

Ward: All

Review of Codes and Protocols of the Councils Constitutions

Report by the Monitoring Officer

1.0 Summary

- 1.1 To note the progress of the 2014/2015 complete review of the Councils' Constitutions.
- 1.2 To consider revisions to Part 5 of the Constitutions of the District Council of Adur ("Adur") and the Borough Council of Worthing ("Worthing").
- 1.3 To consider revisions to the Scheme of Delegations to Officers.
- 1.4 To agree to recommend to the Full Councils of Adur and Worthing that their Constitutions be revised accordingly.

2.0 Background

- 2.1 Section 37 of the Local Government Act 2000 places a duty on each Council to prepare and keep up to date a written constitution.
- 2.2 The relevant Secretary of State published guidance in the form of a model modular constitution in 2000.
- 2.3 Since that date there has been various legislation which has, among other things, amended the governance arrangements that a Council may have; clarified that Executive decisions can only be made by the Executive; imposed a requirement to have a Petition Scheme, and then revoked the requirement; repealed various sections of legislation that were originally listed as Executive functions; changed the Gambling regime; changed the Standards regime and imposed new rules on the publication of reports and Executive decisions by Officers.
- 2.4 In addition to the legislative changes there has also been guidance from the relevant Secretary of State on the recording of meetings and other areas of local government.
- 2.5 The Councils have also moved closer together in their working arrangements to allow, in the last major amendments, for joint functions.

- 2.6 The constitutions have not always kept step with these changes and therefore it is proposed in this report to make revisions to the Constitutions of the Councils to make them as up to date as possible, easy to understand and as similarly worded as possible to make joint working more efficient.
- 2.7 Your Officers have met with the Leaders and Leaders of the Opposition to identify areas of the Constitutions that needed to be streamlined or clarified.
- 2.8 Your Officers have also looked at the Constitutions of other Local Authorities including Brighton and Hove City Council, Crawley Borough Council, Chichester District Council, Southampton City Council, Guildford Borough Council, Winchester City Council and Wakefield City Council for the purposes of comparison and identifying good practice.
- 2.9 It should be noted that nothing in the proposed revisions changes the status of the Councils as two separate legal bodies who are independent but working together with a joint body of Officers.

3.0 Progress of the 2014/14 Review to Date

- 3.1 In June 2014 Members received a report from the Monitoring Officer proposing amendments to Parts 1, 2 and 3 of the Constitution.
- 3.1.1 Part 1 dealt with the Summary and Explanation of the Constitution
- 3.1.2 Part 2 dealt with the Articles of the Constitution: The Constitution; Members of the Council; The Citizen and the Council; the Full Council; Chairing the Council; Overview and Scrutiny Committee; The Executive, Regulatory and other Non-Executive Decision Making Committees; Governance; Joint Arrangements; Officers; Decision-Making; Finance, Contracts and Legal Matters; Review and Revision of the Constitution; Suspension, Interpretation and Publication of the Constitution.
- 3.1.3 Part 3 dealt with Responsibility for Functions: The principles of delegation; Responsibility for Local Choice Functions; Responsibility for Council Functions; Terms and Reference and Delegated Powers.
- 3.1.4 Members also considered the Petition Schemes from Part 5 of the Constitutions as revisions to this were considered urgent.

The revised Parts 1, 2 and 3 of the Constitutions, together with the Petition Scheme, were approved by both Full Councils and adopted with effect from 1st November 2014. These sections replaced earlier corresponding sections.

- 3.2 In September 2014 Members received a further report from the Monitoring Officer proposing amendments to Part 4 of the Constitution.
- 3.2.1 Part 4 revisions dealt with the Council Procedure Rules; the Access to Information Procedure Rules; the Executive Procedure Rules; the Overview and Scrutiny Procedure Rules; the Joint Overview and Scrutiny Procedure

Rules; the Officer Employment Procedure Rules; the Joint Independent Remuneration Panel Procedure Rules.

The revisions to Part 4 of the Constitutions were approved by both Full Councils and adopted with effect from 1st November 2014. The above sections replaced earlier corresponding sections.

Additional documents to be included in Part 4 of the Constitution are as follows: the Scheme of Officer Delegations (which is to be considered in this report), the Standards Procedure Rules (which have yet to be considered and adopted), the Contract Procedure Rules (which have been revised by Members separate from this review) and the Financial Procedure Rules (which are not being amended).

- 3.3 Part 6 of the Constitution deals with the Members' Allowances Scheme. These have been considered by both Full Councils, adopted and the constitution updated accordingly by the Monitoring Officer.
- 3.4 Part 7 of the Constitution deals with the Councils' Management Structure and will be updated by the Councils' Monitoring Officer under delegated powers, to reflect the recent changes made, and approved by Members, under the Catching the Wave Senior Management Restructure.
- 3.5 Part 8 of the Constitution deals with Outside Bodies and will be updated by the Monitoring Officer following appointments at the Annual Council meetings in 2015.
- 3.6 Part 9 of the Constitution deals with the Joint Committee Agreement between Adur District Council and Worthing Borough Council and will be updated by the Monitoring Officer under delegated powers, once the above revisions have been approved and adopted by the Councils.

4.0 Proposals

- 4.1 This report to Members of the Joint Governance Committee in March 2015 deals with revisions to Part 5 of the Constitutions which includes the Councils' Codes and Protocols.
 - 4.1.1 **The Members' Code of Conduct** currently exists in both Constitutions, but previously dealt with discloseable pecuniary interests and the potential criminal offence introduced by the Localism Act 2011. The revised document has been amended to now also include guidance on personal interests and bias and provides clarity on predetermination as opposed to pre disposition. These changes reflect recent changes to guidance, legislation and evolving case law. It is a legal requirement to have a Members Code of Conduct.
 - 4.1.2 **The Officer Code of Conduct** currently exists in both Constitutions, and has been updated to ensure it applies to all Officers regardless of whether they are employees or not. It is recommended that both Councils adopt the new protocol.
 - 4.1.3 **The Protocol relating to the Relationship between Members and Officers** is currently part of both Council's Constitutions and minor

amendments have been made. It is recommended that both Councils adopt the updated protocol.

4.1.4 **The Monitoring Officer Protocol** currently exists in the Adur Constitution, but not the Worthing Constitution. It reflects the statutory duty placed upon the Monitoring Officer, and it is recommended that it be adopted by both Councils.

4.1.5 **Protocol on Officer Decision Making.** This is a new document for both Councils and reflects legislative changes relating to decision making surrounding Executive functions. It is recommended that it is adopted by both Councils.

4.1.6 **Councillor Call for Action Protocol.** This protocol deals with the provisions of Call for Action introduced by the Local Government and Public Involvement in Health Act. It currently forms part of both Council's constitutions but has been updated, and it is recommended that both Councils adopt this updated version.

4.1.7 **Protocol on the Pre-Election Period.** This document currently exists in the Adur Constitution but not the Worthing Constitution. It has been updated and it is recommended that it be adopted by both Councils.

4.1.8 **Protocol for Recording of Public Meetings.** This is a new document to reflect legislative changes and it is recommended that both Councils adopt this protocol as part of their Constitutions.

4.1.9 **Probity in Planning.** Both Councils have adopted the LGA model Probity in Planning Document. No changes are proposed and so the document is not reproduced or considered in this report. The documents will be included in Part 5 of both Councils' constitutions.

4.1.10 **Protocol on Public Speaking at Planning Committee.** These rules have been adopted by both Councils and any changes are inconsequential and not substantive, so the document is not reproduced or considered in this report. These protocols will be included in Part 5 of both Councils' constitutions.

4.1.11 **Protocol on Site Visits for Planning Committee.** This document has been adopted by Worthing Council but not by Adur Council. No changes to the document have been made and so it is not reproduced in this report. This protocol will be included in Part 5 of the Worthing Constitution.

4.2 There are some additional documents which may be included in Part 5 of the constitution in due course and will be brought before Members for consideration at the appropriate time.

4.2.1 **Social Media Policy.** This does not currently form part of the Council's constitutions. A Policy relating to Officers was recently approved by the Executive but it is proposed that a further Policy applicable to Members be drafted and brought to Members at a future date.

4.2.2 **Guidance on Outside Bodies.** This document does not currently form part of the Constitutions, but it is proposed that Members receive a further report on this in the future.

4.2.3 **Code of Corporate Governance.** This document currently exists in the Adur Constitution but not the Worthing one. It is proposed that the existing document remain in place for the time being whilst further work is carried out by the Governance Working Group, with Members receiving a further report in the future and a recommendation for a revised document to be adopted by both Councils.

4.3 There are some existing documents in Part 5 of one or both Constitutions, which it is recommended should be deleted.

4.3.1 **Members Code of Good Practice.** This exists in the Adur Constitution but has been superseded by other guidance and protocols and is now obsolete. It's deletion is therefore recommended.

4.4 Additional documents in Part 5

4.4.1 **The Petition Scheme.** This was recently amended and adopted by Members to be effective from November 2014. There are no further proposed amendments and this document will be included in Part 5 of both Councils constitutions.

4.5 The Scheme of Officer Delegations

The **Scheme of Officer Delegations** forms Part 4 of the Constitution.

The Scheme has not been materially revised since the Restructure in January 2014 when the posts of Executive Heads of Service were deleted. Since that time the Councils have been operating under an interim Scheme of Delegations where the existing delegations have been exercised by the postholder who was for the time being undertaking the roles of the previous Executive Heads. Now that the majority of the Heads of Service posts have been identified and appointed to, it is appropriate for the Scheme to be amended.

The interim Scheme of Officer Delegations is attached to this report. Amendments to reflect the changes to the Councils Management structure have been made by the Monitoring Officer under delegated authority. For ease of reference the existing interim delegations are produced in black, and the additional delegations sought by Officers are reproduced in red.

It is likely that as the newly appointed Heads of Service carry out restructures of their services that there may be further amendments sought to the Scheme, which if substantive, will be brought before Members.

4.6 Publication of the 2015 Constitutions

Authority is sought to implement the amendments set out in this report on 1st May 2015.

It is anticipated that a revised contents page and detailed index will be produced and final changes to formatting and page numbering of all documents by 30th April 2015.

The final version of the revised Constitutions for both Councils will be available on the Councils internet on 1st May 2015.

5.0 Legal

- 5.1 Section 36 of the Local Government Act 2000 requires that the Councils prepare and keep up to date a Constitution which contains a copy of its Procedure Rules, a copy of its Members Code of Conduct and such other information as the Councils consider appropriate.

6.0 Financial implications

- 6.1 There are no specific financial consequences of this report.

7.0 Recommendations

- 7.1 That the Committee recommends to the Borough Council of Worthing:

7.1.1 that it adopts the following documents as set out in the Appendix to this report, to be effective from 1st May 2015:

- Code of Conduct for Members
- Code of Conduct for Officers
- Protocol relating to the Relationship between Members and Officers
- The Monitoring Officer Protocol
- The Protocol relating to Officer Decision Making
- The Council Call for Action Protocol
- The Protocol Relating to the Pre-Election Period
- The Protocol Relating to the Recording of Public Meetings
- The Scheme of Delegations to Officers

7.1.2 that it authorises the Monitoring Officer to make further minor amendments to the Constitution as required.

7.1.3 that it authorises the Monitoring Officer to make consequential changes to the Joint Committee Agreement.

- 7.2 That the Committee recommends to the District Council of Adur:

7.2.1 that it adopts the following documents as set out in the Appendix to this report, to be effective from 1st May 2015:

- Code of Conduct for Members
- Code of Conduct for Officers

- Protocol relating to the Relationship between Members and Officers
- The Monitoring Officer Protocol
- The Protocol relating to Officer Decision Making
- The Council Call for Action Protocol
- The Protocol Relating to the Pre-Election Period
- The Protocol Relating to the Recording of Public Meetings
- The Scheme of Delegations to Officers

7.2.2 that it deletes the following document from its Constitution with immediate effect:

- Members Code of Good Practice

7.2.3 that it authorises the Monitoring Officer to make further minor amendments to the Constitution as required.

7.2.4 that it authorises the Monitoring Officer to make consequential changes to the Joint Committee Agreement

Local Government Act 1972

Background Papers:

The Constitution of Worthing Borough Council
 The Constitution of Adur District Council
 New Council Constitution Guidance Pack

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Schedule of Other Matters

[To be completed on all reports. If no issues are identified under a heading then it should read "Matter considered and no issues identified."]

1.0 Council Priority

1.1 The Constitutions ensure that the public are able to identify how they may interact with the Councils and who is making decisions

2.0 Specific Action Plans

2.1 None

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 The constitutions should be in accordance with the Equalities Act and ensure that there is no discrimination as a result of its contents.

5.0 Community Safety Issues (Section 17)

5.1 Matters considered and no issues identified.

6.0 Human Rights Issues

6.1 Where appropriate within the constitution, such as in relation to quasi-judicial meetings, the requirements of the Human Rights Act have been taken into account.

7.0 Reputation

7.1 Maintaining modern, up to date constitutions ensures that the public are able to identify correctly how decisions are made and how they can interact with the Councils, which will help to enhance their reputation as open and transparent organisations.

8.0 Consultations

8.1 Officers consulted with the Leaders of the Council and of the main opposition parties.

9.0 Risk Assessment

9.1 Failing to maintain up to date Constitutions puts the Councils at risk of challenge with regard to decisions they make and processes they do or do not have in place.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 The recommendations in this report are integral to the joint working arrangements between Adur and Worthing Councils.

THE CODE OF CONDUCT FOR MEMBERS

1.0 INTRODUCTION

- 1.1 This Code applies to every Member of Adur District Council and every Member of Worthing Borough Council, when that Member acts in their role as a Member. It is each Member's responsibility to comply with the provisions of this Code.
- 1.2 Each Member is a representative of Adur District Council or Worthing Borough Council and the public will view that Member as such, and therefore, a Member's actions impact upon the Council as a whole and its reputation; a Member's actions can have both positive and negative impacts on the Councils.
- 1.3 This Code of Conduct is based upon the 'Nolan Principles - The Seven Principles of Public Life', which are set out at paragraph 2.0, and also encompasses the legislative framework of the Localism Act 2011, where provision is made by the Secretary of State for criminal sanctions to apply in certain circumstances.

2.0 THE NOLAN PRINCIPLES: SEVEN PRINCIPLES OF PUBLIC LIFE

- 2.1 **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- 2.2 **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- 2.3 **Objectivity:** In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- 2.4 **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- 2.5 **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
- 2.6 **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- 2.7 **Leadership:** Holders of public office should promote and support these principles by leadership and example.

3.0 INTERPRETATION

In this Code -

3.1 'Meeting' means any meeting of:

- The Full Council;
- The Executive of the Council;
- Any Committee, Sub-Committee, Joint Committee of the Council; and
- Any other meeting involving Members and/or Officers and/or the public,

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.

3.2 'Member' includes a Co-opted Member (voting and non-voting), an Elected Member and an appointed Member.

4.0 SCOPE AND GENERAL OBLIGATIONS

4.1 Scope

4.1.1 This Code applies to all Members of Adur District Council and all Members of Worthing Borough Council.

4.1.2 It is each individual Member's responsibility to comply with the provisions of this Code.

4.1.3 The Code applies whenever a Member:

- Conducts the business of Adur District Council or Worthing Borough Council; or
- Acts, claims to act, or gives the impression they are acting, as a representative of Adur District Council or Worthing Borough Council, or in their official capacity as a Member of Adur District Council or Worthing Borough Council.

4.1.4 Where a Member acts as a representative of Adur District Council or Worthing Borough Council:

- on any other body, they must, when acting for that other body, comply with Adur District Council or Worthing Borough Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4.2 General Obligations

4.2.1 When acting as a Member of Adur District Council or Worthing Borough Council a Member must:

- (a) Treat others with respect;
- (b) Not conduct themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of Members;

- (c) Ensure that they are aware of and comply with the requirements that the Bribery Act 2010 places on a Member and on the Council as a whole;
- (d) Not disclose the information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) they have the consent of a person authorised to give it;
 - (ii) they 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:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (cc) they have consulted the Monitoring Officer prior to its release;
- (e) Not prevent another person from gaining access to information to which that person is entitled by law;
- (f) Not conduct themselves in a manner which is contrary to the Council's duty under the equalities legislation.

4.2.2 When using, or authorising the use by others, of the resources of Adur District Council or Worthing Borough Council, a Member must:

- (a) Act in accordance with the Council's reasonable requirements, procedures, policy and Constitution, including the requirements of the Council's Internet and Email Policy;
- (b) Make sure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986, and the Protocol on the Pre-Election period.

5.0 DISCLOSABLE PECUNIARY INTERESTS UNDER THE LOCALISM ACT 2011

Disclosable Pecuniary Interests (DPI's) and their application are governed by the Localism Act 2011.

5.1 Notification of Disclosable Pecuniary Interests

5.1.1 Within 28 days of becoming a Member, each Member must notify the Monitoring Officer of any disclosable pecuniary interests they may have.

5.1.2 A 'disclosable pecuniary interest' is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife or a person with whom they are living as if they are civil partners) within the description at Appendix 1 of this Code of Conduct.

5.2 Register of Interests

5.2.1 Any interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the Councils' website.

5.3 Sensitive Interests

5.3.1 Where a Member considers that disclosure of the details of a disclosable pecuniary interest on a copy of the Register made available for inspection and published, could lead to them, or a person connected with them, being subject to violence or intimidation, then copies of the Register that are available for inspection and any published version of the Register will exclude details of the interest, but state that the Member has a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

5.4 Non-Participation in Case of Disclosable Pecuniary Interest

5.4.1 If a Member is present at a meeting of Adur District Council or Worthing Borough Council or any Committee, Sub-Committee or Joint Committee of the Council and has a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- (a) That Member may not participate in any discussion of the matter at the meeting; and
- (b) That Member may not participate in any vote taken on the matter at the meeting; and
- (c) If the interest is not registered, the Member must disclose the interest in the meeting; and
- (d) If the interest is not registered and is not the subject of a pending notification, the Member must notify the Monitoring Officer of the interest within 28 days of the meeting.

5.4.2 In addition, the Member is required to leave the room where the meeting is held while any discussion or voting takes place.

5.4.3 Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by him/her, the Executive Member must:

- (a) Notify the Monitoring Officer of the interest; and
- (b) Not take any steps or further steps in the matter.

5.4.4 Where a Member has a disclosable pecuniary interest in any business of the Councils, they may attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and the Member leaves the room where the meeting is held immediately after making representations, answering questions or giving evidence, prior to any debate, discussion or vote on the matter.

5.5 Dispensations

5.5.1 The Monitoring Officer may grant a Member a dispensation, but only in limited circumstances, to enable them to participate and vote on a matter in which they have a disclosable pecuniary interest.

5.6 Offences

5.6.1 It is a criminal offence to:

- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of a Member's election;
- (b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- (c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the Register that they have disclosed to a meeting;
- (d) Participate in any discussion or vote on a matter in which a Member has a disclosable pecuniary interest;
- (e) As an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest; and
- (f) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

5.6.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale (£5,000) and disqualification from being a Councillor for up to 5 years.

6.0 OTHER INTERESTS: PERSONAL AND PECUNIARY

6.1 Notification of Other Interests

6.1.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011 as set out in Paragraph 5 above, a Member must, within 28 days of:

- (a) this Code being adopted by or applied to your Council; or
- (b) that Member's election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of their other personal and pecuniary interests where they fall within the following descriptions, for inclusion in the Register of Interests.

6.1.2 A Member must, within 28 days of becoming aware of any new interest or change of any interest, notify the Monitoring Officer of the details of that new interest or change.

6.2 Personal Interests

6.2.1 A Member has a personal interest in any business of the Council where that business:

- (a) relates to, or is likely to affect, any body of which they are a Member or in a position of general control or management and to which they are appointed or nominated by the Council;
- (b) relates to, or is likely to affect, any body:
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union) of which they are a member or in a position of general control or management.

6.2.2 A Member also has a personal interest in any business of the Council where a decision in relation to that business might reasonably be regarded as affecting their wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, rate payers or inhabitants of the Ward affected by the decision.

6.2.3 A relevant person is:

- (a) A member of their family or any person with whom they have a close association; or
- (b) Any person or body who employs or has appointed such persons defined in paragraph 6.2.3(a) above, any firm in which such persons are a partner, or any company of which they are directors;
- (c) Any person or body in whom such persons defined in paragraph 6.2.3(a) above, have a beneficial interest in a class of securities exceeding the nominal value of £25,000 or 1% of the total of that class of securities.

6.3 Pecuniary Interests

6.3.1 Where a Member has a personal interest in any business of your Council, they also have a pecuniary interest in that business where the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and where that business:

- (a) affects the Member's financial position or the financial position of a person or body described in paragraph 6.2.2 above; or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 6.2.2 above.

6.4 Disclosure and Non-Participation

6.4.1 Where a Member has a personal interest described in paragraph 6.2 above, which relates to themselves, in any business of the Council and where they are aware or ought reasonably to be aware of the existence of the personal interest and they attend a meeting of the Council at which the business is considered, they must disclose to

that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 6.4.2 Where a Member has a personal interest in any business of their Authority which relates to or is likely to affect a relevant person as described in paragraph 6.2.2, they need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.
- 6.4.3 Where a Member has a personal interest, but by virtue of paragraph 6.6, sensitive information relating to it is not registered in their Council's Register of Members' Interests, they must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.
- 6.4.4 Where a Member has a personal interest in any business of their Council and they have made an Executive Decision in relation to that business, they must ensure that any written statement of that decision records the existence and nature of that interest.
- 6.4.5 Subject to paragraphs 6.4.7 and 6.4.8 below, where a Member has a pecuniary interest in any business of the Council:
- (a) they may not participate in any discussion of the matter at the meeting;
 - (b) they may not participate in any vote taken on the matter at the meeting;
 - (c) if the interest is not registered, they must disclose the interest at the meeting;
and
 - (d) if the interest is not registered and is not the subject of a pending notification, they must notify the Monitoring Officer of the interest within 28 days.
- 6.4.6 In addition, they are to leave the room where the meeting is held while any discussion or voting takes place.
- 6.4.7 Where a Member has a pecuniary interest in any business of the Authority, they may attend a meeting, but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise, and they leave the room where the meeting is held immediately after making representations, answering questions and/or giving evidence.
- 6.4.8 Subject to a Member disclosing the interests at the meeting, they may attend a meeting and vote on a matter where they have a pecuniary interest that relates to the functions of the Council in respect of:
- (a) Housing, where they are a tenant of your Council, provided that those functions do not relate particularly to their tenancy or lease;
 - (b) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where they are in receipt of, or are entitled to, the receipt of such pay;
 - (c) An allowance, payment or indemnity given to Members;

- (d) Any ceremonial honour given to Members; and
- (e) Setting Council Tax or a precept under the Local Government Finance Act 1972.

6.4.9 Where an Executive Member may discharge a function alone and they become aware of a pecuniary interest in a matter being dealt with, or to be dealt with, by them, they must notify the Monitoring Officer of the interest and they must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

6.5 Register of Interests

6.5.1 Any other interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the Council's website.

6.6 Sensitive Interests

6.6.1 Where a Member considers that disclosure of the details of a personal or disclosable pecuniary interest on a copy of the Register made available for inspection and published, could lead to them, or a person connected with them, being subject to violence or intimidation, then copies of the Register that are available for inspection and any published version of the Register will exclude details of the interest, but state that the Member has a personal or disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

6.7 Interest arising in relation to Overview and Scrutiny Committees

6.7.1 In any business before an Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee (or of a Sub-Committee or Panel of such a Committee), where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's Committees, Sub-Committees or Joint Committees; and
- (b) at the time the decision was made or action was taken, a Member was a Member of the Executive, Committee, Sub-Committee or Joint Committee mentioned in paragraph (a) and was present when that decision was made or action was taken,

that Member may only attend a meeting of the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee for the purpose of answering questions or giving evidence relating to the business, and must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

6.8 Pre-determination or Bias

6.8.1 Where a Member has been involved in campaigning in their political role on an issue which does not impact on their personal and/or professional life, they should not be prohibited from participating in a decision in their political role as a Member. However, they must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

6.8.2 When making a decision, a Member should consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

6.9 Compliance with Constitution, Rules, Standards and Guidance

6.9.1 Failure to comply with the requirements of the Council's Constitution or any rule, protocol, corporate standards or guidance issued pursuant to this Constitution shall be deemed to be a breach of this Code.

Disclosable Pecuniary Interests under the Localism Act 2011

Interests	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 relevant Council) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. 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	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council:</p> <p>(a) Under which goods or services are to be provided or works are to be executed; and</p> <p>(b) Which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Council for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) The landlord is the relevant Council; and</p> <p>(b) The tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) That body (to M's knowledge) has a place of business or land in the area of the relevant Council; and</p> <p>(b) Either:</p> <p>(i) The total nominal value of the securities exceeds £25,000 or 100th of the total issued share capital of that body; or</p> <p>(ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds 100th of the total issue share capital of that class.</p>

These descriptions on interests are subject to the following definitions:

- (a) 'Body in which the relevant person has a beneficial interest': means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (b) 'Director': includes a member of the committee of management of an industrial and provident society;
- (c) 'Land': includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (d) 'M': means the Member;
- (e) 'Member': includes a Co-opted Member;
- (f) 'Relevant Council': means the Council of which M is a Member;
- (g) 'Relevant Period': means the period of 12 months ending with the day on which M gives a notification for the purposes of Section 30(1) of the Localism Act 2011;
- (h) 'Relevant Person': means M or any other person referred to in Section 30(3)(b) of the Localism Act 2011; and
- (i) 'Securities': means shares, debentures, debenture stock, loans, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a Building Society.

