord Mayor) as well as providing an overview of some of the key working arrangements.
3. Within Bristol there are two types of Mayor. Each role is distinct and should not be confused. Additional details can be found [here](#).

## **Election of Lord Mayor/Deputy Lord Mayor**

4. The Lord Mayor is a Bristol City Councillor elected annually at Full Council. The position is usually given to someone who has been a Councillor for a number of years and is normally a new appointment for each term. The position of Lord Mayor (and Deputy) typically rotates between the Groups. The Deputy Lord Mayor is usually the previous year's Lord Mayor.

## **Mayor Making Ceremony**

5. The annual (Lord) Mayor Making ceremony takes place in May at Full Council where both the Lord Mayor and Deputy Lord Mayor are elected to their year of office. This is often marked by a ceremony with guests in attendance. At the meeting, Elected Members are invited to nominate the Lord Mayor which is followed by speeches on behalf of each political party.

## **Lord Mayor at Full Council**

6. The Lord Mayor is the Chair of Full Council. This means they manage the business of each meeting, with advice and guidance from the Monitoring Officer as necessary. They do not usually vote and must remain impartial and apolitical, as well as chair the meeting effectively, efficiently and with respect. In the event of a tied vote the Lord Mayor may exercise a casting vote.

## **Civic/Ceremonial Role of the Lord Mayor**

7. The Lord Mayor leads all civic and ceremonial events on behalf of the City, totalling up to 800 a year. All invitations and appointments are managed by the Lord Mayor's Office (contact details below). A number of significant civic events are led by the Lord Mayor's Office in conjunction with partners and stakeholders which include; the annual Remembrance Sunday Parade and Service; Freedom of the City ceremonies and parades; flag raising ceremonies (e.g. Commonwealth Day, Armed Forces Day and

Emergency Services Day Flag Raising); the annual Lord Mayor's Medals ceremony; and a number of annual faith based services. The office also plays a leading role in delivering Bristol's Protocol for Marking the Death of a Senior National Figure.

8. The Lord Mayor will often be accompanied by the City Swordbearer. The City Swordbearer is an ancient ceremonial role, carried out by an existing member of Bristol City Council Staff.
9. The usual attire for the Lord Mayor when on official business is the Chain/Badge of Office with either lounge suit or civic robes. Neither should be worn at any event not agreed by Bristol City Council officers and never for personal use.
10. The Deputy Lord Mayor represents the Lord Mayor at engagements if the Lord Mayor is unavailable. If necessary, alternative representation will be sought by an Honorary Alderman (who has been Lord Mayor) or Former Lord Mayor.

### **Twin Cities**

11. Bristol is twinned with seven cities throughout the world; Bordeaux; Hannover; Tbilisi; Oporto; Puerto Morazan; Beira; and Guangzhou. The Lord Mayor is Honorary President for the Bordeaux Hannover, Oporto and Tbilisi twinings.

### **Forms of Address**

12. The Lord Mayor's official title is 'The Right Honourable Lord Mayor of Bristol, Councillor [insert name].' When addressed directly, the correct form of address is 'my Lord Mayor.' These forms of address equally apply irrespective of gender.
13. The Deputy Lord Mayor is known as The Deputy Lord Mayor of Bristol and is addressed as 'my Deputy Lord Mayor'.

### **Lord Mayor's Consort**

14. The Lord Mayor may have one or more Consorts during their year of office. A female consort is referred to as the Lady Mayoress. A male consort is referred to as Lord Mayor's Consort.
15. The role of consort is acknowledged by Bristol City Council although the post holder does not receive officer support. The Lord Mayor is responsible for ensuring the Consort carries out their duties with dignity and respect. Any reports to suggest otherwise should be reported to the Lord Mayor who must take appropriate action. The Consort cannot represent the Lord Mayor. If the Lord Mayor is unavailable, representation is sought from the Deputy Lord Mayor or Honorary Alderman.
16. A Lady Mayoress should be addressed formally as 'my Lady Mayoress' and a male Consort as 'Consort' or 'Mr Consort'.

## **Precedence – Lord Mayor and Leader**

17. There will be times when both the Lord Mayor and Leader will be at the same event but for a different purpose. When the Lord Mayor and Leader are asked to speak at the same event, the Lord Mayor will normally speak first, providing an introduction. The Leader will then give a more detailed/comprehensive speech.

