Constitution

JULY 2026

Coventry City Council

June 2026

June 2026

CONSTITUTION OF THE COUNCIL

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PART 1

SUMMARY AND EXPLANATION

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PART 1: SUMMARY AND EXPLANATION

1. The Council's Constitution

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

1.1. The purpose of the Constitution is to ensure that the Council's decision-making and governance arrangements help the Council to achieve its corporate aims, objectives and priorities effectively and efficiently. It also ensures that the Council meets its legal duties.

2. Corporate Objectives and Values

2.1. Coventry – proud to be a city that works…

- for jobs and growth
- for better pavements, streets and roads
- to support and celebrate our young people
- to protect our most vulnerable residents

2.2. We're proud to do this by…

- being honest, fair and transparent when we make decisions
- working with residents, communities and partners to get things done
- celebrating all that's good about our city and its future.

2.3. The Council's current corporate objectives and priorities are set out in its One Coventry Plan. This is available on the Council's website at www.coventry.gov.uk

3. What's in the Constitution?

3.1. The Constitution is divided in 6 parts that govern how it operates.

3.2. This part provides a summary and explanation of how the Council operates, including through any joint arrangements with other authorities. Part 2 sets out the Scheme of Delegation to committees, officers and through the Cabinet. Part 3 sets out the Rules and Procedures through which the Council operates and Part 4 Relevant Codes and Protocols. Towards the

end there is the Scheme of Members' Allowances in Part 5 as well as the Management Structure for the Authority in Part 6.

4. How the Council Operates

4.1. The Council consists of 54 Councillors (sometimes known as “members”) with one third elected three years in four, usually on the first Thursday in May. In the fourth year, there are not normally local elections. There may be a by-election at any time (including in the fourth year) if a Council seat becomes vacant during a Councillor's term of office.

4.2. Councillors are democratically accountable to residents of their ward. There are 3 Councillors for each ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

4.3. Councillors must follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Ethics Committee has overall responsibility for ensuring training on the Code is available for Members. The Code of Conduct for Elected and Co-opted Members is set out in Part 4.

4.4. All Councillors meet together as the Council and this is often called “full Council”. Members of the public are welcome to attend Council meetings. Here Councillors make decisions that are reserved to full Council (see Part 2), decide on some of the Council's policies and set the budget each year.

5. Calendar of Business and Schedule of Meetings

5.1. At its annual meeting the Council will approve its planned Calendar of Business and Schedule of Meetings but nothing in this paragraph will prevent amendments being made to the Calendar of Business and Schedule of Meetings during the following 12 months in accordance with Part 3 of the Constitution.

5.2. There are three types of Council meeting:

- the annual meeting
- ordinary meetings
- extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 3 of this Constitution.

5.3. The Council is responsible for electing the Leader who in turn will appoint a Deputy Leader and Cabinet. The Council (through a scrutiny process and

call-in of decisions) is ultimately responsible for holding the Cabinet to account. The role of the Council is set out in Part 2.

6. Interpretation

6.1. The ruling of the Lord Mayor as to the construction or application of this Constitution or as to any proceedings of the Council will not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution.

7. How Decisions are Made

7.1. The Council has decided to adopt a Leader and Cabinet form of Executive. The Executive is a group of Councillors responsible collectively for the executive functions of the Council. The Executive is known as the Cabinet. Individual Members of the Cabinet have responsibility for specific functions allocated to them by the Leader.

7.2. The Cabinet is the part of the Council which is responsible for developing the policies and strategies of the Council and most of the decisions on service provision. The Cabinet is made up of the Leader, a Deputy Leader and, in accordance with legislation, up to eight other Cabinet Members appointed by the Leader. The Leader may also appoint Deputy Cabinet Members to assist Cabinet Members in their roles.

7.3. When major decisions are to be discussed or made, these are published in the Cabinet Notice of Key Decisions (which is available on the Council's website) insofar as they can be anticipated. If these major decisions are to be discussed at a meeting of the Cabinet, this will generally be open for the public to attend except where exempt or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework (set out in Part 3), this must be referred to the Council as a whole to decide.

7.4. The Constitution also provides an opportunity to focus decision making so that it enables the Council to:-

- Provide clear leadership to the community in partnership with local people, communities, businesses and other organisations.
- Support the active involvement of local people and local communities in the process of local authority decision making
- Help Councillors represent their constituents more effectively.
- Create a powerful and effective means of holding decision makers to public account.
- Ensure that no one will review or scrutinise a decision in which

they were directly involved.

- Be clear about who is responsible for making specific decisions and that they explain the reasons for decisions.

- Provide a means of improving the delivery of services to the community.

8. Scrutiny

8.1. Scrutiny Boards support and challenge the work of the Cabinet and the Council as a whole. They allow residents to have a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet, the Council as a whole, and, in some cases, outside agencies on policies, budget, and service delivery. Members of the public may attend except where exempt or confidential matters are to be discussed.

8.2. The Scrutiny Co-ordination Committee manages scrutiny business and also monitors the decisions of the Cabinet. Non-Cabinet Members can 'call-in' a decision which has been made by the Cabinet but not yet implemented. The Scrutiny Co-ordination Committee then considers whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision.

8.3. Non-Cabinet Members may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

9. Planning, Licensing and Regulatory, Audit and Procurement, Ethics, Emergency Planning Forum and Other Committees

9.1. The Council has established a Planning Committee to deal with planning and development control matters.

9.2. The Council has established a Licensing and Regulatory Committee to deal with a range of functions relating to regulatory matters and licensing. Sub-Committees of the Licensing and Regulatory Committee deal with applications under the Licensing Act 2003 and the Gambling Act 2005 and Hackney Carriages and Private Hire (Taxis) Applications.

9.3. An Ethics Committee promotes high standards of Councillor conduct and deals with allegations of a breach of the Code of Conduct for Elected and Co-opted Members. There is also an Audit and Procurement Committee, a Coventry Shareholder Committee (a sub-Committee of Cabinet), a Health and Wellbeing Board and an Independent Remuneration Panel to advise on Members' allowances.

9.4. The Council has established an Emergency Planning Forum to deal with executive decisions during an emergency and the Council's response to an emergency.

9.5. In addition, Elected Members take part when required in Appeals Committees and Appointment and Advisory Panels.

9.6. All these are explained in more detail in Part 2.

10. Key Roles of Councillors

10.1. The Lord Mayor

10.1.1. Coventry was established as a City in 1346 and has had a Mayor since that time. In 1953 the position of Lord Mayor was created by Royal Charter. The Lord Mayor is the first citizen of the City.

10.1.2. The Lord Mayor is a Councillor who is elected as Lord Mayor by the Council at its annual meeting.

10.1.3. The office of Lord Mayor and Deputy Lord Mayor will be offered to the Councillor who has the longest service and has not previously held the office. If that Councillor declines that offer, then it is offered to the next person in order of length of service. Any Councillor who declines the offer may take up the offer in subsequent years.

10.2. Ceremonial Role

10.2.1. The Lord Mayor, and in their absence the Deputy Lord Mayor, will have the following roles and functions:-

(a) The Lord Mayor as Coventry's first citizen will act as the non-political and ceremonial head of the City.

(b) The office of Lord Mayor of the City of Coventry, together with the resources which the office represents, are intended to benefit both the City and its residents .

(c) The Lord Mayor, as Coventry's "first citizen", will endeavour to focus engagements on promoting the Council's vision and the One Coventry Plan whilst undertaking this traditional and civic role. To assist in meeting the City's needs, the Lord Mayor will promote the City to ensure it continually strives for prosperity and vitality, promotes equality of opportunity for Coventry residents and builds cohesive communities.

10.2.2. To pursue this Mission the Lord Mayor will:-

- **C**ommand partnership working with other organisations to provide greater scope for the City.
- **O**pen doors of opportunity and seek investment to maintain the City's image of success.
- **V**alue the civic role and recognise its potential for the City.

- **E**ncourage equal opportunities for all residents within the community.
- **N**etwork with those who can bring benefit and prestige to the City.
- **T**hank those individuals and organisations who have brought success to the City.
- **R**eceive visitors to the City promoting its historic past and exciting future.
- **Y**ield opportunities to represent the City at home, nationally and internationally acting as "Ambassador" for Coventry.

10.2.3. These key factors will be at the forefront of minds as the Lord Mayoralty undertakes its duties and strives to achieve the City Council's priorities.

10.3. **Additional Role**

10.3.1. In addition to the ceremonial role, the Lord Mayor and, in their absence the Deputy Lord Mayor, will have the following responsibilities:-

(a) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary.

(b) To chair and preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.

(c) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not in the Cabinet or who do not sit on committees or hold Chairs are able to hold the Cabinet Members, Chairs of Scrutiny and Committees Chairs to account.

(d) To promote public involvement in the Council's activities.

(e) To attend such civic and ceremonial functions as the Council and they consider appropriate.

10.4. **The Deputy Lord Mayor**

10.4.1. The Deputy Lord Mayor will also be elected at the annual meeting of the Council. They will have the following responsibilities:-

(a) To assist and deputise for the Lord Mayor in carrying out the responsibilities of that office.

(b) In the absence of the Lord Mayor, to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.

(c) To attend such civic ceremonial functions as the Council and the Lord Mayor may determine to be appropriate.

10.5. **Roles of All Councillors**

10.5.1. All Councillors will:-

(a) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions.

(b) contribute to the good governance of the City and actively encourage community participation and citizen involvement in decision making.

(c) effectively represent the interests of the communities of the City in their own ward and individual constituents.

(d) respond to constituents' enquiries and representations, fairly and impartially.

(e) participate in the governance and management of the Council.

(f) maintain the highest standards of conduct and ethics and observe the Code of Conduct for Elected and Co-opted Members set out in Part 4 of this Constitution.

(g) be available to represent the City Council on other bodies; and

(h) attend meetings of bodies to which they are appointed or, if they are unable to attend, present their apologies with their reason for absence.

10.5.2. Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 5 of this Constitution.

10.6. **Main Opposition Group and Leader of the Main Opposition Group**

10.6.1. The Main Opposition Group is the Political Group that has the numerically largest opposition Group. The Leader of that Group is the Leader of the Main Opposition Group. In the event of there being one than more Group having the same numerically largest number of seats, all of those Groups will be afforded the same rights.

11. The Council's Employees

11.1. The Council has people working for it (called 'employees') to give advice, implement decisions and carry out the day-to-day delivery of its services. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Management Structure is set out in Part 6.

11.2. Employees must comply with a Code of Conduct which is set out in Part 4.

11.3. The recruitment, selection and dismissal of employees will comply with the Employment Procedure Rules set out in Part 3 of this Constitution.

12. Working with Partners

12.1. The One Coventry Partnership brings together agencies across the city, building on the existing good links between organisations in the public, voluntary, community and business sectors to work together to find new ways to improve the lives of people who live or work in Coventry, with particular emphasis on helping those neighbourhoods and communities with priority needs.

12.2. Partnership Working

12.2.1. The Council will be working with existing partners and creating new partnerships that will assist the Council in fulfilling its corporate vision and objectives. In addition, the way in which the Council delivers some of its services and functions to residents and businesses will change in order to ensure value for money is delivered. In part this will be achieved through more creative and effective partnership working.

12.3. Joint Arrangements

12.3.1. The Council or the Cabinet may exercise their functions in a number of ways, for example:-

(a) enter into arrangements or agreements with any person or body.

(b) establish joint arrangements with one or more local authorities to exercise functions.

(c) co-operate with, or facilitate or co-ordinate the activities of, any person or body.

(d) exercise on behalf of that person or body any functions of that person or body.

12.3.2. The following provisions will apply to any joint arrangements

12.3.3. The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions or to advise the Council. Such

arrangements may involve the appointment of a joint committee with these other local authorities.

12.3.4. The Council has, along with other local authorities in the West Midlands, established a Police and Crime Panel pursuant to the provisions of the Police Reform and Social Responsibility Act 2011.

13. Contracts and Contracting

13.1. Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 3 of this Constitution.

13.2. The Council (for non-executive functions) and the Cabinet (for executive functions) may contract out to another body or organisation functions, which may be exercised by an officer and which are permissible under specific legislation, subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision making.

14. Residents ' Rights

14.1. The Council welcomes the participation of residents in its work.

14.2. Residents have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Coventry Citizen' Advice and Central England Law Centre can advise on individuals' legal rights.

14.3. Where Members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

14.4. Residents have the right to:-

- Vote at local elections if they are registered.
- Contact their local Councillor about any matters of concern to them in their ward.
- Contact the appropriate Cabinet Member about any matters of concern that relate to their portfolio.
- Access to the Constitution.
- Attend all meetings of the Council, Cabinet, Scrutiny Boards, and its Committees except where exempt or confidential matters are being discussed (see Access to Information Procedure Rules in Part 3).

- Petition the Council on any matter, including on excessive Council Tax rises.

- Find out, from the Council, what major decisions are to be discussed by the Cabinet, individual Cabinet Members and employees and what decisions are likely to be taken by Cabinet in private and when.

- See reports and background papers, and any record of decisions made by the Council, Cabinet, Scrutiny, and Committees individual Cabinet Members and executive decisions made by employees (except exempt and confidential information).

- Complain to the Council about something the Council should have done that it has not done, something it should have done differently or something it has done that it should not have, through its complaints scheme.

- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process.

- Compliment the Council where the service they have received has been exceptionally good or speedy and which could help spread good practice across the Council.

- Complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Elected and Co-opted Members.

- Complain to the Council about any officers' actions or attitude.

- Inspect the Council's accounts during the limited period of the audit each year and make their views known to the external auditor. The period when accounts are open to inspection is publicised.

15. Residents' Responsibilities

15.1. Residents must not be violent, abusive, or threatening to Councillors or employees and must not wilfully harm things owned by the Council, Councillors or employees.

16. Changes to the Constitution

16.1. The Constitution has been formally adopted by the Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

16.2. The Monitoring Officer has authority to make minor amendments and corrections to the Constitution. The Leader may change Cabinet portfolios and delegations.

16.3. The Cabinet Member with responsibility for the Constitution may make recommendations on changes to the Constitution to the Council.

16.4. Any other significant changes to the Council's decision-making arrangements and committee structure will need to be approved by the full Council, upon a simple majority vote, prior to implementation.

17. Publication

17.1. The Monitoring Officer will make this Constitution available to each Councillor following their acceptance of office on being elected to the Council.

17.2. The Monitoring Officer will ensure that copies are available for inspection on the Council's website and at Council offices and can be purchased by the local press and the public on payment of a reasonable fee.

17.3. The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

PART 2

SCHEME OF DELEGATION

Decision-Making and Responsibility for Functions

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PART 2A: GENERAL PRINCIPLES

1. Principles of Decision Making

1.1. All decisions should be taken, as far as possible, in accordance with the following principles:-

(a) There is a presumption in favour of decision-making being open and transparent. All decisions should be taken in public and members of the public should be afforded access to all relevant information (unless the decision concerns confidential or exempt business).

(b) All appropriate consultation should take place with those affected or likely to be affected by any decision and the body or individual taking the decision should have regard to the outcome(s) of such consultation.

(c) Decision making should be planned and the public given due notification of forthcoming decisions.

(d) Decisions must be taken with regard to all relevant considerations and ignoring all irrelevant considerations.

(e) Decisions should reflect the Council's overall corporate aims and objectives and have regard to any relevant approved policies and procedures of the Council.

(f) Decisions should be taken only after the decision-making body or individual has obtained and considered professional advice from suitably qualified officers of the Council. If the Council does not have a suitably qualified individual to give the appropriate advice, consideration should be given to obtaining such advice from an external source.

(g) Any decision taken must be justifiable in terms of being proportionate to the desired outcome – "the principle of proportionality".

(h) Due regard must be had to any relevant statutory provisions and with respect for human rights protected by the Human Rights Act 1998.

(i) Due regard must be had to the Council's obligations and desire to promote equality of opportunity and equal treatment.

(j) Due regard must be had to the Council's desire to improve the quality of life for those working and visiting within the City particularly for those suffering highest levels of deprivation.

(k) All decisions taken through the political management process should be taken only after a properly constructed report has been presented and considered. The report should make it clear what options were considered and the reason for the decision that was taken.

(l) In some instances (in case of urgency or where confidential or exempt business is being considered) it may not be appropriate to comply with all these principles. Decision makers must be satisfied that the principles have been complied with as far as practicable and that in all the circumstances it is appropriate to take the decision.

2. Types of Decision

2.1. Under the Constitution, decisions may be taken by:-

- the full Council
- the Cabinet collectively
- individual Cabinet Members
- Committees and sub committees
- Employees

2.2. Under the Constitution, decisions taken by:-

- Scrutiny Boards and Scrutiny Co-ordination Committee
- Advisory Panels
- Appointments Panels

will form recommendations or referrals (as appropriate) to the decision-making bodies listed above.

2.3. Whichever body or individual is responsible for taking a decision, the decision will be formally minuted and recorded and unless it contains confidential or exempt information, will be open to public inspection.

2.4. Decisions relating to the functions listed in Part 2C will be made by the full Council and not delegated.

3. Key Decisions

3.1. A key decision is an executive decision which is likely to:-

(a) result in the City Council incurring expenditure, making savings or receiving income which is/are significant having regard to the

Council's budget for the service or function to which the decision relates or;

(b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the City.

3.2. By the term "significant" the Council means a decision which:-

(a) results in expenditure, savings, income, additional funding or virement of over £1 million per annum being incurred or achieved and which additionally, in the case of a capital scheme, has not been identified in the "Approved Programme" within the Capital Programme; or

(b) results in an outcome which will have a marked effect on communities living or working in an area comprising 2 or more wards.

3.3. The following will be deemed not to be key decisions:-

(a) any decision to implement or take forward an earlier key decision.

(b) any decision that is non-executive.

3.4. A decision taker may only make a key decision in accordance with the requirements of the Procedure Rules set out in Part 3 of this Constitution.

4. Decision Making by Council Bodies and Individuals

4.1. Council meetings will follow the Council Procedure Rules set out in the Constitution when considering any matter.

4.2. The Cabinet and Cabinet Members will follow the Cabinet Procedure Rules set out in the Constitution when considering any matter.

4.3. Other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in the Constitution as apply to them.

5. Decision Making by Council Bodies Acting as Tribunals

5.1. The Council, a Council body, a Councillor or an employee may from time-to-time act as a tribunal and exercise quasi-judicial decision making. When so acting, the body or individual will adopt and follow procedures so as to ensure all legal requirements including the rules of natural justice and Human Rights Act are complied with. Details of the procedure applying to any such body can be made available

upon request.

6. Government Consultation Papers

6.1. Responses to Government Consultation Papers (unless the Chief Executive determines that they relate to a “technical” issue) shall be agreed by Cabinet Member (where practicable within the timescale) updating the Shadow Cabinet Member.

6.2. Where the Government Consultation paper is high profile or of a particular matter of substantial public importance this will be decided by Council (where practicable within the timescale). Where the timescale of a Government Consultation Paper that is high profile or of a particular matter of substantial public importance does not permit consideration by Council, responses shall be decided by Cabinet. Where the timescale of any such Government Consultation Paper does not permit consideration by Cabinet, responses shall be agreed by the Leader, the appropriate Cabinet Member and Chief Executive and appropriate Director following consultation with the appropriate Shadow Cabinet Member. In the last case, the appropriate Cabinet Member has the authority, at their discretion, to refer a consultation to the relevant Scrutiny Board.

7. Allocation of Functions

7.1. In this part "Functions of the Executive" will mean functions of the Leader and Cabinet and "Council functions" shall mean functions of the full Council of the City of Coventry comprising its Elected Member s and chairperson (or Lord Mayor) and of any committees or sub committees exercising functions on behalf of the full Council.

7.2. Section 9D of the Local Government Act 2000 provides that all functions of a local authority shall be functions of the Executive of that authority except in so far as they are reserved to Council by legislation or by regulations made under the Local Government Act 2000. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set out those functions:

(a) which must not be discharged by the Executive and are therefore reserved as Council functions

(b) which may be the responsibility of the Executive subject to the Council's discretion (these are set out in the table of Local Choice Functions – paragraph 8.1 refers)

(c) which may not be the sole responsibility of the Executive, where the Council exercises a confirmatory function; and

(d) that would otherwise be Executive functions but which fall to be discharged other than by the Executive in prescribed

circumstances, that is when they become Council functions.

7.3. The Council may make arrangements under section 101 of the Local Government Act 1972 for the discharge of certain of its functions by:

- a Committee
- a Sub-Committee
- a Joint Committee
- another local authority
- an employee

7.4. Under section 9E of the Local Government Act 2000, the Leader may make provision that specific Executive functions shall be allocated to, and discharged by:

- the Executive as a body
- an individual member of the Executive
- a Committee of the Executive
- an area committee
- an officer

7.5. Additionally, s.236 Local Government and Public Involvement in Health Act 2007 allows both Council and Cabinet functions to be delegated to individual members on local ward matters. However, at present no such functions are delegated to individual members.

7.6. This Part gives details of the split of functions adopted by the City Council in accordance with the statutory regime.

8. Responsibility for Local Choice Functions

8.1. There is a discretion on which body or person can make certain decisions. These are known as Local Choice Functions and are listed in the table below.

Local Choice Function	Responsible Body or Person	Any Restrictions	Statutory References
Any function under a local Act other than a function specified or	Council	Except to the extent that powers are	Local Authorities Functions and

referred to in Regulation 2 of, or Schedule 1 to, the Regulations		delegated to officers	Responsibilities) (England) Regulations 2000.
The determination of an appeal against any decision made by or on behalf of the authority	Council but delegated to the Appeals Committee	Except to the extent that powers are delegated to officers	Any enactment conferring a power on the Council to determine such appeals.
The making of arrangements in relation to appeals against the exclusion of pupils from maintained	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Section 52 of the Education Act 2002 and any relevant subordinate legislation.
The making of arrangements for school admission appeals	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Sections 94(1), (1A), (4) and (5) of the School Standards and Framework Act 1998 and relevant subordinate legislation.
The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Sections 87 and 95(2) and (3A) of the School Standards and Framework Act 1998 and relevant subordinate legislation
Any function relating to contaminated land	Council	Delegated to the Licensing and Regulatory Committee	Part IIA of the Environmental Protection Act 1990 and relevant

		except to the extent that powers are delegated to officers	subordinate legislation
The discharge of any function relating to the control of pollution or the management of air quality	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	The Pollution Prevention and Control Act 1999; Part IV of the Environmental Protection Act 1990 and the Clean Air Act 1993
The service of an abatement notice in respect of a statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	The Noise and Statutory Nuisance Act 1993 and the Environmental Protection Act 1990
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 8 of and Schedule 2 to the Noise and Statutory Nuisance Act 1993
The inspection of the authority's area to detect any statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990

The investigation of any complaint as to the existence of a statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990
The obtaining of information as to interests in land	Council	Delegated to the Planning Committee except to the extent that powers are delegated to officers	Section 330 of the Town and Country Planning Act 1990
The obtaining of particulars of persons interested in land	Cabinet or Cabinet Member	Except to the extent that powers are delegated to officers	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
The making of agreements for the execution of highways works	Council	Delegated to the Planning Committee except to the extent that powers are delegated to officers	Section 278 of the Highways Act 1980 and Section 23 of the New Roads and Street Works Act 1991
The appointment of any individual - (a) to any office other than an office in which he is employed by the authority; (b) to any body other than: (i) the authority (ii) a joint committee of two or more authorities; or	Council		Any enactment conferring a power to make such appointments or to revoke the same

(c) to any committee or sub-committee of such a body; and the revocation of any such appointment.			

PART 2B: FUNCTIONS OF CABINET

The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council.

1. Form and Constitution

1.1. The Cabinet will consist of the Leader and Deputy Leader together with at least 1, but not more than 8 other Councillors appointed to the Cabinet by the Leader.

1.2. The Cabinet cannot include the Lord Mayor or Deputy Lord Mayor and there will be no substitutes or co-optees for Cabinet Members. The Leader may appoint Deputy Cabinet Members who will have the roles and responsibilities set out in paragraph 5 below.

1.3. To ensure that the Cabinet is aware of cross-party views on matters to be decided by the Cabinet, representatives from the opposition Political Groups will be entitled to attend meetings of the Cabinet but not to vote. There will be a maximum of four such representatives, two of whom will be nominees of the Main Opposition Group and one each from the next two numerically largest opposition Political Groups. The nominations are to be submitted by those opposition Political Groups. Such representatives will be determined by the Council and will be entitled to nominate substitute members.

1.4. Members of the Cabinet cannot be members of any Scrutiny Board, Audit and Procurement Committee, Planning Committee or Licensing and Regulatory Committee.

2. Appointment of Leader and Deputy Leader

2.1. The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until the date of the first annual meeting of the Council that takes place after the Leader's normal retirement as a Councillor, unless:-

(a) they are removed from that office by resolution of the Council, or

(b) they resign from the office, or

(c) they are no longer a Councillor.

2.2. If the Council passes a resolution to remove the Leader from office, it will elect a new Leader at the meeting at which the Leader is removed or at a subsequent meeting.

2.3. The Deputy Leader will be a Councillor appointed to that position by the Leader. The Deputy Leader will hold office until the end of the term of the Leader unless:-

(a) they are removed from that office by Leader, or

(b) they resign from the office, or

(c) they are no longer a Councillor.

2.4. If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader will act in his or her place.

2.5. In the event that the Council does not elect a Leader at the first Annual Meeting of the Council that takes place after the existing Leader's normal retirement as a Councillor, then the existing Leader shall appoint a Deputy Leader and Cabinet and where this is not possible, the Deputy Leader shall become Leader, appoint a Deputy Leader and Cabinet and shall carry out Executive functions until a Leader is elected. If this is not possible in the circumstances, then the Chief Executive will exercise the executive functions of the Leader until a new Leader is elected.

3. Other Cabinet Members

3.1. Other Cabinet Members will hold office until the end of the term of office of the Leader unless:-

(a) they are removed from that office by the Leader, or

(b) they resign from office, or

(c) they are no longer Councillors.

3.2. If for any reason the office of both the Leader and Deputy Leader are vacant or neither one able to act, then the remaining Cabinet Members shall appoint one from their number to act in place of the Leader and Deputy Leader or shall act collectively in place of the Leader and Deputy Leader until such time as a new Leader is elected at a Council meeting.

4. Advisory Panels

4.1. The Cabinet and Cabinet Members may appoint Cabinet Advisory Panels to provide advice and guidance to the Cabinet and Cabinet Members. Such Panels may be made up of Councillors and persons outside the Council. They need not reflect the political balance of the Council. Cabinet Advisory Panels will operate in accordance with Cabinet Procedure Rule 3D 8.7.

4.2. The Chair of a Cabinet Advisory Panel will normally be the Leader of the Council (for Advisory Panels of the Cabinet) or the relevant Cabinet Member but an alternative Chair may be appointed by the Leader or relevant Cabinet Member.

5. Deputy Cabinet Member Role and Responsibilities

5.1. Deputy Cabinet Members have the following role and responsibilities:

(a) To support the Cabinet Member in carrying out their responsibilities.

(b) To deputise for the Cabinet Member at meetings including Cabinet, and any other relevant meetings or external events.

(c) To attend Scrutiny Board or Scrutiny Co-ordination Committee meetings as required, answering questions and speaking on behalf of the Cabinet Member.

(d) To maintain awareness of policy developments and advise the Cabinet Member of key developments.

(e) To bring to the attention of the Cabinet Member issues of concern to members who are not part of the Executive.

(f) To undertake research and any other tasks under the direction of the Cabinet Member.

(g) To liaise with relevant officers to be up to date with service developments and ensure the Cabinet Member is informed of key issues, and to be consulted in the absence of the Cabinet Member where this is required in the Scheme of Delegation.

NOTE: Deputy Cabinet Members may attend and speak at meetings of the Cabinet but cannot vote and are not members of the Executive.

6. Shadow Cabinet Members

The Leader of the Main Opposition Group will be entitled to nominate Councillors to act as Shadow Cabinet Members. Shadow Cabinet Members have no decision-making powers but will be entitled to attend meetings in their role and speak at the discretion of the Cabinet Member. They will also be entitled to receive briefings in relation to their Shadow Portfolio.

7. Terms of Reference of Cabinet

7.1. The Cabinet will specifically be responsible for:

(a) Maintaining and improving governance of the City.

(b) The financial management of the City Council in accordance with the Financial Procedure Rules, the Budget and Policy Framework Procedure Rules and any other relevant rules in Part 3.

(c) Recommendations to the Council in respect of annual Policy Priorities and Resources allocation process and the resulting revenue and capital budgets or other aspects of the Budget and Policy Framework.

(d) Decisions on resources and priorities within the Budget and Policy Framework agreed by the City Council.

(e) Approval of the Council Tax Base and Recommendations to the Council in respect of the level of Council Tax to be levied each year.

(f) Recommendations to the Council in respect of statutory plans, and other plans forming component parts of the Budget and Policy Framework.

(g) Obtaining views within the Council and with other stakeholders, agencies and the business, voluntary and community sectors to identify and address local needs.

(h) Obtaining views from Scrutiny, other Council Committees, appropriate employees and any other person or body necessary to ensure that proposals of the Cabinet are put forward on a properly informed basis.

(i) Preparation of the One Coventry Plan, monitoring performance and ensuring the implementation of that Plan and undertaking the duty of Best Value.

(j) Executive proposals/recommendations and effective implementation of Council policies and the setting and delivery of service standards in line with the approved Budget and Policy Framework.

(k) Forming partnerships with other agencies and the business, voluntary and community sectors.

(l) Holding members of the Leadership Board accountable for their strategic and management responsibilities.

(m) Recommendations to the Council on matters which are Cabinet functions but in relation to which by virtue of the significance or importance of the matter, the Cabinet decides additionally to seek the confirmation of the Council.

(n) Agreement of responses to Government or other consultation papers where consideration by full Council is not practicable within the timescale of the relevant consultation (Part 2A paragraph 6 refers).

(o) Recommendations to the Council on matters which by virtue of financial significance must be referred to Council for confirmation in accordance with the Council's Financial Procedure Rules (Part 3 refers).

(p) To consider (where appropriate) reports and recommendations from Scrutiny on matters considered under the Call-In arrangements or as part of a Scrutiny Review or otherwise respond to the relevant Scrutiny Board/Committee concerned.

(q) To consider motions referred from Full Council and Petitions referred to them.

(r) To make proposals to the Council from time to time as to the delineation of boundaries of Wards and Parliamentary Constituencies and any other matters relating to the administrative arrangements for local elections and electoral registration.

(s) To take any urgent action (other than decisions as to levying or issuing a precept for a rate or borrowing money or any matter statutorily requiring a decision of the Council). In such circumstances, the decision of the Cabinet will contain a statement justifying the grounds upon which the urgent action was taken.

(t) The Cabinet may reallocate monies within the overall budget in response to new pressures or changing circumstances. However, the Cabinet is not empowered to incur additional expenditure which cannot be offset by additional income, contingency funds or one-off resources without reference to the full Council.

(u) To discharge the Executive Functions of the Council, except to the extent that these have been delegated to a Cabinet Member or to an employee.

8. Responsibilities of the Leader of the Council

8.1. To lead the Council and the Cabinet in the governance of the City of Coventry and the strategic management of the Council in order to achieve the Council's vision. Within this overall role, the Leader of the Council will:-

(a) Represent and promote the City and the interests of its citizens to the outside world, in conjunction with the Lord Mayor.

(b) Make statements, or nominate another Member to make statements, on issues or matters at Council Meetings.

(c) Head, or nominate another Member to head, delegations of Members and appropriate Employees from the Council to meet Ministers or other representatives of central government.

(d) Co-ordinate working arrangements/relationships with the Council's partners and other agencies within the City in the achievement of the best possible standards of living for its citizens.

(e) Take action needed, including the authorisation of financial and other resources, in response to any incidents which result in the City Council's Emergency Planning Procedures being activated.

(f) Take any executive decisions that have not been allocated or exercise any functions that have been delegated to an executive member, in their absence or otherwise as the Leader considers appropriate in consultation with the Deputy Leader and/or the Deputy Cabinet Member where appropriate. The decision to consult the Deputy Cabinet Member shall be at the Deputy Leader's discretion.

9. Appointment of Cabinet Members and Allocation of Cabinet Portfolios

9.1. The Leader will appoint a Councillor to be the Deputy Leader and shall appoint at least one further Councillor as a Cabinet Member. The Leader may also appoint up to a further seven other Councillors as Cabinet Members. The Leader together with the Deputy Leader and the Cabinet Member(s) appointed by the Leader will form the Cabinet.

9.2. The appointment of the Deputy Leader and Cabinet Member(s) shall take effect upon the date that written notification of such an appointment is received by the Director of Law, Governance, and Safer Communities. The Leader shall report upon any such appointment at the next available Full Council meeting.

9.3. The Leader will determine those matters reserved to full Cabinet and the content of each Cabinet Member portfolio so as to ensure that the Executive Functions of the City Council are properly and effectively discharged.

9.4. The Leader will allocate Executive Functions amongst the Councillors as they see fit and may from time to time alter those arrangements. The allocation of Executive Functions and any alterations to such

arrangements and to arrangements for the appointment of Deputy Cabinet Members will take effect upon the date that written notification is received by the Director of Law, Governance, and Safer Communities. The Leader shall report upon the allocation of Executive Functions within the Cabinet or any changes to such arrangements at the next available Full Council meeting.

9.5. The Leader may remove the Deputy Leader and any Cabinet Member from office. Such removal from office will take effect upon the date that written notification is received by the Director of Law, Governance, and Safer Communities. The Leader shall report upon any such removal from office and the appointment of Deputy Cabinet Members at the next available Full Council meeting.

9.6. The Leader may appoint and remove Deputy Cabinet Members as non-executive Members, to advise and support Cabinet Members in carrying out their role. Deputy Cabinet Members may deputise for the relevant Cabinet Member in their absence as set out in the Cabinet Procedure Rules. Deputy Cabinet Members may not discharge any function given to the Cabinet Member and are not members of the Executive.

9.7. The Leader may as they sees fit delegate Executive Powers to employees and may amend such a scheme of delegation from time to time. Any such arrangements shall take effect upon the date that written notification is received by the Director of Law, Governance and Safer Communities. The Leader shall report upon any such scheme of delegation or any changes to it at the next available Full Council meeting.

10. Cabinet Portfolios

10.1. The Cabinet Member responsible for each portfolio will be required to advise the Cabinet on the matters relating to his or her portfolio when the Cabinet is acting collectively.

10.2. The Cabinet Member responsible for each portfolio will take decisions on behalf of the City Council relevant to the portfolio other than those matters which:-

(a) Require approval by the Council;

(b) Where appropriate should be determined by the Council due to its significance or importance following consultation with the Leader;

(c) Are reserved to Scrutiny, the Ethics Committee or to the Cabinet;

(d) Are delegated to other City Council Committees or to Employees;

(e) Are significant in financial terms as specified in the Financial Procedure Rules;

(f) Are Key Decisions;

(g) Are decisions which have an impact on any other Cabinet portfolio or portfolios and should be taken by Cabinet collectively or by the relevant Cabinet Members jointly;

10.3. The Director of Law, Governance, and Safer Communities and Governance or their representative will be present at any Meeting where a Cabinet Member responsible for a portfolio makes a decision to advise and record that decision and, if the Director, Governance, and Safer Communities or their representative is not present, no decision will be deemed to have been taken.

10.4. Decisions of the Cabinet and Cabinet Members are subject to the Call-In arrangements, except where urgent (Part 3E refers).

10.5. Notwithstanding the above, the Cabinet Member responsible for each portfolio may refer any matter which they considers should be dealt with by the Cabinet collectively because of its significance or importance.

11. **Main Opposition Group and Leader of the Main Opposition Group.**

The Main Opposition Group is the Political Group that has the numerically largest opposition Group. The Leader of that Group is the Leader of the Main Opposition Group. In the event of there being one than more Group having the same numerically largest number of seats, all of those Groups will be afforded the same rights.

9.6. **Cabinet Portfolios**

Member	**Name, Address and Ward**	**Portfolio**
The Leader (Policy and Leadership)	Councillor George Duggins Representing Longford Ward	One Coventry Council Plan Scrutiny External relations / public relations Chair of Cabinet / Management Board meetings Emergency Planning Regional Matters West Midlands Combined Authority Corporate Governance Information Management and Governance Risk Management Political Management Job Shop
The Deputy Leader (Jobs, Regeneration and Climate Change	Councillor Lynette Kelly Representing Earlsdon Ward	Economic Development City Centre (Regeneration) International Trade and Inward Investment Commercial and Operational Property Growth Company Urban Regeneration Transportation Tourism and Marketing Sustainability and climate change Social Enterprise Strategy Local and Regional Policing Deputising on Leader Items Lord Mayor's International Liaison and Diplomacy Peace, Reconciliation and Twinning
Cabinet Member (Community Safety and Cohesion)	Councillor J McNicholas Representing Lower Stoke Ward	Community Safety Community Cohesion Public Protection and Licensing Prosecution and Enforcement Democratic Services Electoral Services Legal Services

		Training (Members) Constitutional Matters Domestic Violence and Sexual Exploitation Media Strategy Events Strategic Energy Partnership
Cabinet Member (Strategic Finance and Resources)	Councillor R Brown Representing Cheylesmore Ward	Strategic Finance Medium Term Financial Strategy Budget Setting / Transformation External Resources Operational Finance incl. Revenues and Benefits Service Transformation and value for money Procurement Human Resources Organisational Development Key Staff Recruitment and Retention Customer Services Health and Safety Pensions Digital Strategy Information Technology
Cabinet Member (Children and Young People)	Councillor M Mutton Representing Radford Ward	Children and Families (Early Help) Children and Young People's Social Care Child Exploitation Young People Youth Offending Service Safeguarding *S19 Children Act 2004 Lead Member Fostering, Adoption, Special Guardianship Orders and Kinship Care Corporate Parenting
Cabinet Member (Education, Skills and Equalities)	Councillor Abdul Khan Representing Foleshill Ward	Post 16 Education and Training Schools Early Years Special Educational Needs and Disability

		Libraries Adult Education Higher and Further Education (incl. Universities) Skills and Employability Equalities
Cabinet Member (City Services) Deputy Cabinet Member	Councillor Patricia Hetherton Representing Radford Ward Councillor P Akhtar Representing Whoberley Ward	Highways, Drainage and Lighting Licensing Policy (Hackney Carriage and Private Hire) Public Realm Street Services (Ground Maintenance, Refuse (domestic and commercial), Street Cleaning) Waste Management Flood Management Environment Bereavement Services Traffic Management and Road Safety Average Speed Cameras Parking Policy and Operations
Cabinet Member (Adult Services)	Councillor Linda Bigham Representing Longford Ward	Social Care for Adults and Older People Better Care Fund Transforming Care Carers Adult Safeguarding Adult social care integration with health Loneliness and Isolation Digital Exclusion Armed Forces Champion

Cabinet Member (Public Health, Sport and Wellbeing) Deputy Cabinet Member	Councillor Kamran Caan Representing Upper Stoke Ward Councillor Gurdev Hayre Representing Upper Stoke Ward	Health Strategy and Policy Integrated Care Systems Health Inequalities and Marmot Air Quality Local Health Economy Public Health Sexual Health Teenage Pregnancies Mental Health Poverty Fuel Poverty Sport, Physical Activity and Parks
Cabinet Member (Housing and Communities)	Councillor Naeem Akhtar Representing St Michael's Ward	Archives Arts Heritage Museums Conservation City of Culture 2021 Legacy Mutuals Community and Voluntary Sector Relations Community Centres Refugees and Asylum Seekers Welfare Advice Services Housing and Homelessness Planning Policy

*Cabinet Member Children and Young People is designated as the Lead Member for Children's Services as required by Section 19 of the Children's Act 2004

PART 2C: FUNCTIONS OF COUNCIL

The following functions will be the responsibility of the Council:-

	Functions	**Statutory Reference**
1.1	Adopting and changing the Constitution.	Part 1A Local Government Act 2000 and subordinate legislation
1.2	Electing the Lord Mayor and appointing the Deputy Lord Mayor.	Sections 3 and 5 Local Government Act 1972
1.3	Electing and removing the Leader.	Sections 9I to 9ID Local Government Act 2000
1.4	Approving or adopting the Policy Framework and the Budget.	Sections 9D and 105 Local Government Act 2000; Regulation 4 and Schedule 3 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
1.5	Making decisions where executive decisions are contrary to the policy framework or executive decisions are contrary to or not wholly in accordance with the budget.	Sections 9D and 105 Local Government Act 2000; Regulation 5 and Schedule 4 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
1.6	In relation to functions which are not the responsibility of the Cabinet agreeing and/or amending the terms of reference for committees, or joint committees, deciding on their composition and making appointments to them, including appointing the Chairs and Deputy Chairs of Committees.	Sections 101 and 102 Local Government Act 1972 and Sections 9F and 9FA Local Government Act 2000
1.7	Power to alter governance arrangements.	Section 9KC Local Government Act 2000
1.8	Appointing representatives to outside bodies unless	

	the appointment is an executive function or has been otherwise delegated by the Council.	
1.9	Adopting an allowances scheme (See Part 5).	Section 175 Local Government Act 1972Section 18 Local Government and Housing Act 1989, the Local Authorities (Members' Allowances) (England) Regulations 2003, the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) and the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other regulations thereunder
1.10	Changing the name of the area.	Section 74 Local Government Act 1972
1.11	Making, amending or revoking standing orders.	Sections 106, 135, paragraph 42 Schedule 12 Local Government Act 1972; Section 9P Local Government Act 2000; Sections 8 and 20 Local Government and Housing Act 1989 and the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202,) the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other relevant regulations
1.12	Confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer and dismissal of the Head of Paid Service.	Sections 151 Local Government Act 1972; Sections 4 & 5 Local Government and Housing Act 1989; Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) and the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384)
1.13	Duty to provide staff and resources, to the Monitoring Officer and Head of Paid Service.	Sections 4 and 5 of the Local Government and Housing Act 1989

1.14	Power to relax a restriction or restrictions on exit payments, subject to the consent of the Treasury	Section 153C(1) of the Small Business, Enterprise and Employment Act 2015 and the Restriction of Public Sector Exit Payments Regulations 2020 (SI 2020/1122)
1.15	Powers relating to Overview and Scrutiny Committees (voting rights of co-opted Members).	Section 9F et seq of the Local Government Act 2000
1.16	Making, amending, revoking, re-enacting or adopting bylaws.	Any provision or any enactment (including a local Act) whenever passed; Section 14 Interpretation Act 1978
1.17	Promoting or opposing the making of local legislation or personal Bills.	Section 239 Local Government Act 1972
1.18	All local choice functions which the Council decides should be undertaken by itself rather than any other person or body or other matters reserved to full Council by this Constitution including the following: • Appointing the Members and Chairs of the Scrutiny Boards and Members, Chair and Deputy Chair of Scrutiny Co-ordination Committee • Electing the Lord Mayor and Deputy Lord Mayor.	Sections 9D and 105 Local Government Act 2000; Regulation 3(1) and Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853; sections 3 and 5 Local Government Act 1972
1.19	Determining whether or not to delegate to another local authority any of its functions or to accept the delegation of any functions from another	Sections 101 and 102 Local Government Act 1972

	local authority.	
1.20	Appointing Proper Officers for the purposes of any particular functions	Section 270(3) Local Government Act 1972
1.21	Approval for the purposes of public consultation draft proposals associated with the preparation of alterations to, or the replacement of, a development plan (but excluding any SPG or development brief prepared under the Development Plan) under Regulations 10. 21 and 22.	Town and Country Planning (Development Plans) (England) Regulations 1999 (1999/3280)
1.22	Power to change the name of a parish.	Section 75 of the Local Government Act 1972
1.23	Power to alter the dates of Parish Elections.	Section 53 Local Government and Public Involvement in Health Act 2007
1.24	Power to undertake a Community Governance Review.	Section 82 Local Government and Public Involvement in Health Act 2007
1.25	Power to confer title of Honorary Alderman and Alderwomen, or to admit an honorary freeman.	Section 249 of the Local Government Act 1972, ss(5), and (6); West Midlands County Council Act 1980
1.26	Functions relating to local government pensions.	Regulations under section 7, 12 or 24 Superannuation Act 1972
1.27	Functions under the Fireman's Pension Scheme relating to pensions etc. to persons employed as members of fire and rescue services maintained pursuant to the Fire and Rescue Services Act 2004.	Section 26 Fire Services Act 1947 (most of this Act has been repealed by the Fire and Rescue Services Act 2004, Section 26 of this Act still has effect as it has been preserved by Section 36 of the 2004 Act and the Firefighters' Pension Scheme Order (SI 1992/129), and the Firefighters' Pension Scheme (England and Scotland) Order 2004 (SI 2004/2306), the Firefighters' Pension Scheme (Amendment) (England)

		Order 2006 (SI 2006/1810) and the Firefighters' Compensation Scheme (England) Order 2006 (SI 2006/1811))
1.28	Power to make payments or provide other benefits in cases of maladministration.	Section 92 of the Local Government Act 2000
1.29	All relevant functions relating to local and national elections and referenda.	Sections 8(2),18A to 18E 31, 39(4), 52(4), 54 of the Representation of People Act 1983 Also refer to the review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, (SI 2006/2965), and the Local Elections (Principal Areas) (England and Wales) Rules 2006, (SI 2006/3304), Chapter 6 of the Police Reform and Social Responsibility Act 2011 and The Town and Country Planning Act, 1990 (as amended) and any regulations made thereunder.
1.30	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972
1.31	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972
1.32	The passing of a resolution: (a) for whole Council elections; and (b) to change the name of an electoral area.	Section 32 of the Local Government and Public Involvement in Health Act 2007; Section 59 of the Local Government and Public Involvement in Health Act 2007
1.33	Appointment of Coroner	The Coroners and Justice Act 2009
1.34	Appointment of one or more independent persons to advise on Elected and Co-opted Member misconduct.	Sections 26 – 37 and Schedule 4 of the Localism Act 2011
1.35	All other matters which,	Any provision of any

	by law, must be reserved to the Council	enactment (including a local Act) whenever passed or made

1. The Policy Framework will include the following Plans and Strategies

(a) The Council Plan

(b) Sustainable Community Strategy

(c) Annual Library Plan

(d) Housing and Homelessness Strategy

(e) Plans and alterations that together comprise the Coventry Local Plan

(f) Children and Young People's Plan

(g) Local Transport Plan

(h) Licensing Authority Policy Statement under the Gambling Act 2005

(i) Youth Justice Plan

(j) Community Safety Plan

(k) Emergency Plan

NB: Whilst the Cabinet will have responsibility for the formulation of such plans and strategies the formal approval or adoption of any such plan or strategy will be a matter for full Council to determine.

2. Budget

2.1. The budget includes the allocation of capital and revenue resources, the precept level, the council tax, the planned use of reserves, the Council's borrowing limit and the virement limits. The approval of the Council Tax base will be determined by Cabinet.

3. Constitution

3.1. Unless other delegations provide, changes to the Constitution can only be approved by full Council after consideration of a recommendation by the Cabinet Member responsible for the Constitution who will in turn receive recommendations from the Constitutional Advisory Panel. Where the timescale does not permit the Constitutional Advisory Panel to consider any proposed constitutional amendments, any recommendations to Council on

those proposed changes to the Constitution will be made by the Cabinet Member (Policing and Equalities) only.

PART 2D: FUNCTIONS OF SCRUTINY

1. General

1.1. The Council will appoint a Scrutiny Co-ordination Committee and Scrutiny Boards. The appropriate Scrutiny Boards will also be designated as the Council's Health Overview and Scrutiny Committee and Crime and Disorder Committee.

1.2. Scrutiny Boards will carry out the functions of scrutiny and overview as conferred by law to review or scrutinise decisions made or other actions taken in connection with the discharge of any functions which are the responsibility of the Cabinet (whether or not delegated to an employee) and to make reports or recommendations to the Cabinet or the Council with respect to the discharge of those functions.

1.3. Scrutiny Boards may also review or scrutinise decisions made or other action taken in connection with the discharge of any functions which are not the responsibility of Cabinet and may make reports or recommendations to the Council, the Cabinet, any Cabinet Member, or other Committee in relation to those functions. However, Scrutiny Boards are not permitted to call-in or review individual or particular decisions in respect of development control, licensing, regulation, consents or other permissions, or where an alternative appeal or dispute resolution procedure applies or where the rules of natural justice or human rights requirements would be compromised by such call-in or review.

1.4. Scrutiny Boards may also make recommendations to the Council or to Cabinet on any other matters which affect the City or any inhabitants of the City.

1.5. The Scrutiny Boards will carry out their functions having regard to the Scrutiny Procedure Rules and the terms of reference for Scrutiny.

1.6. The Scrutiny Co-ordination Committee is responsible for the overall management of the Scrutiny and Overview function and for dealing with call-ins. The Procedure Rules relating to Scrutiny Co-ordination Committee are as set out in Part 3.

2. Terms of Reference – Scrutiny Boards

2.1. Scrutiny Boards will have the power to investigate any matters they consider relevant to their work area and to make recommendations to the Council, the Cabinet, any Cabinet Member or any other Committee of the Council as they see fit.

2.2. The terms of reference of each Scrutiny Board will be:-

(a) To perform all overview and scrutiny functions on behalf of the Council in relation to the area of work allocated to that Scrutiny Board.

(b) To appoint such time limited sub-groups as it considers appropriate to help fulfil those overview and scrutiny functions.

(c) Taking into account the views of the Scrutiny Co-ordination Committee, to approve a work programme for the Scrutiny Board, including the programme of work of any sub-group it appoints so as to ensure that time is effectively and efficiently utilised.

(d) To receive requests from the Cabinet, any Cabinet Members, the Scrutiny Co-ordination Committee and/or the full Council to undertake investigations or other work and to respond accordingly.

(e) To review proposals from the Cabinet in relation to the Budget and Policy Framework.

(f) To consider Performance Management information.