CODE OF CONDUCT FOR COUNCIL OFFICERS

1.0 INTRODUCTION

1.1 Section 82 of the Local Government Act 2000 makes provision for a Code of Conduct for all Local Government Employees. The Officer Code of Conduct aims to set out fundamental values that underpin standards of conduct in Local Government.

2.0 SCOPE

2.1 This Code applies to all Council Officers, regardless of whether or not they are employees of the Council or employees of another body seconded to act as Officer of this Council. It applies to all Officers, regardless of whether they are part time, full time, permanent, temporary or casual.

3.0 STATEMENT

3.1 All employees and/or Officers of the Council must perform their duties with honesty, integrity, impartiality and objectivity. All employees and Officers are accountable to the Council for their actions. The public is entitled to demand of a Local Government Officer conduct of the highest standard and public confidence in an Officer's integrity would be damaged were the least suspicion, however ill-founded, to arise that an Officer could be influenced by improper motives.

3.2 All Officers must treat other employees, Members and Co-opted Members of the Council with dignity and respect and must not discriminate unlawfully against any person.

3.3 The Officer Code of Conduct is not intended to simply be a list of prohibitions, but should benefit all Officers because the Code will clarify conduct which is permissible and appropriate.

4.0 CONDUCT EXPECTED OF COUNCIL OFFICERS

4.1 This Code of Conduct for Officers sets out the minimum standards that are to be expected.

4.2 An Officer of the Council must be aware of and positively promote the Council's vision and corporate priorities.

4.3 An Officer of the Council must be committed to treating other Officers and Members with dignity and respect in accordance with the Councils' Dignity at Work Policy.

4.4 A Council Officer must abide by all policies and procedures of the Councils, relevant to their area of work.

- 4.5 All Council Officers must be aware of their responsibility to the community served by the Councils and must ensure that they provide a courteous, efficient and impartial service delivery, in accordance with the Council's Customer Care Standards.
- 4.6 A Council Officer must not allow their personal interests to conflict with the Council's requirements or objectives and nor may they use their position improperly to confer an advantage or disadvantage on any individual, or organisation.
- 4.7 If a Council Officer who engages or supervises contractors, has a previous or current personal relationship with that contractor, it should be declared to their Head of Service.
- 4.8 If a Council Officer has access to confidential information relating to tenders or costs for contractors, they may not disclose that information to any unauthorised individual, or organisation.
- 4.9 A Council Officer must not use any public funds entrusted to them in an irresponsible, reckless or unlawful manner and may not make personal use of property or facilities of the Council, unless properly authorised to do so.
- 4.10 An Officer of the Council will not be precluded from undertaking additional employment provided that any such employment does not, in the view of the Council, conflict with or react detrimentally to the Council's interests, or in any way weaken public confidence in the conduct of the Council's business. Any Officer of the Council whose salary is above Spinal Column Point 28, must declare any such additional employment to the Director for Digital and Resources for inclusion in the Register of Additional Employment maintained by Human Resources Officers.
- 4.11 If a Council Officer is aware that a contract in which he/she has any financial interest, either directly or indirectly, has been or is proposed to be entered into by the Councils, they must as soon as practicable give notice in writing to the Solicitor to the Council and Head of Legal Services.
- 4.12 Officers of the Council are employed to serve the Council as a whole and must provide a service to all Members, not just those of the controlling party, and ensure that the individual rights of all Members are respected. All Officers, whether in a politically restricted post or not, must follow all policies of the Councils and not allow their own personal or political opinions to interfere with their work.
- 4.13 To preserve public confidence, Council Officers are strongly encouraged not to accept any gifts from customers or contractors. It may constitute a serious criminal offence for an Officer to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything, or showing favour or disfavour to any person, in their official capacity.

- 4.14 If a Council Officer does accept any gift, they must comply with the Council's requirements to register or declare interests, and to declare hospitality, benefits, gifts received as a consequence of employment. Any such gift received must be registered, regardless of its value, within 28 days of receipt. Such declaration should be made to the Director of Communities for inclusion in the register held by Democratic Services Officers. It is also good practice for Council Officers to declare any offers of gifts.
- 4.15 A Council Officer must report to the appropriate Manager, any impropriety or breach of procedure. Further guidance is contained within the Councils' Whistleblowing Policy. A Council Officer must not treat another Officer less favourably, because that Officer has, intends to, or is suspected of, reporting misconduct.
- 4.16 A Council Officer must not disclose information given to them in confidence, or information acquired which is believed to be of a confidential nature, without the consent of the person involved or the property authorisation. A Council Officer must not prevent another person from gaining access to information to which that person is entitled by law. Further guidance can be obtained from the Councils' Security of Information Officer.
- 4.17 Close personal associations between employees and Members can damage the relationship and should be avoided. Further information can be found in the Councils' Equalities Policy and Dignity at Work Policy, which are also part of an Officer's terms and conditions of employment.
- 4.18 A Council Officer must not be involved in the recruitment, discipline, promotion or pay adjustment or conditions of service of another Officer, or potential Officer, who is a relative or someone well known to them. Further guidance can be found in the Councils' Recruitment and Selection Policy.
- 4.19 A Council Officer must declare to the Director for Digital and Resources, for inclusion in the Register of Interests held by Human Resources Officers, membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy around rules of membership or conduct.
- 4.20 A Council Officer should be aware that there may be exceptional circumstances where their behaviour, out of hours and off-duty, may impact on the Councils and their reputations. In particular, reference is made to the Council's Social Media Policy. The Councils reserve the right to consider such actions in relation to its position.
- 4.21 A Council Officer must at all times act in accordance with the trust that the public is entitled to place in them. Therefore both at work and in private life a Council Officer should do nothing to bring the Councils into disrepute. The public need to be assured that public duties are not subordinated to private interests, and that conflicts between private life and duty do not arise.

5.0 BREACH OF CODE OF CONDUCT FOR OFFICERS

- 5.1 Failure of a Council Officer to comply with any part of this Code of Conduct may result in disciplinary action, which could include summary dismissal. Further guidance may be found in the Councils' Disciplinary Policy.

PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF THE COUNCIL

1.0 INTRODUCTION

1.1 Mutual trust and respect between Members and Officers is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

1.2 This Protocol addresses the need for a written guide to the basic elements of the relationship between Members and Officers. It is a protocol designed:

- to promote trust, openness, fairness and honesty by establishing some ground rules;
- to define roles so as
 - to clarify responsibilities
 - to avoid conflict, and
 - to prevent duplication or omission;
- to secure compliance with the law, codes of conduct and the Council's own practices; and
- to lay down procedures for dealing with concerns by Members or Officers.

2.0 DEFINITIONS

2.1 Unless the context indicates otherwise, references to the term *Council* includes the Executive, Overview and Scrutiny Committees, and other Committees and sub-committees.

2.2 Unless the context indicates otherwise, the terms *Member* and *Members* include non-elected (i.e. co-opted) Members as well as elected Councillors.

2.3 *Officers* means all persons employed by the Council, or employed by another Council for the purpose of providing a service to this Council.

2.4 *Senior Officer* means Chief Officer, Deputy Chief Officer, Director and Heads of Service.

- 2.5 *Designated Finance Officer* means the Officer exercising the duties prescribed by law for the financial administration of the Council and is the Chief Finance Officer, Head of Financial Services and Section 151 Officer.
- 2.6 *Monitoring Officer* means the Officer appointed to and exercising his/her role under the Local Government and Housing Act 1989 and is the Solicitor to the Council and Head of Legal Services.

3.0 PRINCIPLES

- 3.1 Members and Officers must at all times observe this protocol.
- 3.2 This Protocol has been approved by the Council and the Joint Governance Committee will monitor its operation.
- 3.3 Members and Officers must always respect the roles and duties of each other. They must be courteous in all their dealings, and not seek to take unfair advantage by virtue of their position. They must maintain a professional working relationship at all times.
- 3.4 Whilst Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Head of Paid Service.
- 3.5 Officers are bound by the Council's own Code of Conduct for Officers distributed to all staff on the commencement of their employment and, in some cases, by the codes of their professional associations.
- 3.6 Elected Members are bound by the Council's Code of Conduct for Members.
- 3.7 Breaches of this Protocol by a Member may result in a complaint to the Monitoring Officer if it appears that the Members' Code of Conduct has also been breached. Breaches of this Protocol by an Officer may lead to disciplinary action, as may a breach of the Officer Code of Conduct.

4.0 THE ROLE OF MEMBERS

- 4.1 Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the Authority's policy framework, strategic plans and budget.
- 4.2 As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.

- 4.3 Members are not authorised to instruct Officers other than:
- through the formal decision-making process;
 - to request the provision of consumable resources provided by the Council for Members' use;
 - where staff have been specifically allocated to give support to a Member or group of Members;
- 4.4 Members may not initiate or certify financial transactions, or enter into a contract in writing or orally on behalf of the Council, or direct any Officer to do so. Letters which may commit the Council to any action should not be sent in the name of any Member without having first checked the position with an appropriate Officer from Legal Services. Members should not give any assurances to any person outside the Council or make any public statement which may be interpreted as making a formal commitment on any matter where a formal decision has yet to be made.
- 4.5 No Member should meet with a developer or contractor concerning negotiations for the disposal of land or the terms of a contract outside the formal meeting processes of the Council unless a Council Officer is present and a note is made of the content of the discussion at the meeting. Such meetings might occasionally take place on an initial exploratory basis, but should not continue beyond that. Officers should then pursue any negotiations arising. The Chief Officer would keep the Member(s) informed and report formally to Member meetings where appropriate for information or decision.
- 4.6 Members must not take actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation to take into account, when reaching decisions, any advice provided by the Monitoring Officer or the designated Finance Officer.
- 4.7 Members' roles on the employment of staff are limited to:
- the appointment of specified senior posts as set out in the Officer Employment Procedure Rules;
 - determining Human Resources policies and conditions of employment; and
 - hearing and determining specific appeals as set out in the Officer Employment Procedure Rules.
- 4.8 Members must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change his/her professional advice.
- 4.9 An Executive Member wanting to make a decision about a matter in his or her portfolio should ensure that other Members and Senior Officers who need to know of the matter are informed, particularly on issues of joint

responsibility or mutual interest, and in appropriate cases to brief the whole Executive.

5.0 THE ROLE OF OFFICERS

- 5.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors.
- 5.2 Under the direction and control of the Council (including, as appropriate, the Executive, Committees and Sub-Committees), Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 5.3 Officers have a duty to implement decisions of the Council, the Executive, Committees and Sub-Committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly recorded.
- 5.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 5.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the Authority as expressed in the Council's formal decisions.
- 5.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 5.7 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities applying to certain Officers holding politically restricted posts.
- 5.8 Senior Officers shall agree mutually convenient times for regular contact with Executive Members and Shadow Executive Members.

6.0 THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS

- 6.1 The conduct of Members and Officers should be such as to inspire mutual confidence and trust.
- 6.2 The key elements are a recognition of, and a respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

- 6.3 There must be no bullying and/or intimidating behaviour between Members and Officers.
- 6.4 Informal and collaborative two-way contact between Members and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 6.5 Any Members and Officers who form a close personal relationship should inform the Monitoring Officer of any such relationship since it might be seen as unduly influencing their work in their respective roles.
- 6.6 If a Member or Officer becomes aware of an inappropriate relationship between an Officer and Member that may or does affect their work and/or the reputation of the Council, they may bring this to the attention of the Monitoring Officer.
- 6.7 It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.
- 6.8 Officers work to the instructions of their senior Officers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should direct their requests and concerns to a Senior Officer, or an Officer that the Senior Officer has confirmed beforehand may be approached directly. Chief Officers shall ensure that Members are adequately informed of such arrangements.
- 6.9 Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by Senior Managers. Members may discuss and give their views upon work priorities with Senior Officers.
- 6.10 Members will endeavour to give timely responses to enquiries from Officers.
- 6.11 An Officer shall not discuss with a Member personal matters concerning him/herself or another individual employee. This does not prevent an Officer raising on a personal basis, and in his/her own time, a matter with his/her Ward Member.
- 6.12 Members and Officers should respect each other's free (i.e. non-Council) time.

- 6.13 Members and Officers must comply with and promote the Council's policies on equality and diversity.

7.0 PARTY GROUPS AND OFFICERS

- 7.1 Officers' support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 7.2 Party group meetings, as opposed to meetings of a body such as the Executive that may consist only of members of one political party, are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings have no status as formal Council decisions.
- 7.3 In their dealings with party groups, Officers must treat each group in a fair and even-handed manner. In particular, if a briefing is offered to one party then it should be offered to all party groups.
- 7.4 Members must not do anything which compromises or is likely to compromise Officers' impartiality.
- 7.5 At party group meetings where some of those present are not Members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Members' Code of Conduct. They do not have the same rights to Council information as Members.

8.0 MEMBERS' ACCESS TO DOCUMENTS AND INFORMATION

- 8.1 This part of the Protocol should be read in conjunction with the Access to Information Procedure Rules in Part 4 of the Council's Constitution.
- 8.2 Members may request Senior Officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- it is in the public domain, and
 - it is not barred from being given, by any legislative restriction, including the Data Protection Act.

- 8.3 A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- where to do so is likely to be in breach of the Data Protection Act, or
 - Where the subject matter is one in which he/she has a personal or disclosable pecuniary interest as defined in the Members' Code of Conduct.
- 8.4 Information given to a Member must only be used for the purpose for which it was requested.
- 8.5 Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 8.6 When requested to do so, Officers will keep confidential from other Members advice requested by a Member.
- 8.7 Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

9.0 INTERPRETATION, COMPLAINTS AND ALLEGATIONS OF BREACHES

- 9.1 This part of the Protocol should be read in conjunction with the Council's Anti-fraud, Corruption and Whistleblowing Policy Statement and Code of Conduct.
- 9.2 Members or Officers with questions about the implementation or interpretation or any part of this Protocol should seek the guidance of the Monitoring Officer or in his/her absence the Chief Executive.
- 9.3 A Member who is unhappy about the actions taken by, or conduct of, an Officer should:
- avoid personal attacks on, or abuse of, the Officer at all times;
 - ensure that any criticism is well founded and constructive;
 - never make a criticism in public; and
 - take up the concern with the Officer's Director.
- 9.4 A serious breach of this Protocol by an Officer may lead to an investigation and action under the Council's disciplinary procedure.
- 9.5 An Officer who believes a Member may have acted other than in accordance with this Protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegations should be dealt with and take such action as he/she considers appropriate. At a minor level, this may be to raise the matter confidentially with the Member and/or the Leader of the relevant party group, giving information to the Officer concerned as to the action taken. More serious complaints may be dealt with in accordance with

the Members' Code of Conduct and Standards Procedure Rules, if they relate to an alleged breach of the Members' Code of Conduct.

MONITORING OFFICER PROTOCOL

1.0 THE MONITORING OFFICER

1.1 The Monitoring Officer is responsible for ensuring that the Council and its Members act lawfully, do not cause maladministration, and comply with the Code of Conduct for Members. The Monitoring Officer is the Council's primary source of advice on all legal issues, and to Members on their legal obligations, but he/she also has specific statutory duties, such as investigating complaints of Member misconduct and making public report to the Council in cases of illegality. There is an inherent potential conflict between the Monitoring Officer role as a Legal Advisor and the fact that, on occasion, he/she may have to comply with statutory duties in respect of illegality. The purpose of this protocol is to enable Members to make use of the Monitoring Officer's ability to provide them with practical advice on legality and conduct, by setting out how the Monitoring Officer will carry out his/her functions.

2.0 INTRODUCTION

2.1 The Council recognises that an effective Monitoring Officer, positively engaged in the discharge of the Council's business, is essential to the effective running and sound corporate governance of the Council.

2.2 Section 5(1) Local Government and Housing Act 1989 requires the Council to appoint an Officer as the Council's Monitoring Officer and gives that Officer personal responsibility:-

- to report on actual, and anticipated, illegality within the Councils;
- to report cases where the Ombudsman has found maladministration on the part of the Council;
- to maintain the Register of Members' Interests; and
- to administer, assess and investigate complaints of Members' misconduct.

2.3 The Council has extended the functions of its Monitoring Officer beyond these 'statutory functions' above, and their functions are set out in paragraph 5 below.

2.4 The law does not prescribe exactly how the Monitoring Officer is to carry out these functions. Therefore, this protocol describes the manner in which the Council expects the Monitoring Officer to discharge these functions and how it expects Officers and Members to co-operate with the Monitoring Officer in order to enable him/her to discharge these functions effectively.

3.0 APPOINTMENT

- 3.1 The Monitoring Officer is appointed by Council and is the Council's Senior Legal Officer and Solicitor to the Council.
- 3.2 The Monitoring Officer is employed by Adur District Council but also seconded to Worthing Borough Council to enable him/her to act as Monitoring Officer for both Adur District Council and Worthing Borough Council.
- 3.3 Where the Monitoring Officer leaves the employment of Adur District Council, he/she automatically ceases to be the Monitoring Officer for both Councils. The Council may appoint an Officer as Interim Monitoring Officer, pending a permanent appointment.

4.0 PERSONAL RESPONSIBILITY

- 4.1 The Monitoring Officer is required to carry out the statutory functions of their post personally, with the exception that:-
- the Monitoring Officer will nominate a member of staff as Deputy Monitoring Officer, with power to act as Monitoring Officer where he/she is unable to act as a result of absence or illness; and
 - in respect of the obligations relating to alleged breaches of the Members' Code of Conduct, the Monitoring Officer may arrange for any person to perform all or any of his/her functions, for example by delegating internally or by instructing an external lawyer to conduct a particular investigation.
- 4.2 Whilst the statutory functions are personal to the Monitoring Officer, he/she may arrange for any member of staff to assist him/her in the discharge of any non-statutory functions.

5.0 FUNCTIONS

The functions of the Monitoring Officer are as follows:-

5.1 Statutory Functions

- 5.1.1 To report to the Council in any case where he/she is of the opinion that any proposal, decision or omission by the Council or any of its Committees, Sub-Committees or Joint Committees, or any Member or Officer of the Council, has given rise to, or is likely to give rise to any illegality, in accordance with Section 5(2)(a) Local Government and Housing Act 1989.
- 5.1.2 To report to the Council in any case where the Ombudsman, after investigation, has reported that any proposal, decision or omission by the Council or any Committee, Sub-Committee or Joint Committee of the Council, or any Member or Officer of the Council has given rise to maladministration or

injustice, in accordance with Section 5(2)(b) Local Government and Housing Act 1989.

5.1.3 To maintain the Register of Members' Interests in accordance with Section 81(1) Local Government Act 2000.

5.1.4 To administer, assess and investigate complaints referred to him of allegations of breach of the Members' Code of Conduct, in accordance with the Localism Act 2011.

5.2 Non-Statutory Functions

5.2.1 To investigate any proposal, decision or omission by the Council or any of its Committees, Sub-Committees or Joint Committees, or any Member or Officer of the Council, which he/she has reason to believe may have given rise to, or is likely to, or would give rise to:-

- illegality;
- maladministration;
- failure to observe the Members' Code of Conduct.

5.2.2 To act as the Principal Legal Advisor to the Councils' Joint Governance Committee.

5.2.3 To act as Principal Advisor to the Sub-Committees of the Councils' Joint Governance Committee when dealing with allegations of breach of the Members' Code of Conduct.

5.2.4 To provide advice to Members on the Code of Conduct for Members and local protocols adopted by the Council.

5.2.5 To monitor and uphold the Constitution.

5.2.6 Responsibility for the managing of complaints from the Commissioner for Local Administration in England and whistleblowing functions of the Council.

5.2.7 Appointment as Proper Officer for the Data Protection Act 1998, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2001.

5.2.8 To consult regularly with the Chief Executive, the Chief Finance Officer and Internal Audit to identify areas where the probity of the Council can be improved or better protected and to take appropriate actions.

5.2.9 To investigate any application for dispensation from a Member and to report and recommend to the Councils' Joint Governance Committee as appropriate.

5.2.10 To ensure that Members of the Council are fully aware of their obligations in respect of probity, particularly under the Code of Conduct for Members and any local protocols adopted by the Council.

5.2.11 To report to the Councils' Joint Governance Committee, and to the Council, on the resources which he/she requires for the discharge of his/her functions.

5.2.12 To report to the Councils' Joint Governance Committee on the performance of his/her functions and to make any recommendations which would better enable those functions to be performed.

6.0 ADVICE AND DECISIONS

6.1 The Monitoring Officer's responsibilities fall into three distinct categories:-

6.1.1 Advice

In a number of instances the Monitoring Officer acts as advisor to the Council, or to individual Members. For example, a Member may seek advice as to whether they have a disclosable pecuniary interest in a matter coming before a Committee. In such cases, the Monitoring Officer will provide such advice, but ultimately it is for the individual Member to take his/her own decision as to his/her conduct in the light of that advice. Where a Member's enquiry discloses a wider issue, the Monitoring Officer may decide that it is appropriate to make recommendations to the Council, in order to avoid a repetition of such difficulties.

6.1.2 Decisions

In other cases, where the proposal, action or omission would cause the Council to act unlawfully, the Monitoring Officer may be required by statute to take a decision as to whether there is, or would be, any illegality on the part of the Council, or of any Member or Officer of the Council, and to decide whether he/she is required by statute to make a report to the Council which would have the effect of suspending the implementation of the action, or decision, until the report has been considered.

6.1.3 Advice and Decision

The categories of advice and decisions are not mutually exclusive. In some instances the conduct of a Member could for example give rise to both a failure to comply with the Code of Conduct for Members and an illegality on the part of the Councils. In some cases the Monitoring Officer may be obliged to advise a Member whilst also being required to take action as Monitoring Officer to address an illegality.

7.0 SEEKING THE ADVICE OF THE MONITORING OFFICER

7.1 It is recognised that the Monitoring Officer will be most effective if he/she is able to advise on any issue at an early stage of policy formulation or implementation. Accordingly, Officers and Members of the Council should routinely inform and consult the Monitoring Officer in respect of new policy proposals and action programmes.

7.2 Advice on legality and maladministration

- 7.2.1 Members and Officers of the Council may consult the Monitoring Officer in confidence in respect of any proposal, decision or omission.
- 7.2.2 Wherever possible, the Monitoring Officer will seek to avoid any illegality or maladministration by identifying alternative or legitimate means of achieving the objective of the proposal, decision, act or omission or by rectifying any deficiency.
- 7.2.3 The Monitoring Officer will only need to make a report public on the matter if the proposed decision, act or omission were, in his/her opinion, unlawful and the Officer or Member concerned subsequently took any action to progress that proposal, decision or omission, despite having been advised to the contrary by the Monitoring Officer.
- 7.2.4 Where the Monitoring Officer is consulted by a Member in respect of possible illegality or maladministration in any proposal, action or omission of the Council (as opposed to of the Member making the enquiry) the Monitoring Officer shall advise the Council's Political Group Leaders and the relevant Committee Chairman that he/she has been so consulted and the advice which he/she has given.

7.3 Advice on the Code of Conduct

- 7.3.1 The Monitoring Officer is the primary source of advice for all Members on the Code of Conduct for Members and on local protocols.
- 7.3.2 Any Member, irrespective of political party, can seek the confidential advice of the Monitoring Officer as to his/her own position. Where the Monitoring Officer is so consulted, and subject to any conflict of interest with the Council, they will seek to provide prompt advice to the Member concerned as to whether, in their opinion, the action or proposed action would constitute a failure to comply with the Members' Code of Conduct. Where he/she is so consulted by a Member about their own conduct, the Monitoring Officer will not disclose the fact of consultation or the advice given unless required to do so by law or as part of an investigation into an alleged breach of the Members' Code of Conduct.
- 7.3.3 Any Member, irrespective of political party, may seek the advice of the Monitoring Officer as to whether the actions of another Member of the Council would amount to a failure to comply with the Code of Conduct. Such enquiry should be made in writing to ensure that advice is given on the correct details. Members are encouraged to consult the Monitoring Officer before considering whether to make a formal complaint of an alleged breach of the Code. The Monitoring Officer may make enquiry of the Member in respect of whom the enquiry is made before providing such advice.

8.0 INVESTIGATION

8.1 Preventative Investigation

Prevention is better than cure and the Council expects the Monitoring Officer to investigate matters which give him/her concern as to possible illegality, maladministration or breach of the Code of Conduct for Members. This would arise when the Monitoring Officer receives information which raises the possibility that a proposal, action or omission of the Council or any of its Committees, Sub-Committees or Joint Committees, or any Member or Officer of the Council, is or would be unlawful, or give rise to maladministration and injustice, or amount to a breach of the Code of Conduct for Members. In such cases, the Council expects the Monitoring Officer to investigate the matter and determine whether the proposal, action or omission, actually is or would be unlawful, or give rise to maladministration or injustice, or amount to a failure to observe the Code of Conduct for Members, and to take the appropriate action.

- 8.2 Where the Monitoring Officer determines that the proposal, action or omission is, or would be, a failure to comply with the Code of Conduct for Members, he/she shall advise the relevant Member accordingly. If appropriate, the Monitoring Officer could carry out an assessment of the matter, investigate as appropriate and bring the matter to the attention of the Councils' Joint Governance Committee in accordance with the Standards Procedure Rules.