## **Lord Mayor's Medals**

18. The Lord Mayor awards up to 15 Lord Mayor's Medals at an annual ceremony, recognising local people and the work they do on a daily basis to improve their communities. Anyone who is nominated must either live or work in the city and serve the people of Bristol through voluntary community work or charitable acts. Nominations are opened in the autumn with medals awarded in the spring. They are judged by the Lord Mayor along with group Whips. With the exception of relatives or partners, anyone can make a nomination, which must be accompanied by supportive statements from; two residents of Bristol and either a Bristol City Councillor or the elected Mayor.

## **The Lord Mayor's Charities**

19. The Lord Mayor is Patron of or connected to a significant number of charities within Bristol. Every year, the Lord Mayor's Christmas Appeal for Children takes place to generate funding to provide children in Bristol with vouchers for food, toys and clothing. The appeal is run by Rotary, Round Table and Lions Clubs with the Lord Mayor as Patron.

## **Lord Mayor's Parlour**

20. The Lord Mayor's Parlour is located in City Hall and is typically used for the majority of the Lord Mayor's meetings and receptions. The Lord Mayor and support staff may work in the Parlour. The Parlour must not be used for personal or political use.

## **The Mansion House**

21. The Mansion House is a commercial operation which is hired out for functions and events. It is managed by the City Council's Premises Management team with a third party contractor. The Mansion House may be booked for Lord Mayoral engagements (via the Lord Mayor's Office).

22. The Lord Mayor can use the Mansion House without charge for personal use up to five times during their one year term, subject to agreement from Council officers. Personal events are not managed by the Lord Mayor's Office and associated costs must be met by the Lord Mayor personally (e.g. food, drink etc).

## **The Lord Mayor's Chapel**

23. The Lord Mayor's Chapel is owned by the City Council (the country's only municipal church) and since 1722 has been the official place of worship of the Lord Mayor. It is managed by Bristol Cathedral.

## **Downs Committee**

24. The Downs Committee was established under the Clifton and Durdham Downs (Bristol) Act 1861 and is responsible for managing The Downs and making decisions about the area and events held there. In accordance with the Act, the Committee is chaired by the Lord Mayor.

## **Lord Mayor's Office**

25. The Lord Mayor is supported by a small team of officers who manage Civic Affairs on behalf of the Council, including all social media.

## **Hospitality**

26. A small hospitality budget is available to fund refreshments for Lord Mayor's events, the majority of which is pre-allocated to known/expected functions. All expenditure is subject to approval by the Lord Mayor's Office.

## **Transport**

27. The Lord Mayor (and consort) travel to and from engagements in the Lord Mayor's car, which bears the private registration AE1 and Civic flag. The car is also used to transport the Deputy Lord Mayor (and Consort) when deputising, if available. The vehicle is procured on behalf of the Lord Mayor's office by Bristol City Council's Fleet Management Services. The vehicle should be the most environmentally friendly model available for the appropriate size and budget.

28. Taxi travel may be offered to the Deputy Lord Mayor/Honorary Alderman should the Lord Mayor's vehicle be unavailable. Lord Mayors may, at times, be asked to make their own travel arrangements (public holidays etc).

29. The Lord Mayor's car is not, under any circumstances, to be used for personal use.

## **Travel – National and International**

30. The Lord Mayor may be asked to represent the city at events outside of the Bristol boundary. The form of travel for such events will be agreed by the Lord Mayor's Office. Overnight accommodation may be provided depending on time, ease of travel and budget.

31. International travel will be subject to Bristol City Council's International Travel Policy. The Lord Mayor's Office does not hold any budget for international travel so the Lord Mayor may be asked to self-fund or get sponsorship on occasion.

### **Clothing**

32. The Lord Mayor and Lady Mayoress/Consort may claim up to £1500 for clothing during their year of office (between them, not individually). Claims must be made within the year of office and be accompanied by receipts.

### **Lord Lieutenant and High Sheriff**

33. The Lord Mayor will often be at the same engagements as Her Majesty's Lord Lieutenant and the High Sheriff. Both positions are royal appointments but are non-political and unpaid. The Lord Lieutenant is the permanent representative of the Crown in the county and normally serves until retirement at between 70 and 75 years of age. The High Sheriff serves for one year and none of their expenses are paid by public funds.