(g) To scrutinise Cabinet and any Cabinet Member decisions and the activities of relevant external organisations.

(h) To consider reports back by Members and/or employees on their attendance at conferences.

(i) To consider petitions referred to it by the Cabinet or any Cabinet Member.

(j) To refer any matter that potentially also falls within the remit of another Scrutiny Board to Scrutiny Co-ordination Committee for a decision in accordance with paragraph 3.1(b) below.

3. Terms of Reference - Scrutiny Co-ordination Committee

3.1. The Scrutiny Co-ordination Committee's terms of reference will be:-

(a) To receive the annual work programmes prepared by the Scrutiny Boards to ensure that there is efficient use of the Scrutiny Boards' time and that the potential for duplication of effort is minimised.

(b) Where matters potentially fall within the remit of more than one Scrutiny Board, to determine which Scrutiny Board will be responsible for any particular issue or to consider proposals from Scrutiny Boards that they set up joint arrangements, and to resolve any issues of dispute between them.

(c) To ensure consistency of approach in the work of Scrutiny Boards and Sub-Groups.

(d) At the request of the Cabinet or any Cabinet Member to make decisions about the priority of referrals made (in the form of reports or recommendations for reconsideration) by the Scrutiny Boards to the Cabinet or any Cabinet Member if the volume of such referrals creates difficulty for the management of Cabinet or any Cabinet Member business or jeopardises the efficient running of Council business.

(e) To determine whether or not a report to Cabinet or Cabinet Member is urgent and not subject to call-in where the Chair (or their nominee) has not already made that decision.

(f) To have the powers in relation to the call-in of Cabinet or any Cabinet Member's decisions made but not implemented as set out in section 9F of the Local Government Act 2000.

(g) To receive reports back on attendance at Conferences etc. relating to the Lord Mayoralty.

(h) Receive reports back on the work of Outside Bodies.

(i) Receive details of any urgent decisions taken in order for them to understand the need for urgency (see Part 3D).

(j) Review the way in which the Council has dealt with a petition.

4. Membership of Scrutiny Boards and the Scrutiny Co-ordination Committee

Councillors, except a member of the Cabinet, may be appointed as a member of a Scrutiny Board and the Scrutiny Co-ordination Committee. However, in order to ensure that no Member may be involved in scrutinising a decision in which they have been directly involved, no former Cabinet Member may sit on the Scrutiny Board relevant to the portfolio they held as a Cabinet Member or the Scrutiny Co-ordination Committee (if it relates to their former portfolio) for a period of 12 months. In addition, any Member who is appointed as a Deputy Cabinet Member may not be appointed to the Scrutiny Board or Scrutiny Co-ordination Committee which is relevant to the portfolio for which they have been appointed as a Deputy Cabinet Member.

4.1. The Membership of the Scrutiny Co-ordination Committee will be determined by full Council and will reflect political proportionality.

5. Co-optees

5.1. Subject to paragraph 6 below, each Scrutiny Board or Sub-Group will be entitled to appoint non-voting co-optees. Co-optees will be

appointed by the Scrutiny Board to which they are to be appointed in accordance with the Scrutiny Procedure Rules in Part 3.

5.2. Co-opted Members will be required to attend at least one appropriate meeting every six months or else their co-option will cease. Any exemptions to this rule, for example long-term illness, would need to be approved by the full Council.

6. Education Representatives

6.1. The Scrutiny Board responsible for Education matters will include the following:-

(a) One person nominated by the Church of England.

(b) One person nominated by the Roman Catholic Church.

(c) A maximum of two parent governors elected by the parent governors in the City in respect of either the Primary or Secondary phase of education.

(d) One representative from other faith groups in the City

6.2. Such appointees, with the exception for the time being of the representative appointed under 6.1(d) above, may speak and vote on education issues only, but may speak on other issues.

6.3. They will also be invited to attend the meetings of Scrutiny Co-ordination Committee (if it is considering a call-in on an educational matter) and of other Scrutiny Boards (if education matters are to be considered at those meetings) and may speak but not vote upon those matters.

6.4. Such appointees shall serve a minimum term of two years and a maximum term of four years.

7. Quorum for Scrutiny Boards and Scrutiny Co-ordination Committee

7.1. The quorum for Scrutiny Boards will be three Elected Members.

7.2. The quorum for the Scrutiny Co-ordination Committee will be five Elected Members.

8. Substitute Members for Scrutiny Boards and Scrutiny Co-ordination Committee

8.1. Any Elected Member of a Scrutiny Board or the Scrutiny Co-ordination Committee will be entitled to nominate another Elected Member (except any Cabinet Member) to substitute for them at a meeting or part of a meeting of a Scrutiny Board or Scrutiny Co-ordination Committee, (subject to the rules detailed in Paragraph

4 above) provided that notice of the nomination of that substitution is given to the Director of Law, Governance, and Safer Communities, at least one hour in advance of the meeting.

9. Chairing Meetings of Scrutiny Boards and Scrutiny Co-ordination Committee

9.1. Chairs of the Scrutiny Boards and the Chair and Deputy Chair of the Scrutiny Co-ordination Committee will be appointed by the Council from amongst the Elected Members appointed to those bodies.

9.2. In the event that the Chair of a Scrutiny Board is unable to chair a meeting of the Board for whatever reason, that meeting shall be chaired by the Deputy Chair of the Scrutiny Co-ordination Committee provided that this is by prior agreement with the Deputy Chair and notice of the change is given to the Director of Law, Governance, and Safer Communities at least one hour in advance of the meeting. In the event that neither the Chair of the Scrutiny Board nor the Deputy Chair of the Scrutiny Co-ordination Committee is able to chair the meeting, the remaining members of the Board will elect a member from among them to chair the meeting on that occasion.

10. Sub-Groups

10.1. Scrutiny Boards may choose to create a Sub-Group to investigate or review a particular topic. Those sub-groups need not reflect the political composition of the Council. Any Councillor, except a member of the Cabinet (and subject to the rules detailed in Paragraph 4 above), may be invited by Scrutiny Board to be a member of a Sub-Group appointed by that Scrutiny Board, whether or not they are a member of that Scrutiny Board. In addition, a Sub-Group may appoint non-voting co-optees.

10.2. Chairs of Sub-Groups will be appointed by the Scrutiny Board which established the Sub-Group from amongst the members of that Sub-Group, unless the appointment of a chair is delegated by the Scrutiny Board to the Sub-Group. The Chair of any Joint Sub-Group will be appointed by the Scrutiny Co-ordination Committee.

10.3. A Sub-Group will not have any decision-making authority but will make recommendations to the Scrutiny Board that created it.

11. Specific Functions

11.1. Policy Development and Review

11.1.1. Scrutiny Boards may:

(a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy

issues;

(b) conduct research, community and other consultation in the analysis of policy issues and possible options;

(c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(d) question members of the Cabinet, Deputy Cabinet Members and/or other Committees/Other Bodies and Chief Officers about their views on issues and proposals affecting the area; and

(e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

11.2. **Scrutiny**

11.2.1. Scrutiny Boards may:

(a) review and scrutinise the decisions made by and performance of the Cabinet and/or other Committees/Forums and Council officers both in relation to individual decisions and over time;

(b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(c) question members of the Cabinet, Deputy Cabinet Members and/or other Committees/Other Bodies and Council Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

(d) make recommendations to the Cabinet and/or appropriate Committee/ Forum and/or Council arising from the outcome of the scrutiny process;

(e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Board and local people about their activities and performance;

(f) request information from Partner Authorities;

(g) question and gather evidence from any person (with their consent);

(h) conduct scrutiny and health related activity/services within the City;

(i) require an Elected Member to attend before it and answer questions relating to any function that has been delegated to that Member by either the Council or the Leader (on behalf of the Cabinet) relating to that Member's Ward; and

(j) in relation to petition matters, require senior officers to attend before it and answer questions on their work and the Council petitions scheme in Part 3 of this Constitution.

12. Finance

12.1. Finance may be made available to each Scrutiny Board to assist them in their functions and will exercise overall responsibility for the finances made available to Scrutiny.

13. Annual Report

13.1. Scrutiny Boards must report annually to inform Council of their work and make recommendations for future work programmes and amended working methods if appropriate.

14. Call-in

14.1. Decisions taken by the Cabinet or by a Cabinet Member can be called-in by any three Councillors (or co-opted members of Scrutiny Boards who have voting rights). The right to call-in any decision must be exercised in accordance with the call-in protocol set out in the Scrutiny Procedure Rules.

14.2. The right to call-in does not apply to the limited categories of decision set out in the Scrutiny Procedure Rules.

14.3. The Scrutiny Co-ordination Committee will review the decision called in and decide whether to refer it back to the Cabinet or Cabinet Member for reconsideration or to concur with the decision, or to refer it for the relevant Scrutiny Board for further consideration.

PART 2E: ETHICS COMMITTEE

The Council has established an Ethics Committee

1. Composition

1.1. Elected Members are to be appointed by full Council. The Committee must be politically balanced.

2. Chair

2.1. The full Council will appoint the Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Committee will elect another member of the Committee to chair the meeting.

3. Quorum

3.1. The quorum of the Committee will be three Elected Members.

4. Independent Persons

4.1 The Council will appoint independent Persons to the Ethics Committee

5. Terms of Reference

5.1. The Ethics Committee will have responsibility for the following functions which are reserved to it.

5.2. The Ethics Committee will have the following terms of reference:-

(a) Promoting and maintaining high standards of conduct by Elected Members and co-opted Members;

(b) Making recommendations to the Council on the appointment of "Independent Persons" under the Localism Act 2011;

(c) Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co opted Members;

(d) Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol;

(e) Monitoring the operation of the Code of Conduct for Elected and Co opted Members and making appropriate recommendations to the relevant body;

(f) At the request of the Elected Member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011;

(g) Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body;

(h) Considering complaints made against Elected Member s of Finham Parish Council, Keresley Parish Council and Allesley Parish Council under the relevant Parish Council's Code of Conduct for Elected Member s in accordance with the City Council's Complaints Protocol; and

(i) Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.

6. How to make a Complaint Relating to a Member of the Council or Parish Councillor Regarding a Breach of the Member Code of Conduct

6.1. Where it is alleged that a Member or Parish Councillor has breached their respective Member Code of Conduct, contact should be made in the first instance providing details of the alleged breach with the Monitoring Officer, Coventry City Council, Council House, Earl Street, Coventry, CV1 5RR, email: julie.newman@coventry.gov.uk.

PART 2F: LICENSING AND REGULATORY COMMITTEE

Reference should also be made to any Codes of Best Practice and Procedure Rules for licensing and regulatory matters made by the Committee.

1. Composition

1.1. The Committee shall comprise of Elected Members (not drawn from Cabinet) to be appointed by full Council.

2. Chair

2.1. The full Council will appoint the Chair and Deputy Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Deputy Chair will chair the meeting. In the absence of both the Chair and Deputy Chair, the Committee will elect another member of the Committee to chair the meeting.

3. Quorum

3.1. The quorum of the Committee will be 5 Elected Members.

4. Functions Delegated to the Licensing and Regulatory Committee

4.1. The Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee of the Council by virtue of Part 2M of this Constitution and subject to those provisions regarding legal proceedings.

(a) To exercise the functions of the Council as Licensing Authority for the purposes and requirements of the Licensing Act 2003 and the Gambling Act 2005 except where functions are reserved to full Council.

(b) To exercise the functions of the Council as Licensing Authority for all other relevant licensing and regulatory legislation including (without limitation) that which relates to acupuncture and body piercing, animals and pet shops, hackney carriage and private hire (taxis), house to house and street collections, street trading, sexual entertainment venues, safety of sports grounds, food, meat and dairy production, caravan and camping sites, scrap metal (including the power to set fees for scrap metal licences and related applications), zoos, alcohol, pleasure boats and pleasure vessels, tattoos, electrolysis, markets, Clean Air Act, environmental pollution control (including IPPC permits), approval of premises for the solemnisation of marriages and civil partnerships, alcohol disorder zones and smoke free premises as well as any other regulatory or licensing matters specified in Schedule 1 Local Authorities (Functions & Responsibilities)

(England) Regulations 2000/2853 together with any Local Choice functions delegated to the Committee by Council as set out in Part 2A.

(c) To advise full Council or Cabinet on the authority's response to any consultation documents issued by the Secretary of State on licensing and regulatory matters and revisions to the local statements of licensing policy.

(d) To establish sub-committees:-

i. Comprising three members as and when required for the purpose of conducting hearings under the Licensing Act 2003 and Gambling Act 2005.

ii. For the purposes of considering Hackney Carriage and Private Hire (taxis) applications under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Council's own taxi licensing policy.

(e) To delegate these functions, where appropriate, to the appropriate Director or Head of Service or other appropriate employees; and

(f) To approve, adopt, review, amend and revise codes of best practice and procedure for licensing and regulatory matters within its terms of reference and to make the same publicly available.

5. Matters incidental to the exercise of the Planning Committee's delegated functions

5.1. The exercise of the above functions by the Licensing and Regulatory Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

5.2. The exercise of the above functions by the Licensing and Regulatory Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.

5.3. The exercise of the above functions by the Licensing and Regulatory Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration, including powers to charge for licenses, consents, permissions and permits in accordance with appropriate legislation.

6. Licensing Policy

6.1. Without prejudice to the Committee's functions to determine applications on their own merit and to depart from policy guidelines when appropriate, responsibility for determining the Council's licensing policies has been allocated to the following decision-making bodies:

(a) Licensing Act 2003 and Gambling Act 2005: full Council

(b) Hackney carriages/private hire: Cabinet Member (City Services) *

(c) Other policies: Cabinet Member (Policing and Equalities) *

*This excludes the ability to determine fees and charges as this cannot be an executive function by virtue of Regulation 2(6)(d) and (e) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

6.2. All members of the Committee must have received appropriate training before carrying out any licensing function.

7. Sub-Committees of the Licensing and Regulatory Committee - Licensing Act 2003 and the Gambling Act 2005

7.1. All Members of the Licensing and Regulatory Committee will be required to receive training before considering applications under the Licensing Act 2003 and the Gambling Act 2005.

7.2. Sub-Committees of the Licensing and Regulatory Committee will be established as necessary to consider applications under the Licensing Act 2003 and the Gambling Act 2005.

7.3. The membership of each Sub-Committee will be 3 Elected Members, to be selected by the Director of Law, Governance and Safer Communities, in consultation with the Chair of the Licensing and Regulatory Committee, drawn from the membership of the Licensing and Regulatory Committee.

7.4. Sub-Committees are the subject of proportionality requirements of the Local Government Act 1989 and the Director of Law, Governance and Safer Communities, in selecting the membership of any Sub-

Committee, will ensure that the membership, as far as it is practicable, properly reflects the political makeup of the Council.

7.5. A Member who is unable to attend a meeting will be entitled to appoint a substitute Member, provided that such substitute Member is a member of the Licensing and Regulatory Committee.

7.6. The quorum for each Sub-Committee will be 3 Members.

7.7. The Chair for each meeting will be appointed by the Sub-Committee at the start of their meeting. (The Chair will normally be a Member of the Controlling Group).

7.8. The Sub-Committees are subject to the Access to Information Procedure Rules set out in Part 3.

7.9. Decisions of the Sub-Committees are not subject to the call-in procedure.

7.10. Minutes of the Sub-Committees will be submitted to the Licensing and Regulatory Committee.

7.11. The Director of Law, Governance and Safer Communities will report regularly to the Chair of the Licensing and Regulatory Committee on Members' availability for and/or attendance at Sub-Committees.

8. Sub-Committees of the Licensing and Regulatory Committee - Hackney Carriages and Private Hire (Taxis)

8.1. All Members of the Licensing and Regulatory Committee will be required to receive training before considering Hackney Carriages and Private Hire (Taxis) applications.

8.2. Two Sub-Committees of the Licensing and Regulatory Committee will be established by full Council to consider Hackney Carriages and Private Hire (Taxis) applications.

8.3. The membership of each Sub-Committee will be made up of half of the membership of the Licencing and Regulatory Committee. The Chair and Deputy Chair of the Licensing and Regulatory Committee will be appointed to both Sub-Committees.

8.4. Sub-Committees are the subject of proportionality requirements of the Local Government Act 1989.

8.5. A Member who is unable to attend a meeting of a Sub-Committee will be entitled to appoint a substitute Member, provided that such substitute Member is a member of the Licensing and Regulatory Committee.

8.6. The quorum for each Sub-Committee will be 4 Elected Members.

8.7. The Chair for each of the Sub-Committees will be the Chair of the Licensing and Regulatory Committee.

8.8. The Sub-Committees are subject to the Access to Information Procedure Rules set out in Part 3.

8.9. Decisions of the Sub-Committees are not subject to the call-in procedure.

8.10. Minutes of the Sub-Committees will be submitted to the next meeting of that Sub-Committee.

PART 2G: PLANNING COMMITTEE

Reference should also be made to any Codes of Best Practice and Procedure Rules for planning matters made by the Committee.

1. Composition

1.1. The Committee shall comprise of Elected Member s (not drawn from Cabinet) to be appointed by full Council. There will be no provision for substitute Councillors to attend Committee meetings.

2. Chair

2.1. The full Council will appoint the Chair and Deputy Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Deputy Chair will chair the meeting. In the absence of both the Chair and Deputy Chair, the Committee will elect another member of the Committee to chair the meeting.

3. Quorum

3.1. The quorum of the Committee will be five Elected Members.

4. Functions Delegated to the Planning Committee.

4.1. The Planning Committee will have responsibility for the following delegated functions except where specific functions have been delegated to an employee:

(a) To exercise the functions of the Council as Local Planning Authority for the purposes of the control of development including the determination of applications for planning permission and other applications under the Town & County Planning Acts, Town & Country Planning Development Orders and all other associated legislation relating to planning, development and building control, including structure and local plans and the new National Planning Policy Framework.

(b) To exercise the powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development monitoring reports and neighbourhood planning including the power to recover costs incurred in putting Neighbourhood Development plans or orders in place under the Planning and Compensation Act 2004 as amended, the Localism Act 2011 and all other associated legislation.

(c) Matters relating to the designation and management of conservation areas and building conservation.

(d) To deal with applications for grants for repair or maintenance of

buildings of architectural or historic interest and matters in connection with the acquisition, restoration and disposal of buildings (excluding terms for the acquisition or disposal of land and property) or materials for conservation purposes.

(e) Matters relating to tree preservation orders and statutory notices, highways, hedgerows, reclamation of derelict land, enforcement, structures used for unauthorised display, unauthorised advertisements, defacement of premises, removal of signs at the request of the owner or occupier of premises, deposited plans under the Health & Safety at Work Act 1974, Building Act 1984 and Building Regulations or other subordinate legislation, public rights of way including stopping up and diversions, registration of common land and town/village greens, the creation, stopping up and diversion of highways and other related matters, including without limitation those specified in Schedule 1, Part 1A, Part B paragraphs 37–38 and 41–56, Part E, Part I paragraphs 1-34 and 46-47A Local Authorities (Functions & Responsibilities) (England) Regulations 2000/2853.

(f) To approve, adopt, review, amend and revise codes of best practice and procedure for planning and other matters, including the Planning Code of Good Practice, within its terms of reference and to make the same publicly available.

(g) To delegate these functions, where appropriate, to employees or any sub-committee.

5. Matters incidental to the exercise of the Planning Committee's delegated functions

5.1. The exercise of the above functions by the Planning Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

5.2. The exercise of the above functions by the Planning Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.

5.3. The exercise of the above functions by the Planning Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term

to which it is subject and the power to revoke any such approval consent licence permission or registration.

6. Legal Proceedings

6.1. The Planning Committee shall have the power to institute, defend, and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it except or in addition to where specific functions have been delegated to an employee of the Council.

PART 2

SCHEME OF DELEGATION

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PART 2H: FUNCTIONS OF THE APPEALS COMMITTEE, APPOINTMENTS PANEL AND INDEPENDENT REMUNERATION PANEL

1. The Appeals Committee

1.1. The Appeals Committee will have responsibility for the determination of an appeal against any decision made by or on behalf of the authority under any enactment conferring a power on the Council to determine such appeals, except where specific functions have been delegated to an employee of the Council by virtue of Part 2M of this Constitution.

1.2. With the exception of School Admission and Exclusion Appeals and those matters where there is a statutory right of appeal, appeals against decisions of the Council made by members or by employees under delegated powers will be heard by the Appeals Committee established by the Director of Law, Governance, and Safer Communities on an ad hoc basis from the Appeals Panel.

1.3. There is a separate appeal body for School Admissions and Exclusion Appeals.

2. The Appointments Panel

2.1. An Appointments Panel will carry out functions specified in the Employees Employment Procedure Rules in Part 3H.

3. The Independent Remuneration Panel

3.1. The Independent Remuneration Panel will be responsible for the function of making any scheme for basic, attendance and special responsibility allowances for Local Authority Members or amending, revoking or replacing any such scheme. The Coventry City Council Members' Allowances Scheme is set out in Part 5 of the Constitution.

3.2. The Independent Remuneration Panel will comprise independent members to be determined by the Director of Law, Governance and Safer Communities, in consultation with the Political Group Leaders, and will be responsible for making recommendations to the City Council on the Members Allowances Scheme as set out in Part 5 of this Constitution.

PART 2I: AUDIT AND PROCUREMENT COMMITTEE

The Council has established an Audit and Procurement Committee.

1. Composition

1.1. The Audit and Procurement Committee shall comprise Elected Members, who must not be Cabinet Members, to be appointed by full Council. The Committee must be politically balanced.

1.2. Named substitute Elected Members (1 from each Political Groups represented on the Committee) will be appointed by full Council. If a Committee Member is unable to attend a meeting, they may nominate one of the named substitute members to attend.

2. Chair and Deputy Chair

2.1. The full Council will appoint the Chair and Deputy Chair of the Committee, who must not be Cabinet Members or Chairs of Scrutiny Boards.

3. Quorum

3.1. The quorum of the Committee will be 3 Elected Members.

4. Sub-Committees

4.1. The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

5. Training

5.1. The members and substitute members of the Committee will be required to undertake appropriate training for their role.

6. Frequency of meetings

6.1. The Committee will meet at least four times a year and meetings will be subject to the usual Access to Information requirements.

7. Accountability

7.1. Any recommendations the Committee wishes to make will be submitted to full Council.

7.2. The Chair of the Committee will answer questions on its work at full Council meetings.

7.3. The Committee will report annually to full Council on its work

8. Terms of Reference

8.1. Audit Activities

(a) To consider the Chief Internal Auditor's Annual Report and Opinion, and a summary of internal audit activities (actual and proposed) and the level of assurance given within the Annual Governance Statement incorporated in the Annual Accounts.

(b) To consider summaries of specific internal audit reports as requested.

(c) To consider reports dealing with the management and performance of internal audit.

(d) To consider a report from the Chief Internal Auditor regarding recommendations contained in Internal and External Audit reports that have not been implemented within agreed timescales.

(e) To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.

(f) To consider specific reports as agreed with the External Auditor.

(g) To comment on the scope and depth of external audit work and to ensure that it gives value for money.

8.2. Regulatory Framework

(a) To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules and Financial Procedure Rules (Part 3 refers).

(b) To receive and consider an annual report on the Council's procurement and commissioning arrangements.

(c) To review any relevant issue referred to it by the Chief Executive, the Director of Finance and Resources or the Director of Law, Governance, and Safer Communities .

(d) To monitor the Cabinet's effective development and operation of risk management.

(e) To monitor Council policies on "whistle blowing" and the anti-fraud and anti-corruption strategy.

(f) To approve the Annual Governance Statement.

(g) To consider the Council's compliance with its own and other published financial standards and controls.

8.3. **Accounts**

(a) To monitor the City Council's revenue and capital programmes and to approve the City Council's Annual Statement of Accounts.

(b) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the City Council's Accounts.

8.4. **Procurement**

8.4.1. To maintain an overview of the procurement decision making process and where appropriate make recommendations to the Cabinet Member (Strategic Finance and Resources), Cabinet or Council as appropriate.

8.5. **Salaries**

8.5.1. To determine any salary for a new post or severance package for an employee of the Council of £100,000 or over, or such other sum as determined by legislation in respect of any new appointment or severance package **provided always that** any decisions on changes to the salary or severance packages in relation to the Chief Executive, irrespective of the sum involved, are excluded from the Committee's terms of reference and will remain with full Council to determine.

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PART 2J: COVENTRY HEALTH AND WELLBEING BOARD

The Council has established a Health and Wellbeing Board which with effect from April 2013 has the status of a committee established under Section 102 of the Local Government Act 1972 except as may be provided for by regulations.

1. Composition

1.1. The Board shall comprise:

	Position / Organisation	How Appointed
(a)	Leader of the Council*:	Nominated by Leader
(b)	Cabinet Member (Public Health, Sport and Wellbeing):	Nominated by Leader
(c)	Cabinet Member (Children and Young People):	Nominated by Leader
(d)	Cabinet Member (Adult Social Care):	Nominated by Leader
(e)	Main Opposition Group representative:	Nominated by Leader
(f)	Director of Care, Health and Housing **	Statutory appointment
(g)	Director of Children's and Education**	Statutory appointment
(h)	Director of Public Health and Wellbeing **:	Statutory appointment
(i)	Coventry Healthwatch**:	2 representatives
(j)	Coventry, Warwickshire, Hereford and Worcestershire Integrated Care Board:	2 representatives
(k)	NHS England:	1 representative
(l)	Coventry University:	Vice-Chancellor (or representative)
(m)	Warwick University:	Vice-Chancellor (or representative)
(n)	West Midlands Police:	1 representative
(o)	West Midlands Fire Service:	Operations Commander Coventry
(p)	Coventry and Warwickshire Partnership Trust:	1 representative
(q)	University Hospitals Coventry and Warwickshire:	Chief Executive or representative

* At least one Councillor of the Local Authority must sit on the Board
** Statutory appointments

1.2. In addition to the appointments referred to in 1.1 above, the Board may amend the non-statutory and non-Elected Member appointments to the Board as it thinks appropriate.

2. Chair and Deputy Chair

2.1. The full Council will appoint the Chair and the Board will appoint the Deputy Chair of the Board from one of the partner organisations represented on the Board.

3. Quorum and Substitutes

3.1. The quorum of the Board will be one half of the total number of members plus one member.

3.2. If members of the Board know in advance that they will be unavailable to attend a Board meeting, they may send a substitute who is able to represent them. This substitute should be notified to the Director of Law, Governance, and Safer Communities by no later than 1 hour before the meeting.

4. Sub-Committees and Working Groups

4.1. The Board may establish sub-committees or working groups to support its deliberations on subject specific matters. Such sub-groups may comprise in part or in whole co-opted members, Councillors and Council officers who are not members of the Board.

5. Frequency of meetings

5.1. The Board will meet at least four times a year and meetings will be subject to the usual Access to Information requirements.

6. Terms of Reference

6.1. The Coventry Health and Wellbeing Board will have the following terms of reference:-

6.2. To facilitate partnership working across the following broad areas:

(a) assessing the needs of the Coventry population and leading the statutory joint strategic needs assessment;
(b) developing a "high level" Health and Well Being Strategy for the City;

(c) promoting integration and partnership across areas by joining up commissioning plans across the NHS, social care and public health; and
(d) supporting joint commissioning and pooled budget arrangements where appropriate.

6.3. The Coventry Health and Wellbeing Board will work with the NHS Commissioning Board and co-ordinate any sub-regional activity.

PART 2K: EMERGENCY PLANNING FORUM

1.1. An Emergency Planning Forum will be established, the purpose of which will be to take on full responsibility for executive decisions during an emergency and the Council's response to an emergency.

1.2. The Forum will comprise the following Members:-

(a)	Leader (Chair)	}
(b)	Deputy Leader	}
(c)	Appropriate Cabinet Member	} or nominee
(d)	Lord Mayor	}
(e)	Deputy Lord Mayor	}
(f)	Leader of the Main Opposition Group	}

1.3. All Members of the Forum should receive emergency planning training.

PART 2L: JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (COVENTRY AND WARWICKSHIRE)

1. Terms of Reference

1.1. Rationale

Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority, the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (HOSC) for the purposes of the consultation. Increasingly, proposals from the National Health Service are affecting larger geographical areas.

1.2. These terms of reference set out the arrangements for Coventry City Council and Warwickshire County Council to operate a Joint HOSC Committee within line with the provisions set out in legislation and guidance and allow it to operate both as a mandatory committee and as a discretionary committee.

2. General Terms of Reference

2.1 The Joint Health Overview and Scrutiny Committee will operate formally as a mandatory joint committee i.e. where the councils have been required under Regulation 30 (5) Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of the specified consultation.

2.2 The purpose of the mandatory Joint HOSC is to:

(a) Make comments on the proposal consulted on

(b) Require the provision of information about the proposal

(c) Require the member or employee of the relevant health service to attend before it to answer questions in connection with the consultation.

2.3 Both participating authorities have retained all other powers, including the ability to refer issues to the Secretary of State.

2.4 The joint response to the consulting health service will be agreed by the Joint Health Overview and Scrutiny Committee and signed by both Chairs.

2.5 At any other time, the Joint Health Overview and Scrutiny Committee can be convened as a discretionary committee with the agreement of

both Committee Chairs. This would allow the Joint Committee to consider relevant issues, but the two local authorities would retain their health scrutiny functions.

2.6 No matter to be discussed by the Committee shall be considered to be confidential or exempt without the agreement of both Councils and subject to the requirements of Schedule 12A of the Local Government Act 1972.

3. Timescales & Governance

3.1. The Joint Health Overview and Scrutiny Committee will operate as a **mandatory** Committee only while the proposed service changes that affect both areas are considered, that is from the point at which the relevant health body notifies the Joint HOSC of the formal consultation timetable and the point at which a decision is taken.

3.2. The responsibility for chairing meetings will alternate between Coventry and Warwickshire, the Health Scrutiny Chair of the hosting authority to chair the meeting. The location of meetings is to rotate between the two authorities. In the absence of a meeting Chair, the Chair of the other Authority, if present, takes the chair, and in the absence of both Chairs, a Chair will be elected from those members present at the meeting.

3.3. Meetings of the Joint HOSC will be conducted under the Standing Orders of the host Local Authority (i.e. the Local Authority chairing the meeting and providing democratic services support).

4. Communication with Media

4.1. Should a press statement or press release need to be made by the Joint Health Overview and Scrutiny Committee, this will be drafted by the host Local Authority on behalf of the Committee and will be agreed by both Chairs.

5. Membership

5.1. Membership of the Joint HOSC will be appointed by Coventry City Council and Warwickshire County Council from the membership of their Scrutiny Committees that have responsibility for discharging health scrutiny functions.

5.2. Each authority will nominate 5 Elected Members to the Committee. Appointments by each authority to the Joint Committee will reflect the political balance of that authority.

5.3. The quorum for meetings will be four Elected Members, comprising two Elected Members from each authority.

5.4. There are to be no co-opted members.

6. Support Arrangements / Resources

6.1. The work of the Joint HOSC will require support in terms of overall co-ordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.

6.2. Venues for meetings are to be rotated between Coventry City Council and Warwickshire County Council. Associated administrative costs to be borne by the respective Authority. Responsibility for administrative/ policy support and clerking arrangements is also to be alternated between the two Authorities. The nature of tasks involved in supporting the Committee is set out below: -

Support	Nature of tasks
Overall Co-ordination of Joint Scrutiny Committee's work, Policy Support and Administrative Support	Manage the Committee's work programme. Ensure key action points arising from Committee discussions are followed. Maintain ongoing dialogue and communication between the two Local Authorities. Maintain ongoing dialogue with Healthcare Trusts. Provide policy support as required by the Working Group/Committee. Produce briefing papers as required. Undertake any other support tasks e.g. writing letters, inviting witnesses etc. Drafting joint response
Clerking of meetings	Set up meetings and associated tasks. Maintain schedule of meetings. Send out agendas and related paper work. Take notes of meetings and distribute these. Provide advice in relation to scrutiny procedures.

PART 2M: SCHEME OF FUNCTIONS DELEGATED TO EMPLOYEES

1. Interpretation and General Principles

1.1. In this part:

(a) **Leadership Board** shall mean: the Chief Executive, the Director of Finance and Resources (Section 151 Officer), the Director of Law, Governance, and Safer Communities Monitoring Officer), Director of People and Facilities Management, Director of Children's and Education, Director of City Services, Director of Strategy and Performance, Director of Communications and Policy, Director of Care, Health and Housing, Director of Economic Growth, Director of Digital Services.

(b) **References to the City Solicitor** shall mean the Director of Law, Governance, and Safer Communities .

(c) **References to Heads of Service** shall mean the appropriate Head, or Heads, of Service as determined by the relevant Director and shall include Strategic Leads and Consultants in Public Health.

1.2. In this part where a delegation is subject to consultation with the relevant Cabinet Member or a specified Cabinet Member, the employee exercising the delegated power may consult with a Deputy Cabinet Member if the Cabinet Member is unavailable or otherwise unable to act and if a Deputy Cabinet Member has been allocated to that Cabinet Member's portfolio as set out in the Table to Part 2B.

1.3. All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed by Council, the Cabinet or appropriate committee.

1.4. Where an employee with delegated authority deems it appropriate on any matter, a report can be presented to the appropriate decision-making body.

1.5. Where any new power or duty is given to the Council, the exercise of that power or duty will be undertaken by the Chief Executive or relevant Director until such time as the allocation of responsibility has been determined by the Leader or the Council.

1.6. The Chief Executive may exercise any of the functions delegated to Directors or Heads of Service.

1.7. If the office of the Chief Executive is vacated or the Chief Executive is absent or otherwise unable to act then the Director of Finance and Resources (Section 151 Officer), Director of People and Facilities Management or Director of Law, Governance, and Safer

Communities (Monitoring Officer) shall be authorised to act in place of the Chief Executive.

1.8. Where any powers have been delegated in accordance with this part then the Chief Executive shall be responsible for that delegation to the extent outlined in section 2 below, and paragraph 2.4 in particular.

1.9. Delegations made under this Part may be added to, amended or revoked by the body that has responsibility for the function that is the subject of the additional delegation, amendment or revocation. Nothing contained in this part will interfere with or prevent another body from exercising such function in any particular circumstances should it so choose.

1.10. Any function specifically delegated to an employee, by way of description or under any primary legislation will also include:

(a) any secondary legislation made under the Act;

(b) any amendments made to or under the Act;

(c) any new primary or secondary legislation relevant to their service area; and

(d) anything that is calculated to facilitate or is conducive or incidental to such matters.

2. Exercising Powers Delegated to Employees

2.1. Members of the Leadership Board and Directors are accountable for the efficient and effective management of the services for which they are responsible and the performance of their statutory functions.

2.2. Members of the Leadership Board and Directors may use whatever means they consider appropriate to discharge the functions for which they have responsibility.

2.3. All employees must, in the exercise of their delegated powers, act within the law, comply with the Council's Contract Procedure Rules, financial rules and human resource policies and act in accordance with Council policy.

2.4. An employee to whom powers are specifically delegated may authorise another employee to exercise those powers on his/her behalf but remains responsible for any decisions taken. Any such delegation should be evidenced in writing to ensure that there is a proper audit trail.

3. Statutory Appointments

3.1. The Chief Executive is the Head of the Paid Service (Section 4, Local

Government and Housing Act 1989).

3.2. The City Solicitor is the Monitoring Officer (Section 5, Local Government and Housing Act 1989) and the Director of Law, Governance, and Safer Communities.

3.3. The Director of Finance and Resources (Section 151 Officer) is responsible for the administration of the Council's financial affairs (Section 151, Local Government Act 1972).

3.4. The Director of Children's and Education is the Director of Children's Services (Section 18 Children Act 2004) and the Director of Care, Health and Housing is the Director of Adult Services (Section 6 Local Authorities Social Services Act 1970).

3.5. The Director of Public Health and Wellbeing is the Director of Public Health and Wellbeing for the purposes of Section 73A of the National Health Service Act 2006.

3.6. The Head of Governance is the Scrutiny Officer for the purposes of Section 9FB of the Local Government Act 2000.

3.7. The roles of the first three of these statutory officers are set out below:

4. Functions of the Head of Paid Service

(a) The Chief Executive, as the Head of Paid Service, is the Council's most senior employee and has managerial and operational responsibility for all the Council's employees, resources, and services. The Chief Executive in consultation with the Leader will also be able to make decisions required in an emergency.

(b) Discharge of functions by the Council – The Chief Executive will, where they consider it appropriate to do so in respect of any proposals of theirs, report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.

(c) Restrictions on Functions – The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

5. Functions of the Monitoring Officer (Director of Law, Governance, and Safer Communities)

(a) Maintaining and reviewing the Constitution – The Monitoring Officer will maintain an up-to-date version of the Constitution and regularly review the same and will ensure that it is widely

available in electronic format and for inspection by Councillors, employees 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 or to the Cabinet (in relation to an executive function) 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) Establishing and maintaining the register of members' interests – as required by Section 29 of the Localism Act 2011, to include interests of co-opted members.

(d) Supporting the Ethics Committee – The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics Committee.

(e) Breaches of the Code of Conduct– The Monitoring Officer will be responsible for dealing with breaches of the Code of Conduct by Elected and Co-opted Members of the Council, and parish councils in accordance with the Complaints Protocol approved by the Ethics Committee.

(f) Advising whether Cabinet decisions are within the budget and policy framework – The Monitoring Officer in consultation with the Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(g) Providing Advice – The Monitoring Officer and/or 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.

(h) Restrictions on Posts – The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

6. Functions of the Chief Finance Officer (Director of Finance and Resources)

(a) To be a key member of the Leadership Board, helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest;

(b) To be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and alignment with the organisation's financial strategy.

(c) To lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

(d) To lead and direct a finance function that is resourced to be fit for purpose; and

(e) To be professionally qualified and suitably experienced.

7. Duty to Provide Sufficient Resources to the Monitoring Officer and the Chief Finance Officer

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

8. Proper Officer Designations

8.1. Legislation specifies certain functions as the responsibility of "the Proper Officer". The Council has designated particular posts for these purposes, and these are identified in the scheme of delegation. In the event of any such Proper Officer appointment not being expressly made, the officer to whom a function is delegated is deemed to be the Proper Officer for that function.

9. General Delegations

9.1. The Chief Executive has the power to exercise the following functions and those functions may also be exercised by those officers indicated:

	Description	Exercised By
	General	
1	Subject to acting within approved budgets, to take any steps and decisions necessary for the day-to-day operational management and administration of the functions and services for which they are responsible including the production, amendment, review and deletion of all plans, policies, procedures, strategies and other similar documents **except** those that form part of the Policy Framework.	Directors

2	To designate employees under their management as "authorised officers" for the purposes of carrying out any of the Council's functions relevant to that employee.	Directors
3	To do anything necessary, incidental or ancillary to or in consequence of the exercise of his/her functions and for the carrying into effect of any decision of the Council, Cabinet, Cabinet Members or Committees.	Directors
4	To authorise other employees to exercise any of their delegated functions notwithstanding that such post is vacant or the holder thereof is absent or otherwise unable to act.	Directors
5	To sign (as Proper Officer) any notice, order or other document on behalf of the City Council in exercise of any functions s/he is authorised to discharge.	Any employee exercising any function they are authorised by the Council to discharge
6	Compilation of lists of, and identification of, background papers under Section 100D(1)(a) and 100D(5)(a) and (b) of Local Government Act 1972.	Directors
7	To ensure appropriate strategic and operational health and safety policies consistent with the City Council's Corporate Health and Safety Policy Document are adopted and followed for their service area and to ensure that they comply with their individual responsibilities under the Policy Document.	Directors, Heads of Service and Managers.
8	Identification and management of strategic and operational risks associated with the service area falling within the Director's responsibility as set out in the Council's Risk Management Strategy.	Directors
Human Resources		
9	To manage the Directorate establishment including the appointment, suspension, discipline, dismissal and severance of staff below Director level.	Directors, Heads of Service and Managers, subject to early retirement and other severance payments being authorised by the Director of Finance and

		Resources as Section 151 Officer in consultation with the Director of People and Facilities Management .
10	In respect of employees within their own service area: (a) Appoint staff within the approved establishment; (b) Approve changes to job descriptions and job titles where there are no grading implications subject to agreement with the Director of People and Facilities Management . (c) Control and manage performance, TOIL and working hours in accordance with Health and Safety requirements and Council policy; (d) Authorise paid overtime working below spinal column point 29; (e) Grant compassionate and special leave for urgent, personal or domestic reasons or for magisterial duties, or for trade union purposes in accordance with approved policies; (f) Ensure compliance with absence control policies and performance targets; (g) Approval of car lease subsidy for selected posts, where recruitment and retention needs are identified in accordance with specified criteria (h) Approve foreign travel by employees where the direct cost to the City Council does not exceed £100 in consultation with the relevant Director; (i) Authorising extensions to sick pay. (j) Authorise payments within the JNC for Chief Officers pay and grading structures. (k) Authorise approval of visa applications for employees.	(i) to (viii): Directors, Heads of Service and Managers; (ix): Director of People and Facilities Management and reported quarterly to relevant Cabinet Member; (x): Chief Executive in consultation with the Director of Finance and Resources as Section 151 Officer and, Director of People and Facilities Management .
11	To make decisions about restructuring of a directorate, subject	Directors of the service directorate

	to the decision being consistent with the Council's budget and policy framework and the decision maker having had regard to any report issued by the Chief Executive to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.	which is the subject of the restructuring following consultation with Director of Finance and Resources and Director of People and Facilities Management .
12	The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.	Directors in consultation with the Director of People and Facilities Management .
13	To waive repayment under the two years agreement in cases where individual would suffer personal distress and financial difficulties if the fees were repaid.	Directors (following consultation with the Director of Finance and Resources)
Finance, Procurement and Contracts		
14	To ensure compliance with the City Council's financial rules agreed by the Council (such as Financial Procedure Rules, Finance Function manuals and other instructions) and to report to the Director of Finance and Resources as Section 151 Officer when they become aware that there is a failure to comply with the rules.	Directors, Heads of Service and Managers.
15	To ensure that their employees consider and address the financial, personnel and legal implications when making operational decisions and also when proposing potential policy developments.	Directors, Heads of Service and Managers.
16	To collaborate with the Director of Finance and relevant Directors in undertaking any matters with financial implications and achieving value for money in the provision of services.	Directors, Heads of Service and Managers.
17	To ensure that adequate facilities are made available to both internal and external auditors and that reasoned and timely responses are made to audit reports	Directors, Heads of Service and Managers.

18	To procure, works, goods and services including to invite, open and accept tenders and quotations in accordance with the Council's Rules for Contracts up to the appropriate financial limit in those Rules and in accordance with the Financial Procedure Rules.	Directors, Heads of Service and Managers, acting either singly or as a Procurement Panel or Procurement Board.
19	To sign, either under hand or electronically, contracts for works, goods and services (except for the acquisition or disposal of land or of any interest in land which shall be entered into by or on behalf of the City Solicitor) provided: (a) the contract does not exceed £999,999 in total; and (b) the Contract Procedure Rules and Financial Procedure Rules of the Council have been complied with; and (c) the Council's Scheme of Delegation has not been exceeded; and (d) the Monitoring Officer or nominee has approved the form of contract as appropriate for the type of contract concerned; and (e) notification of the exercise of the delegation is given to the Monitoring Officer and in such form and with such information as s/he may require. **PROVIDED ALWAYS THAT:** (f) for contracts for works and services of any value and which the Monitoring Officer considers should be expressed to be a deed, the Council seal must be affixed and witnessed by the Monitoring Officer or authorised signatory.	Directors, and Heads of Service.
20	To approve variations/extensions in contracts in accordance with the Council's Contract Procedure Rules and Financial Procedure Rules.	Directors, Heads of Service and Managers.
21	To instruct and engage contractors and consultants.	Directors, Heads of Service and Managers
Legal Procedures and Service of Notices etc.		
22	To serve any notice or requisition for information under any act requiring the owner or occupier of or any	Directors and Heads of Service.

	person having an interest in or managing any land or premises to give information to the local authority.	
23	In respect of functions exercisable through their service, the appointment or authorisation of officers to issue cautions under statutory powers, to act under public protection legislation, to examine and seize food or any other articles, things or matter, to make test purchases and to remove persons from all Council premises.	Directors, and Heads of Service.
24	To enter and inspect premises, and to make applications for warrants.	Directors, Heads of Service and Managers.
25	To prepare sign and serve any statutory notice or documentation on behalf of the Council in exercise of any function that he or she is at any time authorised to discharge.	Directors, Heads of Service and Managers.
26	To issue formal cautions where criminal offences are admitted.	Directors and Heads of Service, in conjunction with the Monitoring Officer.

10. Specific Delegations

10.1. The following employees have the powers and functions delegated to them as listed. Where indicated those powers and functions may be exercised on their behalf by the officer so nominated. The delegations are subject to any limitations specified.

11. Chief Executive

	Statutory or other Functions	**Nominee/Limitations**
	General	
1	Witness and receipt of Declarations of acceptance of office.	Director of Law, Governance, and Safer Communities
2	To act as the Proper Officer for the purposes of receiving requests for dispensations under section 33 of the Localism Act 2011.	Director of Law, Governance, and Safer Communities
3	To give to any Cabinet Member with a declared conflict of interest a note of dispensation in connection with: (a) any matter which is to be decided by the Cabinet of which the	Director of Law, Governance, and Safer Communities

	Cabinet Member is a member; or (b) any matter upon which the Cabinet Member is consulted by another Cabinet Member who is making the decision; or (c) any matter upon which the Cabinet Member is consulted by an employee who is making an executive decision.	
4	Power to make payments or provide other benefits in cases of maladministration.	Director of Finance and Resources as Section 151 Officer
5	To assure the reinstatement of services as result of a major disaster in line with the Emergency Management and Business Continuity Plan and to be responsible for emergency planning and business continuity generally.	Director of Law, Governance, and Safer Communities in consultation with relevant Cabinet Member.
6	Maintain a list of all Proper Officer functions.	Director of Law, Governance, and Safer Communities, the Director for People and Facilities Management. Directors are responsible for individual service business continuity plans.
7	To be responsible for, and take any action necessary in connection with, the Council's functions relating to: (a) Customer Relations and statutory social care complaints. (b) complaints other than those in (a); and (c) freedom of information and data protection.	Directors, and Heads of Service.
8	To declare as Proper Officer, vacancies that occur in relation to Section 86 of the Local Government Act 1972, following consultation with the appropriate Group Leader (where applicable).	Director of Law, Governance, and Safer Communities
Human Resources		
9	Approval of special payment arrangements.	Director of People and Facilities

		Management
10	Hold on deposit the list of politically restricted posts; determine applications for exemptions from the list of politically restricted posts; and give directions, on the application of any person or otherwise, requiring the inclusion of a post in the list of politically restricted posts.	Director of People and Facilities Management
11	Employment Appeals for the following Policies: Disciplinary Enabling Attendance Capability Grievance Collective Dispute	Nominated Officer
	Communications	
12	To promote the working of the Council, within the Code of Recommended Practice on Local Authority publicity.	Director of Communications and Policy
13	To issue statements to the press on behalf of the Council if the public standing of the Authority could be affected by the absence of a statement, whether or not it has been agreed with the Cabinet Member or committee chairman concerned	Director of Communications and Policy
14	To promote the Council's views as agreed by members in the relevant decision-making forum	Director of Policy and Communications
	Coronavirus	
15	To take any actions required under the Health Protection (Coronavirus, Restrictions) (England) (no.3) Regulations 2020 or under any subsequent or amending primary or secondary legislation and specifically the power to: (a) Give a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons, specified premises in the council's area (regulation 4) (b) Give a direction imposing prohibitions, requirements or restrictions in relation to the holding of an event in the council's area. (regulation 5)	Following consultation with the Leader of the Council.

	(c) Give a direction imposing prohibitions, requirements or restrictions in relation to a specified public outdoor place in the council's area, or public outdoor spaces in its area of a specified description. (regulation 6)	

12. Specific Delegations

12.1. The Chief Executive has the power to exercise all of the following functions with the exception of:

(a) Paragraphs 13.2 & 13.3, 13.7, 13.9 to 13.11, 13.13 & 13.14

(b) Paragraphs 19.1 to 19.4

(c) Paragraphs 20.1 to 20.3

12.2. The following employees also have the powers and functions delegated to them as listed. Where indicated those powers and functions may be exercised on their behalf by the officer so nominated. The delegations are subject to any limitations specified. Where reference is made to "Heads of Service" this means the appropriate Head or Heads of Service for the function or functions described.

13. Director of Public Health and Wellbeing

	Statutory or other Function	Nominee/Limitations
	General	
1	To exercise the Council's powers and duties in connection with public health protection under the Public Health (Control of Disease) Act 1984 and any regulations made thereunder.	Heads of Service
2	Responsibility for all of the Council's duties to take steps to improve public health.	Heads of Service
3	Authority to exercise any of the Secretary of State's public health protection or health improvement functions that he or she may delegate to local authorities by arrangement or under regulations.	Heads of Service
4	To be responsible for tackling health inequalities, improving health care quality and for strengthening the capacity across the whole public sector to improve the health of the population.	Heads of Service in consultation with the appropriate Cabinet Member.
5	Be the chief source of public health leadership expert advice to health bodies and the Council	Heads of Service in consultation with the appropriate Cabinet

	on all aspects of public health, and provide reports directly to Council Cabinet, Overview and Scrutiny Committees and other strategic meetings as appropriate.	Member.
6	Authority to determine the contents of and write the annual report on the health of the people in the Council's area.	Heads of Service
7	The functions of the Council as "responsible authority" under the Licensing Act 2003 in relation to public health functions.	Heads of Service
8	The functions of the Council, in relation to public health functions, as an authority which must be consulted on the licensing authority's statement of licensing policy.	Heads of Service
9	Exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health.	Heads of Service in consultation with the appropriate Cabinet Member
10	Responsibility for the Council's duty to co-operate with the police, probation service and the prison service to assess the risks posed by violent or sexual offenders.	Director of Public Health and Wellbeing , Director of Children's and Education, Director of Care, Health and Housing, Consultants in Public Health
11	To be a statutory member of the Health and Wellbeing Board	
12	To act as Caldicott Guardian for the Council	
13	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children's and Education, Director of Care, Health and Housing, Director of Public Health and Wellbeing, their Heads of Service.