8.3 Established Procedures

Where the Monitoring Officer receives a complaint that a proposal, action or omission is unlawful or constitutes maladministration, and the Council already operates an appeal process for resolving such matters, the Monitoring Officer may deal with the matter by ensuring that the established procedure is followed. He/she may also intervene in such procedure to identify that the particular matter potentially gives rise to illegality or maladministration and injustice.

- 8.4 In cases where the Monitoring Officer determines that the proposal, act or omission is not unlawful, he/she shall advise any Member or Officer concerned of his/her determination. Where the Monitoring Officer determines that the proposal, action or omission is, or would be, unlawful, he/she shall, where possible, seek to agree an alternative and lawful course of action. The Monitoring Officer will then advise the complainant of their determination and of any agreed alternative course of action, which could include an offer in settlement of any injustice suffered by any person and/or the Monitoring Officer making a statutory report.

8.5 Maladministration

Where the Monitoring Officer determines upon investigation that a proposal, act or omission has not caused, or would not give rise to, maladministration and injustice, he/she shall respond to the complainant and advise any Member or Officer concerned of the determination.

Where the Monitoring Officer determines that the proposal, act or omission has caused or would give rise to maladministration and injustice, he/she shall advise any Member or Officer concerned of the determination and seek to agree an alternative lawful course of action. The Monitoring Officer shall then advise the complainant of their determination and of any agreed alternative course of action and/or offer in settlement of any injustice suffered by any person.

8.6 Failure to observe the Code of Conduct for Members

The Monitoring Officer will deal with assessments and determinations of allegations of failure to observe the Code of Conduct for Members in accordance with the Standards Procedure Rules in Part 4 and the Code of Conduct for Members.

9.0 LOCAL RESOLUTION

9.1 Where the Monitoring Officer receives a complaint of illegality, maladministration or failure to observe the Code of Conduct for Members, he/she shall, if appropriate, seek to resolve the matter amicably by ensuring the situation is as far as possible rectified, informing the complainant of the resolution and dealing with any potential compensation payment or apology. However, it is recognised that the Monitoring Officer may determine that the matter is not appropriate for local resolution or incapable of being so resolved, or is of such seriousness that a statutory report is the only appropriate response.

10.0 REPORTING

10.1 Illegality

Where the Monitoring Officer is of the opinion that an unlawful action or omission has already occurred, or that the Council, its Committees, Sub-Committees or Joint Committees, or any Member or Officer seeks to progress an unlawful proposal, action or omission, the Monitoring Officer shall consult as far as practicable with the Chief Executive and the Chief Finance Officer (Section 151 Officer), prior to determining whether to make a formal report under Section 5 of the Local Government and Housing Act 1989.

To avoid a separate statutory report, the Monitoring Officer shall be entitled, if they wish, to add their written advice to the report on the matter by any other Officer of the Council, and/or to provide oral advice at any meeting of the Council.

10.2 Maladministration

Where the Monitoring Officer is of the opinion that maladministration and injustice have already occurred, or where the Council or any Committees, Sub-Committees, or Joint Committees of the Council, or any Member or

Officer of the Council, seek to progress a proposal, action or omission which would give rise to maladministration and injustice, the Monitoring Officer shall consult as far as practicable with the Chief Executive and the Chief Finance Officer (Section 151 Officer) before determining whether to make a written report to the decision-maker. The Monitoring Officer shall be entitled to add his/her written advice to the report on the matter by any other Officer of the Council, and/or to provide oral advice at any meeting of the Council.

10.3 Failure to observe the Code of Conduct for Members

The Monitoring Officer will deal with allegations of failure to observe the Code of Conduct for Members in accordance with the Council's Code of Conduct for Members and the Standards Procedure Rules.

11.0 ADVICE TO INDIVIDUAL MEMBERS

11.1 Wherever possible, the Monitoring Officer will provide advice to individual Members to support them in the discharge of their responsibilities as a Councillor. The Monitoring Officer will not however provide advice to a political group or party or to a Member making an enquiry on their behalf.

11.2 The Monitoring Officer is employed by the Council and owes his/her primary responsibility to the Council, rather than to any individual Member or group of Members. Consequently, where the Monitoring Officer considers that providing advice to a Member on a matter which is incompatible with their role as advisor to the Council, or any action they may have to take on behalf of the Council, the Monitoring Officer may decline to provide such advice but could, at their discretion, secure such advice from an independent source at the Council's expense.

12.0 MONITORING AND INTERPRETING THE CONSTITUTION

12.1 The Monitoring Officer will monitor, and review on a regular basis, the effectiveness and operation of the Council's Constitution so as to ensure that the aims and principles of the Constitution are given full effect and that the Constitution enables the Council to discharge its functions effectively.

12.2 In order to conduct such monitoring and review, the Monitoring Officer may:-

- consult any Member and/or Officers and other organisations and persons having dealings with the Council;
- observe meetings of Members and/or Officers at any level;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders;

- compare practices in this Council with those in other comparable authorities, or national examples of best practice; and
- consider any relevant reports and recommendations of the District Auditor and other regulatory agencies;

12.3 The Monitoring Officer shall consult the Chief Executive and the Chief Finance Officer periodically, highlighting areas where there is potential to improve the Constitution or its effectiveness, before determining whether to report to the Council on any necessary changes.

12.4 The Monitoring Officer will maintain an up-to-date copy of the Constitution and ensure that it is accessible to Members, Officers and the public and will make such amendments to the Constitution as are necessary to reflect changes of fact and law and decisions of the Council. The Council shall retain the power and responsibility to consider and determine policy changes to the Constitution.

12.5 The Monitoring Officer shall be responsible for advising on the interpretation of the Constitution and in particular, shall determine whether a proposed decision is contrary to the policy framework or the approved budget and whether a proposal is sufficiently urgent to merit the use of the statutory urgency provisions or the Chief Executive's urgency powers.

13.0 RESOURCES

13.1 The Council is required by statute to provide the Monitoring Officer with the resources which he/she considers are necessary for the fulfilment of his/her statutory duties.

13.2 For the purpose of carrying out their functions, the Monitoring Officer shall be provided with the following resources:-

- the right of access to all documents and information held by or on behalf of the Council;
- the right of access to any meetings of Members or Officers of the Council, although this does not extend to any meetings held by any political party or group;
- the right to require any Officer or Member of the Council to provide an explanation of any matter under investigation;
- a right to report to the Council, the Joint Governance Committee and to the Executive, including a right to present a written report and to attend and advise verbally;
- the right to require the assistance of any Officer of the Council and to delegate to that Officer any other powers of the post of Monitoring Officer;

- a power to agree a local resolution of any complaint of maladministration or breach of the Council's Code of Conduct for Members, in consultation with the Chief Executive and Chief Finance Officer, including the power to agree a compensation payment of up to £5,000 in any particular case, and subject to subsequent report to the Joint Governance Committee for information;
- the right of access to the Chief Executive and the Chief Finance Officer;
- the right after consultation with the Chief Executive and the Chief Finance Officer, to notify the Police, the Council's auditors and other regulatory agencies of his/her concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions;
- the right to obtain legal advice at the Council's expense, whether internally or from an independent external solicitor or barrister, on any matter and to be provided with sufficient financial resource to enable him/her to do so.

PROTOCOL ON OFFICER DECISION-MAKING

1.0 BACKGROUND

- 1.1 This document sets out the legal framework for decision-making and establishes a system to document decisions taken by Officers under delegated authority.

2.0 TYPES OF DECISION

- 2.1 The significance of decisions taken under delegated authority will vary and Officers authorised to make delegated decisions will need to exercise judgement in determining whether decisions are significant enough to require placing in the Forward Plan if they are in relation to Executive functions and/or formally recording. To assist in this process, decisions relating to Executive functions are defined as Key, Major or Administrative. All decisions other than Administrative Decisions need formally recording in accordance with paragraph 7. Administrative Decisions, although not required to be formally reported to the Proper Officer, must be recorded so as to provide an audit trail as referred to in paragraph 7.
- 2.2 In relation to non-Executive functions, Officers should adopt a similar approach to formal recording to ensure transparency of decision-making. Whilst Overview and Scrutiny cannot consider decisions of Regulatory Committees or Officers, such decisions can be challenged externally through appeals processes, the Courts and the Local Government Ombudsman.
- 2.3 A Key Decision is as defined in Article 12 of the Constitution.
- 2.4 A Major Decision is as defined in Article 12 of the Constitution.
- 2.5 An Administrative Decision is as defined in Article 12 of the Constitution.

3.0 THE PROCESS

- 3.1 Before taking any decision, an Officer should ensure that they have appropriate delegated authority, and reference should be made to the Scheme of Officer Delegations in Part 4 of the Constitution.
- 3.2 Where appropriate delegated authority exists, in writing, the authorised Officer must take into account the principles of decision-making set out in Article 12 of the Constitution.
- 3.3 All proposed Key Decisions need to be published on the Council's website not less than 28 clear days prior to the date on which the decision is to be made. Officers proposing to make a Key Decision and needing to place an item on the Council's website should provide details to the Democratic Services

Manager at least 30 clear days prior to the date on which the decision is to be made.

- 3.4 If it is impracticable to publish the notice not less than 28 clear days before the date of decision, then the Officer must comply with the legal requirements relating to exceptional and urgent Executive decisions. These are laid out in full in the Access to Information Procedure Rules in Part 4 of the Council's Constitution.
- 3.5 If an Officer is unable to give five clear days' notice of a Key Decision that was not published on the Council's website at least 28 clear days before the date of the decision, she/he can take the decision only if the Chairman of the Overview and Scrutiny Committee (for an Adur only item) or the Joint Chairman of the Joint Overview and Scrutiny Committee (joint items) agrees that the decision is urgent and cannot reasonably be deferred. The full procedure is again set out in the Access to Information Procedure Rules in Part 4 of the Council's Constitution.
- 3.6 Consultations under Paragraph 3.4 and 3.5 above, must be taken in consultation with the Democratic Services Manager.

4.0 CALL-IN

- 4.1 Relevant decisions made by Officers are subject to call-in by the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee and cannot be implemented until either the call-in period has expired or the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee has made a decision regarding the call-in. The call-in procedure is set out in the Overview and Scrutiny Procedure Rules within the Constitution.

5.0 RECORDING THE DECISION

- 5.1 Officer Key Decisions are recorded in the same manner as Executive Member decisions. The Officer will produce a decision record in the same format as those relating to Executive decisions following the Officer decisions.
- 5.2 Upon making a major decision in relation to an Executive function, the Officer must provide the Democratic Services Manager with a completed delegated decision form (available on the Council's intranet site) within two clear working days of the date of taking the decision.
- 5.3 Upon making a major decision relating to the exercise of a non-Executive function, the Officer must provide the Democratic Services Manager with a completed delegated decision form within two clear working days of the date of taking the decision, unless agreed with the Solicitor to the Council that that decision (or class of decision) does not require this. Any such forms must be copied to the relevant Director.
- 5.4 The Democratic Services Manager will maintain a record of all decisions referred to in paragraphs 5.1 to 5.3, including any report upon which each

decision was made and subject to any requirement for confidentiality, will ensure that this decision is recorded by the Council. She/he will also ensure that the record of decision is available for public inspection during all normal office hours, that the public has the right to copy or to be provided with a copy of any part of that record upon payment of a reasonable copying and administrative charge, and that the decision, report and background documents are available on the Council's website.

5.5 It is essential that the contents of the delegated decision form are clear in conveying the decision taken, i.e. it will not be sufficient to state that the recommendations in the report were agreed. The form and accompanying report must set out:

- (a) A record of decision (including the date it was made);
- (b) The reasons for the decision;
- (c) Details of any alternative options considered and rejected, with reasons;
- (d) A record of any conflict of interest declared by any Executive Member consulted; and
- (e) In relation to any such declaration, a note of any dispensation granted by the Governance Committee.

5.6 The delegated decision form includes a section for the recording of interests by Officers. It is important that where Officers involved in making decisions have a registerable interest, this is declared on the form to preserve the integrity of the process.

6.0 AUTHORISATION OF OFFICERS TO EXERCISE DELEGATED POWERS

6.1 The Scheme of Delegations to Officers includes the power for Officers to authorise other Officers to exercise delegations that have been delegated to them under the Scheme. This must be to another Officer or Officers of suitable experience and seniority. Each Director will prepare a departmental Scheme of Authorisations within 28 days of the Council's AGM, when the Scheme of Delegations is approved, and revise it as appropriate during the year. It shall set out how decisions will be made in his/her area. This should establish which Officers will be given authority to make decisions under delegated powers and subject to which terms and conditions. The Scheme of Authorisation will be lodged with the Solicitor to the Council.

6.2 Whilst Directors may authorise other Officers to take delegated decisions, the decision is still their responsibility in that they will be accountable for the decision to authorise and the exercise of that authorisation.

7.0 REFERRAL

7.1 Whilst the Scheme of Delegations to Officers is designed to encourage Officers to take responsibility for decisions, an Officer may decide that a particular issue is such that it should be referred to the body from whom authority was delegated. Such a referral must take place where the proposed

decision relates to an Executive function and is conflict with the Council's Budget and Policy Framework.

7.2 The Executive may also direct an Officer's delegated authority should not be exercised in respect of a particular matter and that the matter should be referred to the Executive.

7.3 In relation to the exercise of non-Executive functions, the Officer may decide to refer a particular issue to the Committee or Sub-Committee from whom it was delegated, or if none, arrange for an appropriate recommendation to be made to Full Council.

8.0 GIVING REASONS

8.1 A matter of increasing significance in Local Government, decision-making is when reasons have to be given. Generally, giving reasons is an accepted 'best practice' principle of good administration. Case law suggests that the practice may be important in ensuring that controversial decisions are rooted in relevant considerations and with proper regard to available legal powers.

9.0 ACCOUNTABILITY

9.1 Officers are accountable to the Council for any decision they may make and with the exception of decisions relating to individual regulatory matters, may be required to report to, and answer questions from, the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee in respect of any decisions. The Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee may also call in Key and Major Decisions before they are implemented and may recommend a course of action when the matter is to be reconsidered by the Officer.

10.0 CONSULTATION WITH MEMBERS

10.1 General provisions:

- (a) Decisions made by Officers under delegated powers fall into two principal categories, namely:
 - (i) Decisions delegated to Officers in, or following, consultation with Executive Member (which may or may not be Key Decisions); and
 - (ii) Other decisions delegated to Officers (which are not required to be taken in, or following, consultation with Executive Members) and which may or may not be Key Decisions;
- (b) Officers to whom decisions have been delegated have a duty to ensure that effective consultation takes place in accordance with the Constitution / the terms of the delegation;

- (c) Every effort will be made to ensure that Members have a realistic timescale to respond to consultation and, where appropriate and reasonably practicable, this timescale will be sufficient to enable Members to consult with their constituents. Members will be informed of any time restrictions which may apply relating to the process of consultation, particularly where urgent action is needed in the Council's and/or the public interest.

10.2 Decisions by Officers following consultation with Executive Members

Officers to whom decision-making powers have been delegated, subject to consultation with Executive Members, will ensure that such consultation takes place.

Consultation shall be carried out in writing, unless there is an urgency about the decision that makes such written consultation impractical, in which case the Officer shall confirm, in writing, to the Executive Member their understanding of the Executive Member's response to the consultation.

The decision, however, is the responsibility of the Officer and if, following consultation with the relevant Executive Member, the Officer does not feel that they can make the decision in accordance with their professional opinion, then they must refer the matter to the Executive Member for a formal decision.

10.3 Other decisions delegated to Officers

- (a) Officers acting within the remit of their delegated authority would ensure that they identify, at an early stage, issues upon which Members should be consulted; and
- (b) Will ensure that appropriate consultation takes place.

10.4 Consultation with Executive Members

Officers will ensure that appropriate consultation is undertaken with Executive Members on issues relating to their portfolios.

PROTOCOL FOR COUNCILLOR CALL FOR ACTION

1.0 INTRODUCTION

1.1 Councillor Call for Action (CCfA) was introduced under the Local Government and Public Involvement in Health Act 2007. It seeks to strengthen the role of the Ward Councillor, encouraging them to resolve local problems on behalf of residents. The legislation allows Ward Councillors to place CCfA onto scrutiny agendas for resolution and action. The legislation extends the power of the Council's Overview and Scrutiny function in two ways:

- So that any Member of the Council can refer a local government matter to the Council's Overview and Scrutiny Committee; and
- that matters which can be referred include matters which the Council and its partners are delivering through the Local Area Agreement and "local crime and disorder" matters.

1.2 The CCfA Best Practice guidance released by the Centre for Public Scrutiny (CfPS) and the Improvement and Development Agency (IDeA) refers to the importance of concentrating on outcomes rather than process when dealing with CCfAs. This protocol is therefore a light touch approach.

1.3 The protocol outlines what constitutes a CCfA, what should be excluded and the process for dealing with a CCfA. The protocol applies to CCfAs related to crime and disorder matters as well as local government matters.

2.0 WHAT IS COUNCILLOR CALL FOR ACTION?

2.1 The CCfA is a process for a Councillor to act on behalf of residents to resolve a local issue of concern, acting as a last resort for people who cannot get issues resolved through any other means; this can include crime and disorder matters.

2.2 Under section 21A of the Local Government Act 2000, a CCfA needed to relate to a “local government matter”. To give full effect to CCfA, the interpretation of “local government matter” was broad. It would include issues relating to the Council’s partners, in line with the area focus of Comprehensive Area Assessment (CAA), and the fact that an Authority’s duties increasingly impact on other organisations and involve partners within and outside the Local Strategic Partnership (LSP).

2.3 Under CCfA, Ward Councillors are able to refer issues to Overview and Scrutiny Committee, where it can be shown that:-

- the issue is of a genuine and persistent local concern;
- the issue is not subject to ongoing legal processes; and
- other courses of action have failed to resolve the matter.

2.4 The Localism Act 2011 has provided further clarification on the matters or concerns that can be referred through the CCfA process:-

- Ward Councillors are no longer restricted to referring matters of ‘local government concern’ to Overview and Scrutiny Committee.

3.0 MATTERS WHICH ARE EXCLUDED FROM COUNCILLOR CALL FOR ACTION

3.1 The following matters have been excluded under section 21A of the Local Government Act 2000, introduced under section 119 of the Local Government and Public Involvement in Health Act 2007:

- any matter relating to a planning decision;
- any matter relating to a licensing decision;
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a Sub-Committee of that Committee.

4.0 CCFA PROCESS

4.1 In accordance with the national best practice guidance Overview and Scrutiny should be the last resort for a CCfA. The expectation will be on the Ward Councillor to have tried to resolve an issue using all available mechanisms (including partnership working when appropriate) prior to referring the matter to the Overview and Scrutiny Committee. When a matter is referred to the Overview and Scrutiny Committee it will be up to the Overview and Scrutiny Committee Chairman and the Proper Officer whether the matter is progressed and taken forward by scrutiny. The process of determination by the Overview and Scrutiny Committee Chairman with the Proper Officer represents a sifting process to determine if the matter is of sufficient weight to be considered as a CCfA, and to determine whether the matter is excluded under paragraph 3 above.

4.2 At this stage the Overview and Scrutiny Committee Chairman, together with the Proper Officer, will need to decide if the matter relates to a joint service issue. If so, the matter should be considered by the Councils' Joint Overview and Scrutiny Committee and the Chairman and Proper Officer will need to consult with the Worthing Borough Council Overview and Scrutiny Committee Chairman to determine if the matter should be considered by the Joint Overview and Scrutiny Committee.

4.3 The possible reasons for rejecting a CCfA are outlined at paragraph 5.0 below.

5.0 REFERRAL TO SCRUTINY

5.1 The Chairman of the Overview and Scrutiny Committee will then determine with the Proper Officer whether to take the CCfA forward. The Proper Officer will inform the Ward Councillor whether they will accept the CCfA within 5 working days of the request. If the CCfA is a crime and disorder related matter then responsible partners must be notified.

5.2 Reasons an Overview and Scrutiny Committee Chairman may decide not to take a CCfA forward to Overview and Scrutiny Committee (or Joint Overview and Scrutiny Committee) could include:

- Not enough information has been provided;
- More could be done to resolve the issue at a local level, e.g. key people have not been contacted;
- The CCfA is, or has stemmed from, a vexatious discriminatory or unreasonable complaint;
- The matter has recently been examined by Overview and Scrutiny (though the Ward Councillors may argue that certain aspects were not sufficiently covered hence a need for a CCfA);
- The matter is the subject of an Ombudsman complaint or other official complaints procedure;
- The matter falls under any other excluded matters (see paragraph 3 above).

5.3 If a CCfA is rejected for consideration by scrutiny the Ward Councillor will be notified by the Proper Officer in writing within 5 working days of lodging the CCfA. Where it is a Crime and Disorder CCfA, all responsible partners must also be notified of the rejection. Ward Councillors will have the opportunity to reply to the Chairman perhaps with further information to substantiate the CCfA.

5.4 If the CCfA is accepted, the relevant Executive Members, Officers and/or partners will be notified by the Proper Officer.

6.0 PROCESS FOR RESOLUTION OF A CCFA

6.1 In an attempt to resolve the CCfA, a Ward Councillor may:

- receive public request for action or issue;
- discuss with other Ward Councillors if a multi-member ward and agree action;
- take steps to resolve the issue through existing mechanisms such as liaising with partners, County Councillors or raising with Officers;
- If unresolved and the matter can be taken no further by the Ward Councillor then refer to the Overview and Scrutiny Committee by completing “the Councillor Call for Action Form” and submit this to the Proper Officer for action.

6.2 Overview and Scrutiny Committee either:

- reject the CCfA and notify the Ward Councillor, who in turn should inform the public; or
- accept the CCfA and arrange to consider the CCfA, notifying partners as appropriate. Following which they will determine their response and relay this to the Ward Councillor and Partners as appropriate.

7.0 PROCESS FOR DEALING WITH A CCFA AT OVERVIEW AND SCRUTINY COMMITTEE

7.1 The Chairman and Proper Officer will determine if a special meeting outside the calendar of meetings is required and call a meeting, if not then the CCfA will be dealt with at the next available meeting of the Committee.

7.2 The Chairman in consultation with the Ward Councillor and Proper Officer when considering the meeting should give consideration to:

- Witnesses;
- Notifying and Inviting Partners
- Evidence required;
- Key questions;
- Timescales; and
- Aims and objectives for the meeting.

7.3 In a similar fashion to the call-in process, at the meeting of the Overview and Scrutiny Committee, or Joint Overview and Scrutiny Committee, as appropriate, Members will be expected to reach a decision on whether to:

- take no action;
- refer the matter to the Executive/Council/Partner Organisation, with recommendations; and/or
- carry out a full scrutiny investigation.

7.4 Any report and recommendations arising from the Committee meeting will be made available and sent to all agencies involved with the CCfA within 5 working days of the meeting. In the case of a crime and disorder matter, reports and recommendations will be sent to the responsible authorities as listed in the Police and Justice Act 2006.

8.0 PROPER OFFICER

8.1 For the purposes of this protocol, the Proper Officer dealing with Councillor Call for Action will be the Council's Corporate Policy Officer (Scrutiny).

PROTOCOL ON PRE-ELECTION PERIOD

1.0 INTRODUCTION

- 1.1 The actions of the Councils, its Members and Officers are subjected to closer scrutiny in a pre-election period and many activities which would normally pass without comment, could become the subject of controversy.
- 1.2 This Protocol is intended to assist Officers and Members and covers rules on publicity, use of Council facilities, Council meetings, and use of premises during the pre-election period.
- 1.3 This Protocol aims to extend the principles underlying the conduct of Members and Officers and should be read in conjunction with the Council's Code of Conduct for Members, the Code of Conduct for Officers and the Protocol relating to Member and Officer Relationships. Also of relevance is any guidance note for the Officers and/or Members that is issued by the Returning Officer for any particular election.
- 1.4 The pre-election period, which is sometimes referred to as 'purdah' commences with the Notice of Elections and terminates the day after elections are concluded.

2.0 PUBLICITY

- 2.1 At any time the Councils are prohibited from publishing material which appears to be designed to affect public support for a political party. The Government's Code of Recommended Practice on Local Authority Publicity sets out the following key principles in relation to Local Authority communications and publicity generally: -
 - Publicity is defined in section 6 of the Local Government Act 1986 as: "*Any communication, in whatever form, addressed to the public at large or to a section of the public*". This definition is very wide and would include press releases, speeches, leaflets and newspaper articles issued by, or on behalf of, the Council; posters; sponsorships; events; and displays.
 - Publicity about individual Members (whether or not they are or may become election candidates) should be objective and explanatory and should not be either party political or open to misinterpretation as such.
 - Publicity may include information about individual Members' views on issues, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. If views expressed by, or attributed to, individual Councillors do not reflect the views of the Local Authority itself, such publicity should make this fact clear.

3.0 PUBLICITY DURING THE ELECTION PERIOD

3.1 The following additional guidelines apply during the pre-election period:-

- During the election period all Council publicity should avoid the pro-active publicity of candidates and other politicians involved directly with the elections;
- There is a need to ensure that any publicity is objective, balanced, informative and accurate; concentrating on facts, explanations or both;
- Council publicity should, as far as possible, avoid controversial issues or report proposals which could be identified with individual Members or groups. However, the Council may respond to any events and enquiries provided the answers are factual and not party political;
- Members holding key positions are able to comment on important unplanned events or emergencies where a Member-level response is required;
- Events providing photo and publicity opportunities should, where possible, be timed to avoid the pre-election period. Where this is not possible, candidates for election should not be involved;
- During the pre-election period, Local Authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual Members or groups of Members.