34. With regard to precedence, the Lord Mayor speaks and acts on behalf of Bristol as First Citizen.

If you need advice or guidance on this Protocol please contact [lordmayor@bristol.gov.uk](mailto:lordmayor@bristol.gov.uk)



# PART 6 - MEMBERS ALLOWANCES SCHEME 2024

## Introduction

1. Members' and co-optees' allowances are governed by legislation -*The Local Authorities (Members' Allowances) (England) Regulations 2003*. This can be accessed on the City Council's web site.
2. Local authorities can only adopt Allowance Schemes after considering recommendations made by an independent panel. This current scheme will take effect from 6 May 2024, after consideration of the report of the Independent Remuneration Panel on 12 December 2023. A copy of the Panel's report (and the decision taken by the Full Council) can be accessed on the [Council's website](#).
3. The previous Scheme was adopted by the Full Council in November 2020.
4. The Allowances Scheme covers:
  - basic allowance (paid to all Councillors);
  - special responsibility allowances (paid to some Councillors);
  - travel allowances and travel policy;
  - dependant carers allowances;
  - pensions (for Councillors);
  - co-optees allowances.
5. The principles (as appropriate) of the officers [Expenses, Benefits and Travel Policy](#) apply to councillors and co-optees.
6. In accordance with the regulations, at the end of a financial year, details of all allowances paid and claimed (travel and dependant carers) by Councillors and co-optees, for the preceding year, will be published on the [Council's website](#).

## Basic Allowance

7. The Basic Allowance is the allowance that every Councillor in Bristol is entitled to. It is intended to realistically remunerate Councillors for time spent on Council business including attending meetings/briefings and conducting ward work i.e. all duties the public would expect a Councillor to carry out. The Basic Allowance also covers incidental costs (such as the use of their homes) and all subsistence when travelling within the UK.

## Co-Optees' and Independent Member's Allowance

8. An allowance is payable to persons appointed to serve as co-optees, including statutory appointments and Independent Members of the Audit Committee (one of whom also chairs the Values and Ethics Sub Committee). The allowance recognises the time devoted by such persons, for example, in preparing for and attending/chairing meetings they are appointed to.

## **Special Responsibility Allowances**

9. These are discretionary payments intended to recognise the responsibility, accountability, time and effort required from those Members of the Council who perform duties significantly over and above what might reasonably be expected of them through the Basic Allowance.

## **Payment of Allowances**

10. All allowances will be paid automatically on the last working day of each month, apart from payments for attendance at Appeal Committees, Licensing Sub Committee hearings and Public Safety and Protection Sub Committee hearings which will be paid as set out in the schedule at Appendix A.
11. Allowances are treated as income and therefore subject to any tax, National Insurance deductions and/or benefits relative to earnings. Detailed information regarding taxation etc. can be found in the officers [Expenses, Benefits and Travel Policy](#).
12. A Councillor or co-optee may, by notice in writing to the Monitoring Officer, forego any part of his/her entitlement to an allowance.
13. Co-optees will be paid (pro-rata) following the return of the correct paperwork. Details of payments to Councillors (including those with a Special Responsibility Allowance) can be found in the schedule at Appendix B.
14. Claims for expenses (over and above the basic and special responsibility allowance) must be made by completing submitting the expense claim electronically via the Council's Itrent payroll system and uploading supporting documents, receipts or invoices.

## **Travelling Allowances and Travel Policy**

15. Travelling allowances are payable for approved duties only (see Appendix D) both within the city and outside of Bristol. A car parking permit for College Street carpark will be issued or alternatively Members can be issued with an annual bus pass on request. All other travel arrangements are subject to the [Expenses, Benefits and Travel Policy](#), where appropriate.

## **Reasonable Adjustments - Use of Taxis within Bristol**

16. Councillors / co-optees are entitled to use taxis for the purposes of carrying out their approved duties where this has been agreed as a reasonable adjustment under the Equality Act 2010. Requests for approval should be made to the Head of Democratic Engagement.