Statutory or Other Function		Nominee/ Limitations
Consultant In Communicable Disease Control		
14	Section 47 National Assistance Act 1948 (subject to amendments).	Consultant in Communicable Disease Control (Public Health England).
15	Public Health (Control of Disease) Act 1984 and any regulations made thereunder.	Consultant in Communicable Disease Control (Public Health England).

14. Director of Children's and Education

Statutory or other Function		Nominee/Limitations
1	To deliver services and manage statutory responsibilities and duties, regarding services to children in need including safeguarding, child protection looked after children and care leavers.	Heads of Service
2	To provide specialist and integrated services to young offenders and children with complex needs and disabilities.	Heads of Service.
3	To exercise any of the Council's functions relating to childcare provision.	Heads of Service
4	To place and keep a child in secure accommodation.	Heads of Service
5	To take any action including the institution of any proceedings in relation to the Council's functions regarding children and adoption.	Heads of Service
6	To establish and maintain an adoption service and provide the requisite facilities.	Heads of Service
7	Approval of the expenditure of Capital Funding for support to foster carers and adopters.	Heads of Service in consultation with the appropriate Cabinet Member.
8	To accept offers and approve placements for children and young people with independent fostering agencies and residential care providers.	Heads of Service

9	Approval to place children in care with relatives and friends.	Heads of Service
10	Approval of recommendations made by the Fostering Panel.	The officer designated as the Fostering Service Agency Decision Maker.
11	To undertake functions under the Crime and Disorder Act 1998 in relation to youth offending, Youth Justice Service management and the prevention of crime and disorder.	Heads of Service
12	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children's and Education, Director of Care, Health and Housing, Director of Public Health and Wellbeing , and their Heads of Service.
Staffing and Governance of Schools		
13	Approval and making of school Instruments of Government and any subsequent changes prepared by governing bodies.	Heads of Service jointly with the Monitoring Officer.
14	To determine Statutory Proposals for Schools where no objections have been received to the proposals contained in the publicised Statutory Notice.	Heads of Service
15	To exercise powers of intervention for those schools which are subject to a formal warning, which have serious weaknesses, or require special measures.	Heads of Service in consultation with Director of People and Facilities Management , Director of Finance and Resources and Director of Law, Governance, and Safer Communities .
16	Approval of premature retirement compensation for teachers.	Heads of Service in consultation with the Director of People and Facilities Management
17	Approval of requests for additional holidays "occasional days".	Director of People and Facilities Management in consultation with the appropriate Cabinet Member.

18	To give directions to the governing body about the employment, number and conditions of service of staff of foundation, voluntary-aided and foundation special schools.	Heads of Service
19	To consent to the appointment or dismissal of staff at foundation, voluntary-aided and foundation special schools.	Heads of Service
20	To delegate budgets to schools.	Heads of Service in consultation with Director of Finance and Resources.
21	To take steps required to prevent the breakdown or continuing breakdown of discipline at a school.	Heads of Service
Admissions and Attendance at School		
22	To exercise all of the Council's statutory functions in relation to the provision of school places and the admission of children to schools.	Heads of Service
23	Approval of placements in and out of city schools and colleges.	Heads of Service
24	To exercise the powers and duties of the Authority in respect of the attendance of children at school including children excluded from school or otherwise unable to attend.	Heads of Service
Special Educational Needs		
25	To ensure that the requirement of any statutory codes of practice or other regulations are complied with.	Heads of Service
26	To assess and review the educational needs of a child.	Heads of Service
27	To provide specialist and integrated services to young offenders and children with complex needs and disabilities.	Director of Children's and Education and Heads of Service in Children's and Education.
28	To make, maintain and review an Education, Health and Care Plan	Heads of Service
29	To provide and pay for transport, board and lodging, tuition fees and expenses and other assistance if it is necessary for	Heads of Service

	special education provision in accordance with Council policy.	
30	To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs.	Heads of Service
31	To prepare disability statements relating to further education.	Heads of Service
	Appeals	
32	The making of arrangements in relation to any appeals by governing bodies.	Heads of Service
	Miscellaneous	
33	To determine awards to pupils, students and parents.	Heads of Service
34	Approval of grants to voluntary bodies relating to Education and Skills.	Heads of Service
35	To provide meals in relation to a pupil's education.	Heads of Service
36	To approve registration of voluntary organisations providing community education and youth services.	Heads of Service
37	To maintain a register of childcare providers.	Heads of Service
38	To grant licences for the employment of children and children taking part in public performances.	Heads of Service
39	To authorise any proceedings necessary to deal with nuisance on education premises.	Heads of Service in consultation with the Director of Law, Governance, and Safer Communities .
40	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children's and Education, Director of Care, Health and Housing, Director of Public Health and Wellbeing , and their Heads of Service.

15. Director of Care, Health and Housing

Statutory or other Functions		Nominee/Limitations
	Adult Services	
1.	To undertake assessments, provide services and approve	Heads of Service

	expenditure relating to the Council's functions, powers and duties under adult social care, mental capacity and mental health legislation and to take such action to recover appropriate charges from those with a duty to pay.	
2.	Issuing proceedings, including in the Court of Protection, in respect of adults.	Heads of Service
3.	To exercise the statutory functions powers and duties of the Council in relation to vulnerable adults and adults at risk.	Heads of Service
4.	To exercise the functions and duties of nearest relative in respect of persons with mental health problems where the nearest relative has been displaced.	Heads of Service
5.	To exercise the Council's functions, powers and duties, except those in relation to the discharge of guardianship, in connection with guardianship under mental health legislation.	Heads of Service
6.	To make applications for the admission to hospital of persons with mental health problems for the purposes of assessment, detention and treatment and to make decisions in connection with deprivation of liberty safeguards. Council's functions, powers and duties under adult social care and mental capacity and mental health legislation	Heads of Service
7.	To provide after-care services, in conjunction with the NHS, to persons with mental health problems who have ceased to be detained and have left hospital.	Heads of Service
8.	To appoint approved mental health professionals.	Heads of Service
9.	To maintain the appropriate registration for internally provided care services.	Heads of Service

10.	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children's and Education, Director of Care, Health and Housing, Director of Public Health and Wellbeing, and their Heads of Service.
	Housing	
11	To provide financial and other assistance to organisations or individuals providing external housing services, which the relevant Cabinet Member has approved	Heads of Service
12	Generally, to take action and operate all legislative and administrative procedures and to exercise all of the powers of the Council in relation to homelessness and the assessment of applicant's housing need and priority for housing.	Heads of Service
13	To provide financial and other assistance to organisations or individuals providing external housing services, which the relevant Cabinet Member has approved.	Heads of Service
14	To provide housing advice and information including nominations to registered social landlords.	Heads of Service
15	Statutory returns to government departments in connection with the Council's functions relating to housing and homelessness.	Heads of Service
16	The preparation, revision, monitoring and implementation of the Housing and Homelessness Strategy.	
17	Generally, to take action and operate all legislative, enforcement and administrative procedures and to exercise all of the powers and duties of the Council in relation to assessing and providing support to asylum seekers and refugees.	Director of Children's and Education, Director of Care, Health and Housing, Director of Public Health and Wellbeing , and their Heads of Service.

16. Director of People and Facilities Management

	Statutory or other Functions	Nominee/Limitations
1	Approval of human resources policies (including adoption of new policies and amendments of existing policies).	Heads of Service
2	Prepare a Pay Policy Statement under the Localism Act 2011, to be presented to Council for adoption before 31 March each year.	Heads of Service
3	Authorise and implement local and national changes to pay policy, terms and conditions of employment and wage and salary awards and ensure the Council's policies comply with the requirements of all employment legislation	Heads of Service
4	Authorising payments of (a) planned and emergency overtime above spinal column point 29; (b) honoraria and acting allowances in accordance with relevant local and national schemes; (c) merit increments; and (d) market related pay and market related supplements.	(a) and (d): Directors (b) and (c): Director of People and Facilities Management following consultation with the relevant Director
5	Approval of grading and designation of posts including: (a) approval and implementation of job evaluation scheme; and (b) authorising operation and outputs of job evaluation results and appeals.	
6	To approve the pattern of holidays each year.	Director of People and Facilities Management following consultation with Leadership Board.
7	Approval of special leave arrangements, carry-over of annual leave and closures.	Directors

8	Approval for buying out employment conditions.	Director of People and Facilities Management (up to 1 year's value); Director of People and Facilities Management in consultation with relevant Cabinet Member (for 1 to 2 years).
9	To administer, revise and amend any Council car loan or car leasing scheme and any car allowances scheme.	
10	To administer, revise and amend any Employee Benefit Scheme.	
11	To decide whether a course has been approved for Post Entry Training Support and to exclude courses where appropriate i.e. the cost of the course does not justify the administration involved.	Heads of Service
12	Approval of requests from employees to allow them to continue to work beyond the age of 75.	
13	Approval for early retirement on the grounds of efficiency and redundancy.	Director of People and Facilities Management and Director of Finance and Resources jointly (and in consultation with appropriate Cabinet Member for requests proposing added years).
14	Approval of early non-ill health retirements.	Director of People and Facilities Management and Director of Finance and Resources jointly.
15	Ensure compliance with policy and codes of practice in the recruitment, retention and development of the workforce.	
16	Signatory for DBS checks undertaken on behalf of the City Council	
17	To determine the membership of Appeals Committees.	
18	To make an application to the Treasury for consent to relax a restriction on exit payments	

	where the Council is minded to exercise its power to do so.	
19	Manage the Apprenticeship Levy	Heads of Service
Property Asset Management		
20	To identify and order maintenance work required within the Central Repairs Fund	
21	Prepare and maintain list of assets of community value; deal with requests to list assets of community value; determine whether land is or has been used for the social well-being or social interests of the community; determine whether an applicant falls within the definition of a voluntary or community organisation with local connections; decide whether to include or exclude the land; effect land charge registration where included; review nominations as required (by a different officer); maintain the list of unsuccessful nominations under the Localism Act 2011 and deal with matters in regulations issued by the Secretary of State in accordance with the provisions of Part 5, Chapter 3 of the Localism Act.	

17. Director of Law, Governance, and Safer Communities (Monitoring Officer)

Statutory or other Functions		Nominee/Limitations
Procurement and Commissioning		
1	To put in place any procedures to deal with expressions of interest under the Community Right to Challenge legislation and to receive and deal with expressions of interest from relevant bodies in providing or assisting in providing a relevant service on behalf of the City Council in accordance with any such procedures and	Heads of Service in consultation with the Audit and Procurement Committee.

	with the provisions of Part 5 of chapter 2 of the Localism Act 2011.	
Monitoring Officer Responsibilities		
2	Establish and maintain the register of interests of Coventry City Council, Allesley Parish Council, Finham Parish Council and Keresley Parish Council Elected and Co-opted Members.	Deputy Monitoring Officer may be appointed
3	Deal with breaches of the Codes of Conduct for elected and Co-opted Members adopted by Coventry City Council, Allesley Parish Council, Finham Parish Council and Keresley Parish Council in accordance with the Complaints Protocol as approved by the Ethics Committee.	Deputy Monitoring Officer may be appointed
4	To act as Proper Officer for the purpose of receiving requests for dispensations under section 33 of the Localism Act 2011.	
5	To determine requests for dispensations under section 33 of the Localism Act 2011, subject to the right of Members and Co-opted Members to request the Ethics Committee to review a determination not to grant a dispensation.	
Constitution		
6	Authority to make amendments and corrections to the Constitution where in their opinion, such amendment is to correct any anomaly or ambiguity is purely technical, to correct a clear typographical or other error, to reflect any change in law or following a review (to include changes of officer or directorate descriptions), and	Monitoring Officer In cases of doubt about whether the change is purely technical, the Monitoring Officer should consult with either the Chief Executive or the Director of Finance and Resources

	such amendment does not materially alter the terms or practical operation of the Constitution.	
7	To make necessary amendments to the Constitution, including the Rules for Contracts and its Standing Orders, to incorporate all requirements of the Member Code of Conduct and to amend the Rules of Contract to take account of changes in procurement practices and limits.	Monitoring Officer in consultation with the appropriate Cabinet Member
8	To make minor amendments to the Constitution.	Monitoring Officer in consultation with the appropriate Cabinet Member
Legal Functions		
9	Where any document is necessary to any legal procedure or proceedings on behalf of the Council, the authority to sign it personally or other person authorised by them unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.	Deputy Monitoring Officer
10	To instruct Counsel and external solicitors and engage professional experts and witnesses.	Deputy Monitoring Officer
11	To let contracts for the provision of services in compliance with the Contract Procedure Rules and Financial Procedure Rules.	Deputy Monitoring Officer
12	The power to sign, or affix the Common Seal to: (a) contracts for works and services to or from the Council where either the total value of the contract exceeds £999,999 or, if below £1m, the City Solicitor considers that it should be under seal;	Monitoring Officer and other authorised signatories designated by the Monitoring Officer

	(b) land disposals or purchases; (c) leases and other miscellaneous legal documents; and (d) all other documents which require the formal seal of the Council.	
Functions in relation to Council Meetings and Members		
13	Receipt of Notice of Resignation of Office; and receipt of Notice of casual vacancy from two local government electors.	Deputy Monitoring Officer
14	Keeping a record of disclosures of Members' Interests.	Deputy Monitoring Officer
15	To receive notification of nominations to Committees and of Political Groups.	Deputy Monitoring Officer
16	Convening of meeting of Council to fill casual vacancy in office of Chair.	Deputy Monitoring Officer
17	Receipt of Notices regarding address to which summons to meetings is to be sent and signature of summonses to Council meetings.	Deputy Monitoring Officer
18	Certification of resolutions and minutes of proceedings.	Deputy Monitoring Officer
19	All Proper Officer functions and all matters and actions relating to meetings, reports agendas, and minutes of Council, Cabinet, Cabinet Members and Committees and Sub Committees in accordance with the Access to Information Procedure Rules (a) Exclusion from public copies of agendas, reports etc of items not to be open to members of the public; and papers not open to Elected Members; (b) Identification of background papers in the case of a report prepared by an Elected or Co-	Deputy Monitoring Officer in all cases except:- (f) Directors

	opted Member; (c) Supply of committee papers to the Press; (d) Preparation of summaries of minutes; (e) To produce a record of every decision taken at a meeting including decisions by individual Cabinet Members including a statement of: (i) the reasons for the decision and alternative options considered and rejected (ii) any conflict of interest declared by any Cabinet Member, either in connection with a decision of Cabinet, or who is consulted by the Cabinet Member or employee making the decision; and (iii) in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer; (f) To produce a record of every executive decision taken by employees, including a statement of: (i) the reasons for the decision; (ii) alternative options considered and rejected; (g) Power of rectification of the record of decision; (h) Ensuring publication of notices containing details of key decisions /urgency provisions and private meetings of Cabinet; (i) Where permitted, making	

	reports and other documents available for public inspection and on the Council's website; and (j) To consider and respond to representations from the public as to why an item of business of the Cabinet should be held in public.	
20	To determine the membership of Appeals Committees, having regard to the knowledge, expertise and preferences of Members, to hear appeals against decisions of the City Council, with the exception of school admission and exclusion appeals and those matters where there is a statutory right of appeal.	Deputy Monitoring Officer.
21	The arrangements for: (a) Appeals against the exclusion of pupils from local authority-maintained schools. (b) Admissions appeals	Deputy Monitoring Officer
Registration, Local Land Charges and Coroners Services		
22	General supervisory responsibility over births, marriages and deaths registration service including: (a) Acting as Proper Officer for the purposes of the registration service and the Registration Services Act 1953; (b) Making any necessary change to the service as result of directions or instructions from the General Register Office or changes imposed by statute; and (c) Authority to set, review, amend, or increase fees in connection with the births, marriages and deaths registration	Monitoring Officer except (c) Monitoring Officer in consultation with appropriate Cabinet Member

	service (including fees for the approval and review process relating to secular and/or religious premises as venues for marriages and civil partnerships) and identify any areas for additional income generation.	
23	To exercise the Council's powers to licence premises for marriages and civil partnerships in accordance with the law and any guidance. The Marriage Act 1949 and the Civil Partnership Act 2004 including any guidance made or given under these statutes such as the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and the Marriages and Civil Partnerships (Approved Premises) (Amendments) Regulations 2011.	Deputy Monitoring Officer.
24	To receive, determine, approve, review, amend, refuse and revoke, with or without conditions, applications under the Marriage Act 1949 and Civil Partnership Act 2004 for the use of secular and/or religious premises for the solemnisation of marriages and the registration of civil partnerships.	Monitoring Officer in consultation with appropriate Cabinet Member
25	To impose, vary, modify or enforce any conditions attached to the grant of approval for secular and/or religious premises for the solemnisation of marriages and the registration of civil partnerships.	Monitoring Officer in consultation with appropriate Cabinet Member
26	To create, maintain and update a public register of those premises registered for the solemnisation of	Deputy Monitoring Officer.

	marriages and the registration of civil partnerships.	
27	Authority to make changes in response to new legislation and guidance.	Monitoring Officer (where no discretion) and in consultation with appropriate Cabinet Member (where discretion).
28	To maintain the Local Land Charges Register and to issue official search certificates.	Deputy Monitoring Officer.
29	Revision of scale of fees for mortuary staff.	Deputy Monitoring Officer.
Legal and Procedural Matters		
30	Authority to make changes to the Scheme of Delegation as set out in Part Two of this Constitution to ensure that all delegated powers are assigned to relevant employees and to ensure that any new legislation of a technical nature is delegated to the appropriate Council body.	Deputy Monitoring Officer.
31	Certification of photographic copies of documents and authentication of documents.	Deputy Monitoring Officer.
32	To witness the affixing of the Council's seal.	Monitoring Officer and authorised signatories designated for that purpose by the Monitoring Officer.
33	Authority to serve requisitions for information in connection with any of the functions of the Council.	Deputy Monitoring Officer.
34	To institute, defend, participate in, settle, withdraw or otherwise act as appropriate, any legal proceedings and issue and serve all notices and orders in any case where 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, the	Deputy Monitoring Officer.

	City's or other appropriate interests.	
35	Authorisation of employees, under any legislation/ enactment that confers authorisation thereunder, to appear in Court on the City Council's behalf.	Deputy Monitoring Officer.
36	To monitor use of the general power of competence and compliance with the Localism Act 2011.	Deputy Monitoring Officer.
37	Generally to make, and where unopposed (or where objections have been withdrawn), to confirm any order in relation to the Council's functions as a Local Planning Authority and as a Highways Authority including but not limited to orders in relation to: (a) public paths, footpaths, and gating; (b) trees; (c) traffic regulation, parking and cycle tracks; (d) the Definitive Map; and (e) determination of village green / open spaces (f) conservation areas.	Deputy Monitoring Officer.
38	To reduce the charge for making a public path order by 20% or 40% where it is considered that the charge would otherwise be unreasonably in excess of the actual costs of the City Council.	Deputy Monitoring Officer.
39	Generally to issue, serve, vary or withdraw any notice in relation to the Council's functions as a Local Planning Authority including but not limited to : (a) planning contravention notices; (b) breach of condition notices (including extending time for	Deputy Monitoring Officer.

	compliance); (c) stop notices and temporary stop notices; (d) enforcement notices in respect of security shutters and grilles; and (e) Article 4 notices (prevention of demolition without planning consent).	
40	To prosecute on behalf of the Council as Local Planning Authority offences in connection with: (a) planning contravention notices; (b) breach of condition notices; (c) stop notices and temporary stop notices; (d) enforcement notices; (e) listed buildings and conservation areas; (f) trees and high hedges; (g) advertisements; and (h) proper maintenance of land.	Monitoring Officer provided always that the power to prosecute any offences in connection with functions which are within the terms of reference of the Planning Committee may not be exercised without the express prior approval of the Planning Committee.
41	Power to enter into agreements regulating development or use of land.	Monitoring Officer/ Director for Property Services and Development
42	Authority to prosecute for offences in connection with: (a) removing children from care; and (b) nurseries, full day, sessional care and childminding.	Monitoring Officer in consultation with the Director of Children's and Education
43	Approval and making of school instruments of government and any subsequent changes approved by governing bodies.	Monitoring Officer jointly with the Director of Children's and Education
44	To determine whether a representation received from the Licensing Authority, Local Planning Authority or Environmental Health Authority whilst acting as	Deputy Monitoring Officer.

	responsible authorities for the purposes of the Gambling Act 2005 is vexatious, frivolous or would certainly not influence the determination of an application.	
45	Authority to take action to recover money owed to the Council including but not limited to: (a) institution of insolvency proceedings; and (b) instructing certificated bailiffs to levy distress on property.	Director of Finance and Resources
Miscellaneous		
46	To exercise the powers and duties of the Council as Parish Trustee.	Deputy Monitoring Officer
47	Keeping of the Roll of Freemen and Honorary Aldermen and Honorary Alderwomen.	Deputy Monitoring Officer
48	Deposit of documents with Proper Officer.	Deputy Monitoring Officer
49	Certification of byelaws; and send copies of byelaws for parish records.	Deputy Monitoring Officer
50	To make any minor or technical changes to the Code of Corporate Governance to ensure that it is kept up to date	Deputy Monitoring Officer
Electoral Functions		
51	To exercise functions under the representation of the People Act 1983. Also refer to the review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, (SI 2006/2965), and the Local Elections (Principal Areas) (England and Wales) Rules 2006, (SI 2006/3304), Chapter 6 of the Police Reform and Social Responsibility Act 2011 and The Town and Country Planning Act, 1990 (as amended) and any regulations	Deputy Returning Officers and Acting Returning Officers may be appointed from any of the Council's employees, or otherwise.

	made thereunder. for	
52	To act as Electoral Registration Officer.	Monitoring Officer/ Electoral Services Manager as Deputy Electoral Registration Officers.
53	To exercise functions in relation to any referendum to change governance arrangements under the Local Government Act 2000 and to hold elections for an Elected Mayor.	Monitoring Officer/ Electoral Services Manager as Deputy Electoral Registration Officers
54	To act as Proper Officer and Counting Officer for any referendums held under the Local Government Act 2000 or under any other legislation.	Deputy Counting Officers may be appointed.
55	Hold a referendum under the Localism Act 2011 to veto excessive Council Tax rise.	Monitoring Officer/ Electoral Services Manager as Deputy Electoral Registration Officers.
Building Control and Regulation		
56	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to building control and regulation. Specifically, but not exclusively, to exercise the Council's functions and responsibilities in connection with: (a) applications for Building Regulation consent and for dispensation from, or relaxation of, Building Regulation requirements including the imposition of conditions or requirements; (b) proposed departure from plans and lapse of deposit of plans; (c) precautions and protection against, and means of escape from, fire; (d) dangerous buildings and	Heads of Service

	structures, ruinous and dilapidated buildings and neglected sites and demolition of buildings and structures; (e) issuing regularisation and completion certificates and house type approvals; (f) temporary buildings and structures and short lived materials; (g) drainage, water supply and refuse facilities; and (h) testing for conformity with building regulations and enforcement of legislation.	
57	Serving of notices and subsequent action to provide protection to the public from dangerous excavations on private land to which the public has access.	Heads of Service.
58	To issue or amend certificates and carry out all associated functions and to authorise emergency action in connection with sports grounds and places of sport.	Heads of Service
59	Appointment of surveyors when requested for resolving disputes relating to party walls through arbitration.	Heads of Service
Housing and Private Land		
60	Generally, to take action and operate all legislative, enforcement and administrative procedures, and to exercise all of the powers and duties of the Council in relation to housing and private land, including, but not limited to: (a) enforcing housing legislation, but excluding demolition and closing orders (b) overcrowded premises and houses in multiple	Heads of Service

	occupation	
61	The administration of housing and renovation grants including the administration and supervision of the List of Contractors undertaking grant assisted works and suspension of contractors from the List pending consideration of removal from the List.	Heads of Service
Fair Trading and Trading Standards		
62	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to fair-trading, trading standards, weights and measures and consumer protection. Specifically, but not exclusively, to: (a) to investigate trading standards offences suspected to have arisen within the City; (b) to conduct underage test purchasing of age-restricted products; (c) prohibit or suspend the sale of dangerous goods, substances or articles; and (d) promote the rights of consumers and fair-trading with businesses.	Heads of Service.
Food Safety		
63	Generally, to take action and operate all legislative, enforcement and administrative procedures in pursuit of food safety and food hygiene and in relation to food export certificates and training fees for food hygiene, food safety courses and health and safety courses (discharged in the authority's capacity as an employer). Specifically, but not exclusively, to: (a) prohibit food business	Heads of Service.

	operations; (b) promote food safety and undertake training; and (c) seize unfit food.	
	Community Safety	
64	Generally, to take action and operate all legislative, enforcement and administrative procedures, including to manage all aspects of the Council's work with the Police, and any other relevant law enforcement agency, to reduce and prevent crime, disorder, alcohol and drug misuse, and anti-social behaviour and the fear thereof.	Heads of Service
65	To facilitate the Coventry Community Safety Partnership ensuring that it fulfils its statutory obligations including the annual production of an Emergency Management and Business Continuity Plan	Heads of Service
	Licensing	
66	The functions of the Council as "responsible authority" under the Licensing Act 2003 in relation to: (a) Health and Safety; (b) Pollution Control/Environmental Health; (c) Weights and Measures; and (d) A licensing authority.	Heads of Service
67	The functions of the Council as Licensing Authority under the Licensing Act 2003 to: (a) determine applications relating to licences and certificates where there are no representations outstanding; (b) deal with requests to vary or to be removed as a designated premises supervisor; (c) make decisions on	Heads of Service

	whether an objection or representation is irrelevant, frivolous, vexatious etc; (d) receive/acknowledge temporary event notices and serve S.107 counter-notices; (e) suspend a premises licence or club premises certificate if the holder of the licence/certificate has failed to pay the Council an annual fee; (f) maintain the public register; and (g) determine minor variation applications.	
68	The Council's enforcement functions under Part 7 of the Licensing 2003 Act.	Heads of Service
69	The functions of the Council as "responsible authority" under the Gambling Act 2005 in relation to: (a) the Licensing Authority (b) Environmental Health/Pollution.	Head of Service
70	The functions of the Council as "licensing authority" under the Gambling Act 2005 to: (a) process applications for premises licences (including variation and transfer), provisional statements and determine such applications and applications for club gaming machine permits where no representations are outstanding; (b) process and determine applications for all other types of permit, not referred to above including, but not limited to, Street Collection Permits, House to House	a) and (c) to (h): Heads of Service (b): Director of Law, Governance, and Safer Communities , and the Heads of Service except where there is a history of non-compliance; or the application is non-routine; or reservations are expressed by a consultee.

	Collection Permits, Small Lotteries Registration, Gaming Machine Permits; (c) receive/acknowledge temporary use and occasional use notices; (d) cancel licensed premises gaming machine permits; (e) process and determine small society lottery registrations; (f) exercise the Council's powers of entry and inspection; (g) maintain the public register; and (h) determine whether representations received from external, responsible authorities and interested parties are frivolous, vexatious or would certainly not influence the determination of an application.	
71	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the licensing, registration, inspection and issuing of permits or consents in respect of persons or premises and any other regulatory or licensing matters specified in Schedule 1 Local Authorities (Functions & Responsibilities) (England) Regulations 2000/2853 (as amended from time to time) so far as they relate to Public Safety and Housing.	Heads of Service
72	To make minor amendments to the Street Trading Consent Terms and Conditions and to approve fee waivers in appropriate cases.	Heads of Service

73	To take all necessary action in connection with scrap metal dealers and their premises including: (a) processing and approving applications and the supply of information to external agencies: (b) powers of entry, inspection and enforcement of relevant legislation; (c) the inclusion of conditions on licences; (d) power to refuse applications for licences if no hearing is requested; (e) power to refuse applications to vary licences and applications in connection with conditions attached to licences if no hearing is requested; and (f) power to revoke licences if no hearing is requested.	Heads of Service except that in (d), (e) and (f) if a hearing is requested by an applicant, the power to hear the matter rests with the Licensing and Regulatory Committee.
Coronavirus		
74	To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 in relation to: (a) Taking reasonable steps to prevent or restrict public access to a public outdoor place or places to which a direction a direction has been given under Regulation 6 (regulation 7) (b) Public notice of directions (regulation 10) (c) Notification to other local authorities (regulation 11) (d) Enforcement of requirements (regulation 12)	Heads of Service in all cases (f): In consultation with the City Solicitor

	(e) Fixed penalty notices (regulation 14)[2] (f) Prosecutions (regulation 15) (g) Power to designate officers to exercise powers under regulation 12 (h) Power to authorise officers to issue fixed penalty notice under regulation 14	
75	To exercise the powers and functions of the Council under either: (a) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020; **or** (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020; **or** (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 according to which tier the Council has been placed	Heads of Service
76	To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) (England) Regulations 2020	Heads of Service
77	To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Restrictions) (England) No.4 Regulations 2020	Heads of Service

78	To exercise the powers and functions of the Council under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020	Heads of Service
79	To exercise any powers and functions given to the Council in connection with the enforcement of any future primary or secondary legislation relating to measures intended to control the incidence and spread of severe respiratory syndrome coronavirus 2 (SARS-Cov-2) or other virus or infectious disease.	Heads of Service
Environmental Crime		
80	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to environmental amenity and crime. Specifically, but not exclusively in relation to: (a) enforcement of the Smoke Free legislation.	Heads of Service.
81	To authorise legal proceedings for offences relating to non-payment of fixed penalty fines.	Heads of Service
Health and Safety		
82	Generally, to take action and operate all legislative, enforcement and administrative procedures in pursuit of health and safety in workplaces where enforcement is the responsibility of the Council. Specifically, but not exclusively to: (a) appoint inspectors; (b) agree transfers of enforcement responsibility between the Health and	Heads of Service

	Safety Executive and the Council (c) promote health and safety, and undertake training; and (d) seize articles and equipment	
Unauthorised Encampments		
83	Direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway;	Director of City Services and Heads of Service
84	Authority to exercise the Council's powers as landowner or landlord in relation to taking action for Summary Possession against unauthorised encampments and other unlawful occupiers of Council-owned land.	Heads of Service
Channel Panel		
85	In compliance with the statutory requirements set out under sections 36 – 41 of the Counter Terrorism and Security Act 2015, Coventry has a Channel Panel in place for its area and has regard to the Channel Duty Guidance (2020).	Heads of Service
86	Street naming and numbering	Head of Service

18. Director of Finance and Resources (Section 151 Officer)

Statutory or other Functions		**Nominee/Limitations**
Section 151 Functions		
1	To undertake the role of Section 151 Officer under the Local Government Act 1972 that requires that every local authority in England and Wales should " make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs".	Director of Finance and Resources as Proper Officer.
2	To make reports to the Council in under Section 114 of the Local Government Finance Act 1988 which requires a report to all the local authority's members to be made by that officer, in	Director of Finance and Resources

	consultation with the Monitoring Officer and Head of Paid Service, if there is or is likely to be unlawful expenditure or an unbalanced budget.	
3	To ensure that the financial management of the Council is adequate and effective and that it has a sound system of internal control which is regularly reviewed and in particular to: (a) determine accounting records and control systems; (b) undertake an adequate internal audit of the Council's accounting records and system of internal control; and (c) prepare, sign and arrange public inspection of the Council's Statement of Accounts.	Director of Finance and Resources
Finance Functions		
4	The creation of Local Authority Companies, the designation of employees as directors of the company for trading purposes and the provision of a Council indemnity to employees for the director role.	Director of Finance and Resources in consultation with the Monitoring Officer.
5	The creation of trust companies, the designation of employees as trustees and the provision of aCcouncil indemnity to employees for the trustee role.	Director of Finance and Resources in consultation with Monitoring Officer
6	Authority to increase costs in relation to Council Tax and National Non-domestic Rates Liability Orders and Committal Court Costs.	Heads of Service
7	Authority to take action to recover money owed to the Council including but not limited to: (a) institution of insolvency proceedings; and (b) instructing certificated bailiffs to levy distress on property.	Director of Finance and Resources and Director of Law, Governance, and Safer Communities

8	Authority to review annually the Council's Local Council Tax Support Scheme subject to the proviso that if such a review results in proposals to revise or amend the Scheme, these must be approved by the Council.	Heads of Service
9	Approval for early retirement on the grounds of efficiency and redundancy.	Director of People and Facilities Management and Director of Finance and Resources jointly (and in consultation with appropriate Cabinet Member for requests proposing added years).
10	Approval of early non-ill health retirements.	Director of People and Facilities Management and Director of Finance and Resources jointly.

19. Director of City Services

Statutory or other Functions		Nominee/Limitations
Cemeteries and Crematoria		
1	Generally, to take action and operate all legislative and administrative procedures in relation to the regulation of cemeteries and crematoria including: (a) to extinguish rights of interment; and (b) to approve and sign grave grants and extinguish rights in respect of graves.	Heads of Service
Waste Management and Cleansing		
2	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the regulation of waste management and cleansing of streets.	Heads of Service
Pest Control and Animal Welfare		
3	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to animal welfare, animal health and animal waste products	Heads of Service

4	Cleanse and disinfest filthy or verminous persons and premises and treat and take other action in relation to infestations of pests and pest control.	Heads of Service.
Noise and other Nuisances		
5	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to noise and other nuisances. Specifically, but not exclusively, to: (a) consent to the use of noisy equipment and approaches where building work is proposed; (b) seize articles and equipment; and (c) undertake work in default where a Notice is not complied with.	Heads of Service.
Transportation and Parking		
7	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions as a bus lane enforcement authority, including the issue of penalty charge notices, recovery of charges and making representations to the adjudication service.	Heads of Service and Parking Services Manager (or nominee).
8	To take any decisions on non-executive matters relating to Transportation.	Director of Economic Growth Heads of Service in consultation with, the appropriate Cabinet Member
9	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's on-street and off-street parking services. Specifically, but not exclusively, to: (a) issue or revoke disabled parking badges; (b) approve the position of	Director of Transportation and Highways in all cases and in addition: (b)Director of Economic Growth (d) and (e) with Director of Economic Growth

	parking bays for persons with disabilities; (c) issue and where appropriate, cancel penalty notices; (d) issue or refuse residents' parking permits; (e) suspend parking bays; (f) remove vehicles; and (g) to act as the Traffic Manager for the purpose of the Traffic Management Act 2004 and exercise the Council's powers as a Civil Enforcement Authority.	(c) to (e): Heads of Service and Parking Services Manager or nominees. (g) Director Economic Growth, Heads of Service
10	To exercise the Council's powers to: (a) prohibit the use of overloaded vehicles and to weigh vehicles; (b) object to PSV operator licences; (c) object to licences and to variation of licences in respect of goods vehicle operators; and (d) make representations regarding local bus services.	Heads of Service (d)Director of Economic Growth
Highways and Streets		
11	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a highway authority and street authority. Specifically, but not exclusively, to: (a) maintain a register of adopted streets, enter into agreements for adopting highways and adopt private streets by notice; (b) take any necessary action in connection with the Advance Payments Code and to make highway funding agreements; (c) determine applications for licences, permits and consents in connection with	Heads of Service (a),(c),(d), (f), (g)Jointly Directors of Economic Growth and City Services (b),(e), (h)Director of Economic Growth

	vehicle crossings, builders skips, use of traffic signs, placing/licensing amenities in the highway, erection of emergency barriers, scaffolding, hoardings and the deposit of building materials on the public highway, excavations and openings in the highway, vaults and cellars, street works and permits for heavy trailers; (d) take action to protect highway rights and deal with obstructions; (e) to make temporary road closure orders/ notices, orders closing streets for processions etc and exercise the Council's powers to remove vehicles; (f) effect urgent repairs to private streets and recover expenses for excessively heavy traffic; (g) exercise powers of entry, make requisitions for information, recover expenses authenticate documents; and (h) allocation of street numbers; and approval of plans to be void after certain interval under the West Midlands County Council Act 1980.	
12	Power to instruct the Monitoring Officer to make experimental traffic orders and to advertise proposed traffic orders and notices of intent to install road humps, traffic calming or pedestrian crossings where the relevant Cabinet Member and Ward Councillors have been consulted and have not objected.	Director of Economic Growth in consultation with the relevant Cabinet Member and Ward Councillors.
13	Keeping Definitive Maps and Statements of Rights of Way & associated registers and the signposting of footpaths etc.	Director of Economic Growth and Heads of Service

14	Exercise the Council's common law powers to remove obstructions and abate nuisances on the highway.	Jointly Directors of Economic Growth and City Services and Heads of Service
15	Direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway;	Director of City Services and Heads of Service
16	Generally, take action, and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a drainage authority.	Heads of Service
Leisure and Culture		
17	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to parks, open spaces and sports, recreational and cultural facilities including but not limited to: (a) Approval of events and activities at parks, open spaces and other cultural facilities in accordance with agreed policy (b) Adoption of open space areas in accordance with policy (c) Approval of short-term or one-off offers for parks fees and charges (d) The erection, alteration or removal of notices prohibiting vehicles or cycles or the playing of ball games under Section 6, West Midlands County Council Act 1980.	Director of Strategy and Performance Heads of Service except: (a) Following consultation with the relevant Cabinet Member

20. Director of Property Services and Development

Statutory or other Functions		Nominee/Limitations
Property Asset Management		
1	To dispose of land and property by: (a) tender, in accordance with the Constitution; (b) marketing at a fixed rent or price;	Director of Property Services and Development except that in the case of (d), in consultation with appropriate Cabinet

	(c) direct negotiation with a single party where it is in the best interests of the Council; (d) selling property at auction; (e) marketing for disposal in the open market (other than by tender or auction) through an external agent; (f) appropriating land used for any purpose under section 122 of the Local Government Act 1972; and (g) exchanging land for land of equal value.	Member.
2	To accept terms for the disposal and, where indicated, for the acquisition, of property provided that no authority is given to dispose of at below market value, including: (a) minor land transactions of up to £50,000; (b) terms for rent reviews and lease renewals and any new lettings or licences; (c) approval of acquisition terms by agreement or Compulsory Purchase Order where principal budget has prior agreement; and (d) acceptance of highest tenders for property disposals and revision/variation of tender terms.	Director of Property Services and Development
3	Authority to exercise the Council's powers and duties in relation to leases and licences including to: (a) accept surrenders where it is in Council's best interest and/or it is agreed that there are or could be arrears of rent which are unlikely to be recovered; (b) agree or approve any lease variation; and (c) to give any consent under the terms of a lease.	Director of Property Services and Development

4	Authority to exercise the Council's powers as landowner or landlord in relation to: (a) any legal notice for breach of Lease Covenant; (b) the submission of planning applications where the application consistent with approved policy; (c) the appointment of consultants for all property related matters subject to compliance with procurement rules; and (d) signing agreements or licences under hand conferring an interest of 3 years or less; wayleave or easement consents between Council and service providers; valuation certificates verifying consideration within market limits and rating agreement forms.	Director of Property Services and Development
5	Transferring land used for any purpose following an appropriation pursuant to section 122 of the Local Government Act 1972, so that the land is held for development purposes.	Director of Property Services and Development
6	Naming of new development.	Head of Service

21. Director of Economic Growth

Statutory or other Functions		Nominee/Limitations
Strategy and Performance		
1	To take decisions in respect of applications for free or concessionary use of St Mary's Hall, the Armoury and Crypt.	Director of Economic Growth in consultation with the appropriate Cabinet Member.
2	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the Arts, and Museums including but not limited to the approval of minor items to be de-accessioned and disposed of from	Director of Strategy and Performance in consultation with appropriate Cabinet Member.

	Museum collections.	
4	To determine applications for the disposal of land and, in the case of disposals of 'open space' land, to advertise the intention to do so where the disposal is (a) In compliance with all appropriate ~City Council policies or guidance, and (b) Not the subject of any unresolved public objections or of any unresolved conflicts of advice from other Council Directorates or Committees	Director of City Services (Including Heads of Service) with terms for disposal delegated to the Director of Economic Growth Authority does not extend to disposal for highway purposes.
	Home Energy Efficiency	
5	Generally, to take action and operate all legislative, enforcement and administrative procedures, and to exercise all of the powers and duties of the Council in relation to home energy efficiency.	Heads of Service
	Planning	
6	(1) Generally to take action and operate all legislative, enforcement and administrative procedures in relation to planning and conservation. Specifically, but not exclusively: (a) all applications and ancillary submissions for planning permission including applications for express consent, applications for material and non-material amendments and applications for the discharge of conditions; (b) notifications, prior approvals and submission of details under general permitted development legislation; (c) issue and service of breach of condition notices (d) issue and service of planning contravention notices (e) listed buildings and	Director of Economic Growth in all cases and in addition: (a) and (b), (d) to (k) and (q): Head of Service (or nominee); (c), (n) and (o): Heads of Service (or nominee) in consultation with the Chair or Deputy Chair of Planning Committee and Monitoring Officer; (p): Heads of Service (or nominee) in consultation with the Chair or Deputy Chair of Planning Committee.

	conservation areas; (f) hedgerows and trees; (g) hazardous substances; (h) Environmental Impact Assessments; (i) Certificates of lawful existing use and lawful development (subject to the agreement of the City Solicitor); (j) notifications in connection with electricity generating stations and overhead lines and by the Coal Authority; (k) Consultations from Government Departments under Circular 18/84; Circular 21/91 and Circular 6/93; (l) matters under the Land Compensation Act 1961; (m) Powers of entry for prescribed purposes in connection with land and property affecting amenity; (n) temporary stop notices, stop notices; and (o) power to apply for an injunction restraining a breach of planning control. (p) power to issue and serve enforcement notices, notices require proper maintenance of land and discontinuance notices in respect of advertisements. (q) power to discontinue enforcement investigations where it is not considered expedient to take enforcement action. All delegations above are subject to the limitations set out below: (2) **Limitations** Officers shall not determine matters in exercise of this delegation unless safeguards 2 to 5 below are met in the cases	

	of householder and minor development and all the safeguards are met in all other cases provided that (for the avoidance of doubt) failure to observe the safeguards shall not affect the validity of any determination:- 1. Any decision must comply with the Core Strategy and all other appropriate City Council policies, standards or guidelines. (This criterion does not apply to householder and minor developments). 2. Any decisions must not be the subject of five or more unresolved public representations which are material planning comments and which are take a contrary view to that of the planning officers. 3. Any decision must not be the subject of any unresolved conflicts of advice from other City Council Directorates as statutory consultees. 4. No Member of the City Council having objected to the application being a delegated decision and requested it to be considered by Committee, having first given material planning reasons in writing. 5. The matter not being one in respect of which a Member of the City Council or an officer of the Planning and Regulation Division has an interest.	

7	Power to: (a) enter into an agreement regulating development or use of land (b) approve the negotiation, completion and subsequent variation of legal agreements in accordance with the development plan and adopted guidelines.	(a) Director of Economic Growth and Director of Law, Governance, and Safer Communities. (b) Director of Economic Growth and Heads of Service in consultation with the Director of Law, Governance, and Safer Communities .
8	Power to: (a) recover costs incurred in putting Neighbourhood Development plans or orders in place; (b) Remove structures used for unauthorised display (c) Remedy persistent problems with unauthorised advertisement; (d) Remedy defacement of premises; and (e) Remove signs at the request of the owner or occupier of premises at that person's expense.	Heads of Service
9	To exercise the functions of the Council as a responsible authority under the Licensing Act 2003 and Gambling Act 2005 – in relation to being the local planning authority.	Heads of Service
10	To receive and process applications for the registration of Town or Village Greens, including the power to refuse to validate applications not duly made or to reject applications which do not raise any new issues for consideration.	Heads of Service
11	Power of entry; Protection of Buildings; Buildings on operational land of certain statutory undertakers.	Heads of Service
12	Functions with regard to ordnance survey.	Heads of Service

13	Service of notice and subsequent action to make trees safe and to recover costs from owners/occupiers.	Heads of Service
Environmental Protection		
14	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to environmental health and protection including maintaining a register of notices served under environmental health legislation apart from those which relate solely to the protection of persons at work.	Heads of Service.
15	Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to air quality, contaminated land and private water supplies. Specifically, but not exclusively, to: (a) maintain a register of remediation notices in relation to contaminated land; (b) authorise specified burning processes; (c) carry out Part IIA contaminated land investigations and identify remedial requirements; (d) environmental permitting; (e) review and monitor air quality; and (f) environmental management of construction sites.	Heads of Service.

22. Hackney Carriage and Private Hire Licensing Scheme of Delegation

22.1. The following schedule lists the delegated authority for the Director of Law, Governance, and Safer Communities or nominated officer, to undertake various matters on behalf of the City Council. Any matters that are not delegated must be referred to the Licensing and Regulatory Committee.

22.2. This schedule supersedes and replaces all previous delegations to employees.

22.3. **Hackney Carriage and Private Hire Drivers**

22.3.1. Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the enforcement of the Smoke Free legislation. Where a prosecution is undertaken this is only be commenced with the written authorisation of the Monitoring Officer

22.4. **Grant/Renewal of Licence**

22.4.1. To grant, renew or re-grant where:

(a) Convictions endorsed on a DVLA licence are for driving offences where not more than 3 penalty points are endorsed for any offence or where no more than 6 penalty points are endorsed in total; or

(b) Apart from driving convictions to which paragraph (a) above applies, there are no other convictions or cautions recorded against the applicant, or where any other recorded convictions or cautions would have been spent for the purposes of the Rehabilitation of Offenders Act 1974; or

(c) The Senior Licensing and Enforcement Officer is satisfied that the applicant complies with the Council's Guidelines Covering Driver Applicants who have been absent from the UK, or

(d) Driving or other convictions have previously been considered by the Committee or an appeal court and found not to render the applicant unsuitable (provided no further offences have been recorded since the Committee or court decision was made).

22.5. **Refusal of Licence**

22.5.1. To refuse to grant, renew or re-grant where:

(a) A DVLA licence (or equivalent) has not at any time prior to the application been held for a full continuous period of 12 months; or

(b) The applicant has not successfully completed one or more of the following elements of the licensing application process: Road Knowledge Test, Driving Test, Medical Test, Driver Training Test; or

(c) Where less than 12 months has elapsed from the date of a previous refusal, revocation or unsuccessful appeal, unless a lesser period has been stipulated by the Committee or an appeal court

22.6. **Suspension of Licence**

22.6.1. To suspend where a driver is disqualified from driving during the term of a licence issued by the City Council and the driver's DVLA licence will be restored during that term.

22.7. **Revocation of Licence**

22.7.1. To revoke where:

(a) a driver is disqualified from driving during the term of a licence issued by the City Council and where the driver's DVLA licence will not be restored during that term; or

(b) in the opinion of the Senior Licensing and Enforcement Officer in consultation with the Chair of the Licensing and Regulatory Committee (or in his/her absence the Deputy Chair or in the absence of either, the City Solicitor) it is necessary that immediate steps be taken to revoke a licence in the interests of public safety.

22.8. **Hackney Carriage and Private Hire Vehicles**

22.8.1. **Grant, renewal or transfer of Licence**

22.8.2. To grant, renew or transfer where the vehicle complies with all relevant legislative requirements and the policies of Coventry City Council.

22.9. **Refusal to grant, renew or transfer Licence**

22.9.1. To refuse to grant where:

(a) The vehicle does not comply with the relevant legislative requirements or the policies of Coventry City Council.

(b) It is necessary to do so to maintain the Council's policy on the control of Hackney Carriage vehicle numbers.

22.9.2. To refuse to renew or transfer where:

(a) The vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle; or

(b) The vehicle's operator or driver has committed an offence under or has otherwise failed to comply with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976; or

(c) There is reasonable cause to do so.

22.10. **Revocation/suspension of Licence**

22.10.1. To revoke or suspend where:

(a) The vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle; or

(b) The vehicle's operator or driver has committed an offence under or has otherwise failed to comply with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 or;

(c) There is reasonable cause to do so.

N.B In relation to the testing or inspection of vehicles the power to suspend a licence may be exercised by a CCS Transport Services Vehicle Inspector where a vehicle fails an inspection on a MOT testable item.

22.11. **Private Hire Vehicle Exemptions**

22.11.1. To issue notices of exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 where:

(a) In the reasonable opinion of the Senior Licensing and Enforcement Officer, the vehicle is a recognised prestige/executive model or specification of model, or is a recognised vintage or classic model; and

(b) The vehicle is used solely for contract or account work with businesses/organisations or one-off bookings for special occasions such as birthdays, anniversaries or other similar occasions requiring a chauffeur-driven service; and

(c) The vehicle is not fitted with a data-box, taximeter or two-way radio.

22.12. **Advertisements on Hackney Carriages**

22.12.1. To authorise requests for the display of advertisements inside or outside licensed hackney carriages in accordance with City Council policy.

22.13. **Private Hire Operators**

22.14. **Grant/renewal of licences**

22.14.1. To grant or renew where:

(a) There are no convictions or cautions recorded against the applicant or where any recorded convictions or cautions are spent for the purposes of the Rehabilitation of Offenders Act 1974; or

(a) Convictions or Cautions have previously been considered by the Committee or an appeal court and have been found not to have rendered the applicant unsuitable (provided no further offences have been recorded since the Committee or court decision was made).

22.15. **Refusal to grant/renew licences**

22.15.1. To refuse to grant or renew a licence where less than 12 months has elapsed from the date of a previous refusal, revocation or unsuccessful appeal, unless a lesser period been stipulated by the Committee or appeal court.

22.16. **Miscellaneous**

(a) To sign licences and all other documents relevant to this schedule on behalf of the City Council.

(b) To issue departmental warnings, simple cautions and to instruct the Monitoring Officer to commence legal proceedings where offences have been committed under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and Section 143 Road Traffic Act 1988 (as authorised by Section 222 Local Government Act 1972 (and as amended by any regulations) and to defend any appeal or challenge brought against a Hackney Carriage or Private Hire licensing decision made by the City Council.