3.2 The timing of a publication is an important factor. The nearer the publication to the election, the more likely it is to be controversial and be perceived as designed to affect support for a particular party. Where possible, therefore, it is advisable to avoid publishing any controversial material near the elections.

4.0 CONTENT OF MEMBERS' PUBLICITY

4.1 The content of any publicity issued by Members who are standing for re-election is very much a matter for each Member and his or her political group. However, there will be circumstances when the Council's Code of Conduct may apply, even to an individual Member's own election publicity, and as such the Code must be borne in mind. As Members of a Local Authority, it is also necessary to take into account the general duties of Local Authorities under equalities and other legislation.

5.0 IMPACT ON COUNCIL MEETINGS AND ACTIONS DURING THE ELECTION PERIOD

- 5.1 In Local Government there is a broad convention that matters of political controversy, either locally or nationally, should not routinely be brought before Members if at all avoidable during an election period. This can impact on, for example, items brought to Committees and questions or notices of Motion at Council.
- 5.2 In addition to the accepted convention, there are practical reasons for this approach from the publicity point of view. Firstly, whereas the agendas and minutes of official Council meetings are protected by the Local Government Act 1986 from being “publicity”, press releases publicising those minutes are not. This presents the Councils with difficulties in publicising any sensitive or controversial decisions during the election period, even if in other circumstances such publicity would be merited by the level of public interest. Secondly, the more restrictive publicity regime during elections means that where an initiative would benefit from a public launch or immediate advertisement or consultation, this will rarely be possible during the election period.
- 5.3 Additionally, guidance contained in the 2014 Conduct of Elections Guidance recommends that no public consultations dealing with local issues should be launched during the election period.
- 5.4 Therefore any working practices or protocols which include publicity and media arrangements will need to be interpreted in the light of the restrictions mentioned above.

6.0 CODE OF CONDUCT FOR MEMBERS

- 6.1. The Code of Conduct for Members applies not only when a Member conducts the business of his/her Authority but also when acting, claiming to act, or giving the impression he/she is acting as a representative of the Authority. In this respect, certain elements of the Code are particularly relevant during the election period:
- 6.2. Disrepute: forbids a Member from conducting himself or herself in a manner which could reasonably be regarded as bringing his or her office or Authority into disrepute.
- 6.3. Unfair advantage: forbids a Member from using his or her position to confer on or secure for himself or herself or any other person an advantage or disadvantage.

7.0 EQUALITIES

- 7.1 From 2011, Local Authorities have been subject to an expanded equality duty. This requires them, when exercising their functions, to have due regard to the need to :-

- eliminate discrimination, harassment and victimisation;
 - promote equality of opportunity and foster good relations between those with a "protected characteristic" and those without that characteristic. In this context, the "protected characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
- 7.2 Taking into account the equality duty and the “disrepute” provision mentioned above, Members should have in mind the need to treat some issues with sensitivity at all times, including in their election publicity. For example, statements made about minority groups such as asylum seekers or travellers may be misunderstood and inadvertently have the effect of reinforcing negative stereotypes and may be inconsistent with discrimination law and the Code of Conduct.

8.0 GENERAL

- 8.1 The Councils do not and cannot vet Members’ election publicity. Generally, Members would need to seek any specific advice in relation to such publicity externally from the Councils, e.g. through their political group machinery. Also the Monitoring Officer would be willing to assist in relation to any queries from Members which related to the application of the Code of Conduct.

9.0 USE OF COUNCIL FACILITIES

- 9.1 The use of Council facilities during the election period can generate enquiries and complaints. The Councils’ Code of Conduct for Members provides that a Member must ensure that Councils’ resources are not used improperly for political purposes.
- 9.2. The Code of Conduct, read together with the Councils’ guidance on Members’ use of facilities, means that any services or facilities provided for Members should be used exclusively for the purposes of Council business or to enable the Member concerned to discharge their function as a Councillor. This applies to all facilities, including: -
- Council stationery (letterheads, envelopes, compliment slips);
 - Telephones;
 - Transport;
 - Photocopiers;
 - Officer time;
 - IT equipment.

- 9.3. Subject to paragraph 12 below (use of Council premises during the election period), no election candidate or a person associated with a political party is entitled to access Council premises. Members and Officers need to take extra care to ensure that election candidates or other persons associated with political parties who are not serving Councillors are not seen to have unauthorised access to Council offices or facilities.
- 9.4 In relation to IT equipment, Members should not use IT equipment for party political purposes, as mentioned above. For example, Members sending messages to chat rooms or forums will need to consider whether to use their Councillor email address or a personal address. The former could be appropriate for simply sending information as a Councillor, but the latter will be appropriate if engaging in political debate.
- 9.5. Council business and party political business are not always mutually exclusive. For example, a political group within the Councils may use Council facilities (such as meeting rooms) to discuss matters coming before the Councils or its Committees. The particular circumstances of each event will need to be considered. By way of illustration, the following are examples of cases where the use of Council facilities would not be appropriate: -
- The use of the internal/external Council postal service to distribute election campaign material;
 - Using Council supplied letterheads or compliment slips in sending out election material or as part of election campaigning;
 - Including election messages, strap-lines or slogans in letters which are otherwise being legitimately sent (e.g. for information purposes) on Council supplied letterheads to local residents;
 - Sending out election material using a Council email address;
 - Putting election material on, or canvassing via, the Councillors' web pages on the Councils' web site;
 - Using Council telephones for canvassing.

10.0 USE OF EMAILS

- 10.1 A Member's Council email address should not be used for political purposes, such as electioneering.
- 10.2 It is recognised that a local resident may contact their Ward Member about an election issue via that Member's Council email address. As long as the use of the Council email for political purposes was not initiated or promoted by the Member, it would be perfectly acceptable to reply to the email although it may be political in nature. Members should not however initiate political discussions using Council

provided email facilities. If the exchange becomes extensive, Members should consider using their own email.

11.0 USE OF TELEPHONE

11.1 In line with the position on emails, Members may use Council supplied telephones for non-party-political purposes or where the call is not initiated by a Member.

11.2 Council email addresses and telephone numbers are better avoided for any party-political literature. If Members wish to refer to the facility for purposes of constituency work, it should be made clear that it is for Ward casework only and it is better kept in a discrete part of the document, for example in a box at the back saying "If you want to contact your Ward Councillors about Ward issues, you may contact them on....".

12.0 USE OF COUNCIL PREMISES DURING THE ELECTION PERIOD

12.1 Between the Notice of Election being published and the day before the election, a candidate in the election is entitled to use Council meeting rooms for furtherance of his/her candidature. This includes committee rooms and rooms in schools in the candidate's electoral area. The use of these rooms is free of hire charge, though the candidate may be required to cover the expenses associated with using the premises e.g. electricity, cleaning costs. Further information on these arrangements may be obtained from the Electoral Services Office.

13.0 CONFIDENTIAL INFORMATION

13.1 Members are usually entitled to information not available to the public (confidential information) where that information is required by them to discharge their functions as Councillors. This may, for example, be the case if the information relates to an item coming before a Committee of which they are a Member. Confidential information cannot be used for electioneering purposes. It is for this reason that Officers, in the run up to an election, may seek to clarify the purpose for which a Member is seeking information. Members should not seek, nor may Officers provide, confidential information to help election campaigns.

14.0 MEMBER / OFFICER ROLES

14.1 In general terms, the role of Members is to set the strategies, policies and frameworks within which the Councils will operate, to keep an eye on performance and to represent those who live in their Wards. Officers are employed to advise, do the detailed preparation and implementation work, and provide the day-to-day running of services. It is particularly worth bearing in mind this broad split of functions at election time and, in the interests of good administration, the need to avoid roles becoming confused.

15.0 SPECIAL RULES RELATING TO OFFICERS

- 15.1 Officers at all levels should not engage in party political activity that compromises their neutrality and objectivity at work. Officers who hold politically restricted posts (generally Senior Officers and those who advise Members or speak on behalf of the Councils) are subject to additional restrictions.
- 15.2 If an Officer attends a political group meeting to brief Members on Council business, Members should ensure that the Officer is not present when political business is discussed. Attendance at such meetings should normally be limited to Directors or other Senior Officers.

16.0 PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF THE COUNCIL

- 16.1 Further information and advice on the working relationship between Members and Officers is contained in the Protocol for Relationships Between Members and Officers of the Council, which is available on the Councils' web site as part of the Constitution. It covers in more detail matters such as roles and responsibilities, political activity, contact between Members and Officers, access to information, undue pressure and redress for breach of the Protocol.

PROTOCOL FOR PUBLIC/PRESS RECORDING OF PUBLIC COUNCIL MEETINGS

1.0 BACKGROUND

- 1.1 This protocol provides guidance on acceptable conduct for audio and visual recording and the use of social media tools at public Council meetings.
- 1.2 Adur and Worthing Councils support the principle of transparency in the decision-making process and therefore will allow, subject to the control of the Person Presiding of the relevant meeting, the recording of the public section of Full Council, Committee and Sub-Committee meetings by members of the press and public.
- 1.3 The Councils audio record Full Council, Committee and Sub-Committee meetings and retain a copy of the recording along with the written minutes of the meeting. More detail on this procedure can be found within the Council Procedure Rules at Part 4 of the Constitution.

2.0 WHAT IS 'REPORTING'?

- 2.1 Reporting means:
- a) Filming, photographing or making an audio recording;
 - b) Using social media, such as Twitter, Facebook, blogging or similar;
 - c) Using any other means for enabling a person not present to see or hear proceedings at a meeting, as it takes place or later.

3.0 WHEN IS REPORTING PERMITTED?

- 3.1 Subject to the following rules, the public and press are permitted to record in any meetings of the Councils that are held in public, except where the public have been excluded as permitted by law.
- 3.2 Where meetings are held in private, due to confidential or exempt information being included, no recording by the press or public is permitted.
- 3.3 No recording equipment may be left in the meeting room during any part of a meeting which is conducted in private.

4.0 RULES ON REPORTING

- 4.1 Anyone wishing to undertake recording should notify Democratic Services, by email at democratic.services@adur-worthing.gov.uk or by telephone on 01903 239999, 24 hours prior to the commencement of the meeting and comply with any requests made by the Person Presiding.
- 4.2 All recording must take place from a fixed position in the meeting room (i.e. public gallery) approved by the Person Presiding.
- 4.3 Recording should be directed at Members of the Council and members of the public seated in the public gallery should not be recorded. This also applies to a member of the public asking a question, presenting a petition or making a representation.
- 4.4 No recording of anyone under the age of 18 is permitted.
- 4.5 If a member of the public is concerned about being recorded at a Council meeting, please inform the Democratic Services Officer present at the meeting. No image or recording of a member of the public should be used if consent is refused by that individual. The Person Presiding can suspend recording when a member of the public is speaking and has expressed that they do not wish to be recorded.
- 4.6 The Democratic Services Team will ensure signs are prominently displayed at meetings to remind attendees that recording may be undertaken and that the Council has no control over where a recording might appear (for example posted on the internet). Meeting agendas will also carry this message and at the commencement of a meeting, the Person Presiding will announce if any requests to record have been made by the public.
- 4.7 Persons recording meetings are not permitted to carry out an oral commentary or report whilst the meeting is in session.
- 4.8 The use of flash or additional lighting in connection with recording at meetings will not be permitted without the prior notification and agreement of the Person Presiding.
- 4.9 Where any part of a meeting is held in private, no recording by the press or public will be permitted. All recording equipment must be removed from the meeting room during the exclusion.
- 4.10 Where the Person Presiding considers any recording is disrupting the meeting, the operator of the equipment will be required to stop and may be asked to leave the meeting room, removing their equipment at the same time.
- 4.11 Anyone who has been asked to leave a meeting because they have refused to comply with the Person Presiding's request with regard to recording may be prohibited from recording at future meetings.
- 4.12 Members of the public and press must ensure the recording will not be edited in a way that could lead to misinterpretation of the proceedings of a meeting.

This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those being filmed/recorded.

- 4.13 Persons recording meetings are advised that the law of the land still applies when publishing recordings, for example the law of defamation and the law on public order offences. Freedom of speech within the law should also be exercised with personal and social responsibility, showing respect and tolerance towards the views of others.
- 4.14 Recognised media organisations and educational institutions may be given greater flexibility to record meetings for the purposes of news bulletins, programmes and education. These requests must be directed through the Democratic Services Manager and approved by the Mayor or Chairperson of the relevant Council in the case of meetings of the Full Council, or the Person Presiding in the case of Committees and Sub-Committees.
- 4.15 Any decision taken by the Person Presiding on the interpretation of this protocol is final.

5.0 MEMBERS

- 5.1 Members, as participants at meetings, are in a different position to members of the public and their actions affect the reputation of the Council. Members have an obligation to pay close attention to the proceedings of meetings they attend and demonstrate that they are playing an active part. Therefore during meetings, Committee members are strongly discouraged from engaging in the use of social media.
- 5.2 This is in addition to the general point of showing respect and courtesy to other participants and other provisions of the Members' Code of Conduct. Any use of modern media tools by Members in meetings should be considered in this context, particularly in regulatory meetings.

*For meetings held in the Town Hall, Worthing, members of the press and public are welcome to use the Public Wi-Fi facilities which can be accessed by selecting **Adur & Worthing Councils** from the list of available networks on your device.*



Scheme of Delegations to Officers

1.	General Principles
1.1	Introduction <p>These delegations are made under the powers contained in the Local Government Act 1972 (as amended), Section 101 and by reference to section 100G and the Local Government Act 2000, Sections 14,19 and 20, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and all other enabling powers.</p> <p>An officer or other person is authorised to exercise such powers as are shown in the Scheme of Delegations including those reasonably applied or incidental to the matters specified in respect of the functions of the Council.</p>
1.2	When a Post is Vacant or a Post-holder is Absent <p>For the purposes of this Scheme, if the post of an officer to whom a function is delegated (or which he/she has been appointed as a Proper Officer) is vacant or if the post-holder is absent on leave (of whatever type), unless the function is exercisable by an officer who has the appropriate sub-delegation or the Council otherwise decides the following shall apply:</p>
1.2.1	In the case of the Chief Executive, the delegation shall be exercisable by an Acting Chief Executive (to include an Interim Chief Executive) or any one of the Directors, provided that the Acting Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
1.2.2	In the case of a Director, the delegation shall be exercisable by the Chief Executive or another Director, provided that the Chief Executive or Director has the requisite professional qualification , experience and knowledge, where such is required.
1.2.3	In the case of the Section 151 Officer, the delegation shall be exercisable by a Deputy Section 151 Officer in relation to matters which are the responsibility of the Section 151 Officer.
1.2.4	In the case of the Monitoring Officer, the delegation shall be exercisable by a Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.
1.2.5	In the case of Heads of Service, the delegation shall be exercisable by the Chief Executive or a Director, provided that the Chief Executive or Director has the requisite professional qualification , experience and knowledge, where such is required.
1.3	All Decisions made by Officers <p>Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:</p>
1.3.1	All delegations shall be exercised in accordance with the Constitution, all relevant policies and procedures of the Council and all relevant legislative provisions, subject to paragraph 4 below.

1.3.2	Any officer exercising a delegation shall only do so where provision has been made for any expenditure within the relevant budget or otherwise in accordance with the Financial Procedure Rules.
1.3.3	Any officer exercising a delegation shall not do so in a manner which is contrary to any resolution of Full Council, Executive, an Individual Executive Member or a Committee.
1.3.4	Any officer exercising a delegation shall do so having regard to Health & Safety requirements.
1.3.5	Any officer exercising a delegation shall do so having regard to Equalities requirements.
1.3.6	Any officer exercising a delegation shall do so having regard to Data Protection requirements.
1.3.7	Any officer exercising a delegation is responsible for carrying out any consultation necessary under this Scheme.
1.3.8	Any officer to whom a delegation is given may waive his/her right to exercise the delegation and refer the matter to the original delegate for a decision or to Full Council, Executive, an Individual Executive Member or relevant Committee, as appropriate.
1.3.9	Where an officer has the authority to take decisions, any action taken to implement such decisions may be taken in the name of (but not necessarily personally by) that officer, or any other officer authorised by that officer in accordance with paragraph 6 below.
1.3.10	Any decision which could subject the Council to legal liability shall be taken in consultation with the Solicitor to the Council.
1.3.11	Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Head of Finance.
1.3.12	Unless specifically stated, no delegation authorises the taking of decisions as to whether or not legal action should be taken by or on behalf of the Council.
1.3.13	Officers shall not have the power to exercise any delegation where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.
1.3.14	Officers shall not have the power to exercise any delegations which fall outside the individual's actual authority as determined by his/her post.
1.3.15	Officers shall not have the power to exercise any delegations in a situation where an individual officer is prevented, for whatever proper reason, from exercising such power.

1.4	Emergency Powers
1.4.1	For the purposes of this Scheme, an emergency is where immediate action is necessary and where inaction may lead to loss

	of life, serious injury to a person or animal, or significant damage to or significant loss of property.
1.4.2	In cases of emergency an officer may, if justified by all of the circumstances, exercise delegations in a manner which is not in accordance with Council policies or procedures and / or where provision has not been made in any budget, in order to prevent or mitigate the emergency.
1.4.3	A written record of the reasons for exercising emergency powers and deviating from the policies and procedure and/or causing expenditure without a relevant budget shall then be provided as soon as practicably possible to the Monitoring Officer and the Section 151 Officer by the relevant officer.

1.5	Sub-Delegations
1.5.1	Where an officer is authorised to act, either under this Scheme or by a specific resolution of Full Council, Executive, an Individual Executive Member or a Committee, he/she may further delegate the authority to exercise a specific power to another officer, whilst still retaining the delegation themselves.
1.5.2	Before making a sub-delegation, the delegating officer must give consideration to and be satisfied that the officer to whom he/she is sub-delegating is of an appropriate level bearing in mind the nature of the delegation.
1.5.3	Any such sub-delegation is subject to the existing consultation and limitation requirements.
1.5.4	All sub-delegations must be made in writing and a copy provided to the Monitoring Officer within five working days. The Monitoring Officer shall maintain a central register of sub-delegations which shall be available on the intranet.
1.5.5	No sub-delegations may be further delegated, unless there is express permission from the original delegating officer that the specific power can be delegated further. Such permission should be included in the written record of the sub-delegation provided under paragraph 1.5.4. When deciding whether to permit further sub-delegation, the same consideration should be given as outlined in paragraph 1.5.2.
1.5.6	In the event that a post to which a delegation or function is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Solicitor to the Council to be retained with the central copy of the scheme of delegations.

1.6	Proper Officers/Authorised Officers
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1.6.1	Those officers designated as proper officers, authorised officers, appropriate person or any other statutory description of officer listed in this Scheme shall exercise the powers, and have the responsibilities, attributed to them by legislation.
1.6.2	The Chief Executive, Appropriate Director and any other officer expressly authorised by this Scheme may appoint any appropriate officer to be a proper officer, authorised officer, appropriate person or any other statutory description of officer in respect of any legislation and written confirmation of such appointment shall be provided to the Monitoring Officer within five working days and made available on the intranet.

1.7	Interpretation
1.7.1	Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Directions, Statutory Guidance or other legal provision made thereunder.
1.7.2	‘Appropriate Director’ shall mean the Director responsible for the function to which the particular exercise of the delegation applies.
1.7.3	‘Appropriate Head of Service’ shall mean the Head of Service responsible for the function/service to which the particular exercise of the delegation applies.
1.7.4	‘Consultation’ shall mean seeking the comments of the person(s) to be consulted. Consultation shall not mean obtaining the consent of the person(s) to be consulted. A written record of the consultation shall be retained by the officer.
1.7.5	‘The Council’ shall mean The Borough Council of Worthing or the District Council of Adur, as appropriate.

2.	Delegations – General Functions – Chief Executive, Directors & Heads of Service		
Subject to the foregoing, there are delegated to the Chief Executive, Directors and/or Heads of Service those matters detailed in column 2 subject to the consultation requirements set out in column 3 and the limitations in column 4 below.			

2.1	Chief Executive		
No	Delegation	Consultation	Limitations
2.1.1	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European, police commissioner elections or referenda.		
2.1.2	To take Urgent action on behalf of the Council. 'Urgent' means a matter of pressing importance requiring swift action given the gravity of the situation, which was unforeseeable (in an objective sense) and is not attributable to a failing on the part of the Council to prevent damage (or further damage) to life, limb, infrastructure or the financial integrity of the Councils.	The relevant Leader, or in their absence, the relevant Deputy Leader or the Leaders, or in their absence the Deputy Leaders, where appropriate.	A report on the use of urgency powers to be taken to the first available Council meeting. So far as applicable, any decisions/actions taken shall only take effect on a temporary basis until a Committee/Member decision has been made.

2.2	Chief Executive and all Directors		
No	Delegation	Consultation	Limitations
2.2.1	Grant, review, renewal and cancellation of authorisations under the Regulation of Investigatory Powers Act, 2000 in accordance with the Council's surveillance policy.		
2.2.2	The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom.		In accordance with the Financial Procedure Rules.

2.3	Director for Communities		
No	Delegation	Consultation	Limitations
2.3.1	The taking of a decision as to whether or not the Council will tolerate unlawful encampments for a specified period and purpose, and to keep that decision under constant review.		

2.4	Director for Customer Services		
No	Delegation	Consultation	Limitations
2.4.1	To be the link officer with the Commissioner for Local Administration in England (“Local Government Ombudsman”)	Appropriate Head of Service	
2.4.2	To authorise payments or the provision of other benefits under s.92, Local Government Act, 2000 (payments in cases of maladministration) or by way of local settlement in relation to Local Government Ombudsman complaints.	Appropriate Head of Service, Monitoring Officer and, if over £1000, Head of Finance	

2.5	Director for Digital and Resources		
No	Delegation	Consultation	Limitations
2.5.1			

2.6	Director for Economy		
No	Delegation	Consultation	Limitations
2.6.1			

2.7	Chief Executive, all Directors and all Heads of Service		
No	Delegation	Consultation	Limitations

	General		
2.7.1	To manage the functions for which they are responsible.		
2.7.2	To make minor amendments to any Policy, Strategy, Consultation or similar document and sign notices, other than legal notices, arising from any decision of The Council.		
2.7.3	To respond to consultations.		
2.7.4	To dispose of lost or uncollected property	Solicitor to the Council	
2.7.5	To procure goods and services	Head of Business & Technical Services (Procurement)	
2.7.6	To exercise powers and determine all matters relating to the supply of goods and services to other local authorities and public bodies in respect of the functions for which they are responsible.	Solicitor to the Council Head of Finance	
2.7.7	To carry out minor development for which planning permission is not required.	Head of Growth (Planning)	
	Contracts		
2.7.8	To do all matters in relation to procurement and the letting of contracts.	Where specified in Contract Standing Orders, Head of Business & Technical Services (Procurement)	In accordance with Contract Standing Orders

		Solicitor to the Council	
	Financial		
2.7.9	To take any action authorised by Financial Standing Orders.		
2.7.10	To manage budgets allocated to the functions for which they are responsible, including authority to incur expenditure on items included in the approved Revenue Estimates or Capital Programme except where the Council has placed a reservation on any such item.		In accordance with Financial Standing Orders
2.7.11	To write off amounts as irrecoverable	Where specified in Financial Standing Orders, Head of Finance Executive Member for Resources	In accordance with Financial Standing Orders
2.7.12	To determine grant applications in relation to the functions for which they are responsible, other than award of grants to voluntary sector organisations.	Solicitor to the Council	
2.7.13	To vary, in exceptional circumstances, fixed fees and charges.	Relevant Executive Member	
2.7.14	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges	Relevant Executive Member	
2.7.15	To submit bids to outside bodies for grant funding.	Head of Finance Solicitor to the Council	
	Assets		
2.7.16	To dispose of surplus assets other than land and buildings, which are not of historical significance, interest or value.		

	Land		
2.7.17	To manage land, property and other assets allocated to the functions for which they are responsible.		
2.7.18	To grant, vary the terms and conditions of, or negotiate the surrender of leases and licenses.	Solicitor to the Council	
2.7.19	To give landlord's consent for uses, subject to planning permission.	Solicitor to the Council	
	Legal		
2.7.20	To make application for warrants of entry to land or property under the provisions of any legislation, other than warrants for possession of land or property, in relation to functions for which they are responsible.	Where practicable, with the Solicitor to the Council	
2.7.21	To sign, issue and serve all notices required by statute or otherwise to be given by the Council and all necessary advertisements, in relation to functions for which they are responsible.		
2.7.22	To issue fixed penalty notices where permitted by statute in relation to the functions for which they are responsible.		
	Licences, notices etc		
2.7.23	The determination of any application for permissions, consents or licences or for registration within the functions for which he/she is responsible.		Except where they are reserved to Council, Executive, Executive Member or Committee
2.7.24	The issue and service of any notice or requisition for information concerned with matters within the functions for which the/she are responsible.		
2.7.25	The carrying out of works in default following non-compliance with any notice concerned with matters within the functions for which the/she are responsible.		
2.7.26	The management of any internal appeal, challenge or objection process against or in support of any of the Council's decisions, other than before a court or tribunal.	Solicitor to the Council	
	Planning		
2.7.27	To make application for all consents required in relation to planning permission		

	in respect of Council land or property in relation to the functions for which they are responsible.		
2.7.28	To make application for all consents required in relation to Building Regulation Approval in respect of Council land or property in relation to the functions for which they are responsible.		
	Cultural Facilities & Activities		
2.7.29	To exercise the Council's functions relating to the provision and management of cultural facilities and activities.		
	Staffing matters		
2.7.30	To determine and take action in relation to all staff matters in accordance with the Officer Procedure Rules.	Where specified in the Officer Procedure Rules, Solicitor to the Council Head of Human Resources	In accordance with Officer Procedure Rules and all Council policies and procedures.