## **International travel policy**

17. The International Travel Policy for Members can be found at Appendix E.

## **Subsistence (Food and Drink)**

18. In line with Bristol City Council's policy for officers, no subsistence expenses will be paid for trips within the UK.

## **Out of pocket expenses**

19. In line with Bristol City Council's policy for officers, claims for the cost of reasonable out of pocket expenses can be made when travelling outside of Bristol on Council business and subject to the Monitoring Officer's approval. Examples of expenses that will be reimbursed include public transport, parking fees (but not fines) and taxi fares. For travel within the United Kingdom, Councillors may not claim for food and drink.

## **Optician expenses for use of display screen equipment**

20. Councillors are required to use display screen equipment as an integral part of their roles. In line with Bristol City Council's policy for officers, where Councillors undergo an examination by an optician, the Council will reimburse up to £30 towards the cost of the examination. In addition, where an optician certifies that a new or altered prescription for spectacles is required solely for VDU usage, the Council will bear (or contribute towards) the costs of frames, lenses and any special prisms or tinting, subject to a maximum of £50, insofar as the cost relates only to the requirements for VDU usage.
21. Where it is certified that existing bifocal lenses are unsuitable for VDU usage, the Council will pay the initial cost of replacement lenses on the same basis as above. Any payment by the Council towards the cost of spectacles will be limited to the above amounts. Reimbursement towards the cost of eye tests and glasses are subject to tax and NIC, which will be deducted through payroll.

## **Dependant Carers' Allowance**

22. Any Councillor or co-optee who is responsible for the care of any dependant person<sup>1</sup> is eligible to be paid an additional allowance per dependant, per hour in respect of the performance of any approved duty (see Appendix D). The Dependant Carer's Allowance is also payable for travel time, not exceeding 1 hour before and 1 hour after, the performance of the approved duty. The payment is not payable to a member of the claimant's household and payment of this allowance will be subject to provision of receipts to evidence payments made. The maximum rates of such allowances are paid as per the Living Wage Foundation on submitted receipts; and are subject to the Member observing the protocol on the claims procedure and eligibility criteria as set out in Appendix C.

## **Pensions**

23. Councillors must make their own pension provision.

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<sup>1</sup> A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care.

## **Income Tax**

24. Income Tax is payable on all allowances (basic, special responsibility, co-optees, attendance and carers).
25. Councillors are reminded to keep their own records (including supporting documents) of expenses claims and reimbursements for income tax purposes.
26. Councillors are advised to seek their own independent tax and financial advice as necessary.

## **National Insurance**

27. National Insurance contributions are payable on all allowances (basic, special responsibility, co-optees, attendance and carers). As with employees, a 12% Contribution is paid on all earnings over £792 per month and 2% for earnings over £4167 per month. Employees over State Pension Age do not pay National Insurance.
28. There is an annual maximum for contribution liability for people with more than one job and, in some instances, Members in this position may be entitled to a refund of contributions; alternatively they may apply to defer payment of contributions in their capacity as a Councillor. See guidance notes for the [Deferment of National Insurance payments](#).

## **Benefits**

29. The contributions paid by Members count towards the full range of contributory benefits.

## **ICT Equipment and Telephony**

30. Members will be provided with necessary ICT equipment and telephony to enable them to fulfil their duties.
31. International calls on Council business can only be made by exception.

## **Future Changes**

The basic councillors' allowance, special responsibility and co-optees allowances will be automatically increased in line with any national pay award to local government officers on 1 April where applicable.

## **APPENDICES**

- Appendix A: Special Responsibility Allowances
- Appendix B: Political Group Leaders and Whips Allowances
- Appendix C: Dependant Carers Allowances Scheme
- Appendix D: Approved Duties
- Appendix E: International Travel Policy and Procedures for Members

## Appendix A: Schedule of Special Responsibility Allowances (SRA) 2024 – 2025

All Councillors are entitled to the basic allowance of **£17,098**

SRAs are paid over and above the basic allowance. Only one SRA can be claimed at a time.

The co-optees' allowance is **£695 per annum** paid pro-rata from the date of their appointment, except for the Independent Members of the Audit Committee who receive **£1,779 per annum** plus travel expenses and the Chair of the Value and Ethics Sub Committee who receives **£1,186 per annum**.