(c) To refer any matter within the scope of this schedule to the Committee for their determination where in the opinion of the Senior Licensing and Enforcement Officer it is appropriate to do so.

(d) To maintain the public registers and the waiting list of Hackney Carriage Vehicles applications required by the Council's policy on controlling Hackney Carriage vehicle numbers.

(e) To keep fees relevant to this Schedule under review.

PART 2N: COVENTRY SHAREHOLDER COMMITTEE

1. Overview

1.1. A Coventry Shareholder Committee ("the Shareholder Committee") has been established, the purpose of which is to take decisions on behalf of the Council, to represent the interests of the Council as shareholder and to ensure the satisfactory performance of any Company (as defined in 1.3 below) to protect the Council's interests as shareholders.

1.2. The Coventry Shareholder Committee will exercise the Council's role as shareholder in any company, limited by shares or guarantee, wholly or partly owned by the Council for the purposes of service provision and/or trading activities. The decisions taken by the Coventry Shareholder Committee will be within the functions of Cabinet and will ensure that the performance of any such company is satisfactory, thus protecting the Council's interest as shareholders in the Company.

1.3. Any reference in these terms of reference to "Company" is defined as a company in which the Council holds shares.

1.4. The Coventry Shareholder Committee is a Sub-Committee of Cabinet and will exercise the functions delegated to it by Cabinet as set out in section 3 below and will operate in accordance with Cabinet Procedure rules set out in Part 3D of the Council's Constitution.

1.5. All Elected Members of the Coventry Shareholder Committee shall have received appropriate training before carrying out any functions set out in section 3.1 below.

2. Composition

2.1. The Shareholder Committee shall comprise of Elected Member s drawn from the Cabinet to be appointed by the Leader of the Council. The Leader of the Council will appoint the Chair and Deputy Chair of the Shareholder Committee. This will have a maximum of 10 Elected Members and a minimum of 3 Elected Members.

2.2. The Chief Executive, Director of Finance and Resources (Section 151 Officer), Director of Law, Governance, and Safer Communities (Monitoring Officer) (or their nominees) will be advisors to the Shareholder Committee to provide open and robust technical advice. Additional advisors may be invited to attend the Coventry Shareholder Committee as required.

2.3. To ensure that the Coventry Shareholder Committee is aware of cross-party views on matters to be decided by the Committee, representatives from the opposition groups will be entitled to attend meetings of the Committee but not to vote. There will be a maximum of four such representatives, two of whom will be nominees of the Main Opposition Group and one each from the next two numerically largest opposition Political Groups. The nominations are to be submitted by those Political opposition groups. Such

representatives will be determined by the Council and will be entitled to nominate substitute members

3. Functions delegated to the Coventry Shareholder Committee

3.1. The Coventry Shareholder Committee will have responsibility for the following delegated functions except where specific functions have been delegated to an employee:

(a) Any decisions that relate to any matter identified as being reserved to be taken by the Shareholders within the Articles of Associations and/or the Delegations Policy for the relevant Company.

(b) Provided that where a decision that relates to any such matter affects the budgetary framework or has been reserved to Full Council under the Delegations policy for the relevant Company, the Coventry Shareholder Committee will consider the decision and provide a recommendation to Full Council.

(c) Report to the Council annually on the performance of the trading activities of the relevant Company.

(d) To receive reports and approve Key Decisions in respect of charitable holdings of the Council where the Council is holding the land, asset, contract etc as trustee for a charity / charities.

3.2. The Coventry Shareholder Committee will not have operational control over Companies. All decisions regarding the day-to-day operation of each Company, its business developments and commercial opportunities, staff terms and conditions and the development and implementation of its internal procedures, rest with the Directors of each Company.

4. Accountability of Decisions

4.1. The Scrutiny Co-ordination Committee will be responsible for the scrutiny function in relation to the operation of the Coventry Shareholder Committee. The Scrutiny Co-ordination Committee will be able to call the Coventry Shareholder Committee to account for progress in relation to any Company for which the Council is a shareholder and any returns it is making.

4.2. Any recommendations the Scrutiny Co-ordination Committee wishes to make will be submitted to the Coventry Shareholder Committee for reconsideration.

4.3. The Chair of the Coventry Shareholder Committee will be required to answer questions on its work at Full Council meetings.

4.4. All decisions of the Coventry Shareholder Committee will be open to the Call-in arrangements and subject to the Call-in criteria.

5. Quorum

5.1. The quorum for a meeting of the Coventry Shareholder Committee is a minimum of 3 members, one of whom must be the Chair or the Deputy Chair of the Shareholder Committee.

6. Operation of the Coventry Shareholder Committee and frequency of meetings

6.1. The Cabinet has delegated to the Coventry Shareholder Committee the authority to take decisions as set out in paragraph 3.1 in respect of 100% of the Council's shareholding in any Company.

6.2. The Coventry Shareholder Committee will meet twice annually, or as required.

6.3. In cases of urgency, decisions will be made in accordance with the provisions set out in the Constitution by the Chief Executive.

6.4. Any decisions made by the Coventry Shareholder Committee must be notified to the Company's Directors as soon as reasonably practicable following such decision being taken.

6.5. An authorised representative of the Coventry Shareholder Committee will be given authority on behalf of the Shareholder Committee to take decisions at a Company's general meeting.

6.6. The Coventry Shareholder Committee will review the Terms of Reference annually.

7. Access to Information and Procedure relating to Coventry Shareholder Committee

7.1. As an Executive Committee of Cabinet, meetings of the Coventry Shareholder Committee are subject to the Access to Information Procedure Rules set out in Part 3B of the Council's Constitution.

7.2. It is expected that Meetings of the Coventry Shareholder Committee will involve the consideration and review of Exempt Information (i.e. information relating to the financial or business affairs of any particular person (including the authority holding that information)).

PART 3

RULES OF PROCEDURE

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PART 3A: COUNCIL PROCEDURE RULES

1. Annual Meeting of The Council

1.1. Timing and Business

1.2. 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.

1.3. The Annual Meeting will:-

(a) elect a person to preside if the Lord Mayor and the Deputy Lord Mayor are not present;

(b) receive any apologies for absence;

(c) receive any correspondence and announcements of the Lord Mayor;

(d) elect the Chair of the Council (being Lord Mayor of the City);

(e) give a vote of thanks to the Retiring Lord Mayor;

(f) elect the Vice-Chair of the Council (being Deputy Lord Mayor of the City);

(g) elect the Leader of the Council in any year in which the current Leader's term of office expires. If the Council does not elect the Leader at the Annual Meeting, the election of the Leader shall be an item on the agenda at every ordinary meeting of the Council after the Annual Meeting until the Leader is elected. The existing Leader appoints a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected; where this is not possible, the Deputy Leader shall become Leader and appoint a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected;

(h) receive the report of the Leader of the Council on the appointment of the Deputy Leader, the composition of the Cabinet and the appointment of Deputy Cabinet Members and the allocation of Executive Functions within the Cabinet;

(i) agree the minutes of the last meeting and their signature;

(j) receive the return of persons elected as Councillors (when applicable);

(k) receive any declarations of interest from Councillors;

(l) establish the Licensing and Regulatory Committee, Planning Committee, Health and Wellbeing Board, Scrutiny Co-ordination Committee, Scrutiny Boards, Audit and Procurement Committee, Coventry Shareholder Committee, an Ethics Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 2, of this Constitution. This may also include the appointment of the Chair and Deputy Chair of those bodies;

(m) decide the size and terms of reference for those Scrutiny Boards and Committees;

(n) decide the allocation of seats to Political Groups in accordance with the political balance rules;

(o) receive nominations and appoint Councillors to serve on each Scrutiny Board, and Committee;

(p) receive nominations and appoint to outside bodies;

(q) approve a programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards, Committees and Advisory Panels for the year including the date and time of the next Annual Meeting; and

(r) consider any business set out in the notice convening the meeting.

1.4. If it becomes clear either before the Annual Meeting or on the day itself that there are areas of contention, then the fall-back position will be to adjourn the Annual Meeting following the appointment of the Lord Mayor/Deputy Lord Mayor and reconvene to a future date provided that it complies with the timescale referred to in Rule 1.1.

2. Ordinary Meetings

2.1. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:-

(a) elect a person to preside, if the Lord Mayor and the Deputy Lord Mayor are not present;

(b) receive any apologies for absence;

(c) agree the minutes of the last meeting and their signature;

(d) receive any return of persons elected as Councillors;

(e) present the Citizen of the Month Award;

(f) receive any correspondence and announcements of the Lord Mayor;

(g) receive any petitions in accordance with the Petitions Procedure Rules;

(h) receive any declarations of interest by Councillors;

(i) determine any matters left for determination by the City Council;

(j) consider recommendations for the City Council;

(k) receive questions and provide answers to Councillors (except at the Council Tax/Budget setting meeting);

(l) receive any statement by the Leader of the Council or his or her nominated speaker on any changes to the composition of the Cabinet or allocation of executive functions within the Cabinet or to employees or on any matter of significant importance to the City;

(m) consider Motions; and

(n) approve extensions to the programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards and Committees.

3. Extraordinary Meetings

3.1. Calling Extraordinary Meetings

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

(a) the Council by resolution;

(b) the Lord Mayor;

(c) the Monitoring Officer or

(d) any five Councillors if they have signed a requisition presented to the Lord Mayor and if 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.

3.3. Any requisition under Rule 3.1(d) will be addressed to the Lord Mayor by being left for the Lord Mayor at a location* designated by the City Solicitor or sent electronically to Governance Services. The requisition will indicate the business to be transacted at the meeting.

*NB: The location currently designated is Room 79 in the Council House.

3.4. The date, time and location of any extraordinary meeting will be fixed by the Monitoring Officer after consultation with the Lord Mayor and the Leader of the Council.

3.5. **Honorary Aldermen and/or Honorary Alderwomen**

3.6. The Council has approved a protocol for the enrolment of Honorary Aldermen and/or Honorary Alderwomen. That protocol is attached at Annex 2 to this part.

4. Time Place and Duration of Meetings

4.1. The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

4.2. Any ordinary meeting of the Council may be cancelled, rearranged or relocated by the Monitoring Officer tor following consultation with the Lord Mayor and the Leader of the Council.

4.3. Where there is no formal Council Business to consider and approve (i.e. recommendations or items for consideration) the Council Meetings identified as "If Necessary" in the Municipal Calendar may be cancelled, but only following consultation with the Lord Mayor and the Leader of the Council.

4.4. There will be no restriction on the duration of meetings except that if any Council meeting continues for a period of more than 3 hours, there will be a break in proceedings as soon as 3 hours has elapsed since the start of the meeting unless the Council votes unanimously to continue without a break or the Lord Mayor or other person chairing the meeting determines that the remainder of the business of the meeting can be concluded within a reasonable time so as to render any break unnecessary. The break will be for a maximum of 30 minutes. This provision is intended to safeguard the health and wellbeing of Councillors and employees present at any meeting.

5. Notice of and Summons to Meetings

5.1. The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Monitoring

Officer will send a signed summons by post to every Councillor or leave it at their usual place of residence or such other place as requested. 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.

6. Chair of Meeting

6.1. The Lord Mayor or, if absent, the Deputy Lord Mayor will chair meetings of the City Council. In the absence of both the Lord Mayor and the Deputy Lord Mayor, the City Council will elect another Councillor, other than a Member of the Cabinet, to chair the meeting.

6.2. If it is necessary to select a Councillor to chair the meeting in the absence of the Lord Mayor and the Deputy Lord Mayor, the Chief Executive (or, in his or her absence, the Monitoring Officer) will call for a Councillor to move that another Councillor should be nominated to chair the meeting.

6.3. If discussion arises on that Motion, the Chief Executive, if absent the Monitoring Officer) will exercise the powers of the Chair to regulate that discussion and to maintain order at the meeting.

6.4. The Lord Mayor will be addressed "Lord Mayor". The Deputy Lord Mayor, when chairing the meeting, will be addressed as "Deputy Lord Mayor" and any other Councillor elected to chair a meeting will be addressed as "Chair".

6.5. The Deputy Lord Mayor or other Councillor chairing the meeting will be entitled to exercise any power of the Lord Mayor in relation to the conduct of that meeting.

7. Quorum

7.1. Subject to Rule 7.5, no business will be dealt with unless there is a quorum of 14 Councillors.

7.2. If, at the expiration of 15 minutes after the time at which any meeting is arranged to be held, there is no quorum present, the meeting will not take place.

7.3. If during any meeting, the Lord Mayor, after counting the number of Councillors present, declares that there is not a quorum present, the meeting will stand adjourned for fifteen minutes.

7.4. If, after 15 minutes, there is no quorum present, the meeting will end. The consideration of any business not transacted will be adjourned to a date, time and location fixed by the Lord Mayor at that time or, if they do not fix a date, time and location, to the next ordinary meeting.

7.5. If Councillors are required to leave the meeting due to their declaration of an interest their leaving the meeting will affect the quorum so long as they are absent.

8. Questions by Councillors

8.1. At ordinary meetings of the Council, except the Council Tax and/or Budget setting meeting, there will be a Question Time. The procedure for dealing with Written Questions at Council Meetings is set out at paragraph 8.2.

8.2. A Councillor may put in writing a question concerning any matter relating to Council business to be answered at the meeting by the appropriate Cabinet Member, Deputy Cabinet Member, Chair or other Councillor. Such questions must be delivered to the Monitoring Officer at a designated location* or sent electronically to Governance Services not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. The deadline for receiving written questions is 9.00 am on the Monday, a week before the Council Meeting on the Tuesday. As soon as any question is received, it will be forwarded to the appropriate Cabinet Member, Deputy Cabinet Member, Chair or other Councillor or Director.

*NB: the location currently designated is Room 79 in the Council House.

8.3. The Cabinet Member, Deputy Cabinet Member, Chair or other Councillor will arrange for a written response to be prepared, which must be with them by 5.00 pm on the Friday before Council.

8.4. The Cabinet Member, Deputy Cabinet Member, Chair or other Councillor will then have up until 4.00 pm on the Monday the day before Council to check the responses before it needs to be e-mailed to the appropriate Governance Services Officer. The Governance Services Officer will then send the responses to all Councillors by 5.00 pm on the Monday. Copies of all the responses will be circulated at the Council meeting.

8.5. While an answer will normally be written and circulated to Councillors at the meeting, it may also be given orally by the Cabinet Member, Deputy Cabinet Member, Chair or other Councillor replying, or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in the Lord Mayor's opinion is irrelevant or frivolous or a repetition of or substantially similar to a question already asked upon that part of the proceedings.

8.6. A Councillor may ask the Chair of a Scrutiny Board, the Scrutiny Co-ordination Committee or the Chair of any other Body any oral question relating to the work of that Board, Committee or Body. The Lord

Mayor will call on Councillors in the order in which they catch their eye. The Chair will reply orally at the meeting or a written answer will be circulated to Councillors after the meeting within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to the question(s) already asked.

8.7. A Councillor may ask the nominated spokespersons of the West Midlands Fire and Rescue Authority or the West Midlands Integrated Transport Authority a written question about any matter which relates to the work of that Authority. The question must be delivered to the Monitoring Officer at a designated location* or sent electronically to Governance Services not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally by the nominated spokesperson or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

*NB: the location currently designated is Room 79 in the Council House.

8.8. A Councillor may ask another Councillor or an Employee, who is a director of an authorised company as defined by Section 71(1) of the Local Government and Housing Act 1989, a written question about any matter which relates to the activities of that company. The question must be delivered to the Monitoring Officer at a designated location* or sent electronically to Governance Services not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally or a combination of both. Nothing will require the other Councillor or the Employee to disclose any information about the company which has been communicated to them in confidence. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

*NB: the location currently designated is Room 79 in the Council House.

8.9. A Councillor may ask a Council representative on an outside body an oral question at the meeting without prior notice being given on any matter pertaining to that outside body. The Lord Mayor will call on Councillors in the order in which they are seen. An answer may be

given orally by the representative on the outside body at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in the Lord Mayors opinion is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

8.10. A Councillor may ask a Cabinet Member or a Deputy Cabinet Member, an oral question at the meeting without prior notice being given on any other matter relating to the Cabinet Member's or the Deputy Cabinet Member's portfolio. The Lord Mayor will call on Councillors in the order in which they are seen. An answer may be given orally by the Cabinet Member or the Deputy Cabinet Member at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or questions already asked.

8.11. All questions referred to in Rules 8.2, 8.7 and 8.8 will be considered in the order received by the Monitoring Officer. The Lord Mayor may change the order of questions at the meeting if it is expedient to do so. Copies of all questions will be circulated to all Councillors and made available to the public attending the meeting.

8.12. No paperwork may be circulated at the meeting in respect of oral questions.

8.13. All supplementary questions should relate to the original question asked from the responses provided.

9. Motions on Notice

9.1. Every notice of Motion to be inserted in the summons for the next meeting of the City Council will be in writing and signed by the Councillor intending to move it and by the Councillor intending to second it. The notice must be delivered to the Monitoring Officer at a designated location* or sent electronically to Governance Services, not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. Any hard copy Motions received will be date stamped and scanned by Governance Services. The Monitoring Officer will only accept notices of Motion which fulfill these requirements and will not accept more than one notice of Motion per Political Group**. Should a Councillor from a Political Group wish to second a Motion submitted by an individual Councillor, then the Group to which that Councillor belongs will forfeit the right to submit a Motion to the meeting. An individual Councillor may second a Political Group Motion with the agreement of that Group

Leader.

9.2. No Motions on Notice will be allowed at the February Council Tax/Budget setting meeting.

9.3. Motions on Notice must be about matters for which the authority has a responsibility or which affect the City but may not seek to pre-empt a decision on a planning or licensing matter nor seek to discharge an Executive function.

*NB: the location currently designated is Room 79 in the Council House

** “Political Group” to be interpreted in accordance with The Local Government (Committees and Political Groups) Regulations 1990

9.4. The Monitoring Officer will set out in the summons for every meeting of the City Council, all Motions of which notice has been duly given under the heading "Debates", in the order in which they have been received unless the Councillor giving such notice intimated in writing, when giving it, of their intention to move it at some later meeting, or has since withdrawn it in writing.

9.5. If a Motion set out in the summons is not moved and seconded either by the Councillor who gave notice thereof, or by some other Councillors on their behalf it will, unless postponed by consent of the City Council, be treated as withdrawn and will not be moved without fresh notice.

9.6. The mover of a Motion or amendment will speak for no more than 5 minutes. All other speeches on the Motion will each be for no more than 3 minutes.

9.7. An amendment to a notice of Motion will not be discussed unless it has been moved and seconded. It will be put in writing and handed to the Monitoring Officer before it is put to the meeting.

9.8. When a Motion is made in pursuance of a notice of Motion, and the subject is referred by the City Council to a Body, the Monitoring Officer will send notice of the meeting at which the subject will be considered to the proposer and seconder of the Motion, unless they are themselves members of that Body. The proposer and seconder will not be entitled to vote unless either of them is a member of the Body.

9.9. If a Motion is made in pursuance of a notice of Motion which would increase expenditure of the City Council, or reduce income to the City Council, then the Motion will be regarded as tentative only and will be referred by the City Council to the appropriate Body for them to consider and make their views known to the City Council before formal approval is given.

9.10. The tentative decision will be included in the summons for the next appropriate meeting of the City Council where the City Council may confirm, amend or rescind it, having regard to the views of the appropriate Body.

9.11. Every Motion made in pursuance of a Notice of Motion must be lawful and will be regarded as tentative only until this has been confirmed by the Monitoring Officer. If the Motion is considered to be unlawful, the Monitoring Officer will submit a report on this matter to the next meeting of Council. No action may be taken on the matter until the Council has considered the advice of the Monitoring Officer.

10. Motions Without Notice

10.1. The following Motions may be moved without notice:

(a) to elect a Councillor to chair the meeting;

(b) to agree the minutes of the previous meeting;

(c) to re-order the business on the agenda;

(d) to refer an item to the agenda of the next ordinary meeting, or to the Cabinet, Cabinet Member, Scrutiny or a City Council Committee;

(e) to combine debates on items on the agenda;

(f) to withdraw an item from the agenda;

(g) to suspend particular Council Procedure Rules;

(h) not to hear, on the Motion of the Lord Mayor, a Councillor further or to require a Councillor to leave a meeting;

(i) to record the Council's appreciation or condolence;

(j) to receive a petition;

(k) to refer a matter raised by a petition or question to the Cabinet, Cabinet Member, Scrutiny, City Council Committee or to an external body;

(l) to obtain the agreement of the meeting in any case where a particular Council Procedure Rule requires it;

(m) to appoint Councillors or other persons to an external body;

(n) to proceed to the next business;

(o) that the questions now be put;

(p) to adjourn a debate; (see also Rules 15.9 to 15.11)

(q) to adjourn a meeting;

(r) to exclude the press and public in accordance with the Access to Information Rules

11. Petitions

11.1. Petitions will be presented as provided for in the Petitions Procedure Rules (Part 3I).

12. Statement by The Leader of The Council or a Nominated Speaker

12.1. The Leader of the Council, or a Councillor nominated by the Leader, will be entitled to make a Statement on an issue or matter of significant importance to the City. The Statement will last no more than 10 minutes.

12.2. Where there is to be a Statement by the Leader, the Leaders of the other Political Groups will be notified of the subject matter at the earliest opportunity.

12.3. A Councillor from each of the other Political Groups represented on the Council will be entitled to respond to the Statement. The response will last no more than 10 minutes.

12.4. The Leader of the Council or the nominated Councillor will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

13. Statement by Cabinet Members or Deputy Cabinet Members

13.1. A Cabinet Member or Deputy Cabinet Member will be entitled to make a Statement on an issue or matter within their portfolio and which is of significant importance to the City. The Statement will last no more than 10 minutes.

13.2. Where there is to be a Statement by a Cabinet Member or Deputy Cabinet Member, the Leaders of the other Political Groups will be notified of the subject matter at the earliest opportunity.

13.3. A Councillor from each of the other Groups represented on the Council will be entitled to respond to the Statement. The response will last no more than 10 minutes.

13.4. The Cabinet Member or Deputy Cabinet Member will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

14. Recommendations Submitted to the City Council

14.1. Recommendations submitted to the City Council will be reproduced and a copy will be issued to each Councillor prior to or with the summons for the meeting of the City Council at which they are to be submitted. In case of urgency, such recommendations may be issued during the interval between the summons and the meeting, provided that due notice of the business is included in the summons.

14.2. Recommendations submitted to the City Council will include all matters which are listed in Part 2 as being functions of the Council.

14.3. In case of doubt whether a delegated matter ought, under this Standing Order, to be dealt with in any particular manner, the Monitoring Officer will have the power to decide the point and their decision will be final.

14.4. The Monitoring Officer will reproduce the recommendations submitted to the City Council for consideration in such order as will appear to the Monitoring Officer to be the most convenient for consideration by the City Council.

14.5. Upon the consideration of the recommendations before Council for consideration, the Motion for the confirmation of the recommendations will be submitted by the Cabinet Member, Chair, Deputy Chair, or other Councillor having charge thereof. In doing so, the Member may, with the consent of the City Council (signified without discussion), withdraw from consideration a specified item of business or move the confirmation of recommendations with a specified alteration. On the consideration of the Motion, it will be competent for any Councillor to call the attention of the City Council to, and fully discuss, any subject matter referred in the recommendations which remain before the City Council, having regard to any earlier withdrawal or amendment.

14.6. The rules of debate in Rules 15.1 to 15.20 will apply to recommendations.

15. Rules of Debate

15.1. A diagram detailing the Process for Debates is appended as Annex 1 to this section.

15.2. A Motion or amendment will not be discussed unless it has been proposed and seconded, and it will, unless the Lord Mayor dispenses with this requirement, be produced in writing and handed in to the

Monitoring Officer before it is further discussed or put to the meeting. A copy of any amendment(s) will be circulated to all members at the meeting when the amendment(s) has/have been moved and seconded. Every amendment must be the subject of a vote unless the amendment, having been moved and seconded, is withdrawn by the proposer.

15.3. A Councillor intending to move an amendment will declare that intention, together with the wording of the amendment and the name of the Councillor then present in the meeting who has agreed to second the amendment, within three minutes of starting to speak in the debate on a Motion. Once the amendment has been moved and seconded the debate is then on the amendment. The Councillor named to second the amendment will, immediately upon being so named, indicate their agreement to this to the Lord Mayor by show of hand. The mover of the amendment may thereupon continue to speak, provided that, in total, the length of his or her speech will not exceed five minutes.

15.4. If the mover of an amendment does not, for whatever reason, name their seconder as prescribed in Rule 15.3 or, if the named seconder fails to indicate agreement by show of hand, the mover of the amendment will speak for no more than three minutes and will then sit. The Lord Mayor will then call for a seconder of the amendment. If any Councillor present seconds the amendment, the mover of the amendment will have the right to resume their speech for a further period not exceeding two minutes. If no Councillor present seconds the amendment, the mover of the amendment will not speak further upon the amendment.

15.5. The mover of an original Motion will have the right of reply at the close of a debate upon the recommendation immediately before either it is put to the vote or before a Motion is put that:-

- "the question now be put"
- "the debate be now adjourned", or
- "that the Council so now proceed to the next business"

15.6. If an amendment is proposed:-

(a) the mover of the original Motion will be entitled to speak on any amendment to the Motion immediately before the reply and;

(b) the mover of the amendment will have the right of reply at the close of the debate on the amendment immediately before it is either put to the vote or before a Motion is put that:-

- "the question now be put"

- "the debate be now adjourned" or

- "that the Council so now proceed to the next business"

15.7. A Councillor, when seconding a Motion or an amendment, may reserve their right to speak until later in the debate provided that the Councillor clearly signifies their intention to do so.

15.8. A Councillor may speak once in relation to any Motion; and once more in relation to any amendment to that Motion; and once more in relation to each and every further amendment in any debate. This is in addition to any right of reply on a point of order or by way of personal explanation. All contributions to any debate must refer directly to the Motion or the amendment before the Council.

15.9. A Councillor, who has not participated in the debate then before the City Council, may, at the conclusion of a speech of another Councillor, move without comment "that the question be now put". On the seconding of that Motion the Lord Mayor (if in his or her opinion the question has been sufficiently discussed) will put this Motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in Rule 15.6 above and the right of reply in Rule 15.5 above.

15.10. A Councillor may move:-

(a) "that the Council do now adjourn"

(b) "that the Council do now proceed to the next business", or

(c) "that the debate be now adjourned"

15.11. The Councillor moving such a Motion will give reasons for the Motion in a speech not exceeding 2 minutes. The Motion must be seconded without speech.

15.12. On the seconding of that Motion, if it is the Lord Mayor's opinion that the question has been sufficiently discussed) will put this Motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in Rule 15.6 above and the right of reply in Rule 15.5 above.

15.13. A second Motion "that the Council do now adjourn", "that the Council do now proceed to the next business" or "that the debate be now adjourned" will not be made within a period of 15 minutes unless it is moved by the Lord Mayor or unless some business or subject of debate is before the City Council when the second Motion is moved which was not before the City Council when the first Motion was moved.

15.14. On the resumption of an adjourned debate, the Councillor who moved the adjournment will be entitled to speak first.

15.15. A Councillor, when speaking must stand and address the meeting through the Lord Mayor unless the Councillor has physical difficulties in doing so, in which case they will receive an automatic dispensation to address the meeting while seated. If more than one Councillor addresses the meeting, the Lord Mayor will ask one to speak and the others will sit. Other Councillors must remain seated whilst a Councillor speaks, unless they wish to make a point of order or of personal explanation (see Rules 15.19 and 15.20).

15.16. Except as provided for in Rule 15.14 above, a Councillor moving a Motion or amendment may speak for not more than 5 minutes and other speeches will last no more than 3 minutes.

15.17. The time limits referred to Rule 15.13 above will not apply to:-

(a) Business at Annual Meetings of the City Council.

(b) The proposer of a recommendation to the City Council in respect of the level of Council Tax/Council Budget to be levied each year and the Leader (or nominee) of each Political Group (or their nominated speaker) on the Council budget in respect of that recommendation.

15.18. Every amendment must relate to the Motion on which it is moved and may:

(a) refer a matter back to the Body concerned;

(b) leave out words;

(c) add or insert words; or

(d) leave out words and add or insert words

15.19. But such omissions, insertions or additions of words will not have the effect of negating the Motion before the City Council.

15.20. If an amendment is rejected, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended will become the Substantive Motion and be the Motion upon which any further amendment may be moved.

15.21. A further amendment will not be moved until the City Council has disposed of every amendment previously moved. When an amendment is proposed, the Proposer of the original or amended Motion may decide to accept that amendment. Should the Proposer

accept the amendment, then the wording contained in the amendment will be incorporated into the original or amended Motion and will be treated as part of the Motion then under debate. Where an amendment is accepted, the right of reply of the Mover of the amendment set out in Rule 15.5 will not apply.

15.22. **Council Tax/Budget Debate Process**

(a) The proposer of the recommendation will move the budget. This speech will not be time limited.

(b) This will be seconded and the seconder will speak or reserve the right to speak.

(c) The Leader of the Main Opposition Group (or nominated speaker) will move any amendment to the recommendation. This speech will not be time limited.

(d) The Deputy Leader of the Main Opposition Group (or nominated speaker) will second the amendment and speak or reserve the right to speak.

(e) The debate on the amendment will take place; the vote on the amendment will take place and the amendment will be carried or lost. If carried, this would become the substantive Motion.

(f) The Leader of the largest of the minority Groups (or nominated speaker) will move any amendment to the Motion. This speech will not be time limited.

(g) A representative of that Group will second the amendment and speak or reserve the right to speak.

(h) As (e) above.

(i) The Leader (or nominated speaker) of any of the remaining minority Groups will move any amendment (in the order in which they are seen by the Lord Mayor). These speeches will not be time limited. Representatives of those Groups will second the amendment and speak or reserve the right to speak. This will apply to any remaining minority Groups.

(j) As (e) above.

(k) Any further amendments will be moved in the order in which the proposer is seen by the Lord Mayor.

(l) When there are no more amendments, the debate on the substantive Motion takes place and the vote is taken.

15.23. Notes:

- In accordance with the Council Procedure Rules, the mover of the original Motion (or substantive Motions if the original Motion is amended) is entitled to speak on any amendment immediately before the reply by the mover of the amendment.

- Should adjournments be necessary during the course of the meeting, rooms will be made available.

- If the proposer of the recommendation is not the Leader of the Council, then the Leader of the Council will be given one opportunity for a speech that is not time limited.

- Procedure Rule 18.5 shall apply to any vote taken on any Motion, amendment or substantive Motion relating to the approval of the budget or setting of council tax.

- No Motions on Notice will be allowed at the Council Tax/Budget setting meeting.

15.24. **Point of Order**

(a) A point of order is a request by a Councillor to the Lord Mayor to rule on an alleged irregularity in the constitutional conduct of the meeting.

(b) The Councillor will make the point immediately they notice it and state the Procedural Rule in question, and how it is broken. Immediately after the point of order has been raised, the Councillor will then await the ruling of the Lord Mayor and resume their seat.

(c) The Lord Mayor will decide the issue raised in the point of order and announce their ruling before the debate continues. There will be no discussion on that ruling.

15.25. **Point of Personal Explanation**

(a) A Councillor may find that a statement they have made is misquoted by a later speaker, or that another Councillor has misunderstood or misquoted what was said.

(b) If this happens, the Councillor may raise a point of personal explanation and, with the permission of the Lord Mayor, interrupt the speaker to correct the misunderstanding.

16. Councillors' Interests

16.1. Councillors' obligations in relation to the declaration of interests are set out in more detail in Part 4 of the Constitution.

17. Six Month Rule

17.1. No Councillor may move a Motion or amendment to rescind a decision made at a meeting of the full City Council within the previous six months.

17.2. No Councillor may move a Motion or amendment in similar terms to one which has been rejected at a meeting of the City Council in the previous six months.

17.3. Rule 17.2 does not apply to a Motion to remove the Leader from the role of Leader.

18. Voting

18.1. The vote on every question will be taken by the voice, except whereby law or in these Rules it is otherwise provided, but if the Lord Mayor is unable to decide upon the voices or if any two Councillors challenge their decision thereon, the vote will be taken by a show of hands. Councillors are required to be seated in their allocated position when the vote is taken.

18.2. If, before the Lord Mayor finally declares the result of the vote (whether taken by the voice or by show of hands), any 2 Councillors require a recorded vote, this will supersede any vote taken under 18.1 above.

18.3. A recorded vote will be taken immediately afterwards and recorded in the minutes. A Councillors vote will only be recorded if the Councillor personally answers "For", "Against" or "Abstain" immediately after their name is called by the Monitoring Officer.

18.4. Where any Councillor 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.

18.5. A recorded vote will be required at a meeting of the Council on Motions, amendments or substantive Motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Councillor who cast a vote for the Motion/amendment or against the Motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 23.

18.6. In the case of an equal number of votes, the Lord Mayor will have a casting vote in addition to their vote as a Councillor.

NB. As a matter of convention, at full Council meetings only where there are an equal number of votes, the Lord Mayor will cast their casting vote in favour of the largest Political Group represented on the Council.

18.7. 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.

19. Minutes

19.1. The minutes of every meeting of the City Council will be reproduced and a copy sent before the next subsequent meeting to each Councillor. At such subsequent meeting, the Lord Mayor will call for a Motion that the minutes of the previous meeting be signed as a correct record. Once such Motion is approved, the minutes will be signed by the Lord Mayor. The only part of the minutes that can be discussed is their accuracy.

19.2. 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.

20. Exclusion of Public

20.1. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 3 of this Constitution or paragraph 22.

21. Councillors' Conduct

21.1. When and if the Lord Mayor stands during a debate, any Councillor speaking at the time will sit down. All Councillors must be silent.

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

21.3. If the Councillor continues to behave improperly after such a Motion is carried, the Lord Mayor may move that either the Councillor leaves

the meeting or that the meeting is adjourned for a specified period. If seconded, the Motion will be voted on without discussion.

21.4. In the event of general disturbance which, in the opinion of the Lord Mayor renders the due and orderly despatch of business of the meeting impossible, the Lord Mayor (in addition to any other power invested in the Lord Mayor) may, without question, adjourn the meeting for such period as they in their discretion consider expedient.

21.5. In accordance with Rule 7.5, if Members are required to leave the meeting under Rule 21.3 their leaving the meeting will affect the quorum.

21.6. Electronic devices may be switched on during the public part of meetings of the City Council.

22. Disturbance by The Public

22.1. If a member of the public disrupts the proceedings at any meeting, the Lord Mayor will issue a warning. If the member of the public continues the interruption, the Lord Mayor will order the removal of the member of the public from the Council Chamber. In the case of general disturbance in any part of the Council Chamber open to the public, the Lord Mayor will order that part to be cleared.

23. Suspension And Amendment of Council Procedure Rules

23.1. Suspension

23.2. All these Council Rules of Procedure except Rules 18.5, 18.6 and 23.1 may be suspended by Motion on notice or without notice. Suspension can only be for the duration of the meeting.

23.3. Amendment

23.4. Any Motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

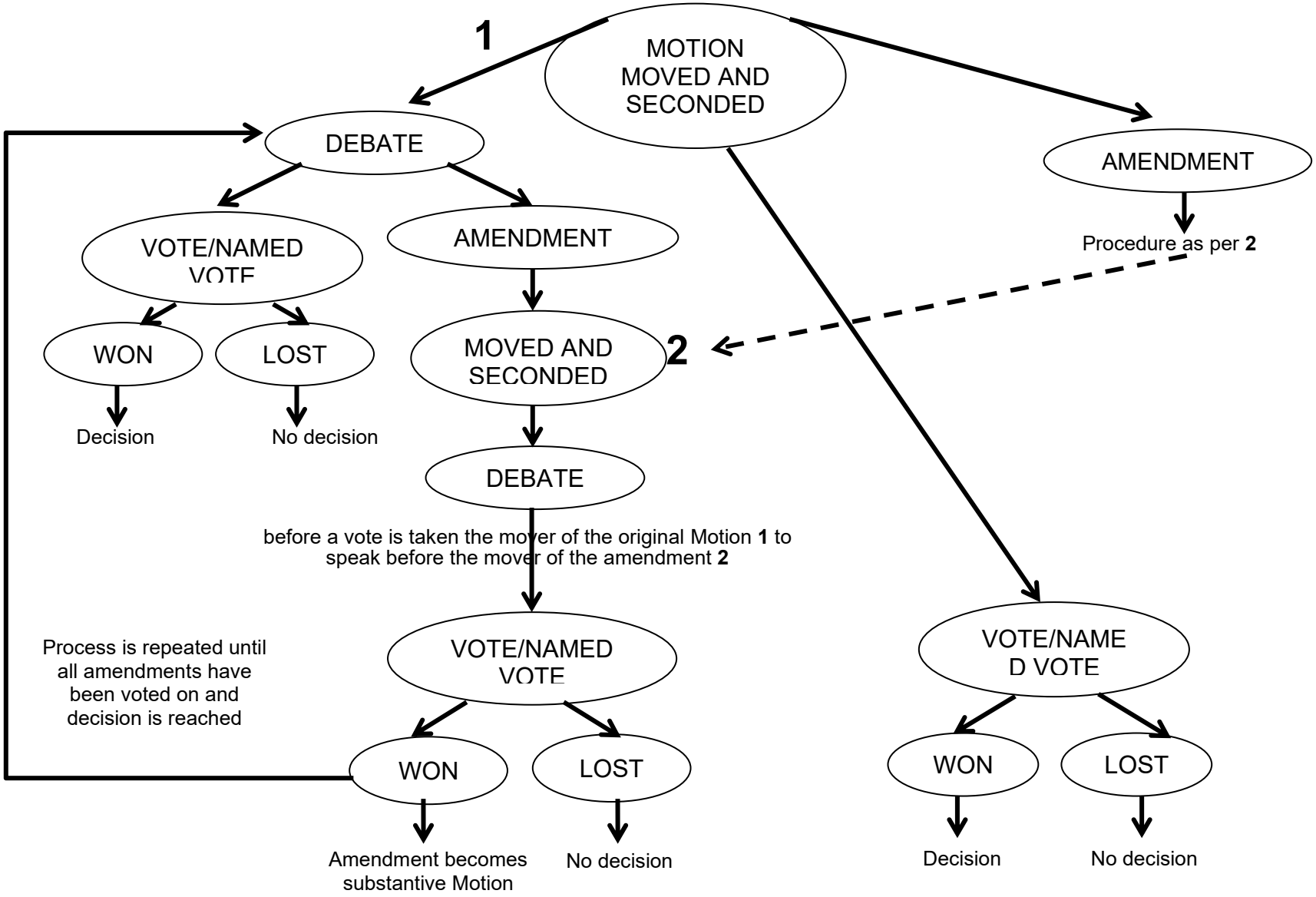
24. Application of Council Procedure Rules to Other Bodies

24.1. These rules, where they can be appropriately applied, apply to all formal meetings of bodies of the Council. These rules will not apply where the specific rules of procedure relating to any such body already make provision for the activity to be undertaken and/or procedure to be followed at meetings of that body.

25. Common Seal of The Council

25.1. 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 Monitoring Officer should be sealed. The Common Seal will be attested by the signature (including the facsimile of the signature by whatever process reproduced) of the Monitoring Officer or some other person authorised to do so. A record of the attestation will be kept in a book to be provided for that purpose of every deed and other documents which the common seal has been affixed.


1
MOTION MOVED AND SECONDED
DEBATE
AMENDMENT
Procedure as per 2
VOTE/NAMED VOTE
AMENDMENT
WON
LOST
MOVED AND SECONDED
2
Decision
No decision
DEBATE
before a vote is taken the mover of the original Motion 1 to speak before the mover of the amendment 2
Process is repeated until all amendments have been voted on and decision is reached
VOTE/NAMED VOTE
VOTE/NAMED VOTE
WON
LOST
WON
LOST
Amendment becomes substantive Motion
No decision
Decision
No decision

PROTOCOL FOR CONFERRING THE TITLE OF HONORARY ALDERMAN OR ALDERWOMAN

1. Procedure

(a) The title of Honorary Alderman/woman will only be conferred and entered into the Roll of Aldermen/women in accordance with the Council's agreed Protocol.

(b) Any name put forward must be proposed in writing by a serving Member of the Council and seconded in writing by at least one other serving Member of the Council. Nominations must be submitted to both the Chief Executive and the Lord Mayor.

(c) Nominations will be considered and the title of Honorary Alderman or Alderwoman will be conferred at a specially convened meeting of the Council. The title will be conferred by a resolution passed by not less than two thirds of Councillors present and voting.

(d) Nominations may, in addition to this, be considered at a prior ordinary Council meeting, and the nomination approved in principle by a resolution comprising a majority vote. If nominations are considered at an ordinary meeting, it is proposed that the specially convened meeting may be held immediately after this ordinary meeting or at a future meeting, subject to the appropriate notice of the special meeting having been given.

2. Qualifications Required for Enrolment

(a) The Council may, in accordance with Section 249 of the Local Government Act 1972, and the provisions of this protocol, confer the title of "Honorary Alderman" or "Honorary Alderwoman".

(b) An Honorary Alderman/Alderwoman shall enjoy only those rights or privileges conferred by Section 249 of the Act and this protocol.

(c) The Monitoring Officer shall keep a roll to be called "The Roll of Honorary Aldermen/Alderwomen" of those who have had this title conferred on them

(d) A person shall be deemed eligible to be enrolled as an Honorary Alderman/Alderwoman provided that the person meets the following requirements:

- Is not a serving Member of the Council

- Has served as a Member of the Council for at least 15 years in total (continuously or non-continuously)

- Has given eminent service to the Council during that period.

3. Method of Enrolment

(a) No person who has the above qualifications shall be enrolled automatically as an Honorary Alderman/Alderwoman but only in accordance with the procedure set out above.

(b) Formal conferring of the title of Honorary Alderman/Alderwoman shall be by a resolution of the Council passed by not less than two thirds of the Councillors present and voting thereon at a meeting of the Council specially convened for the purpose with notice of the object.

4. Withdrawal of Title

The Council may withdraw the title of Honorary Alderman/Alderwoman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal Motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefore) and subsequent resolution of the Council passed by not less than two thirds of the Councillors present and voting thereon at the meeting of the Council.

5. Privileges

An Honorary Aldermen shall be entitled to the following rights and privileges:

(a) To enjoy the courtesy title of Honorary Alderman or Alderwoman and to be so addressed.

(b) To provide a badge or emblem to Honorary Aldermen/Alderwomen, and to wear such badge or emblem on civic occasions.

(c) To receive a copy of each Council summons.

(d) To receive a framed certificate to commemorate their appointment.

(e) To enter their name into the "Roll of Honorary Aldermen/Alderwomen".

(f) To receive invitations to civic and social events to which Members of the Council are invited as determined by the Lord

Mayor.

(g) To walk in civic procession in a position immediately behind serving Councillors.

(h) To enjoy such other privileges as the Council may confer upon them from time to time.

PART 3B: ACCESS TO INFORMATION PROCEDURE RULES

1. Scope

1.1. These rules apply to all meetings of the Council, Scrutiny Boards, and Committees. They also apply, where indicated, to meetings of the Cabinet or executive decisions made by any Cabinet Member or officer.

1.2. In these Rules, where any rule applies to Cabinet, it shall also apply to:

(a) any committee of Cabinet;

(b) a joint committee where all the members of the joint committee are members of a local authority executive and which is authorised to discharge a function to which an executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012;

(a) a subcommittee of a joint committee where all the members are members of a local authority executive and which is authorised to discharge a function to which an executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012; and

(b) an area committee of the Cabinet within the meaning of Section 9E of the Local Government Act 2000."

2. Additional Rights to Information

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

3. Rights to Attend Meetings

3.1. Members of the public may attend all meetings subject only to any exceptions in this Constitution.

4. Notice of Meetings and Adjourned and Reconvened Meetings

4.1. The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council House, Earl Street, Coventry ("the designated office") and including the details on the Council's website or, where a meeting is convened at shorter notice, at the time that the meeting is convened.

4.2. When a meeting is adjourned and reconvened, there must be at least 5 working days' notice of the date of that reconvened meeting.

5. Access to Agenda and Reports before the Meeting

5.1. The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Monitoring Officer will make each such report available to the public as soon as the report is made available to Councillors. Where a meeting is convened at shorter notice than that set out in Rule 4, copies of the agenda and reports open to the public will be made available for public inspection when the meeting is convened. At each of these stages the relevant documentation will be included on the Council's website.

6. Supply of Copies

6.1. The Council will supply copies of:

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

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) If the Monitoring 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, copying or other necessary charge for transmission. This information will also be made available on the Council's website.

7. Access to Minutes and Other Documents after the Meeting

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

(a) the minutes of the meetings or records of decisions taken, together with reasons, for all meetings of the Cabinet or executive decisions made by any Cabinet Member or employee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.

(b) 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.

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

8. Background Papers

8.1. List of Background Papers

8.2. When a copy of the whole or part of a report for a meeting is made available for public inspection in accordance with Rule 5, the proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

(b) which have been relied on to a material extent in preparing the report

8.3. but does not include published works

8.4. Public Inspection of Background Papers

8.5. 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 except where in the opinion of the proper officer to do so would be likely to disclose confidential or exempt information or the advice of a political adviser or assistant.

9. Summary of the Public's Rights

9.1. A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council House, Earl Street, Coventry.

9.2. As the Constitution is available to the public and located on the Council's website, these Rules constitute that written summary.

10. Exclusion of Access by the Public to Meetings

10.1. Confidential Information – Requirement to Exclude the Public

10.1.1. 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 to them in breach of the obligation of confidence.

10.2. **Exempt Information – Discretion to Exclude the Public**

10.2.1. 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 to them.

10.2.2. 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 necessary for one of the reasons specified in Article 6 of the Human Rights Act.

10.3. **Meaning of Confidential Information**

10.3.1. Confidential information means information provided to the Council by a Government Department on terms (however expressed) which forbid the disclosure of the information to the public or information the disclosure of which to the public is prohibited by or under any enactment or by order of the court.

10.4. **Meaning of Exempt Information**

10.4.1. Exempt information means information falling within the following categories (subject to any condition):

Description of exempt information	Qualification	Notes
	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.	Applies to all categories of otherwise exempt information.
1. Information relating to any individual.	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 – see note on public interest at end of table.	Names, addresses or telephone numbers can identify individuals. Also consider the Council's Data Protection Act responsibilities.

2. Information which is likely to reveal the identity of an individual.	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 – see note on public interest at end of table.	Names, addresses or telephone numbers can identify individuals. Also consider the Council's Data Protection Act responsibilities.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	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 – see note on public interest at end of table. Information falling within paragraph 3 is not exempt information by virtue of that 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 Acts 1965 to 2002 (e) the Building Societies Act 1986 (f) the Charities Act 1993	The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined (etc). Financial or business affairs includes contemplated, as well as past or current activities. Registered in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).
4. Information relating to any consultations	Exempt information if and so long, as in all the circumstances of the case, the public interest in	The authority is a reference to the principal council or, as the case

or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc). Employee means a person employed under a contract of service. Labour relations matter means:- (a) any of the matters specified in paragraphs (a) to (g) of section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or (b) any dispute about a matter falling within paragraph (a) above. (applies to trade disputes relating to office holders as well as employees). Office holder in relation to the authority, means the holder of any paid office appointments which are or may be made or confirmed by the

		authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	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 – see note on public interest at end of table.	Privilege lies with the "client" which broadly is the Council. Seek the view of the relevant Chief Officer whether they wish to waive privilege.
6. Information which reveals that the authority proposes:- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	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 – see note on public interest at end of table.	The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc).
7. Information relating to any action taken in connection with the prevention, investigation or	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 – see note on public interest at end of table.	

prosecution of crime.		

NOTE:

10.5. **Public Interest**

10.5.1. In each case before information can be exempt the Council must be satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The changes bring the exemptions and access to information into line with those exemptions available under the Freedom of Information Act 2000.

10.5.2. There is no legal definition of what the public interest test is but the following identifies some of the relevant considerations.

- The public interest in disclosure is particularly strong where the information in question would assist public understanding of an issue that is subject to current national debate.
- The issue has generated public or parliamentary debate.
- Proper debate cannot take place without wide availability of all the relevant information.
- The issue affects a wide range of individuals or companies.
- The public interest in a local interest group having sufficient information to represent effectively local interests on an issue.
- Facts and analysis behind major policy decisions.
- Knowing reasons for decisions.
- Accountability for proceeds of sale of assets in public ownership.
- Openness and accountability for tender processes and prices.
- Public interest in public bodies obtaining value for money.
- Public health.

- Contingency plans in an emergency.
- Damage to the environment.

11. Exclusion of Access by the Public to Reports

11.1. If the Monitoring Officer thinks fit, the Council may exclude access by the public to the whole or any part of a report which in his or her opinion relates to items during which, in accordance with Rule 10, 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. To allow the public access to all public information contained in reports, all private reports must be accompanied by a corresponding public report, unless there are extreme exceptional circumstances.

12. Application of Rules to the Cabinet and Cabinet Members and Employees

12.1. Rules 12 to 21.1 apply to the Cabinet and, where indicated, to executive decisions taken by individual Cabinet Members and employees. If the Cabinet meets to take a key decision, then Rules 1 to 11 must also be complied with unless Rule 15 (general exception) or Rule 16 (special urgency) apply.

12.2. A key decision is as defined in Part 2A of this Constitution as one which is likely to:-

(a) result in the City Council incurring expenditure, making savings, or receiving income which is/are significant having regard to the Council's budget for the service or function to which the decision relates; or

(b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the City;

12.3. By the term "significant" the Council means a decision which:-

(a) results in expenditure, savings, income, additional funding or virement of over per £1 million per annum being incurred or achieved and which additionally, in the case of a capital scheme, has not been identified in the "Approved Programme" within the Capital Programme; or

(b) results in an outcome which will have a marked effect on communities living or working in an area comprising 2 or more wards.