3.	Delegations – Specific Functions – Heads of Service		
Subject to the foregoing, there are delegated to the Officer(s) listed below those matters detailed in column 2 subject to the consultation requirements in column 3 and limitations in column 4 below.			

3.1	Head of Housing		
No	Delegation	Consultation	Limitations
3.1.1	To determine and take all action in relation to the management and maintenance of the Council's housing accommodation including the letting, transfer, exchange and repossession of dwellings, garages, open spaces and parking spaces.		
3.1.2	To exercise the Council's functions relating to homeless persons.		
3.1.3	To determine applications for Housing Grants (not Social Housing Grants) and the taking of all steps concerned with certification of payment of the same.		
3.1.4	To cast the Council's vote at General Meetings of Worthing Homes.	Exercised after discussion with the WBC appointed Directors of Worthing Homes	
3.1.5	To devise, manage and maintain the Housing Register maintained by the Council under the relevant statutory provisions in accordance with the Council's Housing Allocations Policy.		
3.1.6	To nominate people on the Council's Housing Register to properties managed by Adur Homes and the Registered Social Landlords in accordance with the Council's allocations policy.		

3.2	Head of Wellbeing		
No	Delegation	Consultation	Limitations
3.2.1	To implement the Council's policies regarding Community Safety and the redirection of crime and disorder.		
3.2.2	To take any action to combat anti-social behaviour including the issue of fixed		

	penalty notices.		
3.2.3	<p>To exercise the Council's regulatory functions relating to:</p> <ul style="list-style-type: none"> Amenities on the highway Caravan Sites Environmental protection Fitness and Standards of Housing Food Safety and Hygiene Gambling Gaming permits Hackney Carriages and Drivers Health and Safety at Work Houses in Multiple Occupation House to house collections Highway management * Licensable activities under the Licensing Act 2003 Lotteries Markets Motor Salvage Operators Leisure Boats Private Hire Vehicles drivers and operators Public Health (including airports and port health) Public Safety Registration Plates Residential Accommodation Scrap metal dealers Shops and Sunday trading Street Collections Street Trading ** Water and Sewerage Animal Boarding Licenses Pet Shops Dog Breeding 	<p>* Adur DC in relation to Highways Maintenance - the relevant Executive member and the Street Scene Working Group or relevant Working Group where practicable</p> <p>** Adur DC in relation to Street Trading - the relevant Executive member and the Street Scene Working Group or relevant Working Group where practicable</p>	

	Sex Establishments Hypnosis		
3.2.4	To determine whether or not a simple caution should be administered following an investigation into an alleged criminal offence	Solicitor to the Council	There must be a full admission It must be a minor matter It must be in the public interest It must be a first offence Copy to be sent with reasons to the Solicitor to the Council
3.2.5	All matters relating to the investigation of matters under the Health & Safety at Work legislation.	Solicitor to the Council	Duly appointed inspectors
3.2.6	To convene meetings of Full Council, Executive, Executive Members, Committees and other bodies.	Mayor, Leader, Executive Member or Chairman as appropriate	
3.2.7	To cancel meetings of Full Council, Executive, Executive Members, Committees and other bodies.	Mayor, Leader, Executive Member or Chairman as appropriate	

3.3	Head of Environment		
No	Delegation	Consultation	Limitations
3.3.1	To exercise the Council's functions relating to the provision and management of recreational facilities.		
3.3.2	To manage (including the authority to agree usage) and maintain all the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, burial grounds, crematorium and nature reserves within the Council's control.	Adur DC the relevant Executive member in	

		cases where the authority is required to agree usage	
3.3.3	(WBC only) To approve up to three circuses per year in Brooklands.		Not exercisable in respect of ADC.
3.3.4	To agree fees for medical referees		
3.3.5	To exercise the Council's regulatory functions relating to: Animal welfare Pest Control		
3.3.6	All matters related to the Council's powers and duties in relation to the coast, rivers and harbours.		
3.3.7	All matters relating to pleasure boats, boatman's licences, fisherman's agreements.		
3.3.8	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's parks and foreshore buildings or land.	Executive Members for Resources	

3.4	Head of Revenues & Benefits		
No	Delegation	Consultation	Limitations
3.4.1	To determine any applications for Housing Benefit, Council Tax Support or similar benefits.		
3.4.2	To make payments of Housing Benefit and Council Tax Support or similar benefits		
3.4.3	To take all necessary actions relating to the demand, collection and the recovery of Council Tax Rates, National Non-Domestic Rates and any other local levy or collected taxes.		
3.4.4	To determine entitlement to mandatory, discretionary and other rate relief.		
3.4.5	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.		
3.4.6	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.		

3.4.7	To sign of Valuation Agreements.		
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3.5 Head of Waste & Cleansing			
No	Delegation	Consultation	Limitations
3.5.1	To collect, remove, recycle and dispose of waste.		
3.5.2	To collect, remove, recycle and dispose of litter.		
3.5.3	To collect, remove, recycle and dispose of abandoned or unauthorised vehicles.		
3.5.4	To determine and communicate the Council's position relating to Goods Vehicle Operators licences.		
3.5.5	To authorise the waiving or reduction of charges for special refuse collections, commercial waste collections, green waste collections and clinical waste collections.		
3.5.6	To undertake vehicle testing and issue Ministry of Transport Certificates and to make appropriate charges, and to waive and reduce such charges.		
3.5.7	To issue fixed penalty notices for littering		
3.5.8	To issue fixed penalty notices upon commercial traders for unlawful management of commercial waste		
3.5.9	To exercise the Council's regulatory functions in respect of street trading		

3.6 Head of Customer Services			
No	Delegation	Consultation	Limitations

3.7 Head of Building Control & Land Charges			
No	Delegation	Consultation	Limitations
3.7.1	All matters relating to the naming and numbering of streets.	Relevant Planning Committee Adur DC - relevant Executive Member, Ward member and	

		where practicable the planning committee	
3.7.2	To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out works in default.		
3.7.3	To decide all Building Regulations applications in accordance with Building Regulations current at time of deposit.		
3.7.4	To determine all relevant charges in accordance with the Building (Prescribed Fees) Regulations 2010 as amended		

3.8 Head of Finance			
No	Delegation	Consultation	Limitations
3.8.1	To take any action relating to borrowing in accordance with the Council's borrowing strategy.		
3.8.2	To borrow by way of bank overdraft from the Council's current bankers subject to annual review by the bank and the Executive Member for Resources.	Executive Member for Resources	£1,000,000
3.8.3	To make payments into the insurance fund.		
3.8.4	To make payments in respect of any claims where the Council's insurers may be involved.		
3.8.5	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.		
3.8.6	To make payment of any sums due from the Council.		
3.8.7	To make repayments to the West Sussex County Council Pension Fund from those reserves earmarked for pensions contributions.		
3.8.8	To write off debts.		In accordance with the Financial Procedure Rules
3.8.9	To investigate allegations of housing benefit or council tax benefit fraud.		Not exercisable in respect of ADC.
3.8.10	To investigate and report upon any allegations of fraud or dishonesty.		

3.8.11	In respect of housing benefit and council tax fraud, to determine whether or not a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence.	EHC&CS	Not exercisable in respect of ADC. There must be a full admission It must be a 1st offence It must be for sums less than £500 It must be in the public interest It must not be a complex fraud or attempted fraud Copy to be sent with reasons to EHC&CS
3.8.12	In respect of housing benefit and council tax fraud, to administer simple cautions and administrative penalties.		Not exercisable in respect of ADC.
3.8.13	To settle any claims where the Council's Insurers may be involved.	Head of Legal	

3.9	Head of Legal Services		
No	Delegation	Consultation	Limitations
3.9.1	Legal Proceedings: a. To determine what, if any legal action should be taken following any investigation into a criminal matter (except in relation to Health & Safety at Work). b. To institute, prosecute or terminate any proceedings which the Council is empowered to undertake in or before any Court, Tribunal, Inquiry or by way of Fixed Penalty Notice (except in relation to Health & Safety at Work). c. To defend or settle any proceedings brought against the Council (except in relation to Health & Safety at Work). d. To take any action incidental or inclusive to or which would facilitate any action under this paragraph. e. To administer simple cautions. f. To determine whether or not any legal proceedings should be taken in any		

	particular case or set of circumstances.		
3.9.2	To appoint and instruct legal service providers.		
3.9.3	To determine whether or not a simple caution or other alternative to prosecution should be administered following an investigation into an alleged criminal offence.		
3.9.4	To settle any claims where the Council's Insurers may be involved.	Head of Finance	
3.9.5	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.	Head of Growth	Not where the determining body for any associated planning application is a committee.
3.9.6	To make minor amendments in planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.	Head of Growth	
3.9.7	To issue serve modify or withdraw any enforcement action or notices under the Planning Acts, etc.	Head of Growth	
3.9.8	To carry out or authorise the carrying out of works in default under any statutory provisions (including Notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, Section 79).		
3.9.9	To determine applications under the Local Government (Miscellaneous Provisions) Acts 1982 Section 37 (Temporary Markets).		
3.9.10	To give, make and confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas.	Head of Growth	Not to confirm if there are any objections
3.9.11	To exercise the Council's powers relating to temporary road closures. Town Police Clauses Act, 1847.		
3.9.12	To seal any document on behalf of the Council.		
3.9.13	To review authorisations under the Regulation of Investigatory Powers Act 2000.		
3.9.14	To negotiate and agree the terms of any contract.		In accordance with the Contract Procedure Rules.

3.9.15	To sign any contract on behalf of the Council.		In accordance with the Contract Procedure Rules.
3.9.16	To authorise the attendance of officers at Court under any statutory provision.		
3.9.17	To authorise service of any statutory requisition for information as to interests in land.		
3.9.18	To execute any legal document on behalf of the Council.		
3.9.19	All matters relating to consultations with Sussex Police and other bodies in relation to Anti-Social Behaviour.		
3.9.20	All matters relating to the consecration of land.		
3.9.21	To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act.		
3.9.22	To respond to requests under Data Protection and Freedom of Information legislation.		
3.9.23	All matters relating to the investigation of matters under the Health & Safety at Work legislation.		

3.10	Head of Design & Digital		
No	Delegation	Consultation	Limitations

3.11	Head of Human Resources		
No	Delegation	Consultation	Limitations
3.11.1	To confirm the appointment of staff on the satisfactory completion of probationary period.	Appropriate Head of Service	
3.11.2	To implement decisions arising from the Council's pay and grading procedure.		
3.11.3	To implement any nationally agreed pay settlements.	Head of Finance	
3.11.4	To maintain a register of politically restricted posts and ancillary matters.		
3.11.5	To comply with all legislation and government guidance on transparency in pay within the Council.		

3.12	Head of Business & Technical Services		
No	Delegation	Consultation	Limitations
3.12.1	To take any action necessary with regard to the Council's Emergency Planning functions.		

3.13	Head of Culture		
No	Delegation	Consultation	Limitations
	To manage (including the authority to agree usage) and maintain the theatres and museums within the Council's control.	Adur DC the relevant Executive member in cases where the authority is required to agree usage	

3.14	Head of Place & Investment		
No	Delegation	Consultation	Limitations

3.15	Head of Growth		
No	Delegation	Consultation	Limitations
3.15.1	To determine applications for Planning permission, listed building consent, conservation area consent, express consent to display advertisements, hazardous substances consent pursuant to the Planning Acts, including: <p>a. development specified in the GPDO where expressed planning permission is required by reason of limitations or conditions by that order; and</p> <p>b. determinations in connection with prior notification procedure under T&CP (General Permitted Development) Order.</p>		The delegation shall not be exercised in relation to: <p>a. applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) (Departures) Direction</p>

		<p>2009;</p> <p>b. applications for development requiring an environmental impact assessment but excluding applications for a screening or scoping opinion in connection with an environmental impact assessment;</p> <p>c. applications comprising 'major' development within the meaning of the T&CP (General Permitted Development) Order;</p> <p>d. applications for development which conflicts materially with the development plan;</p> <p>e. applications materially affecting ancient monuments, and sites of special scientific interest;</p> <p>f. applications made by or on behalf of jointly with or promoted by the Council,</p>
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			<p>a parish Council, West Sussex County Council any other local authority;</p> <p>g. where the application has been made by a member or an officer;</p> <p>h. where a member of the Council not more than 28 days after validation of an application requests otherwise.</p>
3.15.2	To determine applications for consent pursuant to the conditions and limitations under the Planning Acts.		
3.15.3	To determine the Council's stance in respect of and respond to consultation opinions concerning matters including WSCC planning applications unless they are for 'major' development within the meaning of the T&CP (General Development Procedure) Order.		
3.15.4	To determine applications for lawful development certificates (Town and Country Planning Acts Sections 191 and 192).	EHC&CS where necessary.	
3.15.5	To give, make and confirm any Order or Direction under the Planning Acts		
3.15.6	To issue, serve, modify and withdraw any Notice under the Planning Acts and to carry out works in default including ruins and dilapidated buildings and neglected sites (Building Act 1984, Section 79).		
3.15.7	To determine applications and to take any action under Anti-Social Behaviour Act (2003) Part 8 (High Hedges).		
3.15.8	Subject to the limitations imposed above to determine the Council's stance in respect of and respond to consultations and opinions concerning matters referred to above.		

3.15.9	All matters relating to the Planning (Hazardous Substances) Act, 1990.		
3.15.10	To issue and serve notices in relation to breaches of conditions in relation to planning permissions.		
3.15.11	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.	Solicitor to the Council	Not where the determining body for any associated planning application is a committee.
3.15.12	To make minor amendments in planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.	Solicitor to the Council	
3.15.13	To issue serve modify or withdraw any enforcement action or notices under the Planning Acts, etc.	Solicitor to the Council	
3.15.14	(WBC only) To approve up to three circuses per year in Brooklands.		Not exercisable in respect of ADC.
3.15.15	To manage, improvement, refurbishment, maintenance and new build provision of the Council's non-housing property portfolio not specifically the responsibility of other officers.		
3.15.16	To acquire land in connection with the Council's functions and to take and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council's functions.		
3.15.17	To dispose of land in connection with the Council's functions and to grant and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council's functions.	Executive Member for Resources	
3.15.18	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's buildings or land.	Executive Member for Resources	
3.15.19	To determine and where appropriate give consent for alterations or extensions to former Council houses and flats.		
3.15.20	All matters relating to on and off street parking.	Adur DC - relevant Executive	

		Member	
3.15.21	To exercise the Council's powers in respect of water supply, sewerage and drainage.		
3.15.22	To exercise the Council's powers in respect of land drainage	Adur DC - relevant Executive Member	
3.15.23	To exercise the Council's powers affecting the design or maintenance of highways		
3.15.24	All matters relating to coastal and dredging licence applications		Such development must be permitted in a General Permitted Development Order or have been granted planning permission
3.15.25	All matters related to the Council's powers and duties in relation to the coast, rivers and harbours.		

3.16	Head of Productivity & Innovation		
No	Delegation	Consultation	Limitations

3.17	Head of Communications		
No	Delegation	Consultation	Limitations
3.17.1	To produce Adur & Worthing eZine for district/borough wide distribution.		

3.18	Head of Organisational Development		
No	Delegation	Consultation	Limitations

4.	Proper Officer and Authorised Officer Functions			
The following proper officer and/or authorised officer functions listed in column 3 are assigned to the officers and deputies in columns 4 and 5.				

4.1 Functions relating to Officers				
No	Act	Function	Officer	Deputy
4.1.1	s.2 Local Government and Housing Act 1989	To maintain a list of politically restricted posts	Head of Human Resources	
4.1.2	s.3A Local Government and Housing Act 1989	To determine applications for exemption from the list of politically restricted posts	Chief Executive in consultation with MO	Head of Legal
4.1.3	s.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive	Nominated Director
4.1.4	s.5 Local Government and Housing Act 1989	Monitoring Officer	Head of Legal	Senior Solicitors
4.1.5	Sch.1, Part II, Para.5 Local Authorities (Standing Orders) (England) Regulations 2001	Process requiring notification to Executive and objections to be considered where appointment or dismissal of Head of Paid Service, Chief Officers or Deputy Chief Officers involved	Monitoring Officer	Deputy Monitoring Officer(s)

4.2 Functions relating to Democratic Process				
No	Act	Function	Officer	Deputy
4.2.1	s.8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive	Director for Customer Services
4.2.2	s.52 Representation of the People Act 1983	Deputy Electoral Registration Officer	Director for Customer Services	Head of Customer Services
4.2.3	s.35 Representation of the People Act 1983	Returning Officer	Chief Executive	Officer(s) appointed in

				writing by the Returning Officer
4.2.4	s.82 Representation of the People Act 1983	To receive declaration of Election expenses	Director for Customer Services	Head of Customer Services
4.2.5	s.83 Local Government Act 1972	Declarations of acceptance of office	Chief Executive	Director for Communities
4.2.6	s.84 Local Government Act 1972	Receipt of resignations	Chief Executive	Director for Communities
4.2.7	s.86 Local Government Act 1972	To declare any vacancy in office	Chief Executive	Director for Communities
4.2.8	s.88(2) Local Government Act 1972	Convene a meeting to fill a vacancy of a chair	Director for Communities	Head of Wellbeing
4.2.9	s.89(1) Local Government Act 1972	Receive from two electors Notices of Casual Vacancies of Councillors	Chief Executive	Director for Customer Services
4.2.10	s.100B(2),(7) and 100H Local Government Act 1972	Excluding from the Public reports which are not likely to be considered in open session; and provision to the press/public of other documents provided to members where the Proper Officer thinks fit	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.11	s.100C(2) Local Government Act 1972	Where part or the whole of the report has been exempt the Proper Officer shall make a written summary of the proceedings or a part to provide a record without disclosing the exempt information.	Director for Communities	Head of Wellbeing
4.2.12	s.100D Local Government Act 1972	Compilation of list of background documents relied upon to a material extent in producing the report or disclosing important facts	Author of Report	
4.2.13	s.100F Local Government Act 1972	Deciding whether documents for inspection in connection with Committees contain exempt information under a paragraph of Schedule 12A	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.14	s.41 Local Government Miscellaneous Provisions Act	To certify copies of Resolutions Orders Reports or Minutes of the Council or any Predecessor Authority	Director for Communities	Head of Wellbeing

	1976			
4.2.15	Reg.9 Local Government (Committees and Political Groups) Regulations 1990	Receipt of Notice re Political Groups	Director for Communities	Head of Wellbeing
4.2.16	Reg.10 Local Government (Committees and Political Groups) Regulations 1990	Receipt of Notice of Cessation of Membership of Political Group	Director for Communities	Head of Wellbeing
4.2.17	Reg.13 Local Government (Committees and Political Groups) Regulations 1990	To accept wishes of Political Groups in respect of proportionality	Director for Communities	Head of Wellbeing
4.2.18	Reg.14 Local Government (Committees and Political Groups) Regulations 1990	To notify Political Groups of allocations	Director for Communities	Head of Wellbeing
4.2.19	Part 3 Local Government Act 1974	Local Government Ombudsman functions, including giving public notice of reports	Director for Customer Services in consultation with Monitoring Officer	Head of Customer Services
4.2.20	Local Authorities (Referendum) (Petitions) (England) Regulations 2011	Proper Officer function	Director for Customer Services	Head of Customer Services
4.2.21	Local Authorities (Conduct of Referendums) (England) Regulations 2012	Proper Officer function	Director for Customer Services	Head of Customer Services
4.2.22	s.29 Localism Act 2011	Establish and maintain a register of members' and co-opted members' interests	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.23	s.30-31 Localism Act 2011	Receipt of members' and co-opted members' declarations of interests and changes to those interest within 28 days	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.24	s.32 Localism Act 2011	Sensitive interests	Monitoring Officer	Deputy Monitoring Officer(s)

4.2.25	s.33 Localism Act 2011	Dispensations from restrictions under s.31(4)	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.26	Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Access to information, recording executive decisions and the Forward Plan	Director for Communities	Head of Wellbeing

4.3 Functions relating to Finance				
No	Act	Function	Officer	Deputy
4.3.1	All legislation prior to 1 st April 1972; s.151 Local Government Act 1972; and ss.114-116 Local Government Finance Act 1988	Proper Officer in relation to references to Treasurer or Borough Treasurer; the officer responsible for the proper management of the Council's financial affairs and for making reports to Cabinet/Council	Head of Finance	Deputy s.151 Officer(s)
4.3.2	All legislation prior to 1st April 1972	Proper Officer in relation to declarations and certificates with regard to securities	Head of Finance	Deputy s.151 Officer(s)
4.3.3	s.115(2) Local Government Act 1972	For receipt of monies due to the Council from Officers	Head of Finance	Deputy s.151 Officer(s)

4.4 Functions relating to Legal Processes				
No	Act	Function	Officer	Deputy
4.4.1	s.229 Local Government Act 1972	To certify photographic copies of documents to be a true copy (other than those under Public Records Act 1958)	Head of Legal	Senior Solicitor(s)
4.4.2	s.234 Local Government Act 1972	To sign Notices Orders or other documents authorised or required by or under any Enactment	Head of Legal	Senior Solicitor(s)
4.4.3	s.236 Local Government Act 1972	To send copies of Byelaws to Parish and Community Councils to which they apply.	Head of Legal	Senior Solicitor(s)
4.4.4	s.238 Local Government Act 1972	Certification of printed copies of Byelaws	Head of Legal	Senior Solicitor(s)
4.4.5	s.36 Freedom of Information Act	Non-disclosure where potential to prejudice the	Head of Legal	Senior

	2000	effective conduct of public affairs		Solicitor(s)
4.4.6	Sch.12 Local Government Act 1972	Signing and serving of Summonses from meetings of Principal Councils	Director for Communities	Head of Wellbeing
Court Representation				
4.4.7	Every Solicitor, Barrister or Chartered Legal Executive employed or engaged by the Council (irrespective of his or her job title) shall be authorised to appear on its behalf before any Court, Tribunal or other hearing before which they have a Right of Audience and to exercise the powers given by the relevant professional body.			
4.4.8	In addition to the powers delegated in Section 3 above and the rights to appear in Court detailed in paragraphs 4.4.7, the following Officers in column 4 are authorised to appear on behalf of the Council and to conduct proceedings in Court in relation to the functions mentioned in column 3.			
4.4.9	There may be Officers other than those listed in 4.7 who are authorised to appear in Court on behalf of the Council by virtue of the Head of Legal's delegation at 3.8.16 to provide such authorisation. Any authorisations made under delegation 3.8.16 will be recorded in writing and shall be provided to the Monitoring Officer within five working days and made available on the intranet.			
No	Act	Function	Officer	Deputy
4.4.10	s.223 Local Government Act 1972 and s.60 County Courts Act 1984	In respect of possession matters and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf	Legal Assistants Trainee Solicitors	
4.4.11	s.223 Local Government Act 1972	In respect of National Non-Domestic Rating or Council Tax matters	Head of Revenues and Benefits Revenues and Recovery Team Leader	
4.4.12	Part 9 Insolvency Rules 1986	Examination of persons concerning company and individual insolvency	Additionally, and only in respect of ADC: Officers of Mid Sussex District Council authorised by that Authority	

4.4.13	Part I Health and Safety at Work etc 1974		Head of Wellbeing	
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4.5 Functions in relation to Public Health				
No	Act	Function	Officer	Deputy
4.5.1	s.79 Public Health Act 1936	Removal of Noxious Matter	Director for Communities	
4.5.2	s.84 Public Health Act 1936	Verminous Articles	Director for Communities	
4.5.3	s.85 Public Health Act 1936	Verminous People	Director for Communities	
4.5.4	Part XI Local Government Miscellaneous Provisions Act 1982	Public Health	Director for Communities	
4.5.5	s.47 National Assistance Act 1948	Removal of people in need	Director for Communities	Officers of Health Authority etc. authorised under Section 113 (1A) of the Local Government Act 1972
4.5.6	s.37 Public Health Act 1961	Verminous Articles	Director for Communities	
4.5.7	Public Health (Control of Disease) Act 1984	Infectious Diseases and Dead Bodies	Director for Communities	
4.5.8	Sch.14 Paragraph 25(7) Local Government Act 1972	To certify copies of Resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	Director for Communities	
4.5.9	Food Safety Act 1990	Food Safety and authentication of documents	Director for Communities	

4.5.10	s.40 Anti-Social Behaviour Act 2003	Closure order in respect of noisy premises where public nuisance	Chief Executive	Director for Communities
4.5.11	s.78 Building Act 1984	Authorise action in relation to dangerous structures	Appropriate Director	Appropriate Head of Service