<b>SRA £</b> (in addition to the basic allowance)	<b>SRA RECIPIENT</b>	<b>No of SRAs</b>
34196	Leader of the Council	1
17098	Deputy Leader	1
25648	Policy Committee Chairs	7
8550	Policy Committee Vice Chairs	8
25648	Lord Mayor	1
22227	Political Group Leaders (Dependent on Group size - see Appendix B)	5
11113	Political Group Whips (Dependent on Group size - see Appendix B)	5
8550	Deputy Lord Mayor	1
	Chairs of Regulatory Committees: Development Control A Development Control B	2
	Audit Committee Chair	1
	Human Resources Committee Chair	1
	Health Sub Committee Chair	1
12824	Finance Sub Committee Chair	1
	<b>Total SRAs payable</b>	<b>35</b>

**Additional Payments:**

- (i) Chairs of Policy Task Groups - £2000 upon submission of the Group's report of recommendations to the parent committee
- (ii) Licensing - £75 per session on completion of a minimum of 2 sessions
- (iii) Public Safety and Protection - £75 per session on completion of a minimum of 2 sessions
- (iv) Appeals - £75 per session on completion of a minimum of 2 sessions

**Note:**

The number of some posts may vary according to the outcome of the election and political make-up of the Council.

## Appendix B : Political Group Leaders and Whips Allowances

### Political Group Leader

The special responsibility allowances for Political Group Leaders are determined in accordance with the table below, effective from 6 May 2024.

Group Leader	Governance Element (30% BA)	74%+ (52+ members) (100% BA)	73% - 51% (51-36 members) (75% BA)	50%-31% (35-22 members) (50% BA)	30%-15% (21-11 members) (25% BA)	14% - 4% (10-3 members) (12.5% BA)	Less than 4% (2 members) (0% BA)	Total	
Leader of Group	5,129	£17,098						£22,227	
			£12,824					£17,953	
				£8,549					£13,678
					£4,275				£9,404
						£2,137			£7,266
								£0	£5,129

### Political Group Whip

The special responsibility allowances for Political Group Whips are determined in accordance with the table below, effective from 6 May 2024.

Group Whip	Governance Element (15% BA)	74% + (52+ members) (50% Group Leader)	73%-51% (51-36 members) (50% Group Leader)	50%-31% (35-22 members) (50% Group Leader)	30%-15% (21-11 members) (50% Group Leader)	14%-4% (10-3 members) (50% Group Leader)	Less than 4% (2 members)	Total	
Group Whip	£2,565	£8,549						£11,114	
			£6,412					£8,977	
				£4,275					£6,840
					£2,137				£4,702
						£1,069			£3,634
								£0	£2,565

## Appendix C : Dependant Carers' Allowance Scheme

A claim can be made:

- (a) When a carer has been engaged to enable a Councillor to carry out an approved duty;
  - (i) where charges are levied on an hourly basis, Members may claim actual and necessary costs incurred for the period of the approved duty (including time travelling, time taken by a Member to 'drop-off' or 'pick-up' a dependant, or by a carer engaged by a member to look after a dependant in the member's home – this would normally not exceed 1 hour before and 1 hour after) for each dependant;

or

- (ii) where charges are levied by a provider for a fixed period or session, Members may claim the cost of any such fixed period/session or periods/sessions incurred for the period of the approved duty (including time travelling time taken by a Member to 'drop-off' or 'pick-up' a dependant) for each dependant;
- (b) A carer will be any responsible adult who does not normally live with the member as part of his/her family;
- (c) An allowance will be payable if the dependant being cared for:
  - (i) is a child under the age of 14; or
  - (ii) is an elderly person; or
  - (iii) has a recognised physical or mental disability who normally lives with the Member as part of that Member's family and should not be left unsupervised.