12.4. Any decision to implement or take forward an earlier key decision will be deemed not to be a key decision.

12.5. This requirement does not include meetings held solely to brief Councillors.

13. Procedure before Taking Key Decisions

13.1. Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

(a) a document containing information as set out in Rule 14 has been published in connection with the matter in question and made available for inspection by the public both at the Council offices and on the Council's website; and

(b) at least 28 clear days have elapsed since the publication of the document.

14. Contents of the Key Decision Document

14.1. The document referred to in Rule 13 will contain the following information:

(a) that a key decision is to be made on behalf of the Council;

(b) the matter in respect of which the decision is to be made;

(c) where the decision maker is a Cabinet Member or employee, that person's name and title and where the decision maker is the Cabinet or a Cabinet Committee, its name and a list of its members.

(d) the date on which, or the period within which, the decision is to be made.

(e) a list of documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made.

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from any document listed is available.

(g) that other documents relevant to those matters may be submitted to the decision maker; and

(h) the procedure for requesting details of those documents (if any) as they become available.

14.2. Where, in relation to any matter—

(a) the public may be excluded from the Cabinet meeting at which the matter is to be discussed; or

(b) documents relating to a decision taken by a Cabinet Member or employee need not be disclosed to the public

the document referred to in Rule 13 will include particulars of the matter but may not contain any confidential information or exempt information, or particulars of the advice of a political adviser or assistant.

15. General Exception for Key Decisions

15.1. Where it is impracticable to include a matter which is likely to be a key decision in the document referred to in Rule 13, then subject to Rule 16 (special urgency), the decision may still be taken if:

(a) the Monitoring Officer has informed the Chair of the relevant Scrutiny Board by notice in writing of the matter to which the decision is to be made, or, if there is no such person, each member of the relevant Scrutiny Board

(b) the Monitoring Officer has made a copy of that notice available to the public at the offices of the Council and published it on the Council's website; and

(c) at least 5 clear working days have elapsed following the day on which the the Monitoring Officer complied with (b) and (c).

15.2. As soon as reasonably practicable after the Monitoring Officer has complied with Rule 15.1, he or she must make available at the offices of the Council and publish on the Council's website a notice setting out the reasons why compliance with Rule 13 is impracticable.

15.3. Where such a decision is taken by the Cabinet collectively, it must be taken in public.

16. Special Urgency for Key Decisions

16.1. If by virtue of the date by which a decision must be taken, Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision maker has obtained the agreement of the Chair of the relevant Scrutiny Board that the making of the decision is urgent and cannot reasonably be deferred.

16.2. Where there is no Chair of the relevant Scrutiny Board or the Chair cannot act, the agreement of the Lord Mayor must be obtained. Where there is no Chair of the Scrutiny Board or Lord Mayor, the

agreement of the Deputy Lord Mayor must be obtained.

16.3. As soon as reasonably practicable after the decision maker has obtained agreement under this Rule that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must make available at the offices of the Council and publish on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

17. Reports to Council

17.1. When a Scrutiny Board can require a report

17.1.1. If a Scrutiny Board thinks that a key decision has been taken which was not:

(a) included in the document referred to in Rule 13; or

(b) the subject of the general exception procedure under Rule 15; or

(c) the subject of the special urgency procedure under Rule 16;

17.1.2. The Board may require the Cabinet to submit a report to the Council within such reasonable time as the Board specifies. The power to require a report rests with the Board, but is also delegated to the Chief Executive, who will require such a report on behalf of any Scrutiny Board when so requested by the Chair or any 5 members of that Scrutiny Board. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Board.

17.2. Cabinet Report to Council

17.2.1. The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Scrutiny Board, then the report may be submitted to the next meeting after that. The report to Council will set out particulars of the decision, the individual or body taking the decision, and if the Cabinet is of the opinion that it was not a key decision, the reasons for that opinion.

17.3. Reports on Special Urgency Decisions on Key Decisions

17.3.1. The Leader will submit to the Council annually at the first ordinary meeting of the Council in each municipal year, a report on any key decisions taken in the circumstances set out in Rule 16 (special urgency) in the period since the last report was submitted. The report will include particulars of each decision so taken and a summary of the matters in respect of which those decisions were taken.

17.4. **Procedures Prior to Private Meetings of Cabinet**

17.4.1. Where the Cabinet intends to hold all or any part of a meeting in private, it will make available for public inspection at the Council offices a notice of its intention to hold the meeting in private at least 28 clear days before the date of the meeting. The notice will also be published on the Council's website and will include a statement of the reasons for the meeting to be held in private.

17.4.2. At least 5 clear days before a private meeting, the Cabinet will make available for public inspection at the Council offices a further notice of its intention to hold the meeting in private. The notice will also be published on the Council's website and will include:

(a) a statement of the reasons for the meeting to be held in private;

(b) details of any representations received as to why the meeting should be open to the public; and

(c) a statement of its response to any such representations.

17.4.3. Where the date by which a meeting must be held makes compliance with Rules 18.1 or 18.2 impracticable, the meeting will only be held in private if the Chair of the relevant Scrutiny Board agrees that the meeting is urgent and cannot reasonably be deferred. Where there is no Chair of the relevant Scrutiny Board or he or she is unable to act, the agreement of the Lord Mayor will be sought and where there is no Lord Mayor, the agreement of the Deputy Lord Mayor will be sought.

17.4.4. As soon as reasonably practicable after agreement has been obtained under Rule 18.3 to hold a private meeting, the Cabinet will make available for public inspection at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred. The notice will also be published on the Council's website.

17.4.5. Members of the Cabinet will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

18. Record of Decisions

18.1. After any formal meeting of the Cabinet, the Monitoring Officer or, where no employee was present, the person presiding at the meeting, will produce a record or minute of every decision taken at that meetings as soon as reasonably practicable.
The record will include -

(a) a record of the decision and the date it was made.

(b) a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

(c) a record of any conflict of interest relating to the matter decided which is declared by any member and a note of any dispensation granted in respect of that conflict of interest by the head of paid service.

18.2. The provisions of Rules 7 and 8 (access to documents and background papers after meetings) will also apply to the making of decisions by an individual Cabinet Member. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

18.3. As soon as reasonably practicable after an individual Cabinet Member or an employee has made an executive decision, the Cabinet Member will produce or will instruct the City Solicitor to produce, and the employee will produce a written statement of that decision. The statement will include—

(a) a record of the decision and the date it was made.

(b) a statement of the reasons for each decision and any alternative options considered and rejected by the Cabinet Member or employee when making the decision.

(c) a record of any conflict of interest relating to the matter decided which is declared by any member who is consulted by the Cabinet Members or employee and a note of any dispensation granted in respect of that conflict of interest by the head of paid service.

19. Additional Rights of Access to Documents for Members of Overview and Scrutiny Boards and Scrutiny Co-ordination Committee

19.1. **Rights to Copies**

19.1.1. Subject to Rule 19.3 below, a member of a Scrutiny Board (including a member of any Sub-group) or of Scrutiny and Co-ordination Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or Cabinet Member and which contains material relating to:

(a) any business that has been transacted at a meeting of the Cabinet; or

(b) any decision that has been taken by an individual Cabinet Member in accordance with executive arrangements;

(c) any decision that has been taken by an employee in accordance with executive arrangements.

19.2. Any documents requested must be provided as soon as is practicable and, in any case, no later than 10 clear days after receipt of the request.

19.3. **Limit of Rights**

19.3.1. A member of a Scrutiny Board will not:

(a) have an automatic right to any document that is in draft form;

(b) be entitled to any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or to any review contained in any programme of work of such a Board or Sub- Group; or

(c) be entitled to a copy of a document or part of a document containing the advice of a political adviser or assistant (if any).

20. Additional Rights of Access for Members

20.1. Material Relating to Business to be Transacted

20.1.1. All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or Cabinet Member and contains material relating to any business to be transacted at a public meeting unless (a) (b) or (c) below applies:

(a) it appears to the Proper Officer that it discloses exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or

(b) it appears to the Proper Officer that it discloses exempt information falling within paragraph 3 of the categories of exempt information but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or

(c) it appears to the Proper Officer that it contains the advice of a political adviser or assistant.

20.1.2. Any document which is required by Rule 21.1 to be available for inspection by a member will be available for inspection for at least 5 clear days before the meeting except that—

(a) where the meeting is convened at shorter notice, the document will be available for inspection when the meeting is convened; and

(b) where an item is added to the agenda at shorter notice, the document will be available for inspection when the item is added to the agenda.

20.2. **Material Relating to Previous Business**

20.2.1. Subject to Rule 20, all members will be entitled to inspect any document which is in the possession or control of the Cabinet and contains material relating to —

(a) any business transacted at a private meeting;

(b) any decision made by an individual Cabinet Member under executive arrangements; or

(c) any decision made by an Officer under executive arrangements.

20.2.2. Councillors shall not be entitled to inspect documents referred to in Rule 20.1.1 where—

(a) it appears to the proper officer that it discloses exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or

(b) it appears to the proper officer that it discloses exempt information falling within paragraph 3 of the categories of exempt information but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract;

(c) it appears to the proper officer that it contains the advice of a political adviser or assistant.

20.2.3. Where Councillors are entitled to inspect any document in accordance with Rule 20.2.1, the document will be available for inspection:

(a) when the meeting concludes; or

(b) where an executive decision is made by an individual Cabinet Member or employee, immediately after the decision has been made; and

(c) in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

21. Nature of Rights

21.1. These rights of a Councillor are additional to any other right they may have.

PART 3C: BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Framework for Executive Decisions

1.1. The full Council will be responsible for the adoption of the Budget & Policy Framework as set out in Part 2A, Section 3. Once the Framework is in place it will be the responsibility of the Cabinet to implement it.

2. Process for Developing the Framework

2.1. The Cabinet will publicise by including in the Key Decision Document referred to in Part 3B, Rule 13, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget & Policy Framework, and its arrangement for consultation after publication of these initial proposals. The consultation period shall in each instance be no less than 8 weeks. A copy of the Key Decision Document will also be sent to the Chairs of the Scrutiny Boards so that they are aware that proposals are to be made.

2.2. At the end of the consultation period, Cabinet will then draw up firm proposals having regard to the responses it has received to the consultation. If a Scrutiny Board wishes to respond to the Cabinet in that consultation process, then it may do so. As the Scrutiny Boards have responsibility for fixing their own work programme, it is open to the Scrutiny Board to investigate research or report in detail the policy recommendations before the end of the consultation period. The Cabinet will consider responses from the Scrutiny Boards and take those into account in drawing up firm proposals for submission to the Council and the Cabinet report to Council will reflect the comments made by consultees and the Cabinet's response.

2.3. Once the Cabinet has approved the final proposals the Director of Finance and Resources as Section 151 Officer will refer them at the earliest opportunity to the full Council for decision.

2.4. In reaching a decision the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration or, in principle, substitute its own proposals in their place.

2.5. If it accepts the recommendations of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise it may only make an "in principle" decision. In either case the decision would be made on the basis of a simple majority of votes cast at the meeting. Council Procedure Rule 18.5 in Part 3A of this Constitution will apply to the recording of votes taken relating to the approval of the budget or setting the council tax.

2.6. A copy of the Council decision shall be given to the Leader.

2.7. An "in principle" decision will automatically become effective 7 days from the date of the Council decision unless the Leader informs the Monitoring Officer writing within 5 days of the decision that she/he objects to the decision becoming effective and provides reasons why.

3. Conflict Resolution Mechanism

3.1. Where the Leader has objected, on behalf of the Cabinet, to an in-principle decision of the Council, under Rule 2.7 above, the City Solicitor will within 7 days call a meeting of the full Council. This meeting should take place as soon as possible after the expiry of the 7-day period and, in any event, within 28 days of the original decision. At that meeting the Council will be required to reconsider its decisions together with any further information or documentation which may be submitted by the Leader. The Council may:-

(a) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or

(b) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority of votes cast at the meeting.

3.2. The decision shall then be made public and shall be implemented immediately.

4. Virements and Policy Changes

4.1. In approving the Budget & Policy Framework the Council will also specify the extent of the virement within the budget and the degree of in year changes to the Policy Framework which may be undertaken by the Cabinet in accordance with Rules 5 and 6 of these Rules and in accordance with any thresholds established by the Financial Procedure Rules. Any other changes to the Policy and Budgetary Framework are reserved to full Council.

5. Decisions outside the Budget & Policy Framework

5.1. Subject to the provisions of Rule 4 (Virements and Policy Changes) the Cabinet, Cabinet Members, and officers discharging executive functions may only make decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework or contrary to and not wholly in accordance with the budget approved by full Council then that decision may only be taken by the Council subject to Rule 6 below.

5.2. If the Cabinet, Cabinet Members, or officers discharging executive functions wish to make such a decision then they must take advice from the Monitoring Officer and/or the Director of Finance and Resources as Section 151 Officer as to whether the decision they want to make would be contrary to the Policy 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 Framework then the decision must be referred by that body or officer to full Council for decision, unless the decision is a matter of urgency, in which case the provisions of Rule 6 (Urgent Decisions outside the Budget & Policy Framework) shall apply.

6. Urgent Decisions outside the Budget & Policy Framework

6.1. The Cabinet, or a Cabinet Member or officer discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:-

(a) if it is not practicable to convene a quorate meeting of the full Council; and

(b) the Chair of the Scrutiny Co-ordination Committee, or Deputy, agrees that the decision is a matter of urgency.

6.2. The reasons why it is not practicable to convene a quorate meeting of full Council and the Chair of the Scrutiny Co-ordination Committee's, or their deputy, consent to the decision being taken as a matter of urgency, must be noted on the record of the decision. In the absence of the Chair of the Scrutiny Co-ordination Committee and their Deputy then the consent of the Lord Mayor, or in their absence, the Deputy Lord Mayor, shall be sufficient.

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

7. In Year Changes to Policy Framework

7.1. The responsibility for agreeing the Budget & Policy Framework lies with the Council and decisions by the Cabinet, Cabinet Member or officers must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:-

(a) which will result in the closure or discontinuance or reduction of a service or part of a service to meet a 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 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;

(e) where the Chair of the Scrutiny Co-ordination Committee or in his/her absence their Deputy, agrees that the proposed change is sufficiently minor in the context of the Policy concerned and is an appropriate change in the circumstances;

(f) where, when approving the Framework, the Council gave specific authority to the Cabinet to make in-year changes.

8. Call-in of Decisions outside the Budget or Policy Framework

8.1. Where a Scrutiny Board is of the opinion that an Executive decision is, or if made, would be contrary to the Policy Framework or not wholly in accordance with the Council's budget then it shall seek advice from the Monitoring Officer or Director of Finance and Resources as S151 Officer.

8.2. In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or the Director of Finance and Resources report shall be given to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Director of Finance and Resources conclude that the decision was a departure, and to the Scrutiny Board if the Monitoring Officer or the Director of Finance and Resources conclude the decision was not a departure.

8.3. If the decision has yet to be made, or has been made but not yet implemented, the advice from the appropriate officer is that the decision is, or would be, contrary to the Policy Framework or not wholly in accordance with the budget, the Scrutiny Board may refer the matter to Council. In such cases, no further action shall be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the Scrutiny Board. At the meeting it will receive the report of the decision or proposals and the advice of the officer. The Council may either:-

(a) endorse a decision or proposal of the Executive decision taker as falling within the existing Budget & Policy Framework. In this case no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

(b) amend the Council's Financial Procedure Rules, Financial Regulations or Policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save the decision of the Council be minuted and circulated to all Councillors in the normal way; or

(c) where the Council accepts the decision or proposal is contrary to the Policy Framework or not wholly in accordance with the budget and does not amend the existing Framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or Director of Finance and Resources.

PART 3D: CABINET PROCEDURE RULES

1. How Does the Cabinet Operate?

1.1. Who may make Cabinet Decisions:-

1.2. Under the arrangement for the discharge of functions set out in the executive arrangements adopted by the Council, the Leader may decide how such functions are to be exercised. They may provide for the executive functions to be discharged by:-

(a) the Cabinet as a whole

(b) an individual Member of the Cabinet

(c) an Employee

(d) joint arrangements; or

(e) another local authority

1.3. An Advisory Panel or Panels may be established to provide advice and guidance to the Cabinet or an individual Cabinet Member.

1.4. A Deputy Cabinet Member may be nominated by a Cabinet Member to attend a meeting of the Cabinet if they are not able to attend. Deputy Cabinet Members may attend and speak at meetings of the Cabinet but cannot vote and are not members of the Executive.

2. Delegation of Cabinet Functions

2.1. At its Annual Meeting the Council will receive a report from the Leader on the delegations of executive functions made by them for inclusion on the Council's scheme of delegation at Part 2 to this Constitution. The scheme of delegation will contain the following information about Cabinet functions in relation to the coming year.

(a) The names and wards of the people appointed to the Cabinet;

(b) The extent of any authority delegated to Cabinet Member individually including details of the limitation of their authority;

(c) The nature and extent of any delegation of Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and

(d) The nature and extent of any delegation to employees with details of any limitation on that delegation, and the title of the employee to whom the delegation is made.

2.2. The Leader is also able to decide whether to delegate Cabinet functions, and they may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and Council.

3. Sub-delegation of Cabinet Functions

(a) Where the Cabinet or an individual Cabinet Member is responsible for a Cabinet function, they may delegate further to joint arrangements or an employee.

(b) Unless the Council directs otherwise, the Cabinet may delegate further to an employee.

(c) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

4. Conflicts of Interest

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Elected and Co-opted Members in Part 4 of this Constitution.

(b) If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Elected and Co-opted Members in Part 4 of this Constitution.

(c) If the exercise of a Cabinet function has been delegated to an individual Cabinet Member or an employee and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Elected and Co-opted Members in Part 4 of this Constitution.

5. Cabinet Meetings – When and Where?

5.1. The Cabinet and Cabinet Members will meet at the times specified in the Council's Calendar of Meetings.

5.2. The Cabinet and Cabinet Members will meet at the Council's main offices or another location to be agreed by the Leader as specified on the relevant agenda.

5.3. The date and time of any meeting may be altered or the meeting postponed or cancelled or additional meetings arranged by the City Solicitor in consultation with the Leader (for Cabinet) or relevant Cabinet Member.

6. Public or Private Meetings of the Cabinet

6.1. The Cabinet or Cabinet Member meetings will be open to the public, unless the nature of the business to be transacted requires the meeting to take place in private in accordance with the Access to Information Procedure Rules detailed in Part 3B.

7. Quorum

7.1. The quorum for a meeting of the Cabinet will be 5 Elected Members.

8. How are Decisions to be taken by the Cabinet?

8.1. Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 3B.

8.2. All decisions of the Cabinet and Cabinet Members will be open to the Call-In arrangements and subject to the call-in criteria.

8.3. (The Call-In procedure is referred to in Part 3E).

(a) In any case where the Cabinet or Cabinet Member determines an urgent matter, other than a matter which is a Key Decision as defined in Part 2A, the recorded decision will include the reason for the urgency and the Cabinet or Cabinet Member may be required by Scrutiny to justify why the matter was considered as urgent. Matters determined on this basis are not subject to the Call-In arrangements. In such circumstances, the Chair of the Scrutiny Co-ordination Committee must be invited to attend Meetings where urgent decisions are taken to determine if the matter is urgent. If the Chair of the Scrutiny Co-ordination Committee is unable to attend, then they can appoint a nominee to attend the meeting. However, no decisions can be made unless the Chair of the Scrutiny Co-ordination Committee or their nominee is present at the meeting at which the urgent item is considered. Any reports on which urgent decisions have been made are to be referred to Scrutiny Co-ordination Committee for them to understand the need for urgency, but this will not delay implementation of the urgent decision itself.

(b) Where an urgent matter is also a Key Decision it will be determined in accordance with the procedures set out in Part 3B, Rules 15 and 16.

8.4. The Monitoring Officer or their representative will be present where a Cabinet Member responsible for a portfolio makes a formal decision, to advise and record that decision and, if the Monitoring Officer or their representative is not present, no decision will be deemed to have been taken.

8.5. In the absence of a Cabinet Member responsible for a portfolio, a decision in respect of a function under that portfolio may not be taken by another Cabinet Member unless he or she has been reassigned that function by the Leader of the City Council, or in their absence, the Deputy Leader of the City Council or the Leader takes the decision themself. Unless this is the case, the decision will be referred to the Cabinet.

8.6. In the case of a Cabinet Member responsible for a portfolio declaring an interest in a matter and being unable to act, that matter should be referred to the Cabinet for their consideration.

8.7. Advisory Panels may be established for each portfolio and for the Cabinet to provide advice and guidance to the Cabinet Member responsible for that portfolio on the development of policy. Advisory Panel meetings will not generally be public meetings although Cabinet or Cabinet Member may invite any person with particular expertise to an Advisory Panel meeting.

9. How are Cabinet Meetings Conducted?

9.1. Who Presides?

9.1.1. At any Cabinet meeting, if the Leader is present, they will preside. In their absence if the Deputy Leader is present, they will preside. In the absence of the Leader and Deputy Leader the Leader's nominee will preside. In all absence of any nominee, the Cabinet will elect a member of the Cabinet to preside.

9.2. Who May Attend?

9.2.1. These details are set out in the Access to Information Procedure Rules in Part 3B of this Constitution.

9.3. What Business*?*

9.3.1. At each meeting of the Cabinet the following business will be conducted:-

(a) Consideration of the minutes of the last meeting;
(b) Declarations of interest, if any;
(c) Matters referred to the Cabinet (whether by Scrutiny Board or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 3C of this Constitution;

(d) Consideration of reports from Scrutiny Boards; and

(e) Matters set out in the agenda for the meeting and will indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 3B of this Constitution.

9.4. **Consultation**

9.4.1. All reports to the Cabinet from any Member of the Cabinet or an employee on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Board, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

9.5. **Who can put Items on the Cabinet Agenda?**

(a) The Leader may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a Cabinet Committee or any Member or employee in respect of that matter. The Monitoring Officer will comply with the Leader's requests in that respect.

(b) In the absence of the Leader, the Deputy Leader may exercise the function at (a) above.

(c) Any Member of the Cabinet may require the Monitoring Officer to make sure that any appropriate item is placed on the agenda of the next available meeting of the Cabinet for consideration. If they receive such a request the Monitoring Officer will comply.

(d) The Monitoring Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Board or the full Council has resolved that an item be considered by the Cabinet.

(e) The Monitoring Officer and/or the Director of Finance and Resources may include an item for consideration on the agenda of a Cabinet meeting and may require the Monitoring Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Director of Finance and Resources and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

10. Referrals to Cabinet/Cabinet Members by Scrutiny

10.1. Scrutiny Boards can refer items to Cabinet/Cabinet Members with the agreement of the Chair of the Cabinet or the appropriate Cabinet Member. However, this does not prejudice consideration of call-ins as detailed in Part 3E and Scrutiny's right to make a recommendation to the Cabinet or Cabinet Member to amend a decision.

PART 3E: SCRUTINY PROCEDURE RULES

1. Scrutiny Arrangements

1.1. Constitution of Scrutiny Boards and Scrutiny Co-ordination Committee

1.2. The Council will have Scrutiny Boards with the functions as set out in Part 2D and will appoint to them as it considers appropriate from time to time. Scrutiny Boards may appoint time limited sub-groups to assist their work.

1.3. There will also be a Scrutiny Co-ordination Committee whose main functions will be to co-ordinate the work of the Scrutiny Boards and will be responsible for the consideration of call-ins and undertake review of the way the Council deals with petitions.

2. Frequency of Meetings of Scrutiny Boards and Scrutiny Co-ordination Committee

2.1. At its Annual Meeting, the Council will determine a schedule of dates of meetings for the period up to the next Annual Meeting.

2.2. Additional meetings will be convened by the Monitoring Officer after consultation with the Chair of the relevant Scrutiny Board or Scrutiny Co-ordination Committee or, in their absence, the Deputy Chair of Scrutiny Co-ordination Committee.

2.3. The Monitoring Officer with the agreement of the Chair, or in his or her absence the Deputy Chair of Scrutiny Co-ordination Committee, may alter, cancel/postpone or bring forward a meeting.

2.4. If at least 3 members of a Scrutiny Board or of the Scrutiny Co-ordination Committee notify the Monitoring Officer in writing that they wish a meeting to be called, the Monitoring Officer will do so as soon as possible, and in any event within 15 working days, the date and time being determined in consultation with the relevant Chair (or in their absence the Deputy Chair of Scrutiny Co-ordination Committee). Such a notification must specify the business to be dealt with and must contain sufficient information to enable Members to be acquainted with the issues. Where such a special meeting is summoned, the agenda will set out the business to be considered at that meeting.

3. Work Programme and Annual Report

3.1. Each Scrutiny Board will, subject to the views of the Scrutiny Co-ordination Committee, be responsible for setting its own work programme and in doing so it will consult with relevant Cabinet Members and the Leadership Board. They will also consider the wishes of those Members of the Scrutiny Board who are not members

of the largest Political Group on the Council.

4. Agenda Items of Scrutiny Boards

4.1. Any member, whether a member of a Scrutiny Board or not, will be entitled to give notice in writing to the Monitoring Officer that they wishes an item relevant to the function of that Scrutiny Board to be included on the agenda for the next available meeting of the Scrutiny Board. In the case of a member who is not a member of the Scrutiny Board in question, the item must also not be an excluded matter as defined by law. In all cases, they must give full details and reasons for the request. On receipt of such a request, the Monitoring Officer will ensure that it is included on the next available agenda, provided it falls within the Scrutiny Board's terms of reference and, where appropriate, is not an excluded matter. The Chair of the Scrutiny Board will decide, at the start of the meeting at which such item is referred, whether it is appropriate for the Board to deal with the items so notified. Where it is not considered appropriate for the Board to deal with the items, the reasons for this decision will be given to the member requesting the item and recorded in the minutes.

4.2. The Scrutiny Board will also respond, as soon as its work programme permits, to a request from the Council, Cabinet, or any Cabinet Member or any other Committee of the Council, to review particular areas of Council activity. Where it does so, the Scrutiny Board will report its findings and any recommendations back to the Council, the Cabinet or any Cabinet Member or the relevant Committee, as it deems appropriate.

4.3. In the event of any dispute or disagreement about whether an item should be included on an agenda for a Scrutiny Board the Chief Executive or in his or her absence the Monitoring Officer will arbitrate.

5. Policy Review and Development

5.1. Role of Scrutiny Boards in Relation to Budget and Policy Framework

5.1.1. The role of the Scrutiny Boards in relation to the development of the Council's budget and policy framework will be as set out in the Budget and Policy Framework Procedure Rules.

5.2. Role of Scrutiny Boards in Relation to Other Matters

5.2.1. In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Scrutiny Boards may make proposals to the Cabinet or any Cabinet Member for developments in so far as they relate to matters in their Terms of Reference.

5.3. Further Role of Scrutiny Boards in Relation to Policy Development

5.3.1. Scrutiny Boards may hold enquiries and investigate the available options for future directions in Policy Development and may appoint advisors and assessors to assist them in this process.

5.3.2. Subject to budget availability, 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. They may ask witnesses to attend to address them on any matter under consideration.

5.3.3. They may pay advisors, assessors or witnesses any reasonable fee and expenses within the available budget.

6. Reports From Scrutiny Boards

6.1. Preparation of Reports

6.1.1. As soon as it has formed recommendations or proposals for development, a Scrutiny Board will prepare a full report and submit it to the Monitoring Officer who will arrange for its consideration by the Cabinet or the appropriate Cabinet Member or the City Council.

6.1.2. If the proposals are consistent with the existing Budget and Policy Framework the Cabinet or Cabinet Member or the City Council will consider the report and take such actions as the Cabinet or Cabinet Member or City Council deem appropriate.

6.1.3. If the recommendation concerns a departure from or a change to the agreed Budget and Policy Framework, the Cabinet will consider the report and refer it to full Council with such recommendations as the Cabinet deem appropriate.

6.2. Minority Reports

6.2.1. If a Scrutiny Board cannot agree one single final report to the Cabinet or Cabinet Member on any matter, no more than one minority report may be prepared and submitted to the Cabinet or Cabinet Member. Any minority report so submitted must be supported by at least two Councillors who are members of the relevant Scrutiny Board.

6.2.2. Any minority report so submitted will be appended to the report of the Scrutiny Board to the Cabinet in such a manner that makes it clear that there is a minority view on the subject matter of the report and indicating the nature and substance of that minority view. This will be done notwithstanding disagreement of the Scrutiny Board.

7. Consideration of Scrutiny Reports/Recommendations

7.1. As soon as Scrutiny produces a report/recommendation on any matter which is the responsibility of the Cabinet or any Cabinet Member which has been considered and approved by Scrutiny and which requires a decision by Cabinet/Cabinet Member it will be included on the agenda of the next available meeting of the Cabinet or Cabinet Member, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet or Cabinet Member within a period of six weeks from the date the report is approved by Scrutiny. In such cases, the report of Scrutiny will be considered by the Cabinet or Cabinet Member when it considers that matter. In any event, the Cabinet/Cabinet member will consider the report within 2 months of receipt of the report or of a notice from the Scrutiny Board requiring the Cabinet /Cabinet member to consider the report.

7.2. If the Cabinet or Cabinet Member disagree with the recommendations of Scrutiny, they will inform Scrutiny giving their reasons. In such circumstances, Scrutiny can either accept the Cabinet/Cabinet Member decision or refer the matter back to Cabinet/Cabinet Member for reconsideration giving their reasons. If Cabinet/Cabinet Member still disagree, they will inform Scrutiny giving their reasons. Scrutiny can either accept the Cabinet/Cabinet Member decision or refer the matter to Council for a decision on the dispute. In these circumstances the Council will have before them the views of both Scrutiny and the Cabinet/Cabinet Member.

8. Rights of Scrutiny Board Members to Documents

8.1. In addition to their rights as Councillors, members of Scrutiny Boards have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure rules in Part 3B of this Constitution.

9. Liaison and Communication

9.1. To facilitate effective communication, liaison between the Cabinet or Cabinet Member and the Scrutiny Boards may take place depending on the particular matter under consideration.

9.2. To facilitate the effectiveness of liaison and communication the Scrutiny Co-ordination Committee and Cabinet may meet jointly to agree arrangements and protocols for effective liaison and communication.

10. Attendance at Scrutiny Boards

10.1. Members and Employees Giving Account

10.1.1. Any Scrutiny Board may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within the Portfolio allocated to the Scrutiny Board. As well as reviewing documentation, in fulfilling the Scrutiny role a Scrutiny Board may require any member of the Cabinet, Deputy Cabinet Members, the Chief Executive and/or any senior employee to attend before it to explain in relation to matters within their remit:-

(a) any particular decision or series of decisions.

(b) the extent to which the actions taken implement Council policy.

(c) their performance

10.1.2. and it is the duty of those persons to attend.

10.2. Notice of Attendance

10.2.1. Where any Member or employee is required to attend a Scrutiny Board, the Monitoring Officer will inform the Member or employee of the meeting at which she/he is required to attend. The notice will state the nature of the item on which she/he is required to attend and whether any documentation is required to be produced for the Scrutiny Board. Where this will require the production of a report, the Member or employee concerned will be given sufficient notice to allow for preparation of that report.

10.3. Member/Employee Unable to Attend

10.3.1. If, in exceptional circumstances, a Member or employee is unable to attend on the required date, the Chair of the Scrutiny Board will either:

(a) in consultation with the Member or employee, arrange an alternative date for attendance; or

(b) agree to consider the item of business in the absence of the Member or employee.

10.4. Attendance by Others

10.4.1. A Scrutiny Board or Sub-Group may invite people other than those referred to in Rule 13 to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents or other stakeholders, community representatives,

members of minority ethnic communities and Members and Officers in other public sector or partner organisations and may invite such people to attend. However, they are not obliged to attend unless this is specified in legislation.

11. Call-In Procedure

11.1. Call-in Procedure

11.1.1. In this context call-in means the right for non-Cabinet Members to look at and consider issues decided by the Cabinet or any Cabinet Member subject to the limitations on this right set out in Rule 18 below.

11.1.2. Information about decisions to be taken by the Cabinet or any Cabinet Member will be issued at least five clear working days before the Cabinet or Cabinet Member meeting. A summary sheet will be communicated to all Members of the Council at the end of each week setting out decisions taken and the deadline for calling items in.

11.1.3. Decisions of the Cabinet or Cabinet Member on which information has been issued can be called in by no fewer than three persons comprising Members (or, in respect of Education matters only, Co-opted Members) who are not Cabinet Members. To call-in an item, Members must complete the appropriate form which may be submitted in person, by fax or electronically, or a combination of these, which must include the specific decision being called in, a written reason for the call-in and an indication of whether or not they wish the relevant Cabinet Member(s) to attend Scrutiny Co-ordination Committee when the matter is considered, and submit it to the Monitoring Officer by no later than 9.00 a.m. on the specified date. Any decisions not called in by this deadline will immediately become effective.

11.1.4. The appropriateness of a call-in under these procedures will be determined by the Chair of the Scrutiny Co-ordination Committee (or in his or her absence, his or her nominee), in accordance with the criteria decided by the Committee, on advice by the Monitoring Officer. The Chair of the Committee will also determine whether the relevant Cabinet Member(s) is required to attend the Scrutiny Co-ordination Committee when the matter is considered, taking into account the wishes of the Members calling in the decision, however, this does not preclude Cabinet Member(s) from attending and speaking if they so wish. At this stage, there is no requirement for any Members who called in a decision to be present. If a call-in is rejected as being inappropriate, the Members who have submitted the call-in will be advised of the decision and the reason for it.

11.1.5. Once the deadline for calling in items has passed, and the appropriateness of call-ins has been determined, the Monitoring Officer will inform all Members of the Council, and Co-opted Members of Scrutiny Boards where appropriate, of the items called-in and will arrange for these to be considered at the next appropriate meeting of the Scrutiny Co-ordination Committee. The agenda for that meeting will show the written reasons given for the call-ins and enclose the relevant documents. The Chair of the relevant Scrutiny Board will be invited to attend the meeting when the call-in is to be considered to ensure that they are kept informed of issues relevant to their Board.

11.1.6. At least one of the Members who called in a decision must attend and speak at the meeting of the Scrutiny Co-ordination Committee mentioned in 17.5 (if they are not already a Member of that Committee). If none of the Members attend, the call-in will fail unless the Committee decide that the matter can be referred to a subsequent meeting when at least one Member can attend or that the call-in can be considered in their absence.

11.1.7. A call-in may only be withdrawn by notification in writing, by fax or electronically, from all the Members who requested the call-in and submitted to the Monitoring Officer.

11.1.8. The Scrutiny Co-ordination Committee will consider the decisions called in and will have at its disposal the information which has been submitted to the Cabinet or Cabinet Member, including any advice/recommendations from Advisory Panels. They can require the relevant Cabinet Member(s) and appropriate employee(s) to attend the meeting to answer questions about the issue. If the Scrutiny Co-ordination Committee accepts the original decision by the Cabinet or Cabinet Member it becomes effective. If the Scrutiny Co-ordination Committee makes a recommendation to the Cabinet or Cabinet Member to amend a decision, this will be considered by the Cabinet or Cabinet Member.

11.1.9. If the Cabinet or Cabinet Member disagree with the recommendation of the Scrutiny Co-ordination Committee to amend a decision they will inform the Scrutiny Co-ordination Committee. In such circumstances, the Scrutiny Co-ordination Committee may refer the matter to the Council for decision on the dispute. In these circumstances the Council will have before them the views of both the Scrutiny Co-ordination Committee and the Cabinet or Cabinet Member. If the Cabinet or Cabinet Member decides further work needs to be done, they may defer the item for this to be carried out.

11.1.10. Scrutiny Co-ordination Committee may refer any issue which arises during the consideration of a call in to the appropriate Scrutiny Board for further detailed consideration. Where the call in is referred to an appropriate Scrutiny Board, that Board will follow the procedure detailed in Rules 17.8 and 17.9 above in relation to accepting the

original decision, making recommendations to the Cabinet or Cabinet Member to amend a decision, or, in the case of a dispute, referring the matter to Council for decision.

11.2. **Limitations on Call-in**

11.2.1. A call-in will normally be regarded as appropriate **UNLESS**:

i. It relates to:-

(a) a matter which is to be determined by the Council.

(b) a decision of the Cabinet/Cabinet Member taken as a matter of urgency and the Chair of the Scrutiny Co-ordination Committee (or their nominee) had been invited to attend the meeting where the urgent decision had been taken or the Scrutiny Co-ordination Committee has previously agreed the need for urgency.

(c) a decision made by an employee exercising delegated authority unless it is a key decision.

(d) decisions of the Licensing and Regulatory Committee, the Planning Committee the Appeals and Appointments Panels and the Audit and Procurement Committee.

(e) a matter where the associated report has already been considered by the Scrutiny Co-ordination Committee or a Scrutiny Board who have endorsed the recommendations or made recommendations that have been accepted by the Cabinet/Cabinet Member.

ii. The call-in form is not completed correctly.

iii. The call-in form is received after the specified time.

iv. The reason for the call-in is unclear or does not relate directly to the decision specified on the call-in form.

v. The reason for the call-in is a question, the answer to which can be found in the report relating to the decision which is being called in.

11.3. **Call-in - Urgent Decisions**

11.3.1. Decisions of the Cabinet or any Cabinet Member which are urgent (i.e. any delay likely to be caused by the call-in process would prejudice the Council's or the public's interest) will not be subject to call-in.

11.3.2. The records of such decisions will reflect the reasons for urgency and state that therefore they are not subject to call-in.

11.3.3. The Chair of the Scrutiny Co-ordination Committee, or their nominee, will be invited to and must attend meetings where urgent decisions are to be taken and will be asked to agree the need for urgency unless the Scrutiny Co-ordination Committee has already given its approval to a decision being taken urgently so that call-in does not apply. In the absence of the Chair or nominee then the Lord Mayor or Deputy will be invited to perform this role.

11.3.4. Any reports on which urgent decisions have been made are to be reported to Scrutiny Co-ordination Committee for it to understand the need for urgency, but this will not delay implementation of the urgent decision itself.

11.4. **The Party Whip**

11.4.1. When a Scrutiny Board considers any matter in respect of which a Member of that Board is subject to a Party Whip, the Member must declare the existence of the Whip, and the nature of it, before the commencement of the Scrutiny Board's consideration of the matter. The declaration, and the details of the Whipping arrangements, will be recorded in the minutes of the meetings.

12. Miscellaneous

12.1. **Business of Scrutiny Boards**

12.1.1. At each meeting of the Scrutiny Boards the following business will be conducted:-

(a) Apologies and notification of substitutes;

(b) Minutes of the last meeting;

(c) Declarations of interest;

(d) Responses of the Council, Cabinet or any Cabinet Member or other Committees to reports of the Scrutiny Board; and

(e) Other business set out on the agenda for the meeting including reports back on attendance at Conferences etc except those relating to the Lord Mayoralty which will be considered by the Scrutiny Co-ordination Committee.

13. Investigations/Reviews

13.1. When the Scrutiny Board conducts investigations/reviews (including by means of a Sub-Group) it may ask people to attend to give

evidence at meetings, which are to be conducted in accordance with the following principles:-

(a) The investigation/review will be conducted fairly and all Members of the Scrutiny Board or Sub-Group will be given the opportunity to ask questions of those attending and to contribute and speak.

(b) Those assisting the Scrutiny Board or Sub-Group to give evidence will be treated with respect and courtesy.

(c) The investigation/review will be conducted so as to maximise the efficiency and effectiveness of the investigation/review.

14. Report Following Investigations/Reviews

14.1. If an investigation/review is carried out by a Scrutiny Board that Scrutiny Board will prepare a report for submission to the Council, Cabinet, Cabinet Member or other Committee as it deems appropriate and will make its report and findings public except when the Information Rules require otherwise.

14.2. If an investigation/review is carried out by a Sub-Group, that Sub-Group will prepare a report for submission initially to the Scrutiny Board which appointed it and will make its report findings public except when the Information Rules require otherwise. The Scrutiny Board will then refer the report to the relevant body.

15. Outside Bodies – Annual Reports to Scrutiny

15.1. Where the Council nominates more than one representative to an Outside Body, a Lead Member will be nominated to be responsible for co-ordinating a report to the Scrutiny Co-ordination Committee following the Annual Meeting of the body on the work of the Organisation, the benefits to the City Council of continuing its membership and the added value that the City Council's representatives bring to the Organisation. Where only one representative is appointed then they will be the Lead Member. If an organisation does not have an Annual Meeting, then the Council's Lead Member will report in the third quarter of the year so that the Council can consider the benefits of retaining its representation. The Scrutiny Co-ordination Committee will decide, at the start of each Municipal Year, which outside bodies it wishes to receive reports on.

16. Referrals to Scrutiny by Cabinet/Cabinet Members

16.1. With the agreement of the Chair of the appropriate Scrutiny Board/Scrutiny Co-ordination Committee, Cabinet/Cabinet Members can refer items to Scrutiny. However, call-in will still apply to referred items.

NOTE: Reports should not normally be referred to Scrutiny for information.

PART 3F: FINANCIAL PROCEDURE RULES

1. Introduction

1.1. The Financial Procedure Rules provide the structure through which the Council's financial affairs are managed and are deemed part of the Coventry City Council's constitution. They set out the approval limits for financial transactions, the detailed responsibilities of the Director of Finance and Resources (Section 151 Officer) and the framework in which financial systems, processes and requirements are applied.

2. Financial Responsibilities of the Council, Cabinet, Cabinet Members and Officers

2.1. The Council, Cabinet, Cabinet Members and Officers will exercise their financial responsibilities in accordance with the Constitution and the Scheme of Delegation. Thresholds for the approval of specific financial transactions are set out below:

3. Budget Approval and Amendment

(a) approval of the revenue budget, capital programme and treasury strategy: Council;

(b) revenue and capital budget adjustments, including the use of reserves for a purpose other than that originally intended and the approval of capital schemes funded from borrowing, but excluding Technical Adjustments:

- Up to £250,000 ~ joint approval by the relevant Service Director(s) and the Director of Finance and Resources (Section 151 Officer) or nominees;
- Over £250,000 and up to £1,000,000 ~ relevant Cabinet Member(s)
- Over £1,000,000 and up to £1,500,000 ~ Cabinet
- Over £1,500,000 ~ Council.

(c) Technical adjustments which have no overall impact on the City Council's "bottom line", and meet the following requirements:

- are internal transfers between different areas of the City Council;
- involve no cash transactions with third parties; and
- do not increase or decrease the budget over which a budget holder has spending discretion

- Technical Adjustments can be approved by the Director of Finance and Resources (Section 151 Officer) or nominee.

4. Grant Income

4.1. Approval prior to submitting a grant bid:

(a) Where the submission of the bid requires that it must be match funded - joint approval in writing by the relevant Director and the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources) and following consultation with the relevant Cabinet Member;

(b) Where there is no requirement of the submission of the bid to be match funded ~ approval by the relevant Director and relevant Finance Manager in writing or their respective nominees and following consultation with the relevant Cabinet Member.

4.2. Approval prior to entering into any agreement which requires signature (total grant value):

(a) Where a successful bid up to the value of £1,000,000 includes the requirement that it must be match funded by the Council, the approval of the relevant Cabinet Member to accept the grant must be obtained before signature;

(b) Up to £500,000 ~ approval in writing by relevant Director with notification to Director of Finance and Resources (Section 151 Officer) or nominees;

(c) Above £500,000 up to £1,000,000 ~ approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources);

(d) Over £1,000,000 and up to £2,500,000~ to Cabinet, if time permits; if no time to go to Cabinet, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee) to be reported to Cabinet retrospectively;

(e) Over £2,500,000 ~ to Council, if time permits; if no time to go to Council, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader to be reported to Council retrospectively, and each following consultation with legal and financial services.

4.3. The relevant Director will be responsible for ensuring that a copy of the completed grant agreement entered into with the Council is forwarded to Procurement Services at Procurement.Services@coventry.gov.uk in order for the details of the grant agreement to be updated on the register of grants.

4.4. Acceptance and expenditure of grant allocation(s) (where no agreement is required to be signed and irrespective of value) – approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources).

4.5. Grant Expenditure

4.5.1. Approval to award grants to an external body (total grant value per external body):

6. Up to £500,000~ approval in writing by relevant Director following consultation with the relevant Cabinet Member with notification to Director of Finance and Resources (Section 151 Officer) or nominees;

7. Above £500,000 up to £1,000,000 ~ approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources) following consultation with the relevant Cabinet Member;

8. Over £1,000,000 and up to £2,500,000 ~ to Cabinet, if time permits; if no time to go to Cabinet, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee to be reported to Cabinet retrospectively;

(d) Over £2,500,000 ~ to Council, if time permits; if no time to go to Council, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader to be reported to Council retrospectively, and each following consultation with legal and financial services.

4.5.2. The relevant Director will be responsible for ensuring that a copy of the completed grant agreement entered into with the Council is forwarded to Procurement services at Procurement.Services@coventry.gov.uk in order for the details of the grant agreement to be updated on the register of grants.

NOTE: Where Grant Income is being received and it is known that Grant Expenditure to third parties will result from the utilisation of such Grant Income, approval should be sought for both the acceptance of the Grant

Income and delegated authority to facilitate the Grant Expenditure at the same time.

5. Responsibilities of the Director of Finance and Resources (Section 151 Officer)

5.1. The Director of Finance and Resources (Section 151 Officer) has various statutory duties in relation to the financial administration and stewardship of the Council.

5.2. The statutory duties arise from:

(a) Section 151 of the Local Government Act 1972;

(b) Section 114 and 114A of the Local Government Finance Act 1988;

(c) Section 25 of the Local Government Act 2003; and

(d) Parts 2 and 3 of the Accounts and Audit Regulations 2011, as amended.

5.3. Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of their financial affairs and to secure that one of their officers has responsibility for the administration of those affairs. The Council has designated the Director of Finance and Resources (Section 151 Officer) to fulfil this role and they have the statutory title of Chief Finance Officer.

5.4. Sections 114 and 114A of the Local Government Finance Act 1988 require the Director of Finance and Resources (Section 151 Officer) to report to the Executive or the Full Council (as appropriate) and to the external auditor, if it appears to them that the Executive or the Council or a person or committee on their behalf: -

(a) has made, or is about to make, a decision which involves or would involve the authority in incurring expenditure which is unlawful;

(b) has taken, or is about to take, a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council; or

(c) is about to enter an item of account the entry of which is unlawful.

5.5. Section 114 of the 1988 Act further requires the Director of Finance and Resources (Section 151 Officer) to report to full Council if it appears to them that the expenditure of the Council incurred

(including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

5.6. In preparing reports under Section 114 or 114A, the Director of Finance and Resources (Section 151 Officer) should consult so far as practicable the Chief Executive and the Monitoring Officer. The Chief Operating Officer (Section 151 Officer) should also nominate a properly qualified member of staff to deputise if they are unable to act owing to absence or illness.

5.7. The Council must provide the Director of Finance and Resources (Section 151 Officer) with such staff, accommodation and other resources as are in their opinion sufficient to allow his/her duties under Section 114 and 114A to be performed.

5.8. When the Council is setting its budget the Director of Finance and Resources (Section 151 Officer) is required under Section 25 of the Local Government Act 2003 to report on: -

(a) the robustness of the estimates made for the purposes of the calculations; and

(b) the adequacy of the proposed financial reserves.

5.9. Parts 2 and 3 of the Accounts and Audit Regulations 2011, as amended, require the Director of Finance and Resources (Section 151 Officer) to determine on behalf of the Council: -

(a) its accounting records, including the form of accounts and supporting accounting records; and

(b) its accounting control systems.

5.10. The Director of Finance and Resources (Section 151 Officer) is responsible for: -

(a) the proper administration of the Council's financial affairs;

(b) setting and monitoring compliance with financial management standards;

(c) ensuring proper professional practices are adhered to and to act as head of profession in relation to the standards of finance staff throughout the Council;

(d) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;

(e) to forecast the availability of financial resources;

(f) preparing the revenue budget and capital programme;

(g) treasury management and banking;

(h) ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators;

(i) having a particular concern for the efficient and effective use of the Council's resources in achieving value for money;

(j) maintaining a continuous review of the financial systems and processes;

(k) reporting breaches of Financial Procedure Rules and financial rules, where appropriate, to the Chief Executive; and

(l) issuing advice guidance and instructions to underpin the Financial Procedure Rules and Finance Function Manuals.

5.11. The Director of Finance and Resources (Section 151 Officer) will maintain an adequate and effective internal audit service, and make arrangements so that internal auditors have the authority –

(a) to have access to Council premises at reasonable times;

(b) to have access to documents, records and equipment in the possession of the Council;

(c) to require any officer of the Council to account for cash, stores or any other Council asset under their control;

(d) where possible, to have access to records belonging to third parties, such as contractors, when required;

(e) to receive information concerning any matter under investigation; and

(f) to have access to the Chief Executive, the Executive, the Audit and Procurement Committee and Overview and Scrutiny Committees.

6. Framework of Delegated Authority

6.1. The day-to-day discharge of the Director of Finance and Resources (Section 151 Officer) duties of proper financial administration is carried out through a framework of delegated authority set by the Director of Finance and Resources (Section 151 Officer) and Corporate Services.

6.2. Certain nominated finance officers have responsibility for specifying financial systems, advising on their use, and monitoring compliance. Specifying normally takes the form of the publication of Finance Manuals and issuing other instructions which lay down best practice for each financial system and identify responsibilities. Finance Manuals and associated guidance are published on the City Council's intranet site.

6.3. Each Director and each service Head of Function must ensure compliance with the Council's financial rules, as set out in the Financial Procedure Rules, Finance Function manuals and other instructions. They must report to the Director of Finance and Resources (Section 151 Officer) and Corporate Services if they become aware of a failure to comply with the rules.

6.4. All managers and their staff are responsible for actively managing all the resources under their control so as to achieve policy and service objectives as set by Members. This active management must include securing value for money, maximising resources and staying within the approved budget. All of this should be done within the financial control framework as set down in the Financial Procedure Rules, Finance Function manuals and other instructions.