4.6 Miscellaneous Functions				
No	Act	Function	Officer	Deputy
4.6.1	s.100G Local Government Act 1972	Maintain a list of members	Director for Communities	Head of Wellbeing
4.6.2	s.100G Local Government Act 1972	Maintain a list of delegations to officers and the like	Monitoring Officer	Deputy Monitoring Officer(s)
4.6.3	s.146(1)(a) Local Government Act 1972	Statutory Declaration re Change of Name of the Authority in connection with Companies	Head of Legal	Senior Solicitor(s)
4.6.4	s.191(2) Local Government Act 1972	Applications under the Ordnance Survey Act 1841	Director for Economy	
4.6.5	s.210 Local Government Act 1972	In respect of Powers with regard to Charities	Director for Communities	Head of Wellbeing
4.6.6	s.225 Local Government Act 1972	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	Head of Legal	Senior Solicitor(s)
4.6.7	s.248 Local Government Act 1972	To keep the roll of Freeman of City or Town in District	Chief Executive	Director for Communities
4.6.8	Any other provisions for which arrangements are not specifically made under this Scheme of Delegation	Any other legislation whether made before or after this list was approved and requiring a proper officer or authorised officer where not otherwise stated in the Council's approved scheme of delegations from time to time	Chief Executive	

4.7 Functions in relation to Entry of Land/Premises				
4.7.1	The Chief Executive, Directors, Solicitor to the Council, Senior Solicitors, Solicitors, Senior Legal Executives, Legal Executives and Emergency Planning Officer shall be authorised to enter land or premises in relation to any function of the			

	Council, subject to any applicable statutory constraints.			
4.7.2	In addition to the powers delegated in Section 3 above, the following Officers in column 4 are authorised to enter land or premises for or in connection with their duties and pursuant to the functions mentioned in column 3, subject to any applicable statutory constraints.			
4.7.3	An Officer authorised to enter land is also authorised to seek a warrant to enter.			
4.7.4	An Officer authorised to enter land may take with him or her such other persons and equipment as may be necessary.			
4.7.5	The right to enter given by paragraph 4.7 shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods.			
	Environmental Health, Housing etc			
No	Act	Function	Officer	Deputy
4.7.6		Animal Welfare Caravan Sites Environmental Protection Food Safety and Hygiene Health and Safety at Work Housing Licensing Act 2003 Pest Control Public Health Public Safety Scrap Metal Dealers Shop Acts Street Trading Sunday Trading Public Health Environmental Protection Gambling Act 2005 Animal Boarding Licences Pet Shops Dog Breeding Sex Establishments Hypnosis	Director for Communities and such others as shall be delegated in writing by him/her from time to time	

Planning			
4.7.7	ss.178, 196A, 196B, 324 & 325 Town and Country Planning Act 1990		Director for Economy/Director for Communities, as appropriate
4.7.8	s.88 Planning (Listed Buildings and Conservation Areas) Act 1990		Planning Services Manager
4.7.9	s.36 Planning (Hazardous Substances) Act 1990		Development Control Manager Principal Planning Officers Senior Planning Officers Planning assistants Senior Enforcement Officer Enforcement Assistant
4.7.10	Part 8 Anti-Social Behaviour Act 2003		Director for Communities Planning Services Manager Development Control Manager Principal Planning Officers Senior Planning Officers Planning assistants Senior Enforcement

			Officer Enforcement Assistant Senior Technical Officer (Parks)	
	Building Control			
4.7.11	s.95 Building Act 1984	General power of entry in relation to building regulations	Head of Building Control and Land Charges Principal Building control Surveyor Senior Building control surveyor Building control surveyor Fire Safety Officer	
	Local Taxation			
4.7.12		Collection of Local Taxes	Director for Customer Services Head of Revenues and Benefits Inspector/Collector	
	Land Drainage and Sewerage Undertaking			
4.7.13	Water Industry Act 1991		Principal Engineer	
4.7.14	Land Drainage Act 1991		Senior Engineer	

THE CODE OF CONDUCT FOR MEMBERS

1.0 INTRODUCTION

- 1.1 This Code applies to every Member of Adur District Council and every Member of Worthing Borough Council, when that Member acts in their role as a Member. It is each Member's responsibility to comply with the provisions of this Code.
- 1.2 Each Member is a representative of Adur District Council or Worthing Borough Council and the public will view that Member as such, and therefore, a Member's actions impact upon the Council as a whole and its reputation; a Member's actions can have both positive and negative impacts on the Councils.
- 1.3 This Code of Conduct is based upon the 'Nolan Principles - The Seven Principles of Public Life', which are set out at paragraph 2.0, and also encompasses the legislative framework of the Localism Act 2011, where provision is made by the Secretary of State for criminal sanctions to apply in certain circumstances.

2.0 THE NOLAN PRINCIPLES: SEVEN PRINCIPLES OF PUBLIC LIFE

- 2.1 **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- 2.2 **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- 2.3 **Objectivity:** In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- 2.4 **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- 2.5 **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
- 2.6 **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- 2.7 **Leadership:** Holders of public office should promote and support these principles by leadership and example.

3.0 INTERPRETATION

In this Code -

3.1 'Meeting' means any meeting of:

- The Full Council;
- The Executive of the Council;
- Any Committee, Sub-Committee, Joint Committee of the Council; and
- Any other meeting involving Members and/or Officers and/or the public,

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.

3.2 'Member' includes a Co-opted Member (voting and non-voting), an Elected Member and an appointed Member.

4.0 SCOPE AND GENERAL OBLIGATIONS

4.1 Scope

4.1.1 This Code applies to all Members of Adur District Council and all Members of Worthing Borough Council.

4.1.2 It is each individual Member's responsibility to comply with the provisions of this Code.

4.1.3 The Code applies whenever a Member:

- Conducts the business of Adur District Council or Worthing Borough Council; or
- Acts, claims to act, or gives the impression they are acting, as a representative of Adur District Council or Worthing Borough Council, or in their official capacity as a Member of Adur District Council or Worthing Borough Council.

4.1.4 Where a Member acts as a representative of Adur District Council or Worthing Borough Council:

- on any other body, they must, when acting for that other body, comply with Adur District Council or Worthing Borough Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4.2 General Obligations

4.2.1 When acting as a Member of Adur District Council or Worthing Borough Council a Member must:

- (a) Treat others with respect;
- (b) Not conduct themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of Members;

- (c) Ensure that they are aware of and comply with the requirements that the Bribery Act 2010 places on a Member and on the Council as a whole;
- (d) Not disclose the information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) they have the consent of a person authorised to give it;
 - (ii) they 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:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (cc) they have consulted the Monitoring Officer prior to its release;
- (e) Not prevent another person from gaining access to information to which that person is entitled by law;
- (f) Not conduct themselves in a manner which is contrary to the Council's duty under the equalities legislation.

4.2.2 When using, or authorising the use by others, of the resources of Adur District Council or Worthing Borough Council, a Member must:

- (a) Act in accordance with the Council's reasonable requirements, procedures, policy and Constitution, including the requirements of the Council's Internet and Email Policy;
- (b) Make sure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986, and the Protocol on the Pre-Election period.

5.0 DISCLOSABLE PECUNIARY INTERESTS UNDER THE LOCALISM ACT 2011

Disclosable Pecuniary Interests (DPI's) and their application are governed by the Localism Act 2011.

5.1 Notification of Disclosable Pecuniary Interests

5.1.1 Within 28 days of becoming a Member, each Member must notify the Monitoring Officer of any disclosable pecuniary interests they may have.

5.1.2 A 'disclosable pecuniary interest' is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife or a person with whom they are living as if they are civil partners) within the description at Appendix 1 of this Code of Conduct.

5.2 Register of Interests

5.2.1 Any interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the Councils' website.

5.3 Sensitive Interests

5.3.1 Where a Member considers that disclosure of the details of a disclosable pecuniary interest on a copy of the Register made available for inspection and published, could lead to them, or a person connected with them, being subject to violence or intimidation, then copies of the Register that are available for inspection and any published version of the Register will exclude details of the interest, but state that the Member has a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

5.4 Non-Participation in Case of Disclosable Pecuniary Interest

5.4.1 If a Member is present at a meeting of Adur District Council or Worthing Borough Council or any Committee, Sub-Committee or Joint Committee of the Council and has a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- (a) That Member may not participate in any discussion of the matter at the meeting; and
- (b) That Member may not participate in any vote taken on the matter at the meeting; and
- (c) If the interest is not registered, the Member must disclose the interest in the meeting; and
- (d) If the interest is not registered and is not the subject of a pending notification, the Member must notify the Monitoring Officer of the interest within 28 days of the meeting.

5.4.2 In addition, the Member is required to leave the room where the meeting is held while any discussion or voting takes place.

5.4.3 Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by him/her, the Executive Member must:

- (a) Notify the Monitoring Officer of the interest; and
- (b) Not take any steps or further steps in the matter.

5.4.4 Where a Member has a disclosable pecuniary interest in any business of the Councils, they may attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and the Member leaves the room where the meeting is held immediately after making representations, answering questions or giving evidence, prior to any debate, discussion or vote on the matter.

5.5 Dispensations

5.5.1 The Monitoring Officer may grant a Member a dispensation, but only in limited circumstances, to enable them to participate and vote on a matter in which they have a disclosable pecuniary interest.

5.6 Offences

5.6.1 It is a criminal offence to:

- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of a Member's election;
- (b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- (c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the Register that they have disclosed to a meeting;
- (d) Participate in any discussion or vote on a matter in which a Member has a disclosable pecuniary interest;
- (e) As an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest; and
- (f) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

5.6.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale (£5,000) and disqualification from being a Councillor for up to 5 years.

6.0 OTHER INTERESTS: PERSONAL AND PECUNIARY

6.1 Notification of Other Interests

6.1.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011 as set out in Paragraph 5 above, a Member must, within 28 days of:

- (a) this Code being adopted by or applied to your Council; or
- (b) that Member's election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of their other personal and pecuniary interests where they fall within the following descriptions, for inclusion in the Register of Interests.

6.1.2 A Member must, within 28 days of becoming aware of any new interest or change of any interest, notify the Monitoring Officer of the details of that new interest or change.

6.2 Personal Interests

- 6.2.1 A Member has a personal interest in any business of the Council where that business:
- (a) relates to, or is likely to affect, any body of which they are a Member or in a position of general control or management and to which they are appointed or nominated by the Council;
 - (b) relates to, or is likely to affect, any body:
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union) of which they are a member or in a position of general control or management.
- 6.2.2 A Member also has a personal interest in any business of the Council where a decision in relation to that business might reasonably be regarded as affecting their wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, rate payers or inhabitants of the Ward affected by the decision.
- 6.2.3 A relevant person is:
- (a) A member of their family or any person with whom they have a close association; or
 - (b) Any person or body who employs or has appointed such persons defined in paragraph 6.2.3(a) above, any firm in which such persons are a partner, or any company of which they are directors;
 - (c) Any person or body in whom such persons defined in paragraph 6.2.3(a) above, have a beneficial interest in a class of securities exceeding the nominal value of £25,000 or 1% of the total of that class of securities.

6.3 Pecuniary Interests

- 6.3.1 Where a Member has a personal interest in any business of your Council, they also have a pecuniary interest in that business where the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and where that business:
- (a) affects the Member's financial position or the financial position of a person or body described in paragraph 6.2.2 above; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 6.2.2 above.

6.4 Disclosure and Non-Participation

- 6.4.1 Where a Member has a personal interest described in paragraph 6.2 above, which relates to themselves, in any business of the Council and where they are aware or ought reasonably to be aware of the existence of the personal interest and they attend a meeting of the Council at which the business is considered, they must disclose to

that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 6.4.2 Where a Member has a personal interest in any business of their Authority which relates to or is likely to affect a relevant person as described in paragraph 6.2.2, they need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.
- 6.4.3 Where a Member has a personal interest, but by virtue of paragraph 6.6, sensitive information relating to it is not registered in their Council's Register of Members' Interests, they must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.
- 6.4.4 Where a Member has a personal interest in any business of their Council and they have made an Executive Decision in relation to that business, they must ensure that any written statement of that decision records the existence and nature of that interest.
- 6.4.5 Subject to paragraphs 6.4.7 and 6.4.8 below, where a Member has a pecuniary interest in any business of the Council:
- (a) they may not participate in any discussion of the matter at the meeting;
 - (b) they may not participate in any vote taken on the matter at the meeting;
 - (c) if the interest is not registered, they must disclose the interest at the meeting;
and
 - (d) if the interest is not registered and is not the subject of a pending notification, they must notify the Monitoring Officer of the interest within 28 days.
- 6.4.6 In addition, they are to leave the room where the meeting is held while any discussion or voting takes place.
- 6.4.7 Where a Member has a pecuniary interest in any business of the Authority, they may attend a meeting, but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise, and they leave the room where the meeting is held immediately after making representations, answering questions and/or giving evidence.
- 6.4.8 Subject to a Member disclosing the interests at the meeting, they may attend a meeting and vote on a matter where they have a pecuniary interest that relates to the functions of the Council in respect of:
- (a) Housing, where they are a tenant of your Council, provided that those functions do not relate particularly to their tenancy or lease;
 - (b) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where they are in receipt of, or are entitled to, the receipt of such pay;
 - (c) An allowance, payment or indemnity given to Members;

- (d) Any ceremonial honour given to Members; and
- (e) Setting Council Tax or a precept under the Local Government Finance Act 1972.

6.4.9 Where an Executive Member may discharge a function alone and they become aware of a pecuniary interest in a matter being dealt with, or to be dealt with, by them, they must notify the Monitoring Officer of the interest and they must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

6.5 Register of Interests

6.5.1 Any other interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the Council's website.

6.6 Sensitive Interests

6.6.1 Where a Member considers that disclosure of the details of a personal or disclosable pecuniary interest on a copy of the Register made available for inspection and published, could lead to them, or a person connected with them, being subject to violence or intimidation, then copies of the Register that are available for inspection and any published version of the Register will exclude details of the interest, but state that the Member has a personal or disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

6.7 Interest arising in relation to Overview and Scrutiny Committees

6.7.1 In any business before an Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee (or of a Sub-Committee or Panel of such a Committee), where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's Committees, Sub-Committees or Joint Committees; and
- (b) at the time the decision was made or action was taken, a Member was a Member of the Executive, Committee, Sub-Committee or Joint Committee mentioned in paragraph (a) and was present when that decision was made or action was taken,

that Member may only attend a meeting of the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee for the purpose of answering questions or giving evidence relating to the business, and must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

6.8 Pre-determination or Bias

6.8.1 Where a Member has been involved in campaigning in their political role on an issue which does not impact on their personal and/or professional life, they should not be prohibited from participating in a decision in their political role as a Member. However, they must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

6.8.2 When making a decision, a Member should consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

6.9 Compliance with Constitution, Rules, Standards and Guidance

6.9.1 Failure to comply with the requirements of the Council's Constitution or any rule, protocol, corporate standards or guidance issued pursuant to this Constitution shall be deemed to be a breach of this Code.

Disclosable Pecuniary Interests under the Localism Act 2011

Interests	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 relevant Council) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. 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	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council:</p> <p>(a) Under which goods or services are to be provided or works are to be executed; and</p> <p>(b) Which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Council for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) The landlord is the relevant Council; and</p> <p>(b) The tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) That body (to M's knowledge) has a place of business or land in the area of the relevant Council; and</p> <p>(b) Either:</p> <p>(i) The total nominal value of the securities exceeds £25,000 or 100th of the total issued share capital of that body; or</p> <p>(ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds 100th of the total issue share capital of that class.</p>

These descriptions on interests are subject to the following definitions:

- (a) 'Body in which the relevant person has a beneficial interest': means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (b) 'Director': includes a member of the committee of management of an industrial and provident society;
- (c) 'Land': includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (d) 'M': means the Member;
- (e) 'Member': includes a Co-opted Member;
- (f) 'Relevant Council': means the Council of which M is a Member;
- (g) 'Relevant Period': means the period of 12 months ending with the day on which M gives a notification for the purposes of Section 30(1) of the Localism Act 2011;
- (h) 'Relevant Person': means M or any other person referred to in Section 30(3)(b) of the Localism Act 2011; and
- (i) 'Securities': means shares, debentures, debenture stock, loans, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a Building Society.

CODE OF CONDUCT FOR COUNCIL OFFICERS

1.0 INTRODUCTION

1.1 Section 82 of the Local Government Act 2000 makes provision for a Code of Conduct for all Local Government Employees. The Officer Code of Conduct aims to set out fundamental values that underpin standards of conduct in Local Government.

2.0 SCOPE

2.1 This Code applies to all Council Officers, regardless of whether or not they are employees of the Council or employees of another body seconded to act as Officer of this Council. It applies to all Officers, regardless of whether they are part time, full time, permanent, temporary or casual.

3.0 STATEMENT

3.1 All employees and/or Officers of the Council must perform their duties with honesty, integrity, impartiality and objectivity. All employees and Officers are accountable to the Council for their actions. The public is entitled to demand of a Local Government Officer conduct of the highest standard and public confidence in an Officer's integrity would be damaged were the least suspicion, however ill-founded, to arise that an Officer could be influenced by improper motives.

3.2 All Officers must treat other employees, Members and Co-opted Members of the Council with dignity and respect and must not discriminate unlawfully against any person.

3.3 The Officer Code of Conduct is not intended to simply be a list of prohibitions, but should benefit all Officers because the Code will clarify conduct which is permissible and appropriate.

4.0 CONDUCT EXPECTED OF COUNCIL OFFICERS

4.1 This Code of Conduct for Officers sets out the minimum standards that are to be expected.

4.2 An Officer of the Council must be aware of and positively promote the Council's vision and corporate priorities.

4.3 An Officer of the Council must be committed to treating other Officers and Members with dignity and respect in accordance with the Councils' Dignity at Work Policy.

4.4 A Council Officer must abide by all policies and procedures of the Councils, relevant to their area of work.

- 4.5 All Council Officers must be aware of their responsibility to the community served by the Councils and must ensure that they provide a courteous, efficient and impartial service delivery, in accordance with the Council's Customer Care Standards.
- 4.6 A Council Officer must not allow their personal interests to conflict with the Council's requirements or objectives and nor may they use their position improperly to confer an advantage or disadvantage on any individual, or organisation.
- 4.7 If a Council Officer who engages or supervises contractors, has a previous or current personal relationship with that contractor, it should be declared to their Head of Service.
- 4.8 If a Council Officer has access to confidential information relating to tenders or costs for contractors, they may not disclose that information to any unauthorised individual, or organisation.
- 4.9 A Council Officer must not use any public funds entrusted to them in an irresponsible, reckless or unlawful manner and may not make personal use of property or facilities of the Council, unless properly authorised to do so.
- 4.10 An Officer of the Council will not be precluded from undertaking additional employment provided that any such employment does not, in the view of the Council, conflict with or react detrimentally to the Council's interests, or in any way weaken public confidence in the conduct of the Council's business. Any Officer of the Council whose salary is above Spinal Column Point 28, must declare any such additional employment to the Director for Digital and Resources for inclusion in the Register of Additional Employment maintained by Human Resources Officers.
- 4.11 If a Council Officer is aware that a contract in which he/she has any financial interest, either directly or indirectly, has been or is proposed to be entered into by the Councils, they must as soon as practicable give notice in writing to the Solicitor to the Council and Head of Legal Services.
- 4.12 Officers of the Council are employed to serve the Council as a whole and must provide a service to all Members, not just those of the controlling party, and ensure that the individual rights of all Members are respected. All Officers, whether in a politically restricted post or not, must follow all policies of the Councils and not allow their own personal or political opinions to interfere with their work.
- 4.13 To preserve public confidence, Council Officers are strongly encouraged not to accept any gifts from customers or contractors. It may constitute a serious criminal offence for an Officer to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything, or showing favour or disfavour to any person, in their official capacity.

- 4.14 If a Council Officer does accept any gift, they must comply with the Council's requirements to register or declare interests, and to declare hospitality, benefits, gifts received as a consequence of employment. Any such gift received must be registered, regardless of its value, within 28 days of receipt. Such declaration should be made to the Director of Communities for inclusion in the register held by Democratic Services Officers. It is also good practice for Council Officers to declare any offers of gifts.
- 4.15 A Council Officer must report to the appropriate Manager, any impropriety or breach of procedure. Further guidance is contained within the Councils' Whistleblowing Policy. A Council Officer must not treat another Officer less favourably, because that Officer has, intends to, or is suspected of, reporting misconduct.
- 4.16 A Council Officer must not disclose information given to them in confidence, or information acquired which is believed to be of a confidential nature, without the consent of the person involved or the property authorisation. A Council Officer must not prevent another person from gaining access to information to which that person is entitled by law. Further guidance can be obtained from the Councils' Security of Information Officer.
- 4.17 Close personal associations between employees and Members can damage the relationship and should be avoided. Further information can be found in the Councils' Equalities Policy and Dignity at Work Policy, which are also part of an Officer's terms and conditions of employment.
- 4.18 A Council Officer must not be involved in the recruitment, discipline, promotion or pay adjustment or conditions of service of another Officer, or potential Officer, who is a relative or someone well known to them. Further guidance can be found in the Councils' Recruitment and Selection Policy.
- 4.19 A Council Officer must declare to the Director for Digital and Resources, for inclusion in the Register of Interests held by Human Resources Officers, membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy around rules of membership or conduct.
- 4.20 A Council Officer should be aware that there may be exceptional circumstances where their behaviour, out of hours and off-duty, may impact on the Councils and their reputations. In particular, reference is made to the Council's Social Media Policy. The Councils reserve the right to consider such actions in relation to its position.
- 4.21 A Council Officer must at all times act in accordance with the trust that the public is entitled to place in them. Therefore both at work and in private life a Council Officer should do nothing to bring the Councils into disrepute. The public need to be assured that public duties are not subordinated to private interests, and that conflicts between private life and duty do not arise.

5.0 BREACH OF CODE OF CONDUCT FOR OFFICERS

- 5.1 Failure of a Council Officer to comply with any part of this Code of Conduct may result in disciplinary action, which could include summary dismissal. Further guidance may be found in the Councils' Disciplinary Policy.

PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF THE COUNCIL

1.0 INTRODUCTION

1.1 Mutual trust and respect between Members and Officers is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

1.2 This Protocol addresses the need for a written guide to the basic elements of the relationship between Members and Officers. It is a protocol designed:

- to promote trust, openness, fairness and honesty by establishing some ground rules;
- to define roles so as
 - to clarify responsibilities
 - to avoid conflict, and
 - to prevent duplication or omission;
- to secure compliance with the law, codes of conduct and the Council's own practices; and
- to lay down procedures for dealing with concerns by Members or Officers.

2.0 DEFINITIONS

2.1 Unless the context indicates otherwise, references to the term *Council* includes the Executive, Overview and Scrutiny Committees, and other Committees and sub-committees.

2.2 Unless the context indicates otherwise, the terms *Member* and *Members* include non-elected (i.e. co-opted) Members as well as elected Councillors.

2.3 *Officers* means all persons employed by the Council, or employed by another Council for the purpose of providing a service to this Council.

2.4 *Senior Officer* means Chief Officer, Deputy Chief Officer, Director and Heads of Service.

- 2.5 *Designated Finance Officer* means the Officer exercising the duties prescribed by law for the financial administration of the Council and is the Chief Finance Officer, Head of Financial Services and Section 151 Officer.
- 2.6 *Monitoring Officer* means the Officer appointed to and exercising his/her role under the Local Government and Housing Act 1989 and is the Solicitor to the Council and Head of Legal Services.

3.0 PRINCIPLES

- 3.1 Members and Officers must at all times observe this Protocol.
- 3.2 This Protocol has been approved by the Council and the Joint Governance Committee will monitor its operation.
- 3.3 Members and Officers must always respect the roles and duties of each other. They must be courteous in all their dealings, and not seek to take unfair advantage by virtue of their position. They must maintain a professional working relationship at all times.
- 3.4 Whilst Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Head of Paid Service.
- 3.5 Officers are bound by the Council's own Code of Conduct for Officers distributed to all staff on the commencement of their employment and, in some cases, by the codes of their professional associations.
- 3.6 Elected Members are bound by the Council's Code of Conduct for Members.
- 3.7 Breaches of this Protocol by a Member may result in a complaint to the Monitoring Officer if it appears that the Members' Code of Conduct has also been breached. Breaches of this Protocol by an Officer may lead to disciplinary action, as may a breach of the Officer Code of Conduct.

4.0 THE ROLE OF MEMBERS

- 4.1 Collectively, Members are the ultimate policy-makers determining the core values of the Council and approving the Authority's policy framework, strategic plans and budget.
- 4.2 As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Members they have a duty always to act in the public interest.

- 4.3 Members are not authorised to instruct Officers other than:
- through the formal decision-making process;
 - to request the provision of consumable resources provided by the Council for Members' use;
 - where staff have been specifically allocated to give support to a Member or group of Members;
- 4.4 Members may not initiate or certify financial transactions, or enter into a contract in writing or orally on behalf of the Council, or direct any Officer to do so. Letters which may commit the Council to any action should not be sent in the name of any Member without having first checked the position with an appropriate Officer from Legal Services. Members should not give any assurances to any person outside the Council or make any public statement which may be interpreted as making a formal commitment on any matter where a formal decision has yet to be made.
- 4.5 No Member should meet with a developer or contractor concerning negotiations for the disposal of land or the terms of a contract outside the formal meeting processes of the Council unless a Council Officer is present and a note is made of the content of the discussion at the meeting. Such meetings might occasionally take place on an initial exploratory basis, but should not continue beyond that. Officers should then pursue any negotiations arising. The Chief Officer would keep the Member(s) informed and report formally to Member meetings where appropriate for information or decision.
- 4.6 Members must not take actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation to take into account, when reaching decisions, any advice provided by the Monitoring Officer or the designated Finance Officer.
- 4.7 Members' roles on the employment of staff are limited to:
- the appointment of specified senior posts as set out in the Officer Employment Procedure Rules;
 - determining Human Resources policies and conditions of employment; and
 - hearing and determining specific appeals as set out in the Officer Employment Procedure Rules.
- 4.8 Members must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change his/her professional advice.
- 4.9 An Executive Member wanting to make a decision about a matter in his or her portfolio should ensure that other Members and Senior Officers who need to know of the matter are informed, particularly on issues of joint

responsibility or mutual interest, and in appropriate cases to brief the whole Executive.