## **APPENDIX D: Approved Duties**

Claims can be made for these allowances in respect of the following (extract from the Local Authorities (Members' Allowances) (England) Regulations 2003):

- (a) the attendance at a meeting of the authority or of any committee or sub- committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 172, or a sub-committee of such a joint committee, provided that:
  - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two groups have been invited;or
  - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
- (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (f) the performance of any duty in connections with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non- maintained special schools); and
- (h) the carrying out of any other duty approved by the authority , or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

## APPENDIX E: International Travel Policy and Procedures for Members

### 1. INTRODUCTION

1.1 Bristol City Council Members and Officers may travel internationally as part of civic visits, projects, conferences or business meetings that support delivery of our International Strategy and priorities in the Corporate Strategy, in terms of attracting funding and investment, joint research and best practice exchange. This document provides guidance to Members undertaking international travel on Bristol City Council business. It is complementary to a similar policy for Officers. It aims to ensure that:

- Any travel is in line with the [Corporate Strategy](#) and [International Strategy](#) including recognising the Council's leadership role in Bristol's ambition to be carbon neutral by 2030, therefore consideration in the first instance should be given to:
  - whether travel is needed in this instance, or whether alternative options such as video conferencing can achieve the same outcomes
  - Where travel is needed, whether low carbon options such as rail travel can be used. See section 4.3. on travel.
- There is consistent and focused international engagement across Bristol City Council and with our city partners
- Best value for money is obtained and that the benefits are maximised through following clear processes for approval and sharing outcomes after the visit has been undertaken
- Limited resources, (including time as well as money) are managed effectively
- We are open and transparent about our travel
- We improve corporate knowledge about our international connections.
- Clear guidance is offered to Officers and Members pre, during and post international travel.

1.2 This guidance complements Bristol City Council's Expenses and Benefits Policy and (UK) Travel Policy and guidance as set out in the expenses claim form on iTrent system.

1.3 **COVID19:** In the context of the recent global pandemic, some countries may still have restrictions on travel. Therefore please consider whether your travel is necessary, check current [FCDO advice](#) for travel to that country, ensure that you have completed the risk assessment form as part of any travel approval and spoken to the insurance team as your trip may not be covered. See more at 4.1 and 4.10.

**QUERIES:** please contact the International Service.

## **2. INTERNATIONAL TRAVEL APPROVAL**

An International Travel Approval Form must be completed prior to travelling. This sets out the reason for the visit and the value to the City aligned with priorities in the Corporate Strategy and the International Strategy.

The international team should be consulted to provide feedback on existing relationships, issues to flag and their comments included on the form. The form will also need to state the details and costs of travel and accommodation and any key additional costs such as visas.

The Monitoring Officer and/or Legal Team will provide advice to Members in relation to the principles set out in the travel policy and must approve travel.

**All** work/Council related international travel needs to be assessed even if part of or the entire trip is being externally funded and/or managed. Where relevant, a cost centre should be identified in the Travel Approval Form (generally that of the relevant council service).

### **2.1 Officer approval**

A complementary policy exists for Officers where the appropriate Line Manager/Head of Service and Executive Director need to give approval for travel and the international team consulted for advice on existing relationships and links.

## **3. PUBLIC REPORTING AND FREEDOM OF INFORMATION REQUESTS AND OTHER FOLLOW UP**

**3.1** The International team oversee international and related national travel information for BCC for monitoring and FOI purposes. After all relevant approvals a copy of the completed international travel data form with final costs and arrangements set out must be sent to the International Affairs team where it can be filed for monitoring purposes and Freedom of Information (FOI) requests. Members are advised to retain a copy of this form for their records. These procedures apply to all work/Council related international travel even those incurring no cost to Bristol City Council (e.g. EU projects or cost covered by an external partner).

### **3.2 Public reporting and FOIs**

The Council will review and publish a quarterly table with core international travel information (as set out on the data form) . It will include the names of Members and Officers third tier and above (TP1/Service Manager level). It will include the positions of all Officers.

Under the Freedom of Information Act 2000, the Council is required to deal with requests for information on a case by case basis. In some cases FOI requests may ask for names to be disclosed and, as this constitutes personal data, this would need

to be considered in accordance with ICO guidance (including taking account of any safety/security issues).

**3.3 Outcomes:** On return, the Member travelling is asked to complete a Travel Outcomes Form (see international travel policy and tools on intranet). This should be shared with the International Service to support further cooperation where appropriate. The Member travelling should also report back to relevant teams and Members within BCC where appropriate. Information on outcomes and follow-up will be recorded and used for FOIs.

## **4. PRACTICAL ARRANGEMENTS**

### **4.1 Risk Assessment**

An individual travel risk assessment must also be completed and submitted with the approval form.