6.5. Under the Local Government Finance Act 1988, the Chief Operating Officer (Section 151 Officer) must also report to the Cabinet Member whose portfolio includes resources, any breach of the City Council's financial rules which may jeopardise the sound financial management of the City Council.

CITY COUNCIL FINANCIAL APPROVAL LIMITS									
Governance Forum Approval Category	**Relevant Finance Manager**	**Relevant Director**	**Director of Finance and Resources (Section 151 Officer) ("S151")**	**Head of Finance **in the absence of S151***	**Procurement Panel**	**Procurement Board**	**Cabinet Member**	**Cabinet**	**Council**
Budget									
Overall Balanced Budget									Unlimited
Capital schemes to be met from borrowing		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Revenue Budget Adjustments (Virement)		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Use of reserves, other than as originally intended		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Capital Budget Adjustments (Virement)		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Technical Adjustments			Unlimited						
Grant Income									

Approval prior to submitting grant bid (match funded)		Joint (unlimited)[4]		*Jointly with Relevant Director (unlimited)[4]					
Approval prior to submitting grant bid (not match funded)	Joint, or respective nominees (unlimited)[4]								
Approval Prior to Signature of Grant Agreement (total grant value)[3 5]		Up to £0.5m[6]	Above £0.5m to £1m	*Above £0.5m to £1m				Above £1m to £2.5m[1]	Above £2.5m[2]
Grant Expenditure									
Approval to Grant Awards to an External Body[3]		Up to £0.5m[4 6]	Above £0.5m to £1m[4]	*Above £0.5m to £1m[4]				Above £1m to £2.5m[1]	Above £2.5m[2]
Debt Write Off									
Approval to Write Off of Sums Owed to the Council			Up to £0.1m				Above £0.1m		

Footnotes

1. Approval by Cabinet if there is time, if not by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee). To be reported retrospectively.
2. Approval by Council if there is time, if not by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader. To be reported retrospectively.
3. Following consultation with legal and financial services.
4. Following consultation with the relevant Cabinet Member.
5. Where a requirement of a successful bid is that it must be match funded by the Council, the approval of the relevant Cabinet Member to accept the grant must be obtained before signature, if the amount of grant is up to the value of £1 million.
6. With notification to Director of Finance and Resources (Section 151 Officer) or nominees.

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PART 3

RULES OF PROCEDURE

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PART 3G: CONTRACT PROCEDURE RULES

1. Introduction

1.1. These Contract Procedure Rules (CPRs) are the standing orders required by the Local Government Act 1972. They are part of the Council's Constitution and are, in effect, the instructions of the Council to officers and councillors for making contracts on behalf of the Council. The purpose of these CPRs is to set clear rules for the procurement of works, goods and services for the Council and to ensure a system of openness, integrity and accountability, in which the probity and transparency of the Council's procurement process will be beyond reproach. Accordingly, these CPRs must be followed for **all** contracts (but excluding the categories listed in Rule 6.2, grants and land contracts which are dealt with under different rules) for:-

- the supply of goods to the Council;
- the supply of services to the Council; and
- the execution of works for the Council.

1.2. The Council has a Procurement Strategy, setting out how the Council intends to go about procuring works, goods and services. Conformity to these CPRs, and the Council's Employee Code of Conduct and relevant associated employment policies, will ensure that contracts are let in accordance with the 'Procurement Strategy and any associated User Guides and Procedures'.

1.3. The Council is subject also to the following regulations:

(a) The Procurement Act 2023 ("PA2023") and supplementary Procurement Regulations 2024.

(b) the Health Care Services (Provider Selection Regime) Regulations 2023, (introduced by the Health Care Act 2022 for the procurement of in-scope health care services and public health services in England.

1.4. For contracts entered in to prior to the commencement of the Procurement Act and supplementary Regulations, the Council is also subject to the Public Contracts Regulations 2015 in relation to the management of contracts for goods, services and works, and the Concession Contracts Regulations 2016 in relation to the management of concession contracts.

1.5. These legislations require contract letting procedures to be open, fair and transparent. These CPRs provide a basis for true and fair competition in contracts, by providing clear and auditable procedures, which, if followed, will give confidence that the Council has a procurement regime that is fully accountable and compliant with the

legislation.

2. Summary of CPRs – Governance Process
Governance process for goods, services and works (other than Health Care Services)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Financial Value (per Contract) for Governance	**Approval to Procure**	**Minimum Process**	**Advertising opportunity on the Central Digital Platform**	**Advertising award on the Central Digital Platform**	**Minimum Tender/Quote Timescales**	**Contract Terms**	**Opening of tenders**	**Authority to Award Contract**	**Contract Signing**
£1,000,000 and above	Procurement Board. In addition, unless acting within approved budgets, Cabinet where the Contract Value (not estimated framework agreement value) is £1m and above on a per annum basis	Competitive tenders in compliance with the Procurement Act 2023 (PA2023) (Note 1 below) Or direct appointment of a Local Authority Trading Company (LATC) in accordance with the Teckal arrangement contained in PA2023 where best value can be demonstrated.	Yes, where over £100k estimated contract value and 'open market'. No, where between £100k and PA2023 threshold and closed exercise.	Yes	Minimum fifteen (15) working days between £100,000 and relevant PA2023 threshold. Where above the relevant threshold, as prescribed by the PA2023.	Standard or Bespoke Form of Contract, or framework order form. Where contracts are in the form of Deeds, they must be sealed by Legal Services. Contracts over £1,000,000 will need to be in the form of a Deed	Electronic tenders via the Council's e-tendering system	If within approved tolerance agreed at Column 2, e.g. <10% above estimated price, or report back to relevant body in Column 2 for approval	Monitoring Officer or authorised deputy
£100,000 up to £999,999	Procurement Panel					Standard or Bespoke Form of Contract, or framework order form. Contracts in the form of Deeds must be executed by Legal Services.			Director and/or Head of Service

£10,000 to £99,999	Director approval or delegated authority to budget holder (Copies of Quotations MUST be forwarded to Legal and Procurement Services for order to be approved)	Minimum of five (5) written or oral quotations (see 3 below for thresholds). Where possible, a minimum of three (3) should be from local suppliers or social enterprises. Or appointment of a Local Authority Trading Company (LATC) in accordance with PA2023 where best value can be demonstrated.	Yes, where over £25k estimated contract value and 'open market'. No, where under £25k or closed exercise. (i)	Yes, where over £25k estimated contract value. Optional, where under £25k estimated contract value. (i)	Minimum five (5) working days between £10,000 - £24,999. Minimum ten (10) working days between £25,000 - £99,999.	Standard or Bespoke Form of Contract, or framework order form. Contracts in the form of Deeds must be executed by Legal Services.	Officers must use the electronic Quotations Pack via the Council's e-tendering system for contract values £25,000 - £99,999	Director or authorised deputy	Endorsed/ Signed by Director or authorised deputy
Below £10,000	Budget holder	Use of corporate contract or demonstrable value for money	(i) Not Required (ii) Not Required	(i) Not Required (ii) Not Required	Not Applicable	Purchase Order terms & conditions, framework order form or supplier official order form, or Council Procurement Card.	N/A	Authorised by Budget Holder	Authorised by Budget Holder
Note 1 – Where PA2023 thresholds are not exceeded, a minimum of five (5) competitive tenders must be sought or the tender advertised on the Central Digital Platform **Note 2 – Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure. Cabinet Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over.**									

Governance process for Health Care Services under the Provider Selection Regime

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Financial Value (per Contract) for Governance	**Approval to Procure**	**Minimum Process**	**Advertising opportunity on Find a Tender**	**Advertising award on Find a Tender**	**Minimum Tender/Quote Timescales**	**Contract Terms**	**Opening of tenders**	**Authority to Award Contract**	**Contract Signing**
£1,000,000 and above	Procurement Board. In addition, unless acting within approved budgets, Cabinet where the Contract Value (not estimated framework value) is £1m and above per annum basis	The most appropriate provider selection process in accordance with the Health Care Services (Provider Selection Regime) Regulations 2023. The default position for new and re-procured services is that of the Competitive Process.	Direct Award A - No Direct Award B - No Direct Award C - Yes Most Suitable Provider - Yes Competitive Process - Yes	Direct Award A - Yes Direct Award B - Yes Direct Award C - Yes Most Suitable Provider - Yes Competitive Process - Yes	Where utilising the Competitive Process, a minimum of fifteen (15) working days.	Standard or Bespoke Form of Contract. Where contracts are in the form of Deeds, they must be sealed by Legal Services. Contracts over £1,000,000 will need to be in the form of a Deed	Electronic tenders via the Council's e-tendering system	If within approved tolerance agreed at Column 2, e.g., <10% above estimated price, or report back to the relevant body in Column 2 for approval	£1m and above - Monitoring Officer or authorised deputy £100,000 to £999,999 – Director and/or Head of Service £10,000 to £99,999 – Endorsed/signed by Director or authorised deputy Below £10,000 – authorised by Budget Holder
Up to £999,999	Procurement Panel					Standard or Bespoke Form of Contract. Contracts in the form of Deeds must be executed by Legal Services.			
Note 2 – Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure. Cabinet Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over.									

3. Financial Thresholds for Procedure

<table>
<tr><th colspan="2">Contract Procedure Rules (CPRs)

Quick Reference Guide Table – Financial Thresholds</th></tr>
<tr><td colspan="2">Above PA2023 thresholds (Note 2 below)</td></tr>
<tr><td>£4,327,500+ (£5,193,000 including VAT)</td><td>Competitive tenders in compliance with the Procurement Act 2023 required for Works, and Concession contracts.</td></tr>
<tr><td>£552,950+ (£663,540 including VAT)</td><td>Competitive tenders in compliance with the Procurement Act 2023 required for Supplies and Services contracts that are deemed to be Light Touch contracts.</td></tr>
<tr><td>£173,100+ (£207,720 including VAT)</td><td>Competitive tenders in compliance with the Procurement Act 2023 required for Supplies and Services contracts.</td></tr>
<tr><td colspan="2">Form of Contract:
Contracts for £999,999 or less in value can be signed for and on behalf of the Council under hand by Directors and Heads of Service.

As a general rule, any works contract and high value contract with a value equal to or exceeding £1,000,000 which are to be expressed to be executed as deeds must either be:
• made under the Council’s seal attested by the Monitoring Officer or authorised signatory; or

• signed by at least two officers of Legal Services duly authorised by the Monitoring Officer</td></tr>
<tr><td colspan="2">Below PA2023 thresholds</td></tr>
<tr><td>£100,000 – up to PA2023 thresholds as listed above (relevant to spend type, e.g., Goods, Services, Works, Concessions)</td><td>At minimum of five (5) potential suppliers, should be invited to tender. Where possible those invited to tender should include at least three (3) local suppliers i.e., office based within CV1-CV6 postcodes.

Or MUST be advertised on the Central Digital Platform. Refer to Appendix 4 for legislative notice information.

Or direct appointment of a Local Authority Trading Company (LATC) in accordance with PA2023 where best value can be demonstrated.</td></tr>
<tr><td>£10,000 - £99,999</td><td>MUST use corporate contracts where one exists.</td></tr>
</table>

	Competitive quotations £10,000 and up to £24,999 - a minimum of five (5) verbal quotations (which must be confirmed by email) must be sought - quotation pack use is optional. £25,000 and up to £99,999 - a minimum of five (5) quotations MUST be requested in writing using quotation pack (via the Council's e-tendering system with option to publish on the Central Digital Platform. Where possible those invited to tender should include at least three (3) local suppliers i.e., office based within CV1-CV6 postcodes. Or direct appointment of a Local Authority Trading Company (LATC) in accordance with PA2023 where best value can be demonstrated.
Below £10,000	Must use corporate contracts where one exists or show value for money. All contracts valued at £5,000 or above must be included on the Contracts Register in accordance with the Local Government Transparency Code.
Health Care Services (Provider Selection Regime) Regulations (no threshold)	Must use corporate contracts where one exists. Must follow provider selection processes outlined in the Regulations. Must follow corporate guidance and governance process in accordance with these CPRs.
Note 3: PA2023 Thresholds	**PA2023 Thresholds are revised every 2 years on 1st January. Figures quoted above for Works and Concessions (£4,327,500 plus VAT), Light Touch Regime Services (£552,950 plus VAT) and Supplies and Services (£173,100 plus VAT) are applicable from 1st January 2026 – 31st December 2027.**

3.1. The Director responsible for Legal and Procurement Services and the Director for Finance and Resources (if they are not the same officer) or their authorised deputy, subject to conditions, may authorise a contract as an exception to the CPRs if the works or goods/services are below PA2023 thresholds. An exception cannot be granted where a breach of any UK legislation would be incurred.

4. Objectives

4.1. The CPRs exist to achieve the aims set out below and to assist and protect the interests of the Council and individual Officers.

4.2. It is important that they are viewed as **an aid to good management and not** as **a hindrance.** Followed properly, they provide protection for Officers against criticism and support good procurement practice.

4.3. Officers must be able to demonstrate that they followed procedure or had obtained the necessary authority for not doing so, in order to:-

- ensure value for money is obtained;
- ensure probity in the award of Council contracts;
- ensure fairness, equity, openness and transparency in the treatment of contractors/suppliers in particular SMEs;
- ensure that procedures for placing contracts/orders comply with legislation;
- ensure records are kept which demonstrate compliance with CPRs.

5. Scope of CPRs

5.1. All purchases and contracts made in the name of and binding the Council must comply with these CPRs, and also any contract that involves income to the Council. This includes contracts where the expenditure is grant aided by a third party. These rules also apply to a company which is owned or controlled by the Council or is funded by public money. Any arrangement where the Council pays or receives money or equivalent value, other than a contract to employ staff, must comply with these Rules. This includes contracts for:

(a) buying and selling goods;

(b) any work being carried out;

(c) services (including financial and consultancy services);

(d) hire, rental or lease (of goods)

(e) concession agreements

5.2. To receive and deal with expressions of interest (through the Procurement Board or the Panels as appropriate) from relevant bodies in providing or assisting in providing a relevant service on behalf of the Council in accordance with Part 5, Chapter 2 of the Localism Act 2011 and to consult with the relevant Cabinet Member on each expression of interest that is received.

6. Compliance

6.1. Every contract entered into on behalf of the Council must comply with these CPRs and all relevant UK legislation.

6.2. The only areas excluded from these Rules are:

(a) Internally recharged services;

(b) Schemes where the Council has delegated a function to a third party to perform and where a contract makes separate provision for procurement rules

(c) Test purchasing in the course of an Officer's duty. (e.g. Trading Standards).

(d) Land transactions

(e) Property transactions

(f) Grants

6.3. All contracts must be in writing. Except in an emergency situation which has been approved by the Head of Legal and Procurement Services (or in their absence, the Deputy Head of Procurement), contracts under £100,000 in value must be made on an official Council Form of Agreement or standard form of contract, as appropriate, approved by a designated Authorising Officer, with the Council's standard terms of trading endorsed or referred to. For works contracts, one of the standard forms of contract, such as the NEC, JCT or ICE forms may be appropriate. The Legal and Procurement Services Team, in consultation with Legal Services, will advise on other suitable forms of contract.

6.4. Responsibility for compliance with CPRs remains at all times with Council officers. Directors and the Head of Legal and Procurement Services will be responsible for monitoring compliance against these rules, aided by internal or external audits or inspections which will be carried out as appropriate.

6.5. See Rule 8 regarding approvals required before a Relevant Procedure (as defined in Rule 8.1.1) may be commenced.

7. Justification of Need

7.1. Before any Relevant Procedure (as defined in Rule 8.1.1) is commenced consideration must be given to:

(a) whether the expenditure is really necessary, and/or can demonstrate benefit to residents or the Council;

(b) whether a critical review has been carried out to identify if the requirement can be met from within existing resources or whether it is being funded through grants or other approved income sources;

(c) the revenue consequences of any capital investment;

(d) the national priorities contained within the National Procurement Policy Statement; and

(e) in any case, whether the necessary approvals in Rule 8 have been obtained.

8. Approvals Required before Certain Relevant Procedures are Commenced

8.1. Rule 8 applies to any Relevant Procedure:

8.1.1. Relevant Procedure: means any procedure conducted by or on behalf of the Council for the genuine purpose of the Council (alone or with others) entering into a contract for the purchase of goods, services and/or works, subject to the following:

(a) This shall include (without limitation), the seeking of quotations, the conduct of any tender exercise via the Open or Competitive Flexible Procedure, including those as prescribed under the Provider Selection Regime, the conduct of any direct award or mini-competition exercise under a framework agreement, the making of a purchase under a dynamic market or off an approved list (or the like).

(b) This shall not include any genuine exercise to research market conditions (including without limitation, any soft market testing or benchmarking exercise) which is not in itself genuinely intended to directly result in the Council entering into a contract for the purchase of goods, services and/or works or concession arrangement.

8.1.2. This Rule 8 only applies to conduct involving Council members and its officers and does not apply as between the Council and the public at large. Accordingly (and without limiting the implications of this), non-compliance by the Council or by any of its members or officers with all or any part of this Rule 8 shall not in itself result in any of the following:

(a) Any act by or on behalf of the Council resulting from that non-compliance being invalid for any reason (including without limitation, any assertion that the Council has acted beyond its powers).

(b) Any member of the public (including any person to who takes part in a Relevant Procedure which is conducted in breach of this Rule 8) having any claim of any kind whatsoever against the Council, including any claim for compensation.

8.2. Requirements before a Relevant Procedure may be commenced**:**

8.2.1. All of the following, to the extent relevant, and without limiting other requirements elsewhere in the Council's Constitution but subject to the exceptions in Rule 8.5 must be completed before a Relevant Procedure may be commenced:

(a) The expenditure must be within approved budget and policy framework which has been approved by Members.

(b) The use of expenditure must have been approved by the Procurement Board (or on the Procurement Board's behalf by the Procurement Panel where relevant) in accordance with Rule 8.3.

(c) Where the Relevant Procedure is a sensitive matter (see Rule 8.4), the Procurement Board shall consider and give its approval or delegate the approval to the Procurement Panel.

8.3. Delegation by the Procurement Board of the task of considering whether to approve a prospective Relevant Procedure for the purposes of Rule 8.2(b).

8.3.1. The Procurement Board may (but shall not be obliged to) delegate that task to Procurement Panel (or any other relevant subcommittees the Procurement Board has in place from time to time), **but only if both of the following conditions** apply to the prospective Relevant Procedure under consideration:

(a) The reasonably estimated total value of the contract or contracts for goods, services and/or works expected to be entered by the Council at the conclusion of the Relevant Procedure (whether under a single contract, as aggregated under a framework agreement across its full term, across two (2) or more lots contained in the same Relevant Procedure, or as aggregated under a series of reasonably connected contracts) is **less than** £1,000,000 (one million pounds). Where there is reasonable doubt about whether the value is to exceed that figure, there

shall be a presumption for the purposes of this Rule 8.3 (a) that it does exceed that figure; **and**

(b) The Relevant Procedure is **not** a sensitive matter (see Rule 8.4).

8.3.2. Any of the following may constitute a 'sensitive matter' for the purposes of this Rule 8 but the Procurement Board or Procurement Panel will make the decision.

(a) There is a significant risk (on a reasonable view) that the Relevant Procedure (and/or any purchase of goods, services and/or works resulting from it) will create serious adverse publicity for the Council.

(b) Under the proposed contract for the purchase of goods, services and/or works expected to result from the Relevant Procedure, the Council would be required to deal with a particular supplier or provider on an exclusive basis.

8.4. Exceptions to obtaining any of the approvals required in Rule 8: only with the written consent of the Director responsible for Legal and Procurement Services and the Director of Finance and Resources (if they are not the same person).

9. The Procurement Board and Procurement Panel

9.1. Composition of the Procurement Board:

(a) Appointment and removal of Procurement Board members: from time to time in accordance with its approved terms of reference and its members must include the Director for Finance and Resources, a minimum of two (2) Directors and the Head of Legal and Procurement Services.

(b) How the Procurement Board is to conduct itself: as determined by the Procurement Board's Terms of Reference, acting reasonably and in good faith, and in any case, lawfully.

(c) The Procurement Panel shall include Directors, Head of Function and other officers of the Council appointed or removed in accordance with its approved terms of reference.

9.2. The Procurement Board shall have the following powers:

(a) To determine whether to approve or refuse any proposed Relevant Procedures which it has not otherwise delegated according to Rule 8.3;

(b) To monitor compliance with contract rules and monitor spend and contracts; to achieve savings;

(c) The status of the Procurement Panel in place from time to time shall be as a sub-committee of the Procurement Board;

(d) To establish and dissolve the Procurement Panel or similar sub-committee;

(e) To establish the composition of members of the Procurement Panel or similar sub-committee, including appointment and removal of members, including any substitutes;

(f) The conduct of the proceedings of the Procurement Panel or similar sub-committee from time to time;

(g) Any act of the Procurement Panel or similar sub-committee (including any approval or refusal of a Relevant Procedure) shall be regarded as if it were the direct act of the Procurement Board itself;

(h) To deal with expressions of interest from a relevant body exercising the right to challenge for a relevant service under Part 5, Chapter 2 of the Localism Act 2011;

(i) To provide an annual report on the activities of the Procurement Board and Procurement Panel to Cabinet Member Portfolio Holder and to the Audit and Procurement Committee; and

(j) The Director of Finance and Resources has the power to vary the terms of reference of the Procurement Board and Procurement Panel.

9.3. The Procurement Panel shall have the following powers:

9.4. (a) (b) (e) (g) (h) and (i) detailed in Rule 9.2.

10. Exceptions to CPRs

10.1. An exception to the CPRs is a permission to let a contract without complying with one or more of the Rules. An exception to CPRs may be granted subject to conditions. An exception cannot be granted where a breach of any UK legislation would be incurred.

10.2. Any Director may grant an exception to these CPRs where the value is below £100,000, except for contracts captured by the Provider Selection Regime. Any exception to CPRs of £100,000 and above (and up to PA2023 thresholds) will need the approval of the Director

responsible for Legal and Procurement Services or his/her authorised deputy who may grant an exception to these CPRs. Applications for exceptions must be made in writing to the appropriate Director and include the exception rule that is requested and the justification for the exception. All Directors granting an exception or exceptions will notify Legal and Procurement Services of all exceptions granted at a frequency to be determined by the Director responsible for Legal and Procurement Services.

10.3. The Director responsible for Legal and Procurement Services will keep a register of all exceptions to CPRs, which shall be available by appointment for inspection by members of the Council and the public. An annual report on exceptions granted in the previous financial year will be presented to the Procurement Board.

10.4. An application for an exception to CPRs to allow a contract to be let without genuine competition will not be granted without a cogent reason. A lack of time caused by inadequate forward planning is not a cogent reason and will not permit an exception to CPRs. If an application is granted, the Director responsible for the contract must demonstrate that the price obtained is not in excess of the market price and that the contract represents best value for money.

10.5. Where an exception has been granted in line with these rules, a further exception must be sought if the value of the original exception has been exceeded **or** the time period granted for the exception has elapsed.

10.6. An exception to the requirements to follow the tender or quotation procedure may be granted in the following circumstances:

(a) an unforeseeable emergency involving danger to life or health or serious damage to property, in which the work, goods or services are required more urgently than would be possible if the tender or quotation procedure were followed;

(b) for justifiable technical reasons, the works, goods or services can be obtained from only one supplier;

(c) acquiring goods or services from a different supplier would result in incompatibility with existing goods or service or disproportionate technical difficulties;

(d) the proposed contract is an extension to or variation of, the scope of an existing contract, if permitted by the public procurement legislation i.e. below the required threshold, unless the existing contract provides for an extension;

(e) there is a need to develop and influence the market by extending the range and provision of services, provided the contract is for a fixed term of no more than three years;

(f) it is necessary to enable the continuation of a new service, development of which was initially grant-aided, provided the contract is for a fixed term of no more than three years;

(g) when a grant from a public body includes a recommendation as to the supplier or is time limited;

(h) in furtherance of the Council's social enterprise policy, or other economic development aims, subject to the prevailing financial support limits for this type of activity and without breaching public procurement rules;

(i) if there are exceptional circumstances in which it would not be in the Council's best interests to follow the tender or quotation procedure or another Contract Procedure Rule.

10.7. An exception to Contract Procedure Rules is granted and separate authorisation is not required in the following circumstances:

(a) placing an order against a contract/framework agreement let by another Public Body where contracts have been let to allow collaboration, e.g., Eastern Shires Purchasing Organisation (ESPO), Central Buying Consortium (CBC, Buying Solutions, etc.), where the value is below £100,000. If £100,000 or above, approval should be sought via the Procurement Panel or Procurement Board;

(b) as part of a partnering contract that contemplates a series of contracts with a single supplier;

(c) legislation requires the Council to let a contract differently from these Contract Procedure Rules;

(d) value for money can be achieved by the purchase of second hand/used vehicles, plant or materials

(e) the purchase of works of art, museum artefacts, manuscripts, archive collection items or the services of artistic and cultural performers;

(f) Residential Placements for an individual with a registered care provider of their choice under the Care Act 2014; and

(g) for decision making on utilities contracts. Due to the volatile nature of utilities markets and the need for expedient decision making, authority has been delegated through the approval of these Rules to the Director responsible for Legal and Procurement Services in consultation with the Director for Finance and Resources. If the Director for Finance and Resources is also the Director responsible for Legal and Procurement Services, then the decision will be made by the Director for Finance and Resources in consultation with the Chief Executive or his nominated representative. All utilities contracts will be let through Legal and Procurement Services and in line with the procedures dictated by the Head of Legal and Procurement Services.

11. Valuation of Contracts and Aggregation of Requirements

11.1. The Director responsible for each contract must record an estimated value for the contract before any offers are sought.

11.2. The total value of the contract is the total amount that the Council expects to pay for the contract includes the following:

(a) the value of any goods, services or works provided by the Council other than for payment

(b) amounts that would be payable if an option in the contract to supply additional goods, services or works were exercised

(c) amounts that would be payable if an option in the contract to extend or renew the term of the contract were exercised

(d) amounts representing premiums, fees, commissions or interest that could be payable under the contract

(e) Amounts representing prizes or payments that could be payable to participants in the procurement.

11.3. In estimating the value of a contract, the Council must take into account all of the facts which are material to the estimate and available to the Council at the time is makes the estimate.

11.4. In estimating the value of a framework, the Council must estimate the value as the sum of the estimated values of all the contracts that have or may be awarded in accordance with that framework.

11.5. In estimating the value of an open framework, the Council must estimate the value as the sum of all frameworks awarded, or to be awarded, under the Open framework.

11.6. In estimating the value of a Concession contract, the Council must estimate the value as the maximum amount the supplier could expect to receive under or in connection with the contract including, where applicable, amounts already received.

11.7. Where it is not possible to estimate the value of a contract in accordance with Schedule 3 of the Procurement Act 2023, the Council is to treat the contract as having been estimated to be of an amount of more than the threshold amount for the type of contract.

11.8. Contracts for the same works, goods or services must not be split into smaller, separate contracts to avoid compliance with these CPRs or the Procurement Act 2023.

12. Duties of Directors and the Head of Legal and Procurement Services

12.1. The Director is responsible for ensuring that all expenditure involving procurement activity complies with the CPRs and is responsible for ensuring that contracts within his/her division are managed and operated within the terms of the contracts themselves.

12.2. The Head of Legal and Procurement Services is responsible for maintaining a register of contracts and for providing an up-to-date copy of the register. Contracts in excess of £5,000 total contract value shall be added to the Contracts Register, which is to be published on the Council's website in accordance with the Local Government Transparency Code. Directors responsible for entering into contracts for £5,000 or more must notify the Director responsible for Legal and Procurement Services of contracts entered into at a frequency determined by the Director responsible for Legal and Procurement Services.

12.3. As soon as practicable after the Council's budget has been set and in any event before the end of March in each financial year, the Director must notify the Head of Legal and Procurement Services of all contracts (including their values) that his/her division plans to enter into during the following financial year.

12.4. The Director must use corporate contracts, where they are in place. To do otherwise would be unlikely to give value for money for the Council and may be in breach of the Procurement Act 2023.

12.5. If there is an in-house service available that operates as a trading unit, the Director must consider, in accordance with Value for Money principles, whether that service should be used or whether a contract should be let to an external provider, although all resource

implications (e.g. TUPE implications and/or redundancies for directly employed staff), must be considered as part of the best value assessment.

13. Selection of Procurement Route

13.1. When selecting the most appropriate procurement route to secure value for money, the Director, in consultation with the Head of Legal and Procurement Services, shall adhere to the following principles:

(a) All practical options for contract packages and methods of procurement should be analysed and evaluated, with the object of selecting the option that most effectively ensures value for money is achieved. The preferred option must provide full, fair, transparent and open competition and be identified as the most advantageous bid.

(b) The scope of contract packages should take into account cross-cutting themes and outcomes identified by strategic, policy and service reviews. Stakeholders within and outside the Council should be consulted about service standards and specifications and investigation of the market undertaken. Performance under any current contract should be appraised and prospective performance considered in the light of consultations and investigations.

(c) The Council is not required to conduct preliminary market engagement. However, preliminary market engagement is beneficial to the Council and the market in preparing for the procurement and developing the requirement. Where preliminary market engagement is to be undertaken, the Head of Legal and Procurement Services shall ensure that the necessary Preliminary Market Engagement Notice is published in accordance with the Procurement Act 2023.

(d) The contract package should seek to stimulate diversity and innovation, enhance choice for service users and attract new suppliers.

(e) Partnerships between the public, private and voluntary sectors should be sought, which demonstrate a shared commitment to objectives that benefit users of the Council's services.

(f) Consideration of reducing and/or removing barriers to entry in the procurement process for SMEs, VCSEs and start-ups.

14. Authority to Enter into a Contract

14.1. Officers may only enter into a contract if authority is delegated to them or by specific decision of the Council, the Cabinet or Cabinet Member or Procurement Board or Procurement Panel.

14.2. Unless an officer has been given authority to enter into a contract, all contracts involving capital expenditure must be authorised by a specific decision of the Cabinet or a Cabinet member.

14.3. Unless an officer has been given authority to enter into a contract, all contracts involving revenue expenditure must be authorised by a specific item in the approved revenue budget for the relevant year. A specific item in the approved revenue budget is deemed to be an authority for the relevant Director to enter into a contract up to the value estimated.

14.4. All contracts will be let with the involvement of Legal and Procurement Services in consultation with service users and technical experts.

See Appendix 1 for Governance Flowchart

15. Specifications

15.1. The Director, in conjunction with the Head of Legal and Procurement Services, must ensure that an appropriate specification is prepared for every contract, which sets out clearly the Council's requirements with regard to the works, goods or services to be supplied.

15.2. The Director, in conjunction with the Head of Legal and Procurement Services shall ensure that specifications do not unnecessarily narrow the competitive pool of suppliers, and suppliers are treated equally.

15.3. Where applying standards applicable to the goods, services or works, the Director shall ensure that the specification is clear when referring to UK standards that if it is considered that equivalent standards from overseas have been satisfied, this will be treated as having satisfied the UK standard.

15.4. Specifications should incorporate measurable and, so far as is possible, objective quality and performance criteria (Key Performance Indicators or clearly defined milestones/deliverables) to enable the contract to be monitored and managed and should build in a capacity for flexibility and innovation, to secure sustained improvements and the ability to meet changing local and national circumstances.

15.5. Where appropriate, specifications should identify and allocate the risks inherent in the contract.

15.6. If a contract may involve the transfer of employees (from the Council to a contractor or from one contractor to another), the tender documents should, if the contractor has assured confidentiality of personal information, include all relevant information relating to those employees.

15.7. The Director must obtain all necessary professional and technical advice and assistance in preparing a specification, to ensure a comprehensive document that expresses the Council's requirements and protects its interests. Consultants or other third parties who assist in the preparation of a specification must not be invited to tender or quote for the contract.

16. Contract Procedures

16.1. If a corporate contract is in place for the supply of any works, goods or services, the Director must place orders under that contract. Legal and Procurement Services publishes data to enable Directors to order from corporate contracts.

16.2. The Director in conjunction with the Head of Legal and Procurement Services must establish whether the public procurement legislation or the Provider Selection Regime applies to a proposed contract. If in doubt, Legal Services will advise whether either legislation applies. When public procurement legislation does apply, the Director/ Head of Legal and Procurement Services must use the Open procedure or the Competitive Flexible procedure unless Legal & Procurement Services agree to the use of a Direct Award procedure. Where the Provider Selection Regime applies to a proposed contract, the Director/Head of Legal and Procurement Services must use one of the provider selection processes in accordance with the Provider Selection Regime guidance. In order to drive competitive procurement and value for money on all contracts, the default position of the Council is that a competitive procedure must be adopted.

16.3. The Head of Legal and Procurement Services will place all notices relating to contracts on the Central Digital Platform where applicable and will ensure compliance with all applicable laws and regulations relating to the Council's procurement activities.

16.4. The Director need not obtain competitive quotations for contracts of less than £10,000 in value but must demonstrate in any event that the Council is receiving value for money. All contracts entered in to at £5,000 or more must be added to the Contracts Register and published in accordance with the Local Government Transparency

Code.

17. Invitation to Formal Tender

17.1. If the public procurement legislation applies to a contract, the selection of suppliers to be invited to tender for the contract must follow the requirements of that legislation.

17.2. Prior to the publication of the relevant Tender Notice or Transparency Notice, the Head of Legal Services shall ensure that the appropriate conflict assessment has been prepared and that it is maintained/revised accordingly until such time that the Council enters in to contract.

17.3. If the estimated total contract value for the procurement is between £100,000 and PA2023 thresholds, a minimum of five (5) potential suppliers must be invited to tender using the Council's e-tendering system. Where possible those invited to tender should include at least three (3) local suppliers. The number of suppliers invited to tender should ensure full competition is achieved.

17.4. Where the Authorising Officer does not believe it possible to invite five (5) suppliers to tender, the Invitation to Tender must be published to the open market.

17.5. Where the Health Care Services (Provider Selection Regime) Regulations apply, the selection of suppliers to be awarded or invited to tender for the contract must follow the requirements of that legislation. No financial thresholds apply to the Provider Selection Regime.

17.6. Companies expressing an interest in being invited to tender in response to an advertisement, must satisfy the Council as to their legal, financial and technical capacity (including but not limited to their Health & Safety and Equal Opportunities policies) to undertake the contract by satisfying the conditions of participation of the procurement procedure used, in a form approved by the Head of Legal and Procurement Services.

17.7. The Head of Legal and Procurement Services shall be responsible for ensuring that an "Invitation to Tender" procedure – that demonstrates public sector best practice – is available and adhered to, at all times, ensuring that the award criteria, weightings and assessment methodology is stipulated in the Invitation to Tender documentation and Tender Notice, and is sufficiently clear, measurable and relates to the subject matter of the contract.

17.8. The Head of Legal and Procurement Services shall be responsible for ensuring that the appropriate Procurement Termination Notice is published on the Central Digital Platform in the event of an abandoned procedure unless exemptions apply.

18. Opening Formal Tenders

18.1. The information obtained at the opening of tenders is confidential to those involved in the opening process and those directly involved in evaluation of the tenders. Confidentiality must be maintained, and any breach reported to the Monitoring Officer.

18.2. The Council uses an *electronic tendering platform.* The tender opening process must be appropriate to the specific electronic software employed and its facilities for guaranteed receipt of tenders.

19. The Quotation Procedure

19.1. Where the Health Care Services (Provider Selection Regime) Regulations apply, the selection of suppliers to be awarded or invited to tender for the contract must follow the requirements of that legislation. No financial thresholds apply to the Provider Selection Regime.

19.2. Except for services which are captured by the Provider Selection Regime, where the contract value is £10,000 and up to £24,999, a minimum of five (5) verbal quotations (which must be confirmed by email) shall be sought and the use of the quotation pack is optional. Where the contract value is £25,000 up to £99,999, a minimum of five (5) quotations MUST be requested via the Council's e-tendering system using the quotation pack. Where possible those invited to quote where the contract value is between £10,000 and £99,999 should include a minimum of three (3) local suppliers.

19.3. The Authorising Officer must satisfy themselves as to the legal, financial and technical capacity of suppliers invited to quote to undertake the contract for the Council, through seeking appropriate in-house professional advice, and that they will provide value for money.

19.4. Five (5) or more suppliers must be invited to quote to ensure genuine competition. Where the Authorising Officer does not believe it possible to invite five (5) suppliers to quote, the Request for Quotation must be published to the open market.

19.5. The Head of Legal and Procurement Services shall be responsible for all procedural aspects of seeking quotations, ensuring that probity and proper public accountability standards are in operation. Monitoring shall be carried out periodically by either the internal or

external auditor.

20. Reserving Competitions for Below-Threshold Contracts

20.1. Directors may, in accordance with the Local Government (Exclusion of Non-commercial Considerations) (England) Order 2026, reserve competitions for below-threshold contracts (refer to Rule 3 Financial Thresholds for Procedure) relating to the supply of goods, services or works, frameworks and concession contracts.

20.2. Such reservations can be made for:

(a) Businesses based within the local area or United Kingdom; and/or

(b) Small and Medium-Sized Enterprises (SMEs) and/or Voluntary and Community Social Enterprises (VCSEs)

20.3. The 'local area' is defined as the City of Coventry or the City of Coventry together with any areas of the counties bordering the City of Coventry. Where a joint procurement exercise is being undertaken with two or more Authorities, the local area is defined as the areas of the Authorities or the areas of the Authorities together with any areas of the counties bordering the relevant Authorities.

20.4. 'Based within' is defined by the Order as being "where that contractor is based or has established substantive business operations, not taking account of the location of the corporate ownership or control of the contractor".

20.5. The option to reserve competitions for below-threshold contracts should be considered on a case-by-case basis and shall be made only where sufficient market intelligence exists in order to deliver value for money through a competitive procurement exercise, and not as a way to de facto directly award contracts.

20.6. In accordance with Rule 20.5, Directors - in conjunction with the Head of Legal and Procurement Services - shall ensure that a Preliminary Market Engagement Notice is published and market engagement held prior to the reservation of any below-threshold contracts in the subsequent Tender Notice.

20.7. Contracts that are subject to the Health Care Services (Provider Selection Regime) Regulations 2023 are not in scope of the Order.

21. Acceptance of Formal Tenders and Quotations

21.1. Where expenditure has been approved through the budget setting process, the Procurement Panel or Board has given approval to

proceed and these CPRs have been followed, the Procurement Board or Procurement Panel shall receive notification of the contract award.

21.2. Where the Health Care Services (Provider Selection Regime) Regulations apply, the appropriate provider selection process shall be followed. Where the Competitive Process is followed, contracts shall be awarded according to the basic selection criteria and key criteria of the Provider Selection Regime. The Procurement Panel/Board shall receive a written report of the contract award from the responsible officer seeking approval for such award where outside of the delegated authority granted at the approval to proceed stage. In extreme urgency the Head of Legal and Procurement Services may agree to a verbal report from the responsible officer with a written report being presented to Procurement Panel/Board within a calendar month. All papers/electronic files will be stored in line with the document retention policy.

21.3. When using the Provider Selection Regime, the criteria for evaluation must be set out in the invitation to tender or equivalent document depending on which procedure is used, in descending order of priority, with the weightings to be given to them. The criteria must also be set out in the required Tender Notice, Contract Award Notice and Contract Details Notice unless exemptions apply. Whole life and environmental costs may be included in criteria for evaluation.

21.4. Excluding services captured by the Provider Selection Regime, for contracts of £100,000 or more, contracts are to be awarded under the "most advantageous" criterion. The Procurement Panel/Board shall receive a written report of the contract award from the responsible officer seeking approval for such award where outside of the delegated authority granted at the approval to proceed stage. In extreme urgency the Head of Legal and Procurement Services may agree to a verbal report from the responsible officer with a written report being presented to Procurement Panel/Board within a calendar month. All papers/electronic files will be stored in line with the document retention policy.

21.5. Tenders or quotations must be evaluated on the basis of which is most advantageous to the Council. When using the PA2023, the criteria for evaluation must be set out in the associated tender or quotation documents, in descending order of priority, with the weightings to be given to them. The criteria must also be set out in the required Tender Notice, Contract Award Notice and Contract Details notices unless exemptions apply. Whole life and environmental costs may be included in criteria for evaluation.

21.6. The Head of Legal and Professional Services shall ensure that the appropriate assessment summaries are provided to tenderers,

informing them of the contract award outcomes at the conclusion of the procurement exercise.

22. Electronic Tendering and Quotations

22.1. The Head of Legal and Procurement Services is responsible for the procedure for these processes.

(a) tenders and quotations over £25,000 must be invited electronically through the Council's e-tendering system. Support must be found for suppliers that do not have access.

(b) invitations to tender and quotes submissions over £25,000 must be submitted electronically through the Council's e-tendering system. Where electronic submissions have been approved by the relevant Procurement Officer to be made outside of the approved system (i.e., via email), submissions must be made before the official opening deadline.

(c) the procedure will also include arrangements for e-auctions.

23. Amendments and Alterations to Tenders and Quotations

23.1. Amendments to invitation to tender or Request for Quotation (RFQ) documents, made after the invitations have been sent out, must be clearly headed "Tender Amendment" or "Quotation Amendment" as appropriate and sent to all suppliers who have been invited to tender or quote. If there is more than one amendment, they should be numbered consecutively. Amendments should be sent out in sufficient time to allow suppliers to adjust their tenders or quotations as appropriate.

23.2. A supplier's tender or quotation is its offer to the Council, which the Council may accept as it stands. Once a tender or quotation has been submitted, alterations will only be accepted through formal clarifications under the competitive process undertaken.

23.3. In all other situations, if a supplier attempts to alter their offer after the last date for receipt of tenders or quotations, they must be given the opportunity to stand by or withdraw their original offer. Correction of an obvious arithmetical error, which would reduce the price to be paid by the Council or increase the price to be paid to the Council, may be accepted.

23.4. Where performance specifications are used, a tender or quotation that is expressed to be conditional upon the Council's acceptance of alterations to the specification or the terms and conditions of contract, may be treated as non-compliant and rejected. This does not prevent

the Council inviting variant bids (that is an invitation to submit an alternative bid that could then be considered as being to the Council's benefit provided that the condition applying to the mandatory reference bid is followed). If variant bids are invited, suppliers must be required to submit a mandatory reference bid based on the specification and terms and conditions included in the invitation to tender or invitation to quote, so that all bids may be compared fairly.

23.5. Where outcome-based specifications are used it will be for the bidder to decide the method of service delivery. Tenders or quotations will be evaluated fairly against published evaluation criteria.

23.6. A properly approved and compliant competitive process involving dialogue or negotiation will normally result in one or more Best and Final Offers as a result of negotiation with selected bidders. No alteration to the Best and Final Offer, in terms of outcomes or contract price, is permitted without the specific approval of the Monitoring Officer.

24. Contract extensions

24.1. Where extensions to contracts have been included in the original advert, tender documentation and contract, subject to Procurement Panel/Board approval, the extensions may be agreed; where performance is satisfactory and the original contract terms are to continue (including price variations in line with the original contract) through the issuing of a contract change note or variation schedule. The contract change note / variation schedule must be kept with the original contract in line with the document retention policy and must be signed by the officer who signed the original contract, or in their absence for whatever reason, by another officer authorised to sign the original contract.

24.2. For Contracts of £100,000 in value and over, or irrespective of value where captured by the Provider Selection Regime, these will be approved by Procurement Panel/Board as set out in Appendix 2.

25. Contract Variations

25.1. For contract variations, if a contract variation is proposed where the terms and conditions of the original contract will be changed, the Head of Legal and Procurement Services or relevant Panel/Board shall require a written report from the responsible officer requesting approval in line with Appendix 3 for acceptance, detailing the reasons for doing so, and clearly outlining the relevant legislative regime applicable and the satisfaction thereof. This shall be recorded in writing.

25.2. In relation to the procurement of goods, services and works, the Head of Legal and Procurement Services shall ensure that the Contract Change Notice is published prior to the variation being executed and becoming effective unless exemptions apply.

25.3. A contract change note will be issued and kept with the original contract documentation. All written reports will be stored in line with the document retention policy. If a contract is executed as a deed, a short supplemental deed may be drafted, and this will be dealt with on request to Legal Services.

25.4. Where a contract modification results in the revised total contract value exceeding £5m, the contract is known as a 'convertible contract' and is subject to the additional notice requirements found at 28.2 - 28.4.

26. Form of Contract

26.1. Legal Services will decide whether a contract is to be executed as a deed or under hand as a simple contract. As a general rule, any works contracts, and high value contracts equal to or exceeding £1,000,000 and which are expressed to be executed as deeds must either be:

26.1.1. made under the Council's seal attested by the Monitoring Officer or authorised signatory; or

26.1.2. signed by at least two officers of Legal Services duly authorised by the Monitoring Officer.

26.2. All contracts created as deeds must be made in accordance with the provisions of Rule 26.1 above, witnessed in accordance with the relevant provision of the Scheme of Functions Delegated to Employees by an Officer authorised to do so.

26.3. A contract executed as a deed is retained for twelve years to enable any action to be taken under it, if required

26.4. Contracts of up to £999,999 in value can be signed under hand for and on behalf of the Council by Directors and Heads of Service, or an authorised signatory.

26.5. Any contracts entered into on behalf of the Council which are being executed by electronic means (using an electronic execution software tool) shall be undertaken in accordance with the process set out in the Contract Execution Process.

27. Social Value

27.1. The Public Services (Social Value) Act 2012 and the National Procurement Policy Statement requires the Council to consider delivering Social Value through contracts. The Council encourages consideration of social value outcomes in all contracts, where it can be evidenced that it is relevant to the subject matter of the contract.

27.2. For those contracts that fall below the threshold, the approach should be to maximise outcomes where possible.

27.3. In order to ensure that the Council adheres to the Act and the National Procurement Policy Statement, the social value sought from a contract must be relevant and proportionate in respect of the proposed contract.

28. Contract Administration and Management

28.1. In relation to the procurement of goods, services and/or works and concession arrangements, the Head of Legal and Procurement Services shall arrange for publication of a Contract Details notice for contracts valued in excess of £25,000 no later than 30 days after contract award, if appropriate, and shall keep a register of the notified information, which shall be available for inspection by appointment by any Member of the Council, internal and external auditors and any member of the public.

28.2. In relation to the procurement of goods, services and works above £5m, the Head of Legal and Procurement Services shall ensure that the Contract Details Notice contains details of no less than three Key Performance Indicators in accordance with the PA2023 unless exemptions apply.

28.3. In relation to the procurement of goods, services and works above £5m, the Head of Legal and Procurement Services shall arrange for the publication of a redacted copy of the contract unless exemptions apply,

28.4. In relation to the procurement of goods, services and works above £5m, the Head of Legal and Procurement Services shall arrange for the publication of the Contract Performance Notice not less than once every twelve (12) months) unless exemptions apply.

28.5. In relation to the procurement of goods, services and works, the Head of Legal and Procurement Services shall arrange for the publication of the Contract Termination Notice (including through natural expiry) unless exemptions apply.

28.6. In relation to the procurement of health care services captured by the Provider Selection Regime, the Head of Legal and Procurement Services shall arrange for publication of a contract award notice for all contracts irrespective of value no later than 30 days after contract award and shall keep a register of the notified information, which shall be available for inspection by appointment by any Member of the Council, internal and external auditors and any member of the public.

28.7. The Head of Legal and Procurement Services shall be responsible for ensuring that a procedure on "Contract Administration and Management" is made available to all officers and partners managing contracts on the Council's behalf.

29. Prevention of fraud and corruption

29.1. All purchases, contracts and income covered by these rules must be let in line with the Council's Anti-fraud and Corruption Policy and Strategy and in line with the requirements of the PA2023 and Provider Selection Regime.

29.2. If an officer of the Council has a pecuniary interest in a contract or proposed contract, he/she must in accordance with Section 117 of the Local Government Act 1972 register the interest with the Monitoring Officer and declare it at any meeting at which the officer is present and the contract is discussed and thereafter leave the room and take no further part in the discussion.

29.3. If an officer of the Council has a personal or non-pecuniary interest in a contract or proposed contract, they must declare that interest to the Chief Executive or to their Director, as appropriate, as required by the Council's Code of Conduct for Employees and relevant employee policies.

29.4. If a Member of the Council has a disclosable pecuniary interest or other relevant interest in a contract as defined in the Code of Conduct for Elected and Co-opted Members, the member must take such action as is required by that Code.

29.5. A contract must be terminated immediately, and any losses to the Council arising from the termination recovered from the supplier, if the supplier, or anyone acting on their behalf:

(a) offers or gives or agrees to give any member or officer of the Council any gift, benefit or consideration of any kind or value as an inducement or reward with regard to the contract; or

(b) commits any offence under the Bribery Act 2010 or section 117 of the Local Government Act 1972.

NOTE: A declaration to this effect must be contained in all invitations to tender or quote.

29.6. The attention of officers is drawn to the Council's Code of Conduct for Elected and Co-opted Members, Whistleblowing Policy, Disciplinary Policy and Procedures and the Code of Conduct for Employees and relevant employee policies. Non-compliance with these CPRs constitutes grounds for disciplinary action.

29.7. All of the requirements in Rule 29.1 to 29.6 above will apply to any third party acting on the Council's behalf in a contractual situation e.g. consultants and community representatives on evaluation panels.

30. Freedom of Information Act 2000

30.1. When entering into contracts the Council will refuse to include contractual terms that purport to restrict the disclosure of information held by the Council and relating to the contract beyond the restrictions permitted by the Act. Unless an exemption provided for under the Act is applicable in relation to any particular information, the Council will be obliged to disclose that information in response to a request, regardless of the terms of any contract.