5.0 THE ROLE OF OFFICERS

- 5.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors.
- 5.2 Under the direction and control of the Council (including, as appropriate, the Executive, Committees and Sub-Committees), Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 5.3 Officers have a duty to implement decisions of the Council, the Executive, Committees and Sub-Committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution, and duly recorded.
- 5.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 5.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the Authority as expressed in the Council's formal decisions.
- 5.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 5.7 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities applying to certain Officers holding politically restricted posts.
- 5.8 Senior Officers shall agree mutually convenient times for regular contact with Executive Members and Shadow Executive Members.

6.0 THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS

- 6.1 The conduct of Members and Officers should be such as to inspire mutual confidence and trust.
- 6.2 The key elements are a recognition of, and a respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

- 6.3 There must be no bullying and/or intimidating behaviour between Members and Officers.
- 6.4 Informal and collaborative two-way contact between Members and Officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 6.5 Any Members and Officers who form a close personal relationship should inform the Monitoring Officer of any such relationship since it might be seen as unduly influencing their work in their respective roles.
- 6.6 If a Member or Officer becomes aware of an inappropriate relationship between an Officer and Member that may or does affect their work and/or the reputation of the Council, they may bring this to the attention of the Monitoring Officer.
- 6.7 It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.
- 6.8 Officers work to the instructions of their senior Officers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should direct their requests and concerns to a Senior Officer, or an Officer that the Senior Officer has confirmed beforehand may be approached directly. Chief Officers shall ensure that Members are adequately informed of such arrangements.
- 6.9 Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by Senior Managers. Members may discuss and give their views upon work priorities with Senior Officers.
- 6.10 Members will endeavour to give timely responses to enquiries from Officers.
- 6.11 An Officer shall not discuss with a Member personal matters concerning him/herself or another individual employee. This does not prevent an Officer raising on a personal basis, and in his/her own time, a matter with his/her Ward Member.
- 6.12 Members and Officers should respect each other's free (i.e. non-Council) time.

- 6.13 Members and Officers must comply with and promote the Council's policies on equality and diversity.

7.0 PARTY GROUPS AND OFFICERS

- 7.1 Officers' support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 7.2 Party group meetings, as opposed to meetings of a body such as the Executive that may consist only of members of one political party, are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings have no status as formal Council decisions.
- 7.3 In their dealings with party groups, Officers must treat each group in a fair and even-handed manner. In particular, if a briefing is offered to one party then it should be offered to all party groups.
- 7.4 Members must not do anything which compromises or is likely to compromise Officers' impartiality.
- 7.5 At party group meetings where some of those present are not Members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Members' Code of Conduct. They do not have the same rights to Council information as Members.

8.0 MEMBERS' ACCESS TO DOCUMENTS AND INFORMATION

- 8.1 This part of the Protocol should be read in conjunction with the Access to Information Procedure Rules in Part 4 of the Council's Constitution.
- 8.2 Members may request Senior Officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- it is in the public domain, and
 - it is not barred from being given, by any legislative restriction, including the Data Protection Act.

- 8.3 A Member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- where to do so is likely to be in breach of the Data Protection Act, or
 - Where the subject matter is one in which he/she has a personal or disclosable pecuniary interest as defined in the Members' Code of Conduct.
- 8.4 Information given to a Member must only be used for the purpose for which it was requested.
- 8.5 Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 8.6 When requested to do so, Officers will keep confidential from other Members advice requested by a Member.
- 8.7 Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

9.0 INTERPRETATION, COMPLAINTS AND ALLEGATIONS OF BREACHES

- 9.1 This part of the Protocol should be read in conjunction with the Council's Anti-fraud, Corruption and Whistleblowing Policy Statement and Code of Conduct.
- 9.2 Members or Officers with questions about the implementation or interpretation or any part of this Protocol should seek the guidance of the Monitoring Officer or in his/her absence the Chief Executive.
- 9.3 A Member who is unhappy about the actions taken by, or conduct of, an Officer should:
- avoid personal attacks on, or abuse of, the Officer at all times;
 - ensure that any criticism is well founded and constructive;
 - never make a criticism in public; and
 - take up the concern with the Officer's Director.
- 9.4 A serious breach of this Protocol by an Officer may lead to an investigation and action under the Council's disciplinary procedure.
- 9.5 An Officer who believes a Member may have acted other than in accordance with this Protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegations should be dealt with and take such action as he/she considers appropriate. At a minor level, this may be to raise the matter confidentially with the Member and/or the Leader of the relevant party group, giving information to the Officer concerned as to the action taken. More serious complaints may be dealt with in accordance with

the Members' Code of Conduct and Standards Procedure Rules, if they relate to an alleged breach of the Members' Code of Conduct.

MONITORING OFFICER PROTOCOL

1.0 THE MONITORING OFFICER

1.1 The Monitoring Officer is responsible for ensuring that the Council and its Members act lawfully, do not cause maladministration, and comply with the Code of Conduct for Members. The Monitoring Officer is the Council's primary source of advice on all legal issues, and to Members on their legal obligations, but he/she also has specific statutory duties, such as investigating complaints of Member misconduct and making public report to the Council in cases of illegality. There is an inherent potential conflict between the Monitoring Officer role as a Legal Advisor and the fact that, on occasion, he/she may have to comply with statutory duties in respect of illegality. The purpose of this protocol is to enable Members to make use of the Monitoring Officer's ability to provide them with practical advice on legality and conduct, by setting out how the Monitoring Officer will carry out his/her functions.

2.0 INTRODUCTION

2.1 The Council recognises that an effective Monitoring Officer, positively engaged in the discharge of the Council's business, is essential to the effective running and sound corporate governance of the Council.

2.2 Section 5(1) Local Government and Housing Act 1989 requires the Council to appoint an Officer as the Council's Monitoring Officer and gives that Officer personal responsibility:-

- to report on actual, and anticipated, illegality within the Councils;
- to report cases where the Ombudsman has found maladministration on the part of the Council;
- to maintain the Register of Members' Interests; and
- to administer, assess and investigate complaints of Members' misconduct.

2.3 The Council has extended the functions of its Monitoring Officer beyond these 'statutory functions' above, and their functions are set out in paragraph 5 below.

2.4 The law does not prescribe exactly how the Monitoring Officer is to carry out these functions. Therefore, this protocol describes the manner in which the Council expects the Monitoring Officer to discharge these functions and how it expects Officers and Members to co-operate with the Monitoring Officer in order to enable him/her to discharge these functions effectively.

3.0 APPOINTMENT

- 3.1 The Monitoring Officer is appointed by Council and is the Council's Senior Legal Officer and Solicitor to the Council.
- 3.2 The Monitoring Officer is employed by Adur District Council but also seconded to Worthing Borough Council to enable him/her to act as Monitoring Officer for both Adur District Council and Worthing Borough Council.
- 3.3 Where the Monitoring Officer leaves the employment of Adur District Council, he/she automatically ceases to be the Monitoring Officer for both Councils. The Council may appoint an Officer as Interim Monitoring Officer, pending a permanent appointment.

4.0 PERSONAL RESPONSIBILITY

- 4.1 The Monitoring Officer is required to carry out the statutory functions of their post personally, with the exception that:-
- the Monitoring Officer will nominate a member of staff as Deputy Monitoring Officer, with power to act as Monitoring Officer where he/she is unable to act as a result of absence or illness; and
 - in respect of the obligations relating to alleged breaches of the Members' Code of Conduct, the Monitoring Officer may arrange for any person to perform all or any of his/her functions, for example by delegating internally or by instructing an external lawyer to conduct a particular investigation.
- 4.2 Whilst the statutory functions are personal to the Monitoring Officer, he/she may arrange for any member of staff to assist him/her in the discharge of any non-statutory functions.

5.0 FUNCTIONS

The functions of the Monitoring Officer are as follows:-

5.1 Statutory Functions

- 5.1.1 To report to the Council in any case where he/she is of the opinion that any proposal, decision or omission by the Council or any of its Committees, Sub-Committees or Joint Committees, or any Member or Officer of the Council, has given rise to, or is likely to give rise to any illegality, in accordance with Section 5(2)(a) Local Government and Housing Act 1989.
- 5.1.2 To report to the Council in any case where the Ombudsman, after investigation, has reported that any proposal, decision or omission by the Council or any Committee, Sub-Committee or Joint Committee of the Council, or any Member or Officer of the Council has given rise to maladministration or

injustice, in accordance with Section 5(2)(b) Local Government and Housing Act 1989.

5.1.3 To maintain the Register of Members' Interests in accordance with Section 81(1) Local Government Act 2000.

5.1.4 To administer, assess and investigate complaints referred to him of allegations of breach of the Members' Code of Conduct, in accordance with the Localism Act 2011.

5.2 Non-Statutory Functions

5.2.1 To investigate any proposal, decision or omission by the Council or any of its Committees, Sub-Committees or Joint Committees, or any Member or Officer of the Council, which he/she has reason to believe may have given rise to, or is likely to, or would give rise to:-

- illegality;
- maladministration;
- failure to observe the Members' Code of Conduct.

5.2.2 To act as the Principal Legal Advisor to the Councils' Joint Governance Committee.

5.2.3 To act as Principal Advisor to the Sub-Committees of the Councils' Joint Governance Committee when dealing with allegations of breach of the Members' Code of Conduct.

5.2.4 To provide advice to Members on the Code of Conduct for Members and local protocols adopted by the Council.

5.2.5 To monitor and uphold the Constitution.

5.2.6 Responsibility for the managing of complaints from the Commissioner for Local Administration in England and whistleblowing functions of the Council.

5.2.7 Appointment as Proper Officer for the Data Protection Act 1998, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2001.

5.2.8 To consult regularly with the Chief Executive, the Chief Finance Officer and Internal Audit to identify areas where the probity of the Council can be improved or better protected and to take appropriate actions.

5.2.9 To investigate any application for dispensation from a Member and to report and recommend to the Councils' Joint Governance Committee as appropriate.

5.2.10 To ensure that Members of the Council are fully aware of their obligations in respect of probity, particularly under the Code of Conduct for Members and any local protocols adopted by the Council.

5.2.11 To report to the Councils' Joint Governance Committee, and to the Council, on the resources which he/she requires for the discharge of his/her functions.

5.2.12 To report to the Councils' Joint Governance Committee on the performance of his/her functions and to make any recommendations which would better enable those functions to be performed.

6.0 ADVICE AND DECISIONS

6.1 The Monitoring Officer's responsibilities fall into three distinct categories:-

6.1.1 Advice

In a number of instances the Monitoring Officer acts as advisor to the Council, or to individual Members. For example, a Member may seek advice as to whether they have a disclosable pecuniary interest in a matter coming before a Committee. In such cases, the Monitoring Officer will provide such advice, but ultimately it is for the individual Member to take his/her own decision as to his/her conduct in the light of that advice. Where a Member's enquiry discloses a wider issue, the Monitoring Officer may decide that it is appropriate to make recommendations to the Council, in order to avoid a repetition of such difficulties.

6.1.2 Decisions

In other cases, where the proposal, action or omission would cause the Council to act unlawfully, the Monitoring Officer may be required by statute to take a decision as to whether there is, or would be, any illegality on the part of the Council, or of any Member or Officer of the Council, and to decide whether he/she is required by statute to make a report to the Council which would have the effect of suspending the implementation of the action, or decision, until the report has been considered.

6.1.3 Advice and Decision

The categories of advice and decisions are not mutually exclusive. In some instances the conduct of a Member could for example give rise to both a failure to comply with the Code of Conduct for Members and an illegality on the part of the Councils. In some cases the Monitoring Officer may be obliged to advise a Member whilst also being required to take action as Monitoring Officer to address an illegality.

7.0 SEEKING THE ADVICE OF THE MONITORING OFFICER

7.1 It is recognised that the Monitoring Officer will be most effective if he/she is able to advise on any issue at an early stage of policy formulation or implementation. Accordingly, Officers and Members of the Council should routinely inform and consult the Monitoring Officer in respect of new policy proposals and action programmes.

7.2 Advice on legality and maladministration

- 7.2.1 Members and Officers of the Council may consult the Monitoring Officer in confidence in respect of any proposal, decision or omission.
- 7.2.2 Wherever possible, the Monitoring Officer will seek to avoid any illegality or maladministration by identifying alternative or legitimate means of achieving the objective of the proposal, decision, act or omission or by rectifying any deficiency.
- 7.2.3 The Monitoring Officer will only need to make a report public on the matter if the proposed decision, act or omission were, in his/her opinion, unlawful and the Officer or Member concerned subsequently took any action to progress that proposal, decision or omission, despite having been advised to the contrary by the Monitoring Officer.
- 7.2.4 Where the Monitoring Officer is consulted by a Member in respect of possible illegality or maladministration in any proposal, action or omission of the Council (as opposed to of the Member making the enquiry) the Monitoring Officer shall advise the Council's Political Group Leaders and the relevant Committee Chairman that he/she has been so consulted and the advice which he/she has given.

7.3 Advice on the Code of Conduct

- 7.3.1 The Monitoring Officer is the primary source of advice for all Members on the Code of Conduct for Members and on local protocols.
- 7.3.2 Any Member, irrespective of political party, can seek the confidential advice of the Monitoring Officer as to his/her own position. Where the Monitoring Officer is so consulted, and subject to any conflict of interest with the Council, they will seek to provide prompt advice to the Member concerned as to whether, in their opinion, the action or proposed action would constitute a failure to comply with the Members' Code of Conduct. Where he/she is so consulted by a Member about their own conduct, the Monitoring Officer will not disclose the fact of consultation or the advice given unless required to do so by law or as part of an investigation into an alleged breach of the Members' Code of Conduct.
- 7.3.3 Any Member, irrespective of political party, may seek the advice of the Monitoring Officer as to whether the actions of another Member of the Council would amount to a failure to comply with the Code of Conduct. Such enquiry should be made in writing to ensure that advice is given on the correct details. Members are encouraged to consult the Monitoring Officer before considering whether to make a formal complaint of an alleged breach of the Code. The Monitoring Officer may make enquiry of the Member in respect of whom the enquiry is made before providing such advice.

8.0 INVESTIGATION

8.1 Preventative Investigation

Prevention is better than cure and the Council expects the Monitoring Officer to investigate matters which give him/her concern as to possible illegality, maladministration or breach of the Code of Conduct for Members. This would arise when the Monitoring Officer receives information which raises the possibility that a proposal, action or omission of the Council or any of its Committees, Sub-Committees or Joint Committees, or any Member or Officer of the Council, is or would be unlawful, or give rise to maladministration and injustice, or amount to a breach of the Code of Conduct for Members. In such cases, the Council expects the Monitoring Officer to investigate the matter and determine whether the proposal, action or omission, actually is or would be unlawful, or give rise to maladministration or injustice, or amount to a failure to observe the Code of Conduct for Members, and to take the appropriate action.

8.2 Where the Monitoring Officer determines that the proposal, action or omission is, or would be, a failure to comply with the Code of Conduct for Members, he/she shall advise the relevant Member accordingly. If appropriate, the Monitoring Officer could carry out an assessment of the matter, investigate as appropriate and bring the matter to the attention of the Councils' Joint Governance Committee in accordance with the Standards Procedure Rules.

8.3 Established Procedures

Where the Monitoring Officer receives a complaint that a proposal, action or omission is unlawful or constitutes maladministration, and the Council already operates an appeal process for resolving such matters, the Monitoring Officer may deal with the matter by ensuring that the established procedure is followed. He/she may also intervene in such procedure to identify that the particular matter potentially gives rise to illegality or maladministration and injustice.

8.4 In cases where the Monitoring Officer determines that the proposal, act or omission is not unlawful, he/she shall advise any Member or Officer concerned of his/her determination. Where the Monitoring Officer determines that the proposal, action or omission is, or would be, unlawful, he/she shall, where possible, seek to agree an alternative and lawful course of action. The Monitoring Officer will then advise the complainant of their determination and of any agreed alternative course of action, which could include an offer in settlement of any injustice suffered by any person and/or the Monitoring Officer making a statutory report.

8.5 Maladministration

Where the Monitoring Officer determines upon investigation that a proposal, act or omission has not caused, or would not give rise to, maladministration and injustice, he/she shall respond to the complainant and advise any Member or Officer concerned of the determination.

Where the Monitoring Officer determines that the proposal, act or omission has caused or would give rise to maladministration and injustice, he/she shall advise any Member or Officer concerned of the determination and seek to agree an alternative lawful course of action. The Monitoring Officer shall then advise the complainant of their determination and of any agreed alternative course of action and/or offer in settlement of any injustice suffered by any person.

8.6 Failure to observe the Code of Conduct for Members

The Monitoring Officer will deal with assessments and determinations of allegations of failure to observe the Code of Conduct for Members in accordance with the Standards Procedure Rules in Part 4 and the Code of Conduct for Members.

9.0 LOCAL RESOLUTION

9.1 Where the Monitoring Officer receives a complaint of illegality, maladministration or failure to observe the Code of Conduct for Members, he/she shall, if appropriate, seek to resolve the matter amicably by ensuring the situation is as far as possible rectified, informing the complainant of the resolution and dealing with any potential compensation payment or apology. However, it is recognised that the Monitoring Officer may determine that the matter is not appropriate for local resolution or incapable of being so resolved, or is of such seriousness that a statutory report is the only appropriate response.

10.0 REPORTING

10.1 Illegality

Where the Monitoring Officer is of the opinion that an unlawful action or omission has already occurred, or that the Council, its Committees, Sub-Committees or Joint Committees, or any Member or Officer seeks to progress an unlawful proposal, action or omission, the Monitoring Officer shall consult as far as practicable with the Chief Executive and the Chief Finance Officer (Section 151 Officer), prior to determining whether to make a formal report under Section 5 of the Local Government and Housing Act 1989.

To avoid a separate statutory report, the Monitoring Officer shall be entitled, if they wish, to add their written advice to the report on the matter by any other Officer of the Council, and/or to provide oral advice at any meeting of the Council.

10.2 Maladministration

Where the Monitoring Officer is of the opinion that maladministration and injustice have already occurred, or where the Council or any Committees, Sub-Committees, or Joint Committees of the Council, or any Member or

Officer of the Council, seek to progress a proposal, action or omission which would give rise to maladministration and injustice, the Monitoring Officer shall consult as far as practicable with the Chief Executive and the Chief Finance Officer (Section 151 Officer) before determining whether to make a written report to the decision-maker. The Monitoring Officer shall be entitled to add his/her written advice to the report on the matter by any other Officer of the Council, and/or to provide oral advice at any meeting of the Council.

10.3 Failure to observe the Code of Conduct for Members

The Monitoring Officer will deal with allegations of failure to observe the Code of Conduct for Members in accordance with the Council's Code of Conduct for Members and the Standards Procedure Rules.

11.0 ADVICE TO INDIVIDUAL MEMBERS

11.1 Wherever possible, the Monitoring Officer will provide advice to individual Members to support them in the discharge of their responsibilities as a Councillor. The Monitoring Officer will not however provide advice to a political group or party or to a Member making an enquiry on their behalf.

11.2 The Monitoring Officer is employed by the Council and owes his/her primary responsibility to the Council, rather than to any individual Member or group of Members. Consequently, where the Monitoring Officer considers that providing advice to a Member on a matter which is incompatible with their role as advisor to the Council, or any action they may have to take on behalf of the Council, the Monitoring Officer may decline to provide such advice but could, at their discretion, secure such advice from an independent source at the Council's expense.

12.0 MONITORING AND INTERPRETING THE CONSTITUTION

12.1 The Monitoring Officer will monitor, and review on a regular basis, the effectiveness and operation of the Council's Constitution so as to ensure that the aims and principles of the Constitution are given full effect and that the Constitution enables the Council to discharge its functions effectively.

12.2 In order to conduct such monitoring and review, the Monitoring Officer may:-

- consult any Member and/or Officers and other organisations and persons having dealings with the Council;
- observe meetings of Members and/or Officers at any level;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders;

- compare practices in this Council with those in other comparable authorities, or national examples of best practice; and
 - consider any relevant reports and recommendations of the District Auditor and other regulatory agencies;
- 12.3 The Monitoring Officer shall consult the Chief Executive and the Chief Finance Officer periodically, highlighting areas where there is potential to improve the Constitution or its effectiveness, before determining whether to report to the Council on any necessary changes.
- 12.4 The Monitoring Officer will maintain an up-to-date copy of the Constitution and ensure that it is accessible to Members, Officers and the public and will make such amendments to the Constitution as are necessary to reflect changes of fact and law and decisions of the Council. The Council shall retain the power and responsibility to consider and determine policy changes to the Constitution.
- 12.5 The Monitoring Officer shall be responsible for advising on the interpretation of the Constitution and in particular, shall determine whether a proposed decision is contrary to the policy framework or the approved budget and whether a proposal is sufficiently urgent to merit the use of the statutory urgency provisions or the Chief Executive's urgency powers.

13.0 RESOURCES

- 13.1 The Council is required by statute to provide the Monitoring Officer with the resources which he/she considers are necessary for the fulfilment of his/her statutory duties.
- 13.2 For the purpose of carrying out their functions, the Monitoring Officer shall be provided with the following resources:-
- the right of access to all documents and information held by or on behalf of the Council;
 - the right of access to any meetings of Members or Officers of the Council, although this does not extend to any meetings held by any political party or group;
 - the right to require any Officer or Member of the Council to provide an explanation of any matter under investigation;
 - a right to report to the Council, the Joint Governance Committee and to the Executive, including a right to present a written report and to attend and advise verbally;
 - the right to require the assistance of any Officer of the Council and to delegate to that Officer any other powers of the post of Monitoring Officer;

- a power to agree a local resolution of any complaint of maladministration or breach of the Council's Code of Conduct for Members, in consultation with the Chief Executive and Chief Finance Officer, including the power to agree a compensation payment of up to £5,000 in any particular case, and subject to subsequent report to the Joint Governance Committee for information;
- the right of access to the Chief Executive and the Chief Finance Officer;
- the right after consultation with the Chief Executive and the Chief Finance Officer, to notify the Police, the Council's auditors and other regulatory agencies of his/her concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions;
- the right to obtain legal advice at the Council's expense, whether internally or from an independent external solicitor or barrister, on any matter and to be provided with sufficient financial resource to enable him/her to do so.

PROTOCOL ON OFFICER DECISION-MAKING

1.0 BACKGROUND

- 1.1 This document sets out the legal framework for decision-making and establishes a system to document decisions taken by Officers under delegated authority.

2.0 TYPES OF DECISION

- 2.1 The significance of decisions taken under delegated authority will vary and Officers authorised to make delegated decisions will need to exercise judgement in determining whether decisions are significant enough to require placing in the Forward Plan if they are in relation to Executive functions and/or formally recording. To assist in this process, decisions relating to Executive functions are defined as Key, Major or Administrative. All decisions other than Administrative Decisions need formally recording in accordance with paragraph 7. Administrative Decisions, although not required to be formally reported to the Proper Officer, must be recorded so as to provide an audit trail as referred to in paragraph 7.
- 2.2 In relation to non-Executive functions, Officers should adopt a similar approach to formal recording to ensure transparency of decision-making. Whilst Overview and Scrutiny cannot consider decisions of Regulatory Committees or Officers, such decisions can be challenged externally through appeals processes, the Courts and the Local Government Ombudsman.
- 2.3 A Key Decision is as defined in Article 12 of the Constitution.
- 2.4 A Major Decision is as defined in Article 12 of the Constitution.
- 2.5 An Administrative Decision is as defined in Article 12 of the Constitution.

3.0 THE PROCESS

- 3.1 Before taking any decision, an Officer should ensure that they have appropriate delegated authority, and reference should be made to the Scheme of Officer Delegations in Part 4 of the Constitution.
- 3.2 Where appropriate delegated authority exists, in writing, the authorised Officer must take into account the principles of decision-making set out in Article 12 of the Constitution.
- 3.3 All proposed Key Decisions need to be published on the Council's website not less than 28 clear days prior to the date on which the decision is to be made. Officers proposing to make a Key Decision and needing to place an item on the Council's website should provide details to the Democratic Services

Manager at least 30 clear days prior to the date on which the decision is to be made.

- 3.4 If it is impracticable to publish the notice not less than 28 clear days before the date of decision, then the Officer must comply with the legal requirements relating to exceptional and urgent Executive decisions. These are laid out in full in the Access to Information Procedure Rules in Part 4 of the Council's Constitution.
- 3.5 If an Officer is unable to give five clear days' notice of a Key Decision that was not published on the Council's website at least 28 clear days before the date of the decision, she/he can take the decision only if the Chairman of the Overview and Scrutiny Committee (for a Worthing only item) or the Joint Chairman of the Joint Overview and Scrutiny Committee (joint items) agrees that the decision is urgent and cannot reasonably be deferred. The full procedure is again set out in the Access to Information Procedure Rules in part 4 of the Council's Constitution.
- 3.6 Consultations under Paragraph 3.4 and 3.5 above, must be taken in consultation with the Democratic Services Manager.