The risk level should be based on Foreign and Commonwealth Office travel advice <https://www.gov.uk/international-travel-advice> as well as the traveller's personal circumstances.

### **4.2 Visas**

It is the traveller's responsibility to ensure that they have the right visa and documentation to travel on Bristol City Council business. It is important to check the latest requirements and processes on the FCDO travel advice page (as above) as these frequently change. Advice can also be provided by the International team or through visa service organisations, such as:

- [CIBT](#)
- [Trailfinders](#)

The costs of a visa should be included in your International Travel Approval Form.

### **4.3 Travel**

Challenging goals have been set for both the council and the city to be carbon neutral by 2030<sup>12</sup>. Bristol City Council is already recognised as an environmental leader. To show leadership in this context means achieving our goals in an integrated way so that delivering one piece of work enhances and does not undermine our climate goals. We can do this by using alternatives to travel and making good choices about how we travel.

Alternatives to travel should be considered first. Greater availability and widespread use of high-quality live streaming and video and teleconferencing options have made avoiding travel much more viable. These solutions avoid the financial, carbon, and time costs of travel and accommodation.

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<sup>2</sup> This includes work through the [Climate Emergency Action Plan](#) and [One City Climate Strategy](#) which is currently ongoing

Where travel is necessary, travel by rail or coach is recommended wherever it is possible. Air travel is associated with substantial carbon emissions and should be avoided where the journey time by rail is:

- Less than six hours or
- Less than the total door-to-door journey time of flying (journeys to central Europe can be quicker by train, where airports can be significant distances from the starting point and destination).

If air travel is needed, economy flights must be used unless paragraph 4.5 applies. An additional day/travel time may be required to ensure there is adequate rest before business meetings.

If Members personally wish to upgrade they can do this at their own personal cost through contacting the relevant airline after the initial booking and paying for the upgrade with their own bank details.

If the use of public transport or Council credit cards results in the receipt of promotional offers, e.g. Air Miles, these are the property of the Council and must not be used for private purposes.

#### **4.4 Accommodation**

Hotel accommodation must reflect value for money taking into consideration the city you are staying in, health and safety and consideration of other reasons for your choice of hotel (such as it being the specified hotel for a conference).

#### **4.5 External funding**

External funding should be sought in the first instance, if possible. If travel and hotel accommodation is externally funded then the conditions of the funding need to be adhered to or permission sought from the funder to cover any exceptional circumstances including business class travel.

#### **4.6 Booking travel**

If approval for travel has been given you can either speak to a relevant officer within your group office or Leader's office and book using the corporate travel platform, (for UK and international travel booking) a corporate credit card, or book it yourself and claim it back as an expense using the electronic claim form on ITrent.

Do ensure that when booking your travel:

- You have checked for any latest travel guidance or restrictions on the [UK Government foreign travel advice website](#)
- Best value for money is obtained (taking into account personal safety too)
- You book in your name as listed on your passport

#### **4.7 Expenses, Benefits and International Currency**

When travelling, Members are entitled to claim expenses and benefits as described in the Expenses and Benefits Policy and (UK) Travel Policy.

Specific EU-funded projects may set maximum thresholds for claims and/or other advice on expenses – contact the project manager for advice.

If claiming back expenditure in Euros, advice on the exchange rate used should be sought from the Cash Office and detailed in the claim. Alternatively, international currency can be obtained from the Cash Office. This needs to be arranged at least a week in advance. It is not possible to take out cash on a Bristol City Council corporate credit card.

Bristol City Council corporate credit cards do not need to be activated to be used overseas.

Lost or stolen corporate credit cards should be reported as soon as possible for the Council's own records and so a replacement can be ordered.

#### **4.8 Disclosable Pecuniary Interests, Gifts and Hospitality and Declarations**

Members must consider the Members' Code of Conduct when travelling and decide whether any travel that is being externally funded would need 1) A pecuniary interest to be registered, or 2) if any gift/hospitality should be declared and added to their 'Register of Members' Interests and Gifts and Hospitality' form/register. Generally it would be anticipated that external funding for a trip should be disclosed. Members should take legal advice if they are not sure and they must also remember to register any interests on their return from travel. Failure to register a disclosable pecuniary interest is a criminal offence.