30.2. When entering into contracts with non-public authority contractors, the Council may be under pressure to accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. As recommended by the Information Commissioner, the Council will reject such clauses wherever possible. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, the Council will investigate the option of agreeing with the contractor a schedule of the contract that clearly identifies information which should not be disclosed. The Council will take care when drawing up any such schedule and be aware that any restrictions on disclosure provided for could potentially be overridden by obligations under the Act, as described in the paragraph above. Any acceptance of such confidentiality provisions must be for good reasons and capable of being justified to the Information Commissioner. When entering into the above contracts the Council will make it clear that these restrictions apply to sub-contractors also and that the Secretary of State has the powers to designate them as 'public bodies' for the purpose of making them comply with the Act.

30.3. The Council will not agree to hold information 'in confidence' which is not in fact confidential in nature. Advice from the Information Commissioner indicates that the exemption provided for in section 41

only applies if information has been obtained by a public authority from another person and the disclosure of the information to the public, otherwise than under the Act, would constitute a breach of confidence actionable by that, or any other person.

30.4. It is for the Council to disclose information pursuant to the Act, and not the non-public authority contractor. The Council will take steps to protect from disclosure by the contractor information that the authority has provided to the contractor (which would clearly be exempt from disclosure under the Act) by appropriate contractual terms. In order to avoid unnecessary secrecy, any such constraints will be drawn as narrowly as possible and according to the individual circumstances of the case. Apart from such cases, the Council will not impose terms of secrecy on contractors.

30.5. The Head of Legal and Procurement Services will be responsible for advising on the application of the Freedom of Information Act and contracts, in conjunction with the Council's Head of Information Governance, where circumstances arise that are not specifically covered by Council policy. He/she will also be responsible for updating procedure following any case law that materially amends or augments Council policy in this area.

31. Management of Risk in Contracts

31.1. For contracts of strategic importance, a risk register will be drawn up for the contract letting process. Once the contract is awarded, a risk register to cover the implementation and successful ongoing management of the contract will be drawn up by the Head of Service or authorised deputy. This risk register will be monitored in line with the corporate guidance on risk throughout the life of the contract.

32. Impact of Other Legislation

32.1. In addition to what has already been mentioned in these Rules, there is other legislation that may impact on the supplies, services and works required when following a contract tender or quotation procedure such as Health & Safety, Safeguarding, Modern Slavery, to name but a few. This legislation must be incorporated where relevant and appropriate. In particular, the Director must consider whether the contract needs to include, or be subject to, a Data Sharing Agreement where the nature of the contract services is such that personal data is likely to be shared.

33. Definitions

33.1. In these CPRs:

- Authorising Officer means: an officer authorised to approve the placement of orders or invoices for payment.

- Cabinet means: the Leader of the Council and the other members of the Council's Executive.

- Director for Finance and Resources means: the officer appointed under section 151 of the Local Government Act 1972.

- Contract means: the agreement between the Council and a contractor/supplier/provider for the supply of works, goods or services, or for any activity that generates income for the Council.

- Contractor means: a supplier or provider of works, goods or services to the Council.

- Contract change note means: the document that describes changes to the original contract which have been agreed by both parties.

- Contract package means: the scope for amalgamating like requirements/services currently operating at different parts of the organisation, to suit the supply market to achieve overall better value.

- Corporate contract means: a contract or framework agreement for the supply of works, goods or services to the Council e.g. for computer consumables, stationery, legal and financial services.

- Decision making body means: the body responsible for decisions in the described situation under the Council's Constitution.

- Framework Agreement means: an agreement between the Council and a contractor for the provision of estimated quantities of goods or services. This becomes a contract when an order for a specific quantity is placed either after further competition or through the most competitive source identified in the original tender.

- Head of Legal and Procurement Services means: the Head of Legal and Procurement Services or their authorised representative.

- Monitoring Officer means: the officer designated as such under Section 5 of the Local Government and Housing Act 1989 or their deputy.

- Outcome based specifications means: a specification that describes the required outcomes through service delivery and leaves the method of delivery to the third-party provider.

- Panels means: Procurement Panel.

- Performance Specifications means: a specification that provides details of the methods to be adopted when delivering the requirements.

- Procurement Board means: the officer board responsible for all procurement decisions.

- Legal and Procurement Services means: the centralised legal and procurement service for Coventry City Council.

- Provider Selection Regime means: the Health Care Services (Provider Selection Regime) Regulation 2023, the legislation which governs the arrangement of health care services in England, introduced under the Health Care Act 2022. The Provider Selection Regime only applies to those services for healthcare services and public health services (as defined in section 1(1) of the National Health Service Act 2006:) which are arranged by NHS bodies and local government, provided directly to individuals or patients and have a direct impact in the prevention, diagnosis, and treatment of physical and mental illness.

- Public procurement legislation means: The Procurement Act 2023, UK legislation affecting public sector contracts and any amendment, re-enactment or replacement of any of them.

- Quotation means: an offer to undertake a contract of £10,000 or more but less than £100,000 in value.

- Right to challenge means: the right to challenge for services under Part 5 of the Localism Act 2011.

- Services contract means: a contract or framework agreement for the provision of services to the Council.

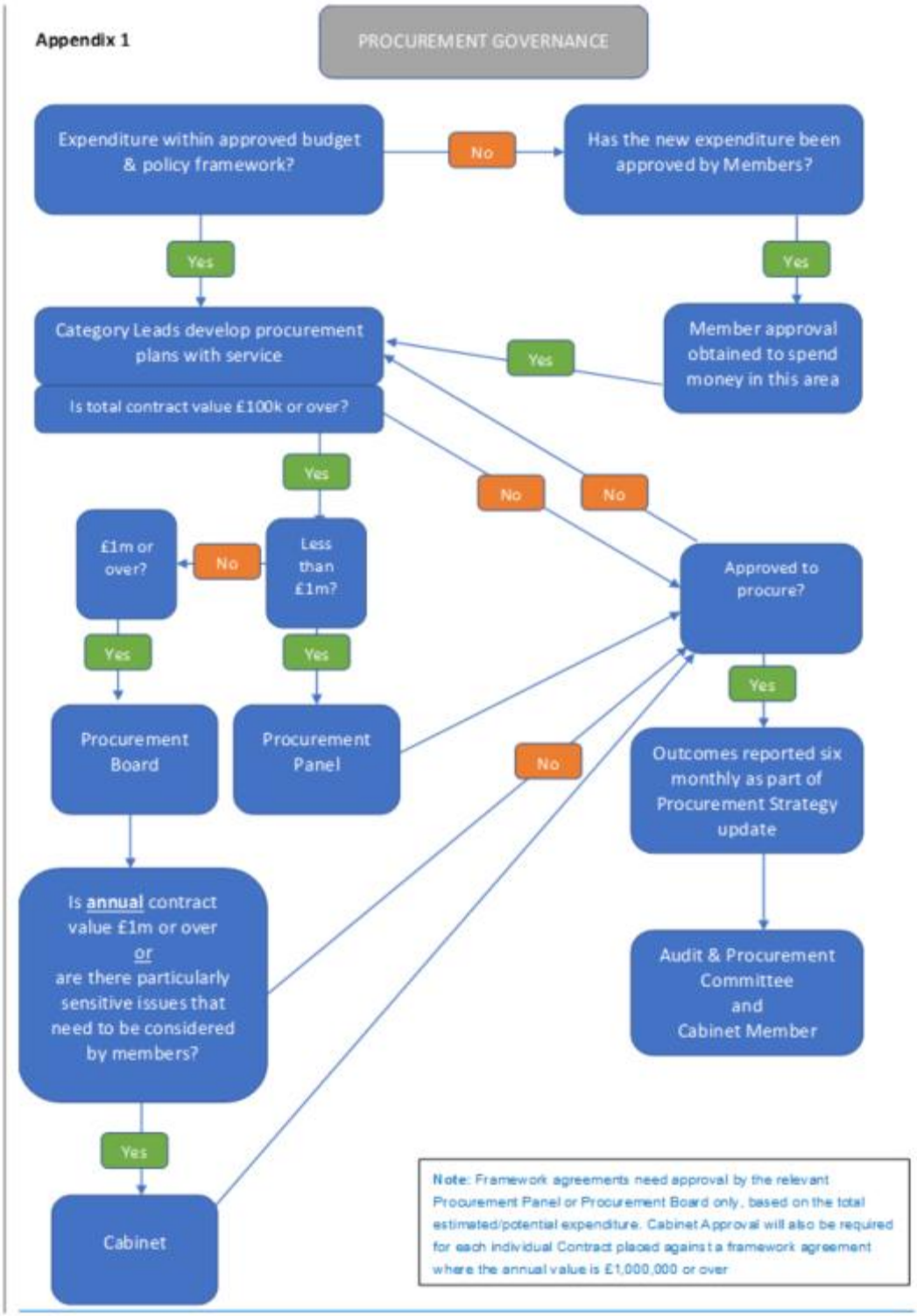
- Supplies contract means: a contract or framework agreement for the sale or hire of goods to the Council and includes, where appropriate, installation of goods.

- Tender means: an offer to undertake a contract of £100,000 or more in value.

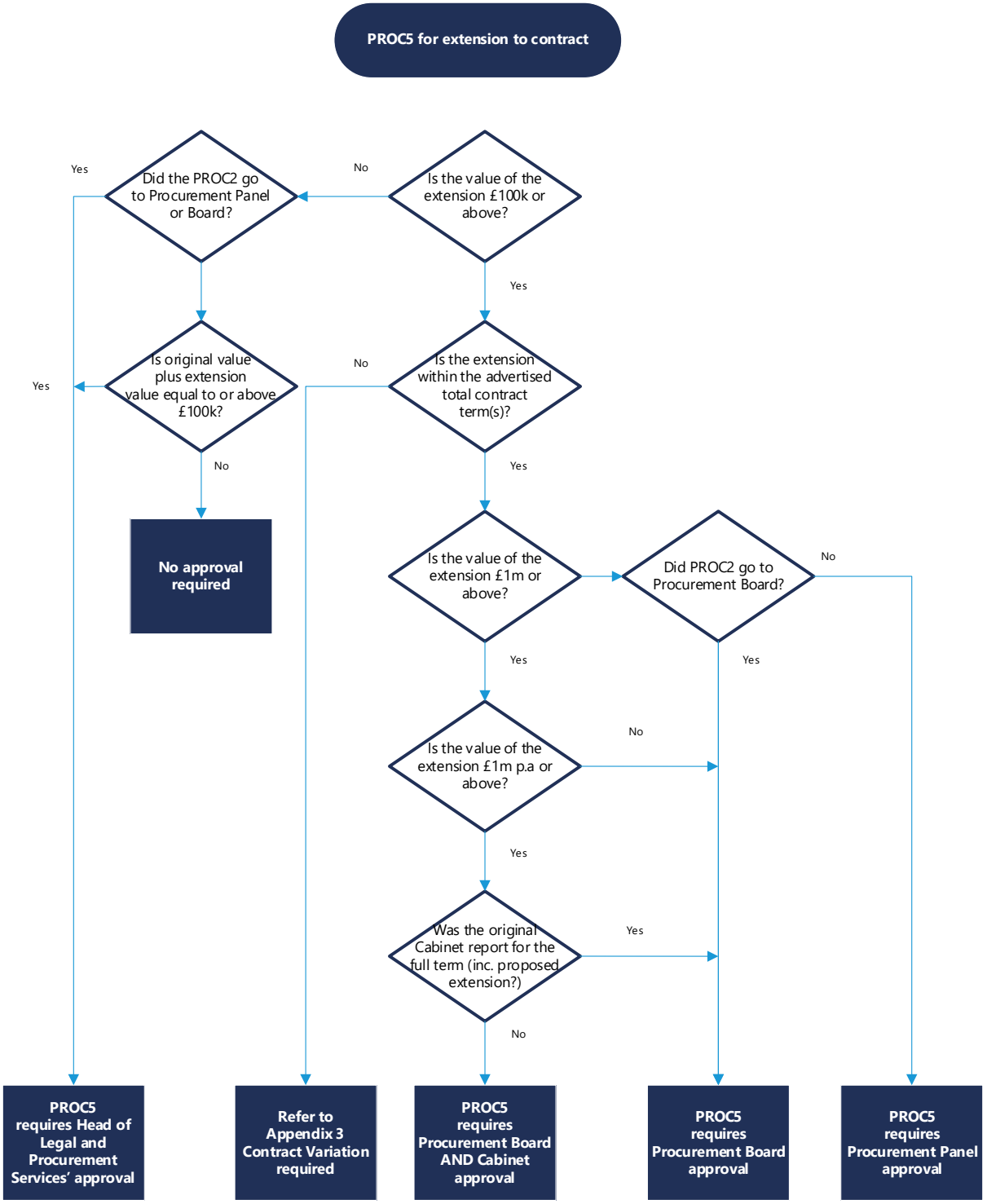
- TUPE Regulations means: the Transfer of Undertakings (Protection of Employment) Regulations 2006 and any amendment, re-enactment or replacement of the same.

- Works contract means: a contract for the construction, repair or maintenance of a physical asset not defined as Services in the Procurement Act 2023.

Appendix 1

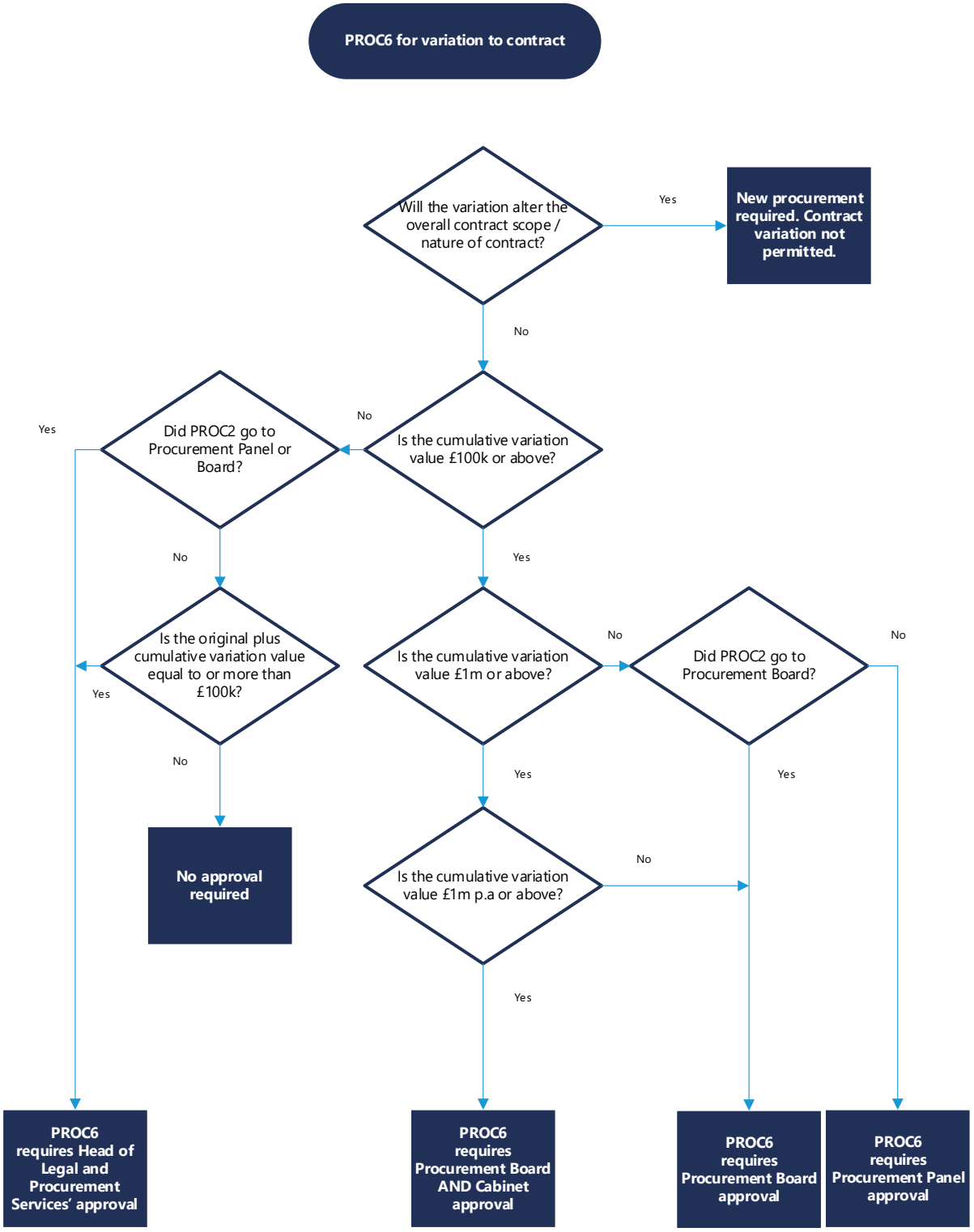

PROCUREMENT GOVERNANCE
Expenditure within approved budget & policy framework?
No
Has the new expenditure been approved by Members?
Yes
Yes
Category Leads develop procurement plans with service
Yes
Member approval obtained to spend money in this area
Is total contract value £100k or over?
Yes
No
No
£1m or over?
No
Less than £1m?
Approved to procure?
Yes
Yes
Yes
Procurement Board
Procurement Panel
No
Outcomes reported six monthly as part of Procurement Strategy update
Is annual contract value £1m or over or are there particularly sensitive issues that need to be considered by members?
Audit & Procurement Committee and Cabinet Member
Yes
Cabinet
Note: Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure. Cabinet Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over

Appendix 2



Note:
PROC2 – Request for Permission to Procure
PROC5 – Request for Permission to Extend a Contract

Appendix 3



Note:
PROC2 – Request for Permission to Procure
PROC6 – Request for Permission to Vary a Contract

Appendix 4 – Thresholds and exemptions for publishing notices

Notice Name	Threshold for Publication	Exemptions
Preliminary market engagement notice	When intending to carry out or have already undertaken pre-market engagement for above threshold contracts (can be used voluntary for below threshold contract).	Private utilities
Planned procurement notice	When notifying the market in advance. A qualifying planned procurement notice can be used to reduce tender timescales for above threshold contracts.	N/A
Pipeline notice	Within the first 56 days of the financial year where the total procurement spend is above £100m p/a (including below threshold spend). Include details of contracts over £2m.	Private utilities Contracts awarded by transferred Northern Ireland (NI) authorities
Tender notice	When inviting a request to participate or tender. Tender notice: above threshold contracts. Below-threshold tender notice: contract above regulated below-threshold tender threshold.	Qualifying utilities dynamic markets (no requirement to publish the tender notice, just provided directly to existing members of the market)
Transparency notice	Before awarding an above threshold contract via direct award.	Direct award: user choice contracts
Contract award notice	Before awarding an above threshold contract (can be	Direct award: user choice contracts

	used voluntary for below-threshold contract).	Defence and security contracts awarded under a defence and security framework
Contract details notice	Within the 30 days following when a contract is entered into for above threshold and regulated below threshold contracts (120 days for light touch contracts). Where total value of the contract is over £5m, publish the contract documents and details of KPIs (unless exemption applies).	Private utilities Direct award: user choice contracts Contracts awarded by a devolved Welsh authority or transferred NI authority (unless it is awarded as part of a procurement under a reserved procurement arrangement) Contracts awarded under a devolved Welsh or transferred NI procurement arrangement - exempt from publishing contract documents only
Contract payment notice	Payment(s) of £30,000 or more, under an above threshold contract. Publish quarterly.	Contracts awarded by a private utility Concessions contracts Contracts awarded by a school Contracts awarded by a transferred NI authority or under a NI procurement arrangement (unless it is awarded as part of a procurement under a reserved procurement arrangement or

		devolved Welsh procurement arrangement)
Contract performance notice	Contracts over £5m with KPIs set: publish KPI scores at least annually. All public contracts: in the event of poor performance/breach of contract: publish within 30 days of the event	Private utilities - exempt from both Light touch - exempt from both Concession contracts - exempt from publishing KPIs only Framework contracts - exempt from publishing KPIs only
Contract change notice	Above threshold contracts before a qualifying modification takes place. Convertible contracts before a qualifying modification takes place. Contracts over £5m: publish copy of modified contract or contract modification.	Defence and security contracts Private utilities Light touch contracts Contracts awarded by a transferred NI authority (unless it is awarded as part of a procurement under a reserved procurement arrangement or devolved Welsh procurement arrangement) or under a transferred NI procurement arrangement Contracts awarded by a devolved Welsh authority or a devolved Welsh procurement arrangement (unless it is awarded as part of a procurement under a reserved

		procurement arrangement) exempt from publishing the modified contract only
Contract termination notice	Above threshold contracts (can be used voluntary for below-threshold contract) when the contract terminates/ends.	Private utilities Direct award: user choice contracts
Procurement termination notice	Above threshold contracts (can be used voluntary for below-threshold contract) when required	Private utilities.
Dynamic market notice	When advertising, establishing, changing or terminating a dynamic market.	Private utilities are not required to update the dynamic market notice when the market ceases to operate.
Payments compliance notice	Above threshold contracts.	Private utilities Concessions contracts Contracts awarded by a transferred NI authority (unless it is awarded as part of a procurement under a reserved procurement arrangement or devolved Welsh procurement arrangement) or under a NI procurement arrangement. Contracts awarded by a school

PART 3H: EMPLOYMENT PROCEDURE RULES

1. Recruitment and Appointment

1.1. Recruitment Policy

1.1.1. Recruitment of employees will be in accordance with the Council's adopted recruitment and appointment policy and the Council will recruit from the widest possible field and will appoint on the sole criteria of merit, except where race and gender is a genuine occupational qualification, or where the Council seeks to avoid redundancy by identifying alternative employment opportunities or there are exceptional circumstances.

1.2. Legislation

1.2.1. The Council's Recruitment and Selection Policy and Procedures are governed by extensive legislation particularly the laws relating to discrimination. The Employment Procedure Rules reflect existing statutory provisions and in particular the Local Authorities (Standing Orders) (England) Regulations 1993 and 2001(as amended) and are based on the model provided by the Secretary of State for Communities and Local Government.

1.3. Declarations

1.3.1. These will be considered as follows:-

(a) The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether they are related to or a partner of an existing Councillor or an employee of the Council, or the partner of such persons.

(b) A candidate who fails to disclose such a relationship will be disqualified for the appointment and if appointed will be liable to dismissal without notice.

(c) Every Member and employee of the Council at JNC for Chief Officers level will disclose to the Chief Executive any relationship known to him/her to exist between themselves and any person they know is a candidate for an appointment with the Council.

(d) No candidate so related to any Member or an employee will be appointed to the same service unit without the authority of the Chief Executive or relevant Chief Officer.

(e) Any employee who develops a personal relationship with a Councillor, or with another employee in the same service, or any employee covered by the JNC for Chief Officers who develops a personal relationship with any other employee, will disclose that relationship to his/her manager.

(f) The purpose of such disclosures is to ensure openness, probity, equality and effectiveness of management and Councillor/employee relationships.

1.4. **Seeking support for an appointment**

(a) Subject to Rule 1.5, the Council will disqualify any applicant who directly or indirectly seeks the support of any Member of the Council for any appointment with the Council.

(b) Subject to Rule 1.5 below, no Member of the Council will seek support for any person for any appointment with the Council.

(c) The content of this Rule will be included in any recruitment information.

1.5. **References**

1.5.1. Nothing in Rule 1.4 above will preclude a Member of the Council from giving a written reference for a candidate for submission with any application for employment. Any member giving such a reference will take no part in the recruitment process.

2. Recruitment of Chief Executive, Chief Officers and "Deputy Chief Officers"

2.1. For the purpose of these employment procedure rules, a Chief Officer or "Deputy Chief Officer" is as defined in Sections 2(6)(7) and (8) of the Local Government and Housing Act 1989. The definition of a "Deputy Chief Officer" means a person who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more Chief Officer. This definition applies to a number of senior employees in the City Council, as determined by the Chief Executive, who for the purpose of these procedure rules, are designated "Deputy Chief Officers".

2.2. Where the Council proposes to appoint a Chief Executive, Chief Officer or "Deputy Chief Officer" and it is not proposed that the appointment be made exclusively from among their existing employees, the Council will:

(a) Draw up a statement specifying: the duties of the employee concerned; and 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 that is likely to bring it to the attention of the persons who are qualified to apply for it; and

(c) make arrangements for a copy of Rule 1.4 to be sent to any person on request.

2.3. The recruitment and appointment of employees other than those specified in Rules 3 and 4 (other than assistants to Political Group s) is the responsibility of the Chief Executive or their nominee.

2.4. No appointments except Chief Executive, Chief Officer or "Deputy Chief Officer" (as defined in Rule 2.1 above) (other than assistants to Political Group s) may be made by any Member or Members of the Council.

3. Selection Process for Chief Executive and Chief Officers and "Deputy Chief Officers"

3.1. Detailed arrangements with regard to the recruitment processes and selection techniques to be used, any additional procedures to those set out in these rules or the need for external advice will be decided by the Chief Executive or their nominee (unless excluded) on the advice of the appropriate senior HR Manager (unless excluded).

3.2. Any existing employee who is a candidate or a potential candidate or has any other personal interest in the recruitment process is excluded from taking any part in the process. In such circumstances the Leadership Board will nominate a suitable replacement for that post holder.

3.3. The Chief Executive or their nominee (unless excluded) and the appropriate senior HR Manager (unless excluded) will identify all applicants who meet the requirements of the post, as detailed in the statement referred to in Rule 2 above, who will progress to the next stage of the selection process.

3.4. Applicants to posts of Chief Executive, Chief Officer and "Deputy Chief Officer" will then go through a screening and/or assessment process by a selection panel which will select candidates to go forward to the Appointments Panel. The selection panel will comprise of the following:-

(a) The appropriate Cabinet Member(s), responsible for the service or services concerned.

(b) The Chief Executive or their nominee.

(c) The appropriate Senior Human Resources Manager or their nominee.

(d) For an appointment other than a Member of the Leadership Board, the Member of the Leadership Board responsible for the post.

(e) One other Member of the Leadership Board nominated by the Chief Executive at their discretion.

(f) An appropriate professional advisor.

3.5. Where no suitable qualified person has applied, arrangements will be made to re-advertise the post in accordance with the procedure set out in Rule 2.

4. Appointment of the Chief Executive

4.1. The Appointments Panel for the appointment of any Chief Executive will be established by full Council on a recommendation from the Cabinet.

4.2. The Appointments Panel for the appointment of the Chief Executive must include at least one Member of the Cabinet and will comprise at least the following:-

(a) the Leader and the Deputy Leader of the Council or their respective nominees.

(b) The Chair of the Scrutiny Co-ordination Committee or nominee.

(c) Such other Opposition Member(s) of Scrutiny to ensure the political balance.

4.3. The full Council will approve the appointment of the Chief Executive following the recommendations of an Appointments Panel. No offer of appointment may be made before the appointment has been approved by the full Council.

4.4. The Appointments Panel will be advised by any relevant Chief Officer(s) (or Senior Manager) or external professional advisers as nominated by the Cabinet on advice from any relevant Chief Officer (for the Chief Executive or Senior Manager).

4.5. The Quorum for the Appointments Panel for the Chief Executive will be 3 Elected Members.

5. Chief Officer and "Deputy Chief Officer" Appointments

5.1. All Chief Officers or "Deputy Chief Officers" will be appointed by an Appointments Panel.

5.2. The Appointments Panel should comprise the following:-

(a) The Leader and/or Deputy Leader of the Council or their respective nominees.

(b) The appropriate Cabinet Member(s) having responsibility for the area of service concerned, determined by the City Solicitor in consultation with the Leader of the Council or their nominee.

(c) The Chair of the Scrutiny Co-ordination Committee or their nominee.

(d) Such other opposition non-Cabinet Member(s) to ensure the political balance.

5.3. The Appointments Panel will be advised by the Chief Executive and any other relevant Chief Officer(s) (or Senior Managers) or external professional advisers as nominated by the Chief Executive.

The appointment of the Monitoring Officer and Chief Finance Officer will be approved by full Council following a recommendation of an Appointments Panel.

5.4. The Director of People and Facilities Management will ensure that all appropriate Disclosure and Barring Service are obtained before an appointment is confirmed.

5.5. The Quorum for the Appointments Panel for Chief Officers or "Deputy Chief Officers" will be 3 Elected Members.

6. Offer of Appointment of Chief Officers and "Deputy Chief Officers"

6.1. Any offer of employment to any post of Chief Officer or "Deputy Chief Officer" will only be made by an Appointments Panel where no well-founded objection from any Member of the Cabinet has been received.

6.2. Before an Appointments Panel considers an appointment to Chief Officer or "Deputy Chief Officer" the Monitoring Officer will be notified of the shortlisted candidates' names and any other relevant particulars.

6.3. The Monitoring Officer will notify all Cabinet Members of the names, the relevant particulars and the period within which any objection to any of the shortlisted candidates can be made (this will be a minimum of three working days).

6.4. Any objection by a Cabinet Member must be notified to the Leader who will respond to the Monitoring Officer on behalf of the Cabinet.

6.5. No appointment can be made until the expiry of the objection period and notification is received from the Leader that neither they nor any Member of the Cabinet objects to the appointment.

6.6. If an objection is received, the Monitoring Officer will notify the Appointments Panel and the appointment can only be made if the Appointments Panel determines that the objection is not material or well-founded.

6.7. The terms "Chief Officer" and "Deputy Chief Officer" are the statutory definitions of those terms and these requirements are compulsory.

7. Dismissal and Disciplinary Action

7.1. Members of the Council will not be involved in any disciplinary action against or the dismissal of any employee other than Chief Executive, Chief Officer or "Deputy Chief Officer" except where such involvement is necessary for any investigation or inquiry into alleged misconduct. 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.

7.2. Subject to paragraph 10, any disciplinary action against Chief Officers and "Deputy Chief Officers" will be conducted strictly in accordance with the Joint Negotiating Committee for Chief Officers terms and conditions of service.

8. Objections to Dismissal

8.1. Any dismissal from any post of Chief Executive, Chief Officer or "Deputy Chief Officer" will only be made where no well-founded objection from any Member of the Cabinet has been received.

8.2. When any person is minded to dismiss any Chief Officer or "Deputy Chief Officer", the Monitoring Officer will be notified of the proposed dismissal and any other particulars relevant to the dismissal.

8.3. The Monitoring Officer will notify all Cabinet Members of the name, the relevant particulars and the period within which any objection to the proposed dismissal is to be made.

8.4. Any objection by a Cabinet Member must be notified to the Leader who will respond to the Monitoring Officer on behalf of the Cabinet.

8.5. If no objection is received within the specified period or if the Leader has stated that neither they nor any Member of the Cabinet objects to the proposed dismissal, the dismissal can be made.

8.6. If an objection is received, the Monitoring Officer will notify the person proposing to make the dismissal and the dismissal can only be made if that person determines that the objection is not material or well-founded.

9. Suspension of Chief Executive, Monitoring Officer and Director of Finance and Resources

9.1. The Chief Executive, Monitoring Officer and Director of Finance and Resources may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will last no longer than two months, without being recommended for extension by an independent person.

10. Disciplinary Action and Dismissal involving Chief Executive, Chief Finance Officer and Monitoring Officer

10.1. No disciplinary action including dismissal may be taken in respect of the Chief Executive, the Director of Finance and Resources or the Monitoring Officer (“the relevant officers”) except in accordance with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001(as amended).

10.2. Before considering whether to dismiss the relevant officers, the Council will appoint a Panel (the Panel) for the purposes of advising the Council on matters relating to the dismissal of the relevant officers. The Panel will be a committee appointed by the Council under Section 102(4) of the Local Government Act 1972.

10.3. The Council will invite Independent Persons appointed under Section 28(7) of the Localism Act 2011 to be considered for appointment to the Panel with a view to appointing at least two such persons to the Panel. Independent Persons means any independent persons who

have been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

10.4. Subject to paragraph 10.5, the Council will appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 10.3 in accordance with the following priority order—

(a) a relevant independent person who has been appointed by the Council and who is a local government elector;

(b) any other relevant independent person who has been appointed by the Council;

(c) a relevant independent person who has been appointed by another authority or authorities.

10.5. The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 10.4 but may do so.

10.6. The Council must appoint any Panel at least 20 working days before any meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer.

10.7. Before the taking of a vote at a meeting referred to in paragraph 10.6, on whether or not to approve such a dismissal, the Council must consider, 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.

10.8. Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act, if any.

10.9. Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of a relevant officer, the Council must approve that dismissal before notice is given to that person.

11. Assistants to Political Groups

11.1. The appointment of any assistant to a Political Group will be made in accordance with the statutory provisions in that regard.

11.2. The appointment of an assistant to a Political Group will be made in accordance with the wishes of that Political Group .

11.3. There will be no political assistants unless such a post is allocated to all political parties that are so entitled. Any party that does not qualify may not have one. Before making any appointment to the post of political assistant, the Council must decide which group(s) would be entitled to such a political assistant.

12. Interests in Employee Negotiations

12.1. Any Councillor who is in the employment of any local authority or who is an official or an employee of a Trade Union whose members include employees of the Council is prohibited by law from representing the interests of the Council in any negotiations with respect to the terms and conditions of Council employees. Nothing in this paragraph will prevent any member from taking part in any Appeal Panel not involving terms and conditions of service.

13. Human Resource Matters

13.1. Management of Employees

13.1.1. All Members of the Leadership Board and Directors will be accountable to the Cabinet for the management of their Directorates or Departments.

13.1.2. In fulfilling this management role, all Members of the Leadership Board and Directors will comply with the City Council's human resource policies with regard to recruitment, selection and employment of employees, as may be agreed from time to time by the Cabinet.

13.1.3. All senior Managers are responsible for the effective recruitment, development and promotion of a workforce which is representative of the community and provides training and, if appropriate, adaptations for under-represented groups.

13.1.4. All employment policy and precedent advice to an Appeal Panel or member level dispute panel will be provided by the Director of People and Facilities Management and Facilities Management or their nominee.

13.2. Proposals with Human Resource Implications

13.2.1. Any proposal to establish or change policy must be supported by a written report to the appropriate Cabinet Member by the relevant Member(s) of the Leadership Board or a Director or Directors.

13.2.2. The Director of People and Facilities Management must report any breaches of the City Council's human resources policy, which may jeopardise the sound management of human resources within the City Council.

13.3. **Human Resources Managers**

13.3.1. The Director of People and Facilities Management will, in consultation with each Member of the Leadership Board and Directors, designate an Employee as Human Resources Manager to help each Member of the Leadership Board and Directors ensure compliance with the human resource policies of the City Council.

13.3.2. Decisions of any Appointments Panel or Appeal Committee are not subject to call-in.

PART 3I: THE PETITIONS SCHEME

1. General

1.1. The Council welcomes petitions and recognises that these are one way in which citizens of Coventry can raise concerns.

1.2. The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition and it has at least 5 signatories on it.

1.3. Petitions can be submitted by people who live, work or study in Coventry, or sponsored by a Councillor on their behalf. Where a petition is presented without a Councillor sponsor, ward Councillors will be offered sponsorship of the petition.

1.4. Petitions can be submitted in two ways:

(a) on paper; a recommended form for use by petition organisers is available on the City Council's website (www.coventry.gov.uk) at http://www.coventry.gov.uk/downloads/download/1524/petitions ,and

(b) electronically via the Council's e-Petition facility (http://www.coventry.gov.uk/info/10095/petitions)

1.5. Paper petitions should be sent to the Petitions Officer:

Coventry City Council
Council House
Earl Street
Coventry
CV1 5RR

2. Guidelines for Submitting a Petition

2.1. Petitions submitted to the Council must include:

- The topic being addressed and
- The action required from the Council and
- At least 5 signatories who live, work or study in Coventry

2.2. Petitions should be accompanied by contact details including an address for the Petition Organiser. This is the person the Council will contact to explain how it intends to respond to the petition. This can

be, but does not have to be, a Councillor. That person will need to indicate which personal data can be published on the Council's website in order to enable the Council to meet its obligations under data protection legislation. If the petition does not identify a Petition Organiser, signatories to the petition will be contacted, starting with the first signatory, to agree who will act as the Petition Organiser.

2.3. In the period immediately before an Election or Referendum the Council may need to deal with the petition differently – if this is the case the Council will explain the reasons and discuss the revised timescales which will apply.

3. Exclusions

3.1. The general principle is that the Council will consider all petitions submitted but petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

3.2. Where applicable, the Council will contact the Petition Organiser to discuss with them the issues and advise on how the petition might be made acceptable.

3.3. Where the Petitions Officer considers that a petition should be rejected for any of the above reasons, the matter should be referred by the Petitions Officer to the Leader of the Council and the Leader of the main opposition group for adjudication and where there is no consensus, the matter would be decided by the Leader.

3.4. The Council will not accept petitions dealing with any matter which has been considered by the Council within the previous 6 months. The exception to this would be where there has been a material change affecting the topic of the petition. These should be referred by the Petitions Officer to the Leader of the Council and the Leader of the main opposition group for adjudication and where there is no consensus, the matter should be decided by the Leader.

4. Petitions submitted or sponsored by a Councillor

4.1. Councillors may submit a petition as Petition Organiser or support an existing petition, acting as its 'Sponsor'.

(a) If a Councillor presents a petition to a meeting of the City Council the Councillor submitting the petition will be entitled to speak for two minutes;

(b) if a Councillor presents a petition to the Cabinet or appropriate Cabinet Member, the Councillor submitting the petition will be entitled to attend the meeting to present the petition and

entitled to speak for two minutes in addition to the speaking time for the petition organiser; and

(c) if a Councillor presents a petition to either the Planning or the Licensing and Regulatory Committee, that Committee's rules with regard to speaking and responding will apply.

(d) If a Councillor who is the Petition Organiser or who is acting as its Sponsor (in which case, together with the Petition Organiser) indicates in writing that they are agreeable, a petition may be dealt with or responded to without the need for formal consideration by a City Council body.

4.2. Where two or more Councillors present the same petitions, both Councillors will be entitled to speak for 2 minutes.

5. Council Action on Receipt of a Petition

5.1. A written acknowledgement will be sent to the Petition Organiser within five working days of receiving the petition (unless the Council is considering excluding the petition in accordance with Rule 3 above).

5.2. Details of the petition will be sent to the relevant Ward Councillors. For citywide petitions, all Councillors will be notified. Any Councillor wishing to act as 'Sponsor' for a petition will need to contact the Petition Organiser and seek their agreement and then inform the Petitions Officer. The Councillor's name will be added to the Petition Register. Both the Petition Organiser and a Sponsor will receive correspondence relating to the petition. Where the Petition Scheme states that the Petition Organiser will be informed, the Sponsor will also be informed.

5.3. The Petitions Officer will check that the petition complies with the requirements of the scheme and then publish details of the petition on the Council's website. This will be updated in the petitions Register. The details of the petition will be published within ten working days of receipt.

6. How the Council will respond to Petitions

6.1. When the Council accepts a petition, (other than those presented by a Councillor at full Council) the Petitions Officer will check which of the five different types of petitions apply:

(a) A petition requiring Council debate (Rule 7)

(b) A petition calling a senior officer to account (Rule 8)

(c) A petition which relates to a current Planning application (Rule 9)

(d) A petition which relates to a Licensing or Regulatory matter (Rule 9)

(e) Other petitions (Rule 10)

6.2. When dealing with petitions the Council may consider one or more of the following responses:

(a) Taking the action requested in the petition

(b) Taking no further action

(c) Referring the petition to Cabinet, a Cabinet Member or relevant Committee

(d) Referring the petition for consideration by the Council's Scrutiny Boards

(e) Referring the petition to another organisation

(f) Holding an enquiry into the matter

(g) Undertaking research into the matter

(h) Holding a public meeting

(i) Holding a consultation

(j) Holding a meeting with the petitioners

(k) Calling a referendum

(l) Writing to the Petition Organiser setting out the views of the Council about the request in the Petition

(m) Any other appropriate action

6.3. Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The Petition Organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

6.4. If the petition is a statutory petition or relates to a matter where there is already an existing right of appeal, such as Council Tax banding or non-domestic rates, other procedures will apply and the petition will not be routed in any of the four ways above by the Petitions Officer.

6.5. In all cases the Council will advise the Petition Organiser of the action it has taken and will publish the outcome on the City Council website (www.coventry .gov.uk).

6.6. In relation to other petitions (Rule 10) where a petition is not either sponsored or organised by a Councillor, the appropriate Cabinet Member or Chair will decide the process by which the petition will follow provided that it is agreed in writing by the Petition Organiser. In the absence of written agreement by the Petition Organiser, then the petition will be referred via the formal process to the appropriate City Council body.

7. A Petition Requiring Full Council Debate

7.1. If a petition is supported by 15,000 or more people it will be debated by a Full Council meeting when all Councillors can attend. The Council will endeavour to consider the petition at its next available meeting, although on occasions this will not be possible, and the matter will be passed to the next Full Council meeting.

7.2. The Petition Organiser and Sponsoring Councillor(s) will each be allowed 3 minutes to present the petition at the Full Council meeting and the petition will then be discussed by Councillors – there is no time limit set for this.

7.3. The Council will decide how to respond to the petition at this meeting and may take any of the actions described at Rule 6.2.

8. Petitions Requiring Attendance by a Senior Officer

8.1. If a petition asks for a Senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job, the petition must contain at least 10,000 signatures. Those senior officers that can be called to give evidence are as follows:

- Chief Executive
- Directors
- Director of Public Health
- The Monitoring Officer
- Chief Finance Officer

8.2. Only these officers can be called to give evidence under this section of the petition scheme.

8.3. If a petition has the requisite number of signatures, the Council's Scrutiny Coordination Committee will decide which of the Council's Scrutiny Boards the senior officer will be asked to attend before. The Scrutiny Co-ordination Committee may decide that it is better for a different officer to give evidence and may also decide to call the relevant Councillor to attend the meeting.

8.4. Scrutiny Board members will ask the questions at the meeting, but the Petition Organiser may suggest questions to the Chair of the Committee by contacting the Petitions Officer up to three working days before the meeting.

9. Petitions which relate to matters by Planning Committee and Licensing and Regulatory Committee

9.1. Petitions relating to planning, licensing or regulatory matters will be referred to the respective Committee by the Petitions Officer and proceed in accordance with the rules of procedure relating to that Committee.

9.2. In the case of a petition that relates to a particular application, the petition will be considered at the same time as the application. Any petition relating to a planning or licensing issue, for which an application has not been received within a 12-month period and where there is no on-going process, will automatically be considered by the relevant Cabinet Member and the petition put on file in planning or licensing for future reference.

9.3. In relation to the receipt of petitions to Planning Committee, only those petitions received by 12.00 noon on the day before the meeting will be treated as a petition, with the Petition Organiser (including any Councillor presenting the petition) and the applicant (or their agent/representative) being invited to attend and speak at the meeting; and that any 'petition' received after this deadline be treated as a 'late representation' and summarised by the Head of Planning and Regulation on the 'late representations report' which is tabled at the meeting.

At Planning Committee, in line with the public speaking scheme, the length of speeches will be limited to five minutes for Members (other than as a private resident), five minutes for applicants or their nominees and three minutes for all other speakers (including petition spokespersons).

10. Other Petitions

10.1. 10.1 If a petition has at least 5 but less than 15,000 signatures on it, the Petitions Officer will review the content of the petition and decide whether the petition should be addressed to Full Council, Cabinet or Cabinet Member.

10.2. If the Petition has been presented by a Councillor as the Petition Organiser or Sponsor, then the Councillor will be able to present the Petition to a City Council body, unless the Councillor has agreed that the petition may be dealt with or responded to without the need for formal consideration by a City Council body.

10.3. Petitions can be presented to Full Council by a Councillor but will not be debated by them. Instead, Full Council will refer the petition to the relevant Cabinet, Cabinet Member or Committee to deal with the matter.

10.4. The Petitions Officer will notify the Petition Organiser which Cabinet/ Cabinet Member/Committee the matter has been referred to and if the petition is to be formally considered by a City Council body, advise them of the date of the meeting when the matter will be considered. The Petitions Officer will also notify the relevant Ward Councillor/s. If the Petition Organiser is a Councillor, they will not be entitled to vote at any meeting unless they are a member of the Cabinet or Committee or the Cabinet Member concerned.

10.5. The Petition Organiser (including any Councillor as Petition Organiser) may attend this meeting and speak about the petition. Only the Petition Organiser is entitled to speak, and they should confirm their attendance to the Council at least 3 working days before the meeting.

10.6. Where more than one petition is presented in relation to a particular item the Petitions Officer will endeavour to ensure that all petitions are dealt with at the same meeting. In the event that petitions have an "opposing" viewpoint, the Petitions Officer will invite each Petitioner Organiser to nominate a spokesperson. Each spokesperson will be entitled to attend the meeting and speak about the petition. If a spokesperson is unable to attend, for any reason, the meeting will still consider the petition.

10.7. Where a petition is referred by the Petitions Officer to the Cabinet, appropriate Cabinet Member or appropriate City Council Committee, no discussion will take place on this matter in the City Council, except that the Councillor presenting a petition will be allowed to speak in full Council for not more than two minutes to explain the purpose of the petition.

10.8. The Cabinet, appropriate Cabinet Member or relevant Committee will decide how to respond to each petition and may take any of the actions described at paragraph 6.2.

11. Withdrawing a Petition

11.1. The Petition Organiser may request, in writing, the withdrawal of a petition. Such requests will be considered by the Petitions Officer on their merits, but in general it should be assumed that the Council will process all valid petitions received.

11.2. Where the Petitions Officer is minded to permit the Petition Organiser to withdraw a petition, the Chair of the body to which the petition would have been presented shall be consulted. In the absence of agreement, the matter should be referred by the Petitions Officer to the Leader of the Council and the Leader of the main opposition group for adjudication and, where there is no consensus, the matter should be decided by the Leader.

12. Petitions – Right to request a review

12.1. If the Petition Organiser considers that the Council has not responded to a petition in line with this Scheme (except those petitions which are dealt with by the Planning, Licensing and Regulatory Committees) they have the right to request the Council's Scrutiny Co-ordination Committee to review the steps that the Council has taken in responding to the petition (not the outcome or decision). If a Petition Organiser wishes to operate their right to request a review, they should write to the Council's Scrutiny Officer no later than 14 days after the Council notifies them of the outcome of the petition. The letter should set out the reasons why the Petition Organiser considers a review should be conducted.

12.2. The request will be considered by the Chair of Scrutiny consulting with the Scrutiny Officer. If it is felt that there is sufficient case to warrant a review the matter should then be referred to the Council's Scrutiny Co-ordination Committee for consideration. The Scrutiny Officer will arrange for the matter to be considered by the next available meeting of the Council's Scrutiny Coordination Committee and will notify the Petition Organiser of the date of this meeting.

12.3. If the Council's Scrutiny Co-ordination Committee considers the Council has not dealt with the petition in accordance with this scheme, it may use any of its powers to deal with the matter. This includes instigating an investigation, making recommendations to the Council's Cabinet or arranging for the matter to be considered at a meeting of Full Council.

12.4. Once the request has been considered the Petition Organiser will be informed of the results within 5 working days. The outcome of the request for a review will also be published on the Council's website as part of the Petitions register.

PART 3J: APPEALS COMMITTEE PROCEDURE RULES

1. Appeals relating to employment matters are delegated to the Chief Executive (or nominated Officer).

1.1. An appeals Committee will consist of Councillors who have been trained in hearing appeals.

1.2. The membership of each Appeals Committee and any Statutory Review Board will comprise the appropriate number of members as selected by the Monitoring Officer on an ad hoc basis from a Panel of Councillors who have had training in determining appeals and any statutory or other requirements for review boards.

1.3. The Chair of an Appeals Committee or a Statutory Review Board will be appointed by the Committee or Review Board at the start of each meeting.

1.4. Each Appeals Committee will comprise three Councillors (subject to any statutory requirements to the contrary) and all three Councillors will be required to be present to consider the appeal.

1.5. No Councillor who has had any previous knowledge or dealings with the matter which is the subject of an appeal will be eligible to serve on an Appeals Committee that considers that matter.

1.6. Appeals Committees are subject to the Access to Information Procedure Rules set out in Part 3B.

1.7. Appeals Committees are the subject of the proportionality requirements set out in the Local Government and Housing Act 1989 and the Monitoring Officer in selecting membership of any Appeal Committee or statutory review board will ensure that the membership properly reflects the political make-up of the Council.

1.8. Decisions of the Appeals Committees are not the subject of call-in.

1.9. The Monitoring Officer or their representative will attend all meetings to advise and record proceedings.

PART 4

CODES AND PROTOCOLS

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PART 4A: CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS COVENTRY CITY COUNCIL

INTRODUCTION AND GENERAL PRINCIPLES

1. Introduction

1.1 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 Councillors can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Your conduct as an individual Councillor affects the reputation of all Councillors. The role of Councillor should be one that people aspire to and individuals from a range of backgrounds and circumstances should be putting themselves forward to become Councillors.

1.2 As Councillors, you represent local residents, work to develop better services and deliver local change. The public have high expectations of you and entrust you to represent your local area, taking decisions fairly, openly, and transparently. You 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.

1.3 Importantly, you should be able to undertake your role as a Councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

1.4 This Code has been designed to protect your democratic role, encourage good conduct and safeguard the public's trust in local government.

2. Definitions

2.1 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".

2.2 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.

3. Purpose of the Code of Conduct

3.1 The Code of Conduct sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards 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. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

4. Application of the Code of Conduct

4.1 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.

4.2 This Code of Conduct applies to you when:

- you are acting in your capacity as a Councillor and/or as a representative of your council
- you are claiming to act as a Councillor and/or as a representative of your council
- you are giving the impression that you are acting as a Councillor and/or as a representative of your council
- you refer publicly to your role as a Councillor or use knowledge you could only obtain in your role as a Councillor.

4.3 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.

4.4 You are also expected to uphold high standards of conduct and show leadership at all times.

4.5 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.

5. The Nolan Principles

5.1 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. These are:

i. Selflessness

Holders of public office should act solely in terms of the public interest.

ii. 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 declare and resolve any interests and relationships.

iii. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

iv. 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.

v. 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.

vi. Honesty

Holders of public office should be truthful.

vii. 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.