4.0 CALL-IN

- 4.1 Relevant decisions made by Officers are subject to call-in by the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee and cannot be implemented until either the call-in period has expired or the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee has made a decision regarding the call-in. The call-in procedure is set out in the Overview and Scrutiny Procedure Rules within the Constitution.

5.0 RECORDING THE DECISION

- 5.1 Officer Key Decisions are recorded in the same manner as Executive Member decisions. The Officer will produce a decision record in the same format as those relating to Executive decisions following the Officer decisions.
- 5.2 Upon making a major decision in relation to an Executive function, the Officer must provide the Democratic Services Manager with a completed delegated decision form (available on the Council's intranet site) within two clear working days of the date of taking the decision.
- 5.3 Upon making a major decision relating to the exercise of a non-Executive function, the Officer must provide the Democratic Services Manager with a completed delegated decision form within two clear working days of the date of taking the decision, unless agreed with the Solicitor to the Council that that decision (or class of decision) does not require this. Any such forms must be copied to the relevant Director.
- 5.4 The Democratic Services Manager will maintain a record of all decisions referred to in paragraphs 5.1 to 5.3, including any report upon which each

decision was made and subject to any requirement for confidentiality, will ensure that this decision is recorded by the Council. She/he will also ensure that the record of decision is available for public inspection during all normal office hours, that the public has the right to copy or to be provided with a copy of any part of that record upon payment of a reasonable copying and administrative charge, and that the decision, report and background documents are available on the Council's website.

5.5 It is essential that the contents of the delegated decision form are clear in conveying the decision taken, i.e. it will not be sufficient to state that the recommendations in the report were agreed. The form and accompanying report must set out:

- (a) A record of decision (including the date it was made);
- (b) The reasons for the decision;
- (c) Details of any alternative options considered and rejected, with reasons;
- (d) A record of any conflict of interest declared by any Executive Member consulted; and
- (e) In relation to any such declaration, a note of any dispensation granted by the Governance Committee.

5.6 The delegated decision form includes a section for the recording of interests by Officers. It is important that where Officers involved in making decisions have a registerable interest, this is declared on the form to preserve the integrity of the process.

6.0 AUTHORISATION OF OFFICERS TO EXERCISE DELEGATED POWERS

6.1 The Scheme of Delegations to Officers includes the power for Officers to authorise other Officers to exercise delegations that have been delegated to them under the Scheme. This must be to another Officer or Officers of suitable experience and seniority. Each Director will prepare a departmental Scheme of Authorisations within 28 days of the Council's AGM, when the Scheme of Delegations is approved, and revise it as appropriate during the year. It shall set out how decisions will be made in his/her area. This should establish which Officers will be given authority to make decisions under delegated powers and subject to which terms and conditions. The Scheme of Authorisation will be lodged with the Solicitor to the Council.

6.2 Whilst Directors may authorise other Officers to take delegated decisions, the decision is still their responsibility in that they will be accountable for the decision to authorise and the exercise of that authorisation.

7.0 REFERRAL

7.1 Whilst the Scheme of Delegations to Officers is designed to encourage Officers to take responsibility for decisions, an Officer may decide that a particular issue is such that it should be referred to the body from whom authority was delegated. Such a referral must take place where the proposed

decision relates to an Executive function and is conflict with the Council's Budget and Policy Framework.

7.2 The Executive may also direct an Officer's delegated authority should not be exercised in respect of a particular matter and that the matter should be referred to the Executive.

7.3 In relation to the exercise of non-Executive functions, the Officer may decide to refer a particular issue to the Committee or Sub-Committee from whom it was delegated, or if none, arrange for an appropriate recommendation to be made to Full Council.

8.0 GIVING REASONS

8.1 A matter of increasing significance in Local Government, decision-making is when reasons have to be given. Generally, giving reasons is an accepted 'best practice' principle of good administration. Case law suggests that the practice may be important in ensuring that controversial decisions are rooted in relevant considerations and with proper regard to available legal powers.

9.0 ACCOUNTABILITY

9.1 Officers are accountable to the Council for any decision they may make and with the exception of decisions relating to individual regulatory matters, may be required to report to, and answer questions from, the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee in respect of any decisions. The Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee may also call in Key and Major Decisions before they are implemented and may recommend a course of action when the matter is to be reconsidered by the Officer.

10.0 CONSULTATION WITH MEMBERS

10.1 General provisions:

- (a) Decisions made by Officers under delegated powers fall into two principal categories, namely:
 - (i) Decisions delegated to Officers in, or following, consultation with Executive Member (which may or may not be Key Decisions); and
 - (ii) Other decisions delegated to Officers (which are not required to be taken in, or following, consultation with Executive Members) and which may or may not be Key Decisions;
- (b) Officers to whom decisions have been delegated have a duty to ensure that effective consultation takes place in accordance with the Constitution / the terms of the delegation;

- (c) Every effort will be made to ensure that Members have a realistic timescale to respond to consultation and, where appropriate and reasonably practicable, this timescale will be sufficient to enable Members to consult with their constituents. Members will be informed of any time restrictions which may apply relating to the process of consultation, particularly where urgent action is needed in the Council's and/or the public interest.

10.2 Decisions by Officers following consultation with Executive Members

Officers to whom decision-making powers have been delegated, subject to consultation with Executive Members, will ensure that such consultation takes place.

Consultation shall be carried out in writing, unless there is an urgency about the decision that makes such written consultation impractical, in which case the Officer shall confirm, in writing, to the Executive Member their understanding of the Executive Member's response to the consultation.

The decision, however, is the responsibility of the Officer and if, following consultation with the relevant Executive Member, the Officer does not feel that they can make the decision in accordance with their professional opinion, then they must refer the matter to the Executive Member for a formal decision.

10.3 Other decisions delegated to Officers

- (a) Officers acting within the remit of their delegated authority would ensure that they identify, at an early stage, issues upon which Members should be consulted; and
- (b) Will ensure that appropriate consultation takes place.

10.4 Consultation with Executive Members

Officers will ensure that appropriate consultation is undertaken with Executive Members on issues relating to their portfolios.

PROTOCOL FOR COUNCILLOR CALL FOR ACTION

1.0 INTRODUCTION

1.1 Councillor Call for Action (CCfA) was introduced under the Local Government and Public Involvement in Health Act 2007. It seeks to strengthen the role of the Ward Councillor, encouraging them to resolve local problems on behalf of residents. The legislation allows Ward Councillors to place CCfA onto scrutiny agendas for resolution and action. The legislation extends the power of the Council's Overview and Scrutiny function in two ways:

- So that any Member of the Council can refer a local government matter to the Council's Overview and Scrutiny Committee; and
- that matters which can be referred include matters which the Council and its partners are delivering through the Local Area Agreement and "local crime and disorder" matters.

1.2 The CCfA Best Practice guidance released by the Centre for Public Scrutiny (CfPS) and the Improvement and Development Agency (IDeA) and refers to the importance of concentrating on outcomes rather than process when dealing with CCfAs. This protocol is therefore a light touch approach.

1.3 The protocol outlines what constitutes a CCfA, what should be excluded and the process for dealing with a CCfA. The protocol applies to CCfAs related to crime and disorder matters as well as local government matters.

2.0 WHAT IS COUNCILLOR CALL FOR ACTION?

2.1 The CCfA is a process for a Councillor to act on behalf of residents to resolve a local issue of concern, acting as a last resort for people who cannot get issues resolved through any other means; this can include crime and disorder matters.

2.2 Under section 21A of the Local Government Act 2000, a CCfA needed to relate to a “local government matter”. To give full effect to CCfA, the interpretation of “local government matter” was broad. It would include issues relating to the Council’s partners, in line with the area focus of Comprehensive Area Assessment (CAA), and the fact that an Authority’s duties increasingly impact on other organisations and involve partners within and outside the Local Strategic Partnership (LSP).

2.3 Under CCfA, Ward Councillors are able to refer issues to Overview and Scrutiny Committee, where it can be shown that:-

- the issue is of a genuine and persistent local concern;
- the issue is not subject to ongoing legal processes; and
- other courses of action have failed to resolve the matter.

2.4 The Localism Act 2011 has provided further clarification on the matters or concerns that can be referred through the CCfA process:-

- Ward Councillors are no longer restricted to referring matters of ‘local government concern’ to Overview and Scrutiny Committee.

3.0 MATTERS WHICH ARE EXCLUDED FROM COUNCILLOR CALL FOR ACTION

3.1 The following matters have been excluded under section 21A of the Local Government Act 2000, introduced under section 119 of the Local Government and Public Involvement in Health Act 2007:

- any matter relating to a planning decision;
- any matter relating to a licensing decision;
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a Sub-Committee of that Committee.

4.0 CCFA PROCESS

4.1 In accordance with the national best practice guidance Overview and Scrutiny should be the last resort for a CCfA. The expectation will be on the Ward Councillor to have tried to resolve an issue using all available mechanisms (including partnership working when appropriate) prior to referring the matter to the Overview and Scrutiny Committee. When a matter is referred to the Overview and Scrutiny Committee it will be up to the Overview and Scrutiny Committee Chairman and the Proper Officer whether the matter is progressed and taken forward by scrutiny. The process of determination by the Overview and Scrutiny Committee Chairman with the Proper Officer represents a sifting process to determine if the matter is of sufficient weight to be considered as a CCfA, and to determine whether the matter is excluded under paragraph 3 above.

4.2 At this stage the Overview and Scrutiny Committee Chairman, together with the Proper Officer, will need to decide if the matter relates to a joint service issue. If so, the matter should be considered by the Councils' Joint Overview and Scrutiny Committee and the Chairman and Proper Officer will need to consult with the Adur District Council Overview and Scrutiny Committee Chairman to determine if the matter should be considered by the Joint Overview and Scrutiny Committee.

4.3 The possible reasons for rejecting a CCfA are outlined at paragraph 5.0 below.

5.0 REFERRAL TO SCRUTINY

5.1 The Chairman of the Overview and Scrutiny Committee will then determine with the Proper Officer whether to take the CCfA forward. The Proper Officer will inform the Ward Councillor whether they will accept the CCfA within 5 working days of the request. If the CCfA is a crime and disorder related matter then responsible partners must be notified.

5.2 Reasons an Overview and Scrutiny Committee Chairman may decide not to take a CCfA forward to Overview and Scrutiny Committee (or Joint Overview and Scrutiny Committee) could include:

- Not enough information has been provided;
- More could be done to resolve the issue at a local level, e.g. key people have not been contacted;
- The CCfA is, or has stemmed from, a vexatious discriminatory or unreasonable complaint;
- The matter has recently been examined by Overview and Scrutiny (though the Ward Councillors may argue that certain aspects were not sufficiently covered hence a need for a CCfA);
- The matter is the subject of an Ombudsman complaint or other official complaints procedure;
- The matter falls under any other excluded matters (see paragraph 3 above).

5.3 If a CCfA is rejected for consideration by scrutiny the Ward Councillor will be notified by the Proper Officer in writing within 5 working days of lodging the CCfA. Where it is a Crime and Disorder CCfA, all responsible partners must also be notified of the rejection. Ward Councillors will have the opportunity to reply to the Chairman perhaps with further information to substantiate the CCfA.

5.4 If the CCfA is accepted, the relevant Executive Members, Officers and/or partners will be notified by the Proper Officer.

6.0 PROCESS FOR RESOLUTION OF A CCFA

6.1 In an attempt to resolve the CCfA, a Ward Councillor may:

- receive public request for action or issue;
- discuss with other Ward Councillors if a multi-member ward and agree action;
- take steps to resolve the issue through existing mechanisms such as liaising with partners, County Councillors or raising with Officers;
- If unresolved and the matter can be taken no further by the Ward Councillor then refer to the Overview and Scrutiny Committee by completing “the Councillor Call for Action Form” and submit this to the Proper Officer for action.

6.2 Overview and Scrutiny Committee either:

- reject the CCfA and notify the Ward Councillor, who in turn should inform the public; or
- accept the CCfA and arrange to consider the CCfA, notifying partners as appropriate. Following which they will determine their response and relay this to the Ward Councillor and Partners as appropriate.

7.0 PROCESS FOR DEALING WITH A CCFA AT OVERVIEW AND SCRUTINY COMMITTEE

7.1 The Chairman and Proper Officer will determine if a special meeting outside the calendar of meetings is required and call a meeting, if not then the CCfA will be dealt with at the next available meeting of the Committee.

7.2 The Chairman in consultation with the Ward Councillor and Proper Officer when considering the meeting should give consideration to:

- Witnesses;
- Notifying and Inviting Partners
- Evidence required;
- Key questions;
- Timescales; and
- Aims and objectives for the meeting.

7.3 In a similar fashion to the call-in process, at the meeting of the Overview and Scrutiny Committee, or Joint Overview and Scrutiny Committee, as appropriate, Members will be expected to reach a decision on whether to:

- take no action;
- refer the matter to the Executive/Council/Partner Organisation, with recommendations; and/or
- carry out a full scrutiny investigation.

7.4 Any report and recommendations arising from the Committee meeting will be made available and sent to all agencies involved with the CCfA within 5 working days of the meeting. In the case of a crime and disorder matter, reports and recommendations will be sent to the responsible authorities as listed in the Police and Justice Act 2006.

8.0 PROPER OFFICER

8.1 For the purposes of this protocol, the Proper Officer dealing with Councillor Call for Action will be the Council's Corporate Policy Officer (Scrutiny).

PROTOCOL ON PRE-ELECTION PERIOD

1.0 INTRODUCTION

- 1.1 The actions of the Councils, its Members and Officers are subjected to closer scrutiny in a pre-election period and many activities which would normally pass without comment, could become the subject of controversy.
- 1.2 This Protocol is intended to assist Officers and Members and covers rules on publicity, use of Council facilities, Council meetings, and use of premises during the pre-election period.
- 1.3 This Protocol aims to extend the principles underlying the conduct of Members and Officers and should be read in conjunction with the Council's Code of Conduct for Members, the Code of Conduct for Officers and the Protocol relating to Member and Officer Relationships. Also of relevance is any guidance note for the Officers and/or Members that is issued by the Returning Officer for any particular election.
- 1.4 The pre-election period, which is sometimes referred to as 'purdah' commences with the Notice of Elections and terminates the day after elections are concluded.

2.0 PUBLICITY

- 2.1 At any time the Councils are prohibited from publishing material which appears to be designed to affect public support for a political party. The Government's Code of Recommended Practice on Local Authority Publicity sets out the following key principles in relation to Local Authority communications and publicity generally: -
 - Publicity is defined in section 6 of the Local Government Act 1986 as: "*Any communication, in whatever form, addressed to the public at large or to a section of the public*". This definition is very wide and would include press releases, speeches, leaflets and newspaper articles issued by, or on behalf of, the Council; posters; sponsorships; events; and displays.
 - Publicity about individual Members (whether or not they are or may become election candidates) should be objective and explanatory and should not be either party political or open to misinterpretation as such.
 - Publicity may include information about individual Members' views on issues, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. If views expressed by, or attributed to, individual Councillors do not reflect the views of the Local Authority itself, such publicity should make this fact clear.

3.0 PUBLICITY DURING THE ELECTION PERIOD

3.1 The following additional guidelines apply during the pre-election period:-

- During the election period all Council publicity should avoid the pro-active publicity of candidates and other politicians involved directly with the elections;
- There is a need to ensure that any publicity is objective, balanced, informative and accurate; concentrating on facts, explanations or both;
- Council publicity should, as far as possible, avoid controversial issues or report proposals which could be identified with individual Members or groups. However, the Council may respond to any events and enquiries provided the answers are factual and not party political;
- Members holding key positions are able to comment on important unplanned events or emergencies where a Member-level response is required;
- Events providing photo and publicity opportunities should, where possible, be timed to avoid the pre-election period. Where this is not possible, candidates for election should not be involved;
- During the pre-election period, Local Authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual Members or groups of Members.

3.2 The timing of a publication is an important factor. The nearer the publication to the election, the more likely it is to be controversial and be perceived as designed to affect support for a particular party. Where possible, therefore, it is advisable to avoid publishing any controversial material near the elections.

4.0 CONTENT OF MEMBERS' PUBLICITY

4.1 The content of any publicity issued by Members who are standing for re-election is very much a matter for each Member and his or her political group. However, there will be circumstances when the Council's Code of Conduct may apply, even to an individual Member's own election publicity, and as such the Code must be borne in mind. As Members of a Local Authority, it is also necessary to take into account the general duties of Local Authorities under equalities and other legislation.

5.0 IMPACT ON COUNCIL MEETINGS AND ACTIONS DURING THE ELECTION PERIOD

- 5.1 In Local Government there is a broad convention that matters of political controversy, either locally or nationally, should not routinely be brought before Members if at all avoidable during an election period. This can impact on, for example, items brought to Committees and questions or notices of Motion at Council.
- 5.2 In addition to the accepted convention, there are practical reasons for this approach from the publicity point of view. Firstly, whereas the agendas and minutes of official Council meetings are protected by the Local Government Act 1986 from being “publicity”, press releases publicising those minutes are not. This presents the Councils with difficulties in publicising any sensitive or controversial decisions during the election period, even if in other circumstances such publicity would be merited by the level of public interest. Secondly, the more restrictive publicity regime during elections means that where an initiative would benefit from a public launch or immediate advertisement or consultation, this will rarely be possible during the election period.
- 5.3 Additionally, guidance contained in the 2014 Conduct of Elections Guidance recommends that no public consultations dealing with local issues should be launched during the election period.
- 5.4 Therefore any working practices or protocols which include publicity and media arrangements will need to be interpreted in the light of the restrictions mentioned above.

6.0 CODE OF CONDUCT FOR MEMBERS

- 6.1. The Code of Conduct for Members applies not only when a Member conducts the business of his/her Authority but also when acting, claiming to act, or giving the impression he/she is acting as a representative of the Authority. In this respect, certain elements of the Code are particularly relevant during the election period:
- 6.2. Disrepute: forbids a Member from conducting himself or herself in a manner which could reasonably be regarded as bringing his or her office or Authority into disrepute.
- 6.3. Unfair advantage: forbids a Member from using his or her position to confer on or secure for himself or herself or any other person an advantage or disadvantage.

7.0 EQUALITIES

- 7.1 From 2011, Local Authorities have been subject to an expanded equality duty. This requires them, when exercising their functions, to have due regard to the need to :-

- eliminate discrimination, harassment and victimisation;
 - promote equality of opportunity and foster good relations between those with a "protected characteristic" and those without that characteristic. In this context, the "protected characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
- 7.2 Taking into account the equality duty and the “disrepute” provision mentioned above, Members should have in mind the need to treat some issues with sensitivity at all times, including in their election publicity. For example, statements made about minority groups such as asylum seekers or travellers may be misunderstood and inadvertently have the effect of reinforcing negative stereotypes and may be inconsistent with discrimination law and the Code of Conduct.

8.0 GENERAL

- 8.1 The Councils do not and cannot vet Members’ election publicity. Generally, Members would need to seek any specific advice in relation to such publicity externally from the Councils, e.g. through their political group machinery. Also the Monitoring Officer would be willing to assist in relation to any queries from Members which related to the application of the Code of Conduct.

9.0 USE OF COUNCIL FACILITIES

- 9.1 The use of Council facilities during the election period can generate enquiries and complaints. The Councils’ Code of Conduct for Members provides that a Member must ensure that Councils’ resources are not used improperly for political purposes.
- 9.2. The Code of Conduct, read together with the Councils’ guidance on Members’ use of facilities, means that any services or facilities provided for Members should be used exclusively for the purposes of Council business or to enable the Member concerned to discharge their function as a Councillor. This applies to all facilities, including: -
- Council stationery (letterheads, envelopes, compliment slips);
 - Telephones;
 - Transport;
 - Photocopiers;
 - Officer time;
 - IT equipment.

- 9.3. Subject to paragraph 12 below (use of Council premises during the election period), no election candidate or a person associated with a political party is entitled to access Council premises. Members and Officers need to take extra care to ensure that election candidates or other persons associated with political parties who are not serving Councillors are not seen to have unauthorised access to Council offices or facilities.
- 9.4 In relation to IT equipment, Members should not use IT equipment for party political purposes, as mentioned above. For example, Members sending messages to chat rooms or forums will need to consider whether to use their Councillor email address or a personal address. The former could be appropriate for simply sending information as a Councillor, but the latter will be appropriate if engaging in political debate.
- 9.5. Council business and party political business are not always mutually exclusive. For example, a political group within the Councils may use Council facilities (such as meeting rooms) to discuss matters coming before the Councils or its Committees. The particular circumstances of each event will need to be considered. By way of illustration, the following are examples of cases where the use of Council facilities would not be appropriate: -
- The use of the internal/external Council postal service to distribute election campaign material;
 - Using Council supplied letterheads or compliment slips in sending out election material or as part of election campaigning;
 - Including election messages, strap-lines or slogans in letters which are otherwise being legitimately sent (e.g. for information purposes) on Council supplied letterheads to local residents;
 - Sending out election material using a Council email address;
 - Putting election material on, or canvassing via, the Councillors' web pages on the Councils' web site;
 - Using Council telephones for canvassing.

10.0 USE OF EMAILS

- 10.1 A Member's Council email address should not be used for political purposes, such as electioneering.
- 10.2 It is recognised that a local resident may contact their Ward Member about an election issue via that Member's Council email address. As long as the use of the Council email for political purposes was not initiated or promoted by the Member, it would be perfectly acceptable to reply to the email although it may be political in nature. Members should not however initiate political discussions using Council

provided email facilities. If the exchange becomes extensive, Members should consider using their own email.

11.0 USE OF TELEPHONE

11.1 In line with the position on emails, Members may use Council supplied telephones for non-party-political purposes or where the call is not initiated by a Member.

11.2 Council email addresses and telephone numbers are better avoided for any party-political literature. If Members wish to refer to the facility for purposes of constituency work, it should be made clear that it is for Ward casework only and it is better kept in a discrete part of the document, for example in a box at the back saying "If you want to contact your Ward Councillors about Ward issues, you may contact them on....".

12.0 USE OF COUNCIL PREMISES DURING THE ELECTION PERIOD

12.1 Between the Notice of Election being published and the day before the election, a candidate in the election is entitled to use Council meeting rooms for furtherance of his/her candidature. This includes committee rooms and rooms in schools in the candidate's electoral area. The use of these rooms is free of hire charge, though the candidate may be required to cover the expenses associated with using the premises e.g. electricity, cleaning costs. Further information on these arrangements may be obtained from the Electoral Services Office.

13.0 CONFIDENTIAL INFORMATION

13.1 Members are usually entitled to information not available to the public (confidential information) where that information is required by them to discharge their functions as Councillors. This may, for example, be the case if the information relates to an item coming before a Committee of which they are a Member. Confidential information cannot be used for electioneering purposes. It is for this reason that Officers, in the run up to an election, may seek to clarify the purpose for which a Member is seeking information. Members should not seek, nor may Officers provide, confidential information to help election campaigns.

14.0 MEMBER / OFFICER ROLES

14.1 In general terms, the role of Members is to set the strategies, policies and frameworks within which the Councils will operate, to keep an eye on performance and to represent those who live in their Wards. Officers are employed to advise, do the detailed preparation and implementation work, and provide the day-to-day running of services. It is particularly worth bearing in mind this broad split of functions at election time and, in the interests of good administration, the need to avoid roles becoming confused.

15.0 SPECIAL RULES RELATING TO OFFICERS

- 15.1 Officers at all levels should not engage in party political activity that compromises their neutrality and objectivity at work. Officers who hold politically restricted posts (generally Senior Officers and those who advise Members or speak on behalf of the Councils) are subject to additional restrictions.
- 15.2 If an Officer attends a political group meeting to brief Members on Council business, Members should ensure that the Officer is not present when political business is discussed. Attendance at such meetings should normally be limited to Directors or other Senior Officers.

16.0 PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF THE COUNCIL

- 16.1 Further information and advice on the working relationship between Members and Officers is contained in the Protocol for Relationships Between Members and Officers of the Council, which is available on the Councils' web site as part of the Constitution. It covers in more detail matters such as roles and responsibilities, political activity, contact between Members and Officers, access to information, undue pressure and redress for breach of the Protocol.

PROTOCOL FOR PUBLIC/PRESS RECORDING OF PUBLIC COUNCIL MEETINGS

1.0 BACKGROUND

- 1.1 This protocol provides guidance on acceptable conduct for audio and visual recording and the use of social media tools at public Council meetings.
- 1.2 Adur and Worthing Councils support the principle of transparency in the decision-making process and therefore will allow, subject to the control of the Person Presiding of the relevant meeting, the recording of the public section of Full Council, Committee and Sub-Committee meetings by members of the press and public.
- 1.3 The Councils audio record Full Council, Committee and Sub-Committee meetings and retain a copy of the recording along with the written minutes of the meeting. More detail on this procedure can be found within the Council Procedure Rules at Part 4 of the Constitution.

2.0 WHAT IS 'REPORTING'?

- 2.1 Reporting means:
- a) Filming, photographing or making an audio recording;
 - b) Using social media, such as Twitter, Facebook, blogging or similar;
 - c) Using any other means for enabling a person not present to see or hear proceedings at a meeting, as it takes place or later.

3.0 WHEN IS REPORTING PERMITTED?

- 3.1 Subject