The general principles on gifts and hospitality are also set out in the Expenses and benefits policy.

#### **4.9 Health/vaccinations**

Please remember to take account of any vaccinations/medications you may require prior to travelling. The following NHS site has more information on what may be required: [NHS Travel vaccination advice](#)

In addition if travelling in Europe free basic health assistance can be provided by producing your European Health Insurance Card (EHIC). Please note following the U.K's withdrawal from the EU, this card has now been replaced. You can continue to use your EHIC until it expires. If it has already expired or you need to apply for the first time, please follow this link: <https://www.nhs.uk/using-the-nhs/healthcare-abroad/apply-for-a-free-uk-global-health-insurance-card-ghic/> where you can apply for a new UK Global Health Insurance Card or a UK European Health Insurance Card (UK EHIC), if you have rights under the Withdrawal Agreement.

#### **4.10 Insurance**

Members undertaking Bristol City Council business abroad can be covered by the Council's insurance policy. Individuals traveling must send a copy of the International travel approval form along with the risk assessment form to Risk and Insurance Team see 4.1 & 4.6 above.

Prior to travel individuals must contact the Risk and Insurance team at least 72 hrs prior to travel to confirm cover and receive a summary of cover for their trip.

If you have to travel at short notice contact the Risk and Insurance Team along with all documentation as above as soon as possible.

Travel insurance can also be bought for delegates who are not Bristol City Council Officers, but part of an international delegation visit (for example young people taking part in an international youth exchange organised by the Council). In such circumstances, at least two weeks' notice must be given to Insurance Services in order that the necessary arrangements can be made.

There are occasions where the Foreign and Commonwealth Office (FCDO) advice against travel to certain areas, please note the travel insurance of the council does not provide insurance cover for any areas where the FCDO are advising against travel. PLEASE NOTE: this applies in the case of travel that may still be impacted by the COVID19 pandemic. Please check FCDO advice and if travel is deemed essential, discuss with the Monitoring Officer and the insurance team. In addition, if visiting a [financially sanctioned territory](#) at least 7 days' notice is required in respect of travel on these occasions please contact the risk and insurance team for advice.

In the event of a cancellation please notify the Claims Team with a supporting cancellation document as soon as possible to enable a claim to be made on behalf of BCC.

#### **4.11 ICT and Communications**

The traveller must ensure that their Council mobile phone has international roaming activated before they leave the UK. Members should email the request to ICT Service at least 5 working days before travel. The email should include the traveller's name, their mobile number and the duration for which they require international roaming as well as any security passwords needed if any items are lost or stolen as follows.

All lost or stolen ICT equipment or Council mobile phones should be immediately reported to the Council ICT Service Desk and to the Police for insurance purposes (including getting a crime reference number) You should also review the ICT information Security guidance before travelling.

#### **4.12 Useful out of hours emergency contact details:**

[UK International & Commonwealth Office Consular Assistance Team](https://www.gov.uk/guidance/how-to-deal-with-a-crisis-overseas#how-we-can-help-in-a-crisis): + 44 20 7008 5000 (24 hours a day). Or also see this link: <https://www.gov.uk/guidance/how-to-deal-with-a-crisis-overseas#how-we-can-help-in-a-crisis>

#### **4.13 Next of Kin information**

The traveller must leave their next of kin and emergency contact information with their Group/Support office or aligned service team before travelling. The Office/relevant team should also have a copy of the itinerary and travel arrangements in case of emergencies.

The Office/relevant team should agree a daily check in for the traveller or if the Lone Worker Monitoring Scheme is required.

#### **4.14 Child safety**

Please note that there are guidelines in place on Child Safety, which will need to be applied before young people and children leave for an international visit. Please note also the comments on insurance, above.

#### **4.15 Etiquette**

Members representing Bristol City Council on such visits should be aware that they carry with them a responsibility for the reputation of the city. How well etiquette, customs and protocol of the relevant country are followed affects the impression that the host authority/organisation gets of Bristol and the confidence and comfort of the delegates themselves.

Advice is available on the following websites:

Country etiquette guides <https://www.gov.uk/international-travel-advice>

You can also contact the Council's international service for advice.