6. General principles of Councillor conduct

6.1 Building on the Nolan Principles, the following general principles have been developed specifically for the role of Councillor.

6.2 In accordance with the public trust placed in you agree that you will, on all occasions:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.

6.3 In undertaking your role, you agree to:

- impartially exercise your responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with your local authority's requirements and in the public interest.

7. Standards Of Councillor Conduct

7.1 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. Guidance is shown in italics.

8. Respect

8.1 As a Councillor you must:

- treat other Councillors and members of the public with respect.
- 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.

8.2 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.

8.3 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.

8.4 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.

9. Bullying, Harassment and Discrimination

9.1 As a Councillor you must:

- not bully any person.

- not harass any person.

- promote equalities and not discriminate unlawfully against any person.

9.2 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 during phone calls, in the workplace or at work-related social events. Such behaviour may not always be obvious or noticed by others.

9.3 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.

9.4 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.

9.5 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.

10. Impartiality of Officers of the Council

10.1 As a Councillor, you must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

10.2 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.

11. Confidentiality and Access to Information

As a Councillor, you must not:

11.1 Disclose information:

(a) given to you in confidence by anyone

(b) acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless

i. you have received the consent of a person authorised to give it;

ii. you are required by law to do so;

iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

iv. the disclosure is:

(a) reasonable and in the public interest; and

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

(c) you have consulted the Monitoring Officer prior to its release.

11.2 Improperly use knowledge gained solely as a result of your role as a Councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.

11.3 Prevent anyone from getting information that they are entitled to by law.

11.4 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.

12. Disrepute

12.1 As a Councillor, you must not bring your role or local authority into disrepute.

12.2 As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny

than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your or its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

12.3 You are able to hold the local authority and fellow Councillors to account and are able to challenge constructively and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

13. Use of Position

13.1 As a Councillor, you must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

13.2 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.

14. Use of Local Authority Resources and Facilities

14.1 As a Councillor, you must 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 you have been elected or appointed.

14.2 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.

14.3 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.

15. Complying with the Code of Conduct

15.1 As a Councillor, you must:

- undertake Code of Conduct training provided by the local authority.
- cooperate with any Code of Conduct investigation and/or determination.
- not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

15.2 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.

16. Protecting Your Reputation and the Reputation of the Local Authority

16.1 Interests

16.1.1 As a Councillor, you must register and declare your interests.

16.1.2 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 declare 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 declared 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.

16.1.3 You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

16.1.4 The Appendix to the Code (paragraph 17 below) sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

16.2 **Gifts and Hospitality**

16.2.1 As a Councillor, you must:

- 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 your 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.
- register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

16.2.2 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.

16.2.3 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.

17. Appendix To Code

17.1 **Registering Interests**

17.1.1 Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means interests relating to money and finances.

17.1.2 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.

17.1.3 A 'sensitive interest' is an interest which, if disclosed, could lead to the Councillor or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

17.1.4 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.

17.2 **Declaring Interests**

17.2.1 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests, you must declare the interest. You must 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 declare the nature of the interest, just that you have an interest.

17.2.2 Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare 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', again you do not have to declare the nature of the interest.

17.2.3 Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare 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 declare the nature of the interest.

17.2.4 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 friend, relative, close associate; or

(c) a body included in those you need to declare under Disclosable Pecuniary Interests

you must declare the interest.

17.2.5 Where the matter 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 must declare 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 declare the nature of the interest.

17.3 **Table 1: Disclosable Pecuniary Interests**

17.3.1 This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a Councillor, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or their spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is

	a director* or a body that such person has a beneficial interest in the securities of*) and the council: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or their 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.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the Councillor's knowledge): (a) the landlord is the council; and the tenant is a body that the Councillor, or their 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.
Securities	Any beneficial interest in securities* of a body where: (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and (b) either: (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or

	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or their spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

17.4 **Table 2: Other Registerable Interests**

Any unpaid directorship
Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council; and
Any body: (a) Exercising functions of a public nature; or (b) Directed to charitable purposes; or (c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or (d) Whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that body. This could arise by reason of a body having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance to or support for that organisation or body of which you are a member or in a position of general control or management.

PART 4B CODE OF CONDUCT FOR EMPLOYEES (PRINCIPLES)

1. Introduction and Scope

1.1. This Code of Conduct (Principles) is based on the following key principles arising from the work of the Nolan Committee on the Standards in Public Life:-

2. The Seven Principles of Public Life

2.1. The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public officeholders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

i. Selflessness

Holders of public office should act solely in terms of the public interest.

ii. 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 declare and resolve any interests and relationships.

iii. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

iv. 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.

v. 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.

vi. Honesty

Holders of public office should be truthful.

vii. 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.

2.2. The Code outlines the minimum standards that Council employees must adhere to. The Code does not apply to school-based teaching staff or centrally employed teachers who have their own Code.

2.3. Employees must comply with the Code as it forms part of their terms and conditions of employment.

2.4. All employees are expected to perform their duties with honesty, integrity, impartiality and objectivity and in particular: -

(a) To give the highest possible standards of service

(b) To do nothing inside or outside working hours which could damage the City Council's reputation

(c) To behave honestly

(d) Must comply with all the City Council's policies and procedures.

PART 4C: CODE OF GOOD PLANNING PRACTICE FOR MEMBERS AND EMPLOYEES DEALING WITH PLANNING MATTERS

1. Introduction

1.1 The aim of this Code is to promote good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way, and to set out the standards of conduct required of all Members and Employees in dealing with planning matters including but not limited to applications, policy development and enforcement.

1.2 Members and Employees of the Local Planning Authority should undertake their duties with an open mind and make planning decisions openly, impartially, with a sound judgement and for justifiable reasons. Members are also democratically accountable decision takers who have been elected to provide and pursue policies. Members are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that they have considered all material considerations and have given fair consideration to relevant points raised.

1.3 This Code applies to Members and Employees at all times when involving themselves in the planning process (this includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications.

1.4 **If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting.**

1.5 The Code will be appended to the Council's Constitution and is available to all Members, Employees and members of the public.

2. Relationship to the Member and Employee Codes of Conduct

2.1 The rules in the Member and Employee Codes of Conduct must always be complied with and should be applied first.

2.2 The rules in this Planning Code of Good Practice should be applied thereafter. These rules seek to explain and supplement the Member and Employee Codes of Conduct for the purposes of planning.

2.3 Failure to abide by this Code of Good Practice may put:

2.3.1 The Council at risk of legal challenge; and

2.3.2 Members at risk of either being named in a Code of Conduct Complaint and report made to the Standards Committee or Council, or if the failure is also likely be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

3. Training

3.1 The Council provides training for new Members of the Committee. The Council also provides regular training for all Members of the Planning Committee on matters relevant to developments in planning law and procedure.

3.2 Members must not participate in decision making at Planning Committee Meetings dealing with planning matters if they have not attended the mandatory planning training prescribed by the Council.

3.3 Members and Employees must endeavour to attend any other specialised training sessions provided, since these will be designed to extend knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist them in carrying out their roles properly and effectively.

4. The Relationship of Councillors and Employees

4.1 In the planning process, Members and Employees perform different functions. Members represent the whole community and not just people in a particular area, ward or parish.

4.2 A successful relationship between Members and Employees can only be based on mutual trust and respect and understanding of each other's position. Respect is a value embedded within both the Member and Employee Codes of Conduct.

5. Declaration of Interests

5.1 Provisions in the Member and Employee Codes of Conduct as regards declarations of interests, will apply equally to proceedings before the Planning Committee.

5.2 It is the responsibility of individual Members and employees to make the necessary declarations. Where advice is needed, this may be obtained from the Monitoring Officer or one of his or her staff. Advice should be obtained early and preferably **well before** any meeting takes place.

5.3 Members should take into account when approaching a decision as to whether to make a declaration, that the Principle of integrity is defined in terms that "*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 declare and resolve any interests and relationships***". It is therefore advisable that Members and Employees:

5.3.1 Should not seek or accept any preferential treatment, or place themselves in a position that could lead the public to think they are receiving preferential treatment, because of the Member or Employee's position. This would include where the Member or Employee has a disclosable or other personal conflict of interest in a proposal and using their position to discuss that proposal with Members or Employees when other members of the public would not have the same opportunity to do so.

5.3.2 Should note that they are not prevented from seeking to explain and justify a proposal in which they may have a conflict of interest to an appropriate officer, in person or in writing, but that the Member and Employee Codes of Conduct may place additional limitations on them in representing that proposal.

6. Declaration of Contacts

'Contacts'

The City Council's Planning Committee operates a system for declaring 'contacts' received by Committee Members and certain employees in respect of planning applications appearing before the Committee for a decision.

6.1 What is a 'Contact'?

6.1.1 "A contact is any form of communication received from any person or group of persons in respect of a planning application".

6.1.2 The following information should be declared about the 'contact':

(a) the application it relates to,

(b) the contents of the communication (e.g. lobbying for or against the application or a request for information).

6.2 Members Declaration of 'Contacts'

6.2.1 Members of the Committee must declare all contacts they have received on all planning applications appearing on that meeting's agenda at the start of the meeting under the item headed 'Contacts' or when that application is called for consideration at the meeting. Contacts received from other Council Members must also be disclosed.

6.2.2 Where numerous persons belonging to the same group or residents' association etc contact a Member of the Committee, then this may be declared as a single contact from that group or residents association or as the case may be.

6.2.3 'Contacts' received may also take the form of lobbying of Committee Members. In those cases, the advice given below in respect of lobbying may be followed.

6.2.4 In all cases of contacts, Members of the Committee should not indicate whether they are favourably or unfavourably disposed towards an application and that they, as a Member of the Committee, will await the Committee meeting before expressing a view on the application. They should consider advising the contact to communicate with planning employees.

6.2.5 Members should always advise contacts that they will need to disclose their communication under the 'contacts' rule at the Committee meeting. Where contacts refuse to reveal their identity, Members must judge whether they should terminate the communication as soon as can be.

6.2.6 'Contacts' are **not** interests and declaring a contact is **not** a substitute for declaring an interest where one exists. The rules for declaring interests operate independently from the 'contacts' scheme.

6.2.7 For the avoidance of doubt, where any Member of the Planning Committee is approached by an applicant or objector seeking to have

a particular application dealt with by the Committee, rather than under delegated powers, then this must be disclosed as a "contact".

6.3 Employees' Declarations of 'Contacts'

6.3.1 Planning employees will make their disclosures of contacts in the written Committee report or orally where they have occurred after the written report has been published.

6.3.2 Certain matters (which would otherwise be contacts) will be excluded from what amounts to declarable contacts by employees (this is because they are a necessary part and parcel of the exercise of assessing the application). These will be communications from:

(a) the applicant and/or their representative

(b) third parties as required by law or national guidance, such as statutory undertakers or statutory consultees

(c) Council employees consulted for their technical assessment of matters arising from their application such as environmental, health and highways matters

(d) other planning employees acting in that capacity.

7. Fettering Discretion in the Planning Process (natural justice, predisposition and predetermination)

7.1 Members must not fetter their discretion and therefore their ability to participate in planning decision making by approaching the decision with a closed mind. Fettering discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

7.2 Members should be aware that they are entitled, and are often expected, to have expressed views on planning issues and these comments have an added measure of protection under the Localism Act 2011.

7.3 Members should keep at the front of their mind that, when they come to make the decision, they:

7.3.1 must keep an open mind and hear all of the evidence presented, both the officers' presentation of the facts and their advice and the arguments from all sides,

7.3.2 are not required to cast aside views on planning policy held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised,

7.3.3 should be aware of the importance of material considerations and must disregard considerations that are non-material. Members should be aware that when making decisions on planning applications they must do so in accordance with the Council's Development Plan document unless material conditions indicate otherwise.

7.3.4 are to come to a decision after giving what they feel is the right weight to those material considerations.

7.4 Members should consider themselves able to take part in the debate on a proposal when acting as part of a consultee body (where the Member is also a member of the parish council, for example, or both a district/borough and county councillor), provided:

7.4.1 the proposal does not substantially affect the well being or financial standing of the consultee body

7.4.2 the Member makes it clear to the consultee body that

(a) their views are expressed on the limited information before them only,

(b) they reserve judgement and the independence to make up their own mind on each separate proposal, based on their overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and they hear all of the relevant information and

(c) they will not in any way commit themself as to how they or others may vote when the proposal comes before the Committee.

7.5 Where a Member has a disclosable interest, that prevents them from participating, they should explain that they do not intend to speak and vote as a member of the Committee because they will be perceived as having judged (or they reserve the right to judge) the matter elsewhere, so that this may be

recorded in the minutes (Use the disclosure form provided for disclosing interests.)

7.6 Members may take the opportunity to exercise their separate speaking rights as a Ward/Local Member (where this is granted by the authority's standing orders or by the consent from the Chair) where they have represented their views or those of local electors and fettered their discretion, but do not have a disclosable or other personal conflict of interest. Where Members do:

7.6.1 advise the Chair that they wish to speak in this capacity before commencement of the item

7.6.2 remove themself from the seating area for members of the Committee for the duration of that item and

7.6.3 ensure that their actions are recorded.

8. Development Proposals Submitted by Councillors and Employees

8.1 The Council has a 'safeguard' requiring any application where a Council Member or officer in Planning have a material interest in the application to be decided by the Planning Committee itself.

8.2 Where the Member who has such an interest is also a Member of the Committee, then they should declare an interest and leave the meeting whilst that application is considered.

8.3 No planning officer will be the case officer, will advise Committeeor be the decision-maker under delegated authority where they:

8.3.1 are related to the applicant or their agent,

8.3.2 know the applicant or their agent in a personal capacity,

8.3.3 know any of those persons making representations on the application,

8.3.4 have any other material interest in relation to that matter.

9. Development by the Council

Proposals for development by the Council should be treated in the same way as those of private developers and in accordance with current Government guidance.

10. Lobbying of and by Councillors

10.1 Lobbying is a normal and perfectly proper part of the political process. Those who are affected by a planning decision will seek to influence it.

However, care is needed to ensure that the impartiality and integrity of a Councillor is not called into question.

10.2 When being lobbied, Members of the Committee should not express an opinion on the application. If Committee Members do express an opinion, they must take care to indicate that they have not made up their mind on the application until they have heard all the arguments at Committee.

10.3 If lobbied, Members of the Committee should encourage the lobbyist to contact the relevant planning officer to express their views to them.

10.4 Members must take into account the views of their constituents but Members of the Committee must act also openly and fairly and listen to all evidence presented at the Committee. Committee Members must not make a commitment beforehand either for or against a proposal. To do so may prejudice that Member's impartiality.

10.5 The planning process is one of formal rules and procedure involving a right of appeal and possible legal action. Where any expectation as to fairness has not been met, then an aggrieved party may seek remedy through the Courts or by complaint to the Ombudsman on grounds of maladministration.

10.6 If the application is such that a Member of the Committee feels they must adopt a public stance in respect of an application, then that Member may have difficulty in arguing at Committee that they have been impartial and even-handed in considering that application. In those circumstances, it may be better for that Member to make an open declaration and not to vote on the application.

10.7 In all cases it is a matter for the individual Member as to whether they can maintain a position of impartiality up to and including the Committee meeting which decides the application.

10.8 In respect of lobbying, the City Council's Planning Committee operates a system of declaring 'contacts' in respect of planning applications to be dealt with by the Committee. Again it is the responsibility of each Member of the Committee to declare the 'contacts' they receive. Lobbying of Members of the Committee will amount to a 'contact' under the scheme and will need to be declared by Members of the Committee at the appropriate Committee meeting.

10.9 Members of the Committee should not organise support for or opposition to a planning application and should not lobby other Committee Members. Such actions can easily be misunderstood by parties to the application and by the general public. Members should not put pressure on employees for a particular recommendation in respect of an application.

11. Pre-Application Discussions

11.1 Such discussion between developers and Employees and Members can be of great benefit. But such discussions, especially if they occur just before or after the making of an application, must occur within clear guidelines.

11.2 It should be made clear that such discussion will not bind the Council to making a particular decision.

11.3 Advice should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies between employees. Planning judgements involve balancing a number of policies and material considerations and officers and members may place different weight to each of the issues considered.

11.4 Care must be taken to ensure that advice is not partial (nor seen to be).

11.5 Development Forums may be established to enable the engagement of Councillors and members of the public. These are detailed in the Planning Committee Procedure Rules which are publicly available.

11.6 In addition, in respect of presentations by applicants/developers Members of the Planning Committee should:

11.6.1 Not attend a planning presentation without requesting an officer to be present.

11.6.2 Ask relevant questions for the purposes of clarifying your understanding of the proposals.

11.6.3 Remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.

11.6.4 Be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

12. Employee Reports to Committee

12.1 The basis of the Committee's consideration of a planning application should be the employee's written report. This helps to clarify the nature of applications and the context in which a decision needs to be made. Written reports help to ensure consistency of decision-making and clear reasoning behind recommendations. This is not only a matter

of good practice but because failure to do so may constitute maladministration or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under section 54A of the Town and Country Planning Act 1990 (as amended).

12.2 All reports should comply with the following points of good practice:

12.2.1 Reports should be accurate and cover, amongst other things, the substance of any objections and the views of those consulted.

12.2.2 Reports should include a clear exposition of the relevant development plan policies, site or related history and any other material considerations.

12.2.3 Reports should have a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur.

12.2.4 Reports should contain technical appraisals which clearly justify the recommendation.

12.2.5 If the report's recommendation is contrary to the provisions of the development plan, the reasons justifying the departure must be clearly stated.

13. Public Speaking at Planning Committee

13.1 Members of the public are not permitted to communicate during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

13.2 The public speaking scheme does not apply to applications decided under officer's delegated authority. In those cases members of the public are still entitled to submit their comments and views on the application for employees to consider.

13.3 The rules of the Public Speaking Scheme are set out in the Planning Committee Procedure Rules which are available from the Council. The aim of the scheme is to elicit a broad range of opinions on the application in order to increase public participation and to help the Committee in its decision making.

13.4 A Guide to Public Speaking at Planning Committee has been produced and is also available from the Council.

14. Decisions Contrary to Officer Recommendations and/or the Development Plan

14.1 The law says that decisions must be made in accordance with the development plan where relevant unless material considerations indicate otherwise (section 38 of the Planning and Compulsory Purchase Act 2004).

14.2 Applications not in accordance with the development plan must be identified as soon as possible and, if required, advertised as such.

14.3 If it is intended to approve such applications then the material considerations leading to this conclusion must be clearly identified and how these considerations justify overriding the development plan be clearly demonstrated. The application may then have to be referred to the First Minister, depending upon the type and scale of the development. If the officer's report recommends that permission be granted for a proposal involving such a departure, the justification for this should be included in full in that report.

14.4 If the Planning Committee makes a decision contrary to the officer's recommendations (whether for grant or refusal of permission), a detailed minute of the Committee's reasons should be made and a copy placed on the application file.

14.5 The officer should also be given the opportunity to explain the implications of the contrary decision and, if appropriate, legal advice should be sought. Such reasons should be clear and convincing. The personal circumstances of the applicant will rarely provide such grounds.

14.6 Where a decision is made contrary to the recommendation (whether to approve or refuse), the Committee will be required to provide conditions on the grant of a permission or reasons for refusal, as the case may be. In such cases and where necessary the Committee may consider delegating to employees the task of drafting conditions or reasons.

15. Regular Review of Decisions

When undertaking sites visits (see the Planning Committee Procedure Rules, available separately) in connection with planning applications, Members will take the opportunity, where appropriate, to visit sites within the locality in order to review completed developments. This will enable Members to assess the quality of developments in accordance with the Committee's decision and in line with the Council's policies and guidelines. Such visits are intended to improve the quality and

consistency of decision-making and thereby strengthen public confidence in the planning system.

16. **Complaints Procedure**

16.1 Any complaints received will be dealt with under the Council's complaints procedures.

16.2 Record keeping should be complete and accurate to allow complaints to be fully investigated. This is especially so where decisions are taken under delegated powers and there is no report to Committee. In all cases the planning file should be an accurate record of event during that application's life.

PART 4D: MEMBER OFFICER PROTOCOL

1. Status of this Code

1.1 This Protocol seeks to offer guidance on some of the issues which most commonly arise in relation to the relationships between Members and officers.

1.2 The Protocol is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it covers the behaviour that is expected between Members and officers.

1.3 The Protocol gives guidance only, but it will be considered if there is a complaint about a Member or an officer. Members must observe the Members' Code of Conduct. Any complaints received in relation to alleged breaches of the Code of Conduct will be considered initially by the Monitoring Officer. Officers are also obliged to comply with the Code of Conduct for Employees. Any complaints received about officers behaviour or conduct will be considered by the relevant managers.

2. Roles of Members and Officers

2.1 Officers and Members both serve the public, but they have different roles. Officers are employees of the Council and are politically neutral. Their role is to advise Members and implement the policies of the Council to the best of their abilities. Members are office holders and will often belong to a political party. They are obliged to exercise their own judgement in respect of matters before them but may also legitimately pursue party political objectives. Officers are answerable to the Chief Executive, not to individual Members (whatever office they hold), but there should be good communication between senior officers and Members with special responsibility for their area of work.

3. Expectations

3.1 What Members can expect from Officers:

(a) A commitment to the authority as a whole, not to any Political Group .

(b) A working partnership.

(c) An understanding of and support for respective roles, workloads and pressures.

(d) Timely responses to enquiries and complaints in accordance with agreed standards: (see paragraph 7)

(e) Professional advice, not influenced by political views or preference.

(f) Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to the Member's needs, having regard to any individual responsibilities that they have and positions that they hold.

(g) Awareness and sensitivity to the political environment.

(h) Respect and courtesy.

(i) Training and development in order to carry out their roles effectively.

(j) Not to have personal issues raised with them by officers outside the agreed procedures.

(k) Officers should not try to persuade individual Members to make a decision in their personal favour or raise things to do with their employment with individual Members. Nor should they approach individual Members with allegations about other officers. They should use the Council's grievance, whistle blowing and disciplinary procedures instead.

(l) Compliance with the Employee Code of Conduct.

3.2 **What Officers can expect from Members:**

(a) A working partnership.

(b) An understanding of and support for respective roles, workloads and pressures.

(c) Political policy direction and leadership.

(d) Respect and courtesy.

(e) Members should generally restrict their discussion on strategic or significant issues to more senior officers (that is the Chief Executive, Directors or Heads of Service); Members should raise all queries on operational matters initially with Directors or Heads of Service who will ensure that Members receive a prompt response.

(f) Members are encouraged to use regular briefings and/or normally make appointments before visiting officers in order to try to avoid frequent unscheduled interruptions. Members wishing to arrange visits to Council services in relation to their role should arrange this with the relevant senior officer and not visit unannounced.

(g) Members should not pressure officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work.

(h) Not to be subject to bullying, harassment or intimidation. Members should have regard to the seniority and experience of officers in determining what constitutes a reasonable request. Members with special responsibilities should be particularly aware of this.

(i) Members should not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.

(j) Members may occasionally find that they have a personal interest in a matter that needs to be raised with officers. Members should be clear about their personal interest and use appropriate and formal language when contacting officers in this instance. Close personal familiarity between individual Members and officers can damage the relationship of mutual respect and prove embarrassing to Members and officers. Members and officers are encouraged to contact the Monitoring Officer for advice if they are concerned about this.

(k) Members should not make detrimental remarks about individual officers during meetings, in public or to the media.

(l) Members should at all times comply with the Member Code of Conduct.

4. Limitations on behaviour

4.1 The distinct roles of Members and officers necessarily impose limitations upon behaviour. By way of illustration and not as an exclusive list:

(a) Personal relationships between individual Members and officers can confuse the separate roles and get in the way of the proper discharge of the authority's functions. In this situation, others may feel that a particular Member or officer may be treated more favourably.

(b) Personal relationships should be avoided. Where they do exist, the officer concerned must notify their manager.

(c) The need to maintain the separate roles means that there are limits to the matters on which Members may seek the advice of officer, both in relation to personal matters and party-political issues.

(d) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Member or group above others.

5. Politeness and respect

5.1 Members and officers should show each other politeness and respect. Members have the right to challenge officers' reports or actions, but they should avoid personal and/or public attacks; and ensure their criticism is fair and constructive.

5.2 Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

6. Complaints about Members or Officers

6.1 If an officer feels a Member is not treating them with politeness and respect, they should consider talking to the Member directly. If they do not feel they can talk to the Member or talking to the Member does not help, they should talk to their Head of Service or Director immediately. The manager approached will talk to the Member or the Leader of their Political Group and may also tell other senior officers. The officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct

6.2 If a Member feels an officer is not treating them with politeness and respect, they should consider talking to the officer directly. If they do not feel they can talk to the officer or talking to the officer does not help, they should talk to the officer's Head of Service or Director immediately. If the problem continues the Head of Service or Director approached will consider whether to use the Council's disciplinary procedures.

7. Members' enquiries

7.1 Officers should answer Members' enquiries, in whatever form, within five working days. If that is not possible, they should send a holding reply. Members should contact a more senior officer in the event that a response is not received within this time. Where a Head of Service considers that the enquiry received

is inappropriate, the Member should be advised of this and the reason or reasons why the enquiry is considered to be inappropriate.

7.2 Members have a right to information that is reasonably necessary to enable them to perform their duties. This is often described as the 'need to know'. This principle balances **transparency** and **data protection (GDPR)**.

So, councillors:

- **May** access information relating to committees they sit on, or decisions they must make.
- **May not** access confidential or personal data unrelated to their role or ward casework.

Requests should be **specific** and **relevant** to the member's role.

Officers should respond **promptly** and **respectfully** but can ask for clarification.

7.3 When disclosing information, officers should make it clear whether the information should be treated as confidential or can be shared with members of the public and the Member should treat the information accordingly.

7.4 The Chief Executive may be asked to resolve any issues relating to Members' enquiries arising from unreasonable delays or dispute about the reasonableness of requests or the need to know principle.

8. **Casework**

8.1 Where a Member is making an enquiry of officers as part of their ward casework, officers will normally assume that they have the implicit consent of an individual to disclose personal information about them to the Member but only where:-

(a) the Member represents the ward in which the individual lives;

(b) the Member makes it clear that they are representing the individual in any request for their personal information to the local authority; and

(c) the information is necessary to respond to the individual's complaint.

8.2 In all other cases officers may need to seek the explicit consent of the individual to share their personal data with the Member in order to comply with Data Protection Legislation.

8.3 Personal information about third parties (i.e. individuals who have not sought the Member's assistance) may only be shared with a Member where the law permits this. See also paragraphs 9.1.3 and 9.1.4 below.

8.4 In particular, Members should forward only the minimum information required to only the people that need to see it and be very careful not to forward email chains or attachments which may contain personal data to a wide group of people who should not have access to it.

8.5 Members should always follow data protection requirements as set out the guidance for Members.

9. Information and advice

9.1 Requests for written information

9.1.1 Members should be provided with adequate information about services or functions on which they may be called upon to make decisions or to scrutinise the decisions of others, or which affect their constituents. This information will normally be made routinely available by officers in the form of reports, departmental plans etc. Members are encouraged to make use of existing sources of information wherever possible.

9.1.2 Written information supplied to a Member regarding the implications of current Council policies or containing statistical information about Council services may be copied to the relevant Cabinet Member.

9.1.3 The Leader of the Council or Leader of any other Political Group may request the Chief Executive or other designated officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information in relation for instance to casework or personal details of applicants for services.

9.1.4 Wherever possible, such requests will be met. However, if the officer considers that the cost of providing the information, or the nature of the request is unreasonable or inappropriate, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the Political Groups. Requests will also only be met where they comply with Data Protection or other legal requirements.

9.1.5 Officer reports to Political Groups should be limited to a statement of relevant facts, identification of options and the merits and demerits of such options for the authority. Reports should not deal with any political implications of the matter.

9.2 **Briefings**

9.2.1 In order for them to discharge their responsibilities Cabinet Members and Deputy Cabinet Members will be briefed by senior officers (Chief Executive, Directors or Heads of Service) on service issues, proposals and policy development on a regular basis or when urgent issues require it. Regular briefings should normally be monthly but may be agreed in accordance with the requirements of the Member involved but should be proportionate and reasonable.

Chairs of Scrutiny Boards and other bodies should also receive briefings as appropriate.

9.2.2 Relevant senior officers will make themselves available to meet with Shadow Cabinet Members to brief them on service issues on a regular basis (no more than monthly) or as requested. Shadow Cabinet members should be aware that at times the amount of information that officers can share with them may be limited due to issues of confidentiality.

9.2.3 The content of these informal briefing sessions shall remain confidential between officers and the Political Group concerned.

9.3 **News Items**

9.3.1 When an event or development occurs in the city which has or will have a significant impact on the Council or city residents, the Chief Executive will ensure that the Leaders of all Political Group s are informed as soon as possible.

9.4 **Ward Members**

9.4.1 Senior officers should ensure that Ward Members are given information relevant to their ward where appropriate. As well as letting Ward Members know when there has been a significant incident in their ward, Ward Members should be notified about the following types of issue:-

(a) Public consultation events affecting their wards;

(b) Proposed changes to services sited within their wards;

(c) Applications and proposals in their wards

9.4.2 Ward Members should be invited by officers to public events, such as openings, festivals etc, in their Wards regardless of political affiliation.

9.4.3 The Communications Team will advise Cabinet Members of photo shoots taking place. The Team will aim to give 48 hours' notice of any photo shoot to the Cabinet Member.

9.4.4 If officers organise a public meeting about a specific Ward issue, all the Ward Members should be invited and given as much notice as possible.

9.4.5 If officers undertake consultation about specific ward issues they should consult the Members for that ward at the start of the consultation.

9.4.6 Ward Members should be told in advance about anything which particularly affects their ward and which is potentially controversial.

9.5 **Officer Attendance at Group Meetings**

9.5.1 The Leader of the Council or Leader of any other Political Group may ask the Chief Executive or relevant Director to give or arrange a private briefing for the party group on a matter of relevance to the Council.

9.5.2 Any briefings offered to a party group will be offered to the other party groups.

9.5.3 While officers may attend Political Group meetings at which individuals who are not Elected Member s may be present, Members need to understand that those officers' ability to share confidential information with the Group may be limited. In particular officers will not be able to share personal information with third parties present if to do so would cause the Council to breach Data Protection Legislation.

9.5.4 Decisions at group meetings are not Council or Cabinet decisions and party groups do not have any delegated authority to make formally binding decisions.

9.6 **Advice for Members with Special Responsibilities**

9.6.1 The Lord Mayor, Cabinet Members and Committee Chairs can ask the Chief Executive, Directors and Heads of Service for extra background information and advice on different courses of action.

9.6.2 Although these Members have additional responsibilities and different relationships because of their more frequent contact with officers, these Members must still respect the impartiality of officers. This includes not asking them to undertake work of a party-political nature, or to do anything which would prejudice that impartiality.

9.6.3 The Leaders of any opposition group can ask the Chief Executive, Directors or Heads of Service for background information or more details about items coming to the next meeting of a Committee or Cabinet. The appropriate Chair or Cabinet Member will be entitled to receive the same information.

9.6.4 Party Group Leaders can ask for advice on presenting their budget in a correct and accurate form. This will be given in confidence.

10. Members' Briefings on Meetings and Reports

10.1 Briefings on Meetings

10.2 The Directors and Heads of Service will give briefings on full Council, Cabinet and Committee meetings to the Leader and Deputy Leader and Committee Chairs as appropriate.

10.3 Requests for reports

10.3.1 Instructions for reports to come to Cabinet or Committees can only come from the Leader, Cabinet, a Cabinet Member in respect of the Cabinet and a Committee or a Committee Chair in respect of Committees. Cabinet Members may ask for reports to come to their Cabinet Member meetings.

10.3.2 Whilst Cabinet Members have political responsibility for drawing up proposals for consideration or for the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, Senior Officers will always be fully responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between a Cabinet Member and a Senior Officer in this respect should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

11. Support services to Members and Political Groups

11.1 Support services should only be used for Council business. They should never be used for private purposes, for party political or campaigning activity.

12. Correspondence

12.1 Between Members and Officers

12.2 If emails or letters between officers and Members are copied to someone else, they should say so. Blind copies should not be sent. Members should not forward information received from an officer to a constituent or member of the public if that information is expressed to be private or confidential.

12.3 Letters on behalf of the Council

12.4 Letters on behalf of the Council will normally be sent by officers rather than Members. The Leader or Committee Chairs may write some letters on behalf of the Council, for example representations to government ministers. Members must never send letters that create obligations or give instructions on behalf of the Council.

13. The Council as an Employer

13.1 The Council as a whole employs its officers. The appointment and dismissal of officers and any disciplinary or grievance proceedings will be carried out in accordance with the Employment Procedure Rules and any other agreed policies and procedures.

14. Responsibility for this Code

14.1 The Monitoring Officer has overall responsibility for this Protocol and will periodically review how it is working.

PART 4E: MONITORING OFFICER PROTOCOL

1. Statutory Responsibilities

1.1 The Monitoring Officer is a statutory appointment under the provisions of Section 5 of the Local Government and Housing Act 1989. This Protocol provides guidance on how the duties of the Monitoring Officer will be carried out at Coventry City Council.

1.2 The role of the Monitoring Officer is assigned to the Director of Law, Governance, and Safer Communities under the provisions of the Constitution. The Monitoring Officer may appoint a Deputy Monitoring Officer.

1.3 A summary of the Monitoring Officer's responsibilities is set out more fully in the Table set out at the end of this Protocol.

1.4 These duties will be carried out in accordance with the Council's Constitution, legislative requirements and relevant Government guidance. The Monitoring Officer's ability to carry out these duties and responsibilities effectively will depend upon the proactive assistance and co-operation of Members and Officers:-

(a) complying with the law and relevant Codes of Conduct;

(b) complying with any general guidance, codes or protocols issued by the Ethics Committee and the Monitoring Officer;

(c) making lawful and proportionate decisions;

(d) not taking action that would bring the Council, their offices or professions into disrepute.

2. Working Arrangements

2.1 The Monitoring Officer will promote effective working relations with Members and officers to advance good governance, the highest standards of ethical behaviour, as set out in the Seven Principles of Public Life (the “Nolan Principles”, first formulated by the Committee on Standards on Public Life in 1995) and the effective discharge of the Monitoring Officer’s statutory duties. A speedy flow of relevant information and access to debate, particularly at the early stages of any decision-making by the Council, is central to fulfilling those responsibilities. Members and officers are required to work with the Monitoring Officer (and relevant staff) to this end.

2.2 The following arrangements and understandings between the Monitoring Officer, Members, the Head of Paid Service, the Section 151 Officer and officers are designed to ensure the effective discharge of the Council's business and functions.

3. Resources

3.1 The Monitoring Officer will:

(a) report to the Council, as necessary, on the staff, accommodation and resources they require to discharge their statutory functions;

(b) have sufficient resources to enable them to address any matters concerning their functions as Monitoring Officer;

(c) have control of a budget sufficient to enable them to seek Counsel's opinion on any matter concerning their functions;

(d) appoint a deputy and keep the deputy briefed on any relevant issues that may be required to be dealt with in the absence of the Monitoring Officer.

4. Access to Information

4.1 The Monitoring Officer will:

(a) be informed by Members and Officers of any issue(s) that may become of concern to the Authority, including: issues relating to legal powers, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise or have arisen;

(b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Authority (including any meetings at which officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);

(c) have the right to attend (including the right to be heard at) any meeting of the Authority (including any meetings at which officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);

(d) have access to the Leadership Board and receive advance notice of meetings, agenda and reports to those meetings, including the right to attend;

(e) in carrying out investigation(s), have unqualified and unrestricted access to any information held by the Council and to any officer who can assist in the discharge of their functions.

5. Relationships

5.1 The Monitoring Officer will:

(a) ensure the other two Statutory Officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise or have arisen;

(b) meet as frequently as necessary with the Chief Executive (Head of Paid Service) and the Director of Finance and Resources (Section 151 Officer) to consider and recommend action in connection with Corporate Governance issues and any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are of concern, that are likely to arise or have arisen;

(c) develop a close working relationship of respect and trust with:

- the Leader, Cabinet Members and Ethics Committee with a view to ensuring the effective and efficient conduct of Council business;

- Independent Persons, its external auditors and the Local Government Ombudsman (including having the authority, on behalf of the Council, to refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

(d) in consultation, as necessary, with the Leader, Cabinet, Ethics Committee and the Council's Independent Persons, defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.

6. Standards Matters

6.1 The Monitoring Officer will:

(a) give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Ethics Committee where, in the opinion of the Monitoring Officer, there is a

serious breach of the Members' Code of Conduct, in accordance with the Council's Complaints Protocol;

(b) be responsible, on behalf of the Ethics Committee, for preparing any training programme for Members on ethical standards and Code of Conduct;

(c) carry out investigations into matters referred to him/her under the Council's Whistle Blowing Policy in respect of Members and arrange the conduct of hearings into allegations of breaches of the Code of Conduct.

(d) Maintain and keep up to date the Member's Registers of Interest and publish those registers along with those for parish councils within the city.

7. The Constitution

7.1 The Monitoring Officer will regularly review and monitor operation of the Constitution, reporting changes as necessary through the agreed procedure for amending the Constitution.

8. Member and Officer Responsibilities

8.1 To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and Officers will report any breaches of statutory duty, Council policies or procedures and other constitutional concerns to the Monitoring Officer, as soon as practicable, who will keep the reporting Members/officers informed as appropriate.

9. Advice

9.1 The Monitoring Officer is available for Members and officers to consult on any issues relating to the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Council Procedure Rules, Policy Framework, Terms of Reference and Scheme of Delegation etc.).

10. Monitoring the Protocol

10.1 The Monitoring Officer will monitor the arrangements set out in the Protocol to ensure that they have been complied with. They will report to the Ethics Committee if they think that amendments are necessary in the light of any issues that have arisen during the year.

11. Conflicts and Interpretation

11.1 Where the Monitoring Officer has received a complaint or is aware of an event which may lead to them issuing a statutory report, relating to a matter upon which they have previously advised the Council, they shall consult the Chief Executive who may then either refer the matter to the Deputy Monitoring Officer for investigation and report to the Chief Executive, or ask a neighbouring authority to make their Monitoring Officer available to investigate the matter and report to the Chief Executive and/or the authority as appropriate.

11.2 Questions of interpretation of this guidance will be determined by the Monitoring Officer.

12. Summary of Functions

	Description	Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Sections 5 and 5A, Local Government and Housing Act 1989
2	Report on any maladministration or injustice where the Ombudsman has carried out an investigation.	Sections 5 and 5A, Local Government and Housing Act 1989
3	Appointment of a Deputy.	Section 5, Local Government and Housing Act 1989
4	Report on the sufficiency of resources.	Section 5, Local Government and Housing Act 1989
5	Establish and maintain the Register of Members' Interests, and declarations of gifts and hospitality received.	Section 28, Localism Act 2011 and Code of Conduct for Elected and Co-opted Members
6	Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.	Local Authorities (Contracts) Regulations 1997
7	Maintain, monitor and review the Constitution.	Section 9P Local Government Act 2000 and the Constitution
8	Support the Ethics Committee and promote and maintain high standards of conduct with particular reference to the Council's approved Code of Conduct for Elected and Co-opted Members.	Section 27 Localism Act 2011 and Code of Conduct for Elected and Co-opted Members

9	Conduct investigations into alleged misconduct.	Section 28 Localism Act 2011 and the Complaints Protocol
10	Consult with the Head of Paid Service and the Director of Finance and Resources on issues of lawfulness and decision making.	Constitution
11	Advise whether executive decisions are within the budget and policy framework.	Constitution
12	Advise on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all Members.	Constitution

PART 5

MEMBERS' ALLOWANCES SCHEME

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PART 5: MEMBERS' ALLOWANCE SCHEME

1. Coventry City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003 (the Regulations), hereby makes the following scheme:-

1.1. This scheme may be cited as the Coventry City Council Members' Allowances Scheme and shall have effect from 1 April 2024.

1.2. In this scheme,

- "Council" means the Council of the City of Coventry
- "Member" means an Elected Member of the Council

2. Basic Allowance

2.1. A basic allowance of £16,856 will be paid to each Member.

3. Special Responsibility Allowances

3.1. Special responsibility allowances will be paid to those Members who are appointed to the positions that are listed in the schedule to this scheme, or who are otherwise authorised by the Council to perform the duties which attach to those positions.

3.2. Subject to paragraph 10, the amount of each such allowance will be the amount specified against that special responsibility in that schedule.

3.3. No Member may receive more than one special responsibility allowance.

4. Travel and Subsistence

4.1. Approved duties for which travel and subsistence expenses may be claimed.

4.2. Members (including Co-opted Members) shall be entitled to receive travel and subsistence payments for duties carried out which are considered standard activities relating to the role of a Councillor:-

(a) All meetings of the Council, Cabinet, Committees, Sub-Committees and Panels;

(b) Meetings of a Joint Committee or body of which the authority is a member;

(c) Meetings of a local authority association of which the authority is a member;

(d) Meetings of some other body to which the authority makes appointments or nominations;

(e) Authorised conferences, seminars or training and development events;

(f) Any other duties approved by the authority in connection with discharging the functions of the authority; and

(g) Briefings and agenda meetings with officers.

4.3. The following duties will NOT be regarded as "approved duties" for the payment of travel and subsistence expenses:-

(a) Political Group meetings;

(b) Attendance at Ward Surgeries;

(c) Constituency work including meetings with community groups;

(d) Site visits to meet constituents to carry out a Member's community leadership role;

(e) Attendance at meetings of School Governing Bodies;

(f) Attendance at meetings of any body within the Council's Constitution at which they are not a member or have not been invited to attend; and

(g) Attendance at meetings which are not listed as approved duties and in respect of which prior approval has not been given by the Council.

4.4. **Travel expenses**

4.4.1. Wherever practicable, public transport should be used, the costs of which shall paid directly by the authority or reimbursed to members.

4.4.2. Standard rail fares shall apply.

4.4.3. A Councillor may be given an annual Coventry Bus Pass. If this is taken up, no other travel expenses within the City will be paid.

4.4.4. Where the use of public transport is not practicable, the cost of travel will be reimbursed at 45p per mile and an additional 5p per passenger

mile for carrying fellow Councillors and/or officers on journeys which are also qualifying journeys for them.

4.4.5. Travel by private bicycle will be reimbursed at 20p per mile.

4.4.6. Travel by private motorcycle will be reimbursed at 24p per mile.

4.4.7. Costs of taxi fares (including a reasonable gratuity), tube fares, car parking and toll charges will be reimbursed where these were necessary.

4.5. **Subsistence expenses**

4.5.1. For meals purchased outside the Coventry City area, the reasonable costs of purchasing a meal and non-alcoholic beverage or appropriate refreshment will be reimbursed, subject to the provision of supporting receipts.

4.5.2. Accommodation must be booked through the Council. Value for money and the circumstances of each event will be taken into account.

4.5.3. For overnight stays, the reasonable cost of minor out of pocket expenses will be reimbursed.

4.5.4. The costs of accommodation and/or meals arising in relation to approved duties shall be paid directly by the authority where possible or, where this is not possible, reimbursed to members.

5. Other Allowances

5.1. A stationery allowance of £150 per year shall be made available to each Member.

5.2. A telephone line rental allowance of £30.15 per quarter shall be available to each Member*.

5.3. A maximum telephone allowance of £488.80 per year shall be available to each Member*.

5.4. A Dependent Carers' Allowance may be claimed in accordance with the terms of the Dependent Carers' Allowance Scheme appended to this Scheme.

5.5. A co-opted member's allowance of £611 per annum shall be paid to each co-opted and independent member appointed by the City Council.

* This element of the scheme is open only to Councillors who have claimed since April 2020.

6. Maternity, Paternity, Shared Parental and Adoption Leave

6.1. Leave Periods

6.1.1. Councillors who give birth or adopt a child can take up to six months of leave, with the option to extend to up to 52 weeks.

6.1.2. Where a birth is premature, the Councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the 6-month period.

6.1.3. Councillors who are biological fathers or nominated carers can take at least two weeks of paternity leave.

6.1.4. The Council will endeavour to replicate Shared Parental Leave arrangements agreed with any Councillor's external employers.

6.1.5. Councillors who share parental leave arrangements can split the leave up to 50 weeks.

6.1.6. Councillors must comply with the notice requirements of the Council and keep the Council informed of their intended return dates and requests for extensions.

6.2. Allowances During Parental Leave (Basic Allowance and SRAs)

6.2.1. Councillors will receive their basic allowance in full during their leave.

6.2.2. Councillors who have a special responsibility allowance (SRA) will also receive it in full, and their replacements will receive an SRA on a pro-rata basis for the period a role is covered.

6.2.3. The payment of SRAs will continue for six months or until the next annual Council meeting or election of said Councillor, whichever is sooner – leading to a review and possible further 6-month extension.

6.2.4. If the Councillor covering a role for which an SRA is payable and is already in receipt of another, they will only receive one payment in line with the allowances scheme.

6.2.5. Unless they are removed from their post at an annual meeting or their party loses control of the Council during their leave period. Councillors on leave should return to the same post where possible.

6.3. **Resigning from Office and Elections**

6.3.1. Councillors who decide not to return after their leave must notify the Council immediately (allowances will cease from the effective resignation date).

6.3.2. Councillors who are not re-elected or who do not stand for re-election will stop receiving all their allowances on the retirement date, usually four days after the election.

7. Renunciation

7.1. A Councillor may by notice in writing given to the Director of Law, Governance, and Safer Communities elect to forgo any part of his entitlement to an allowance under this scheme.

8. Part-year Entitlements

8.1. Where the term of office of a Councillor or the entitlement to a special responsibility allowance begins or ends at a time other than at the beginning or end of the Municipal Year, the entitlement to basic or special responsibility allowance will be based on the proportion of time which the service or special responsibility bears to the full year.

9. Payments

9.1. Payments shall be made in respect of basic and special responsibility allowances, subject to paragraph 9.2.

9.2. Where a payment under this scheme in respect of a basic allowance or a special responsibility allowance would result in the Member receiving more than the amount to which, by virtue of paragraph 6.2, they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.

9.3. Payments made under this scheme for basic and special responsibility allowances will be increased in line with the nationally agreed annual pay award for local government employees (linked to spinal point 43 of the NJC Scheme) in April of each year.

9.4. Nominated officers shall be authorised to approve expenditure outside the normal travel and subsistence rates, and generally adjudicate on claims, where required.

9.5. Travel and subsistence claims must be:

(a) for actual expenditure;

(b) submitted in a form determined by the authority; and

(c) accompanied by evidence of expenditure with receipts

9.6. Claims must be made within three months of the date of the expenditure or else forfeited unless exceptional circumstances can be justified as to why this timescale could not be achieved.

10. Schedule of Special Responsibility Allowances

10.1. Subject to the provisions of paragraph 6.2 of this Scheme, special responsibility allowances shall be paid to those Councillors who are appointed to the positions listed below or are otherwise authorised by the Council to perform the duties which attach to any of those positions, and the amounts of those allowances shall be the amounts specified against each position

	£
Leader of the Council	30,338
Deputy Leader of the Council	21,907
Leader of the Largest Opposition Group	6,219
Deputy Leader of the Largest Opposition Group	3,110
Other Cabinet Members	13,486
Deputy Cabinet Members	4,583
Scrutiny Co-ordination Committee Chair	13,486
Scrutiny Co-ordination Committee Deputy Chair	3,375
Scrutiny Board Chairs	8,431
Audit and Procurement Committee Chair	8,431
Audit and Procurement Committee Deputy Chair	3,375
Planning Committee Chair	8,431
Planning Committee Deputy Chair	3,375
Licensing and Regulatory Committee Chair	8,431
Licensing and Regulatory Committee Deputy Chair	3,375
Ethics Committee Chair	1,309

Member on Fostering Panel	3,375
Member on Adoption Panel	3,375
Co-opted and Independent Member	611

11 Dependant Carers' Allowance Scheme

11.1 Councillors may claim a dependant carer's allowance where they incur expenditure on the care of children or other dependants when undertaking the following approved duties:

(a) All formal meetings of the Council where the attendance of the Councillor is required;

(b) Any Working Groups/Review Groups/Consultation meetings arranged by the Council which the Councillor is required to attend;

(c) Attendance at training sessions, seminars, briefing meetings organised by the Council;

(d) Attendance at conferences organised or approved by the Council and/or Cabinet;

(e) Attendance at meetings of other bodies, including School Governors meetings, where the Councillor has been appointed by the Council as a representative of the Council;

(f) Briefing/Consultation meetings with officers by Cabinet Members or members with special responsibility holding appointed positions; and

(g) The carrying out of any other duty approved by the Council or any duty of a class so approved, for the purpose of, or in connection with the discharge of the functions of the Council.

11.2 The allowance that can be claimed will be:

(a) For the dependent care of a child (under the age of 14) the actual costs that are incurred, but not exceeding the hourly rate for the national living wage;

(b) For the professional care of a dependant relative, the maximum hourly rate will be the Council's Direct Payment rates.

11.3 A written declaration will be lodged with the Ethics Committee by a Councillor intending to claim the allowance.

11.4 The care can only be provided for a person who normally lives with the Councillor as part of their family.

11.5 The carer cannot be a member of the Councillor's immediate family or a person normally resident at the Councillor's home address.

11.6 Receipts must be provided with all claims and the claim must be made within two months from the date for which the allowance is claimed.

12 Pension

Members under the age of 75 are eligible to join the Local Government Pension Scheme. Membership is voluntary and Members wishing to join must complete the relevant opt-in form and return this to the Council's Payroll Team.

Both the basic and special responsibility allowances shall be treated as amounts in respect of which such pension is payable. No other allowances or expenses paid under this scheme will be pensionable.

(NOTE: In order to amend the Members' Allowances Scheme an Independent Remuneration Panel will be required to make recommendations to the Council.)

PART 6

COVENTRY CITY COUNCIL
SENIOR LEADERSHIP TEAM

Link to the Senior Leadership Team Structure Chart:
Senior leadership structure – Coventry City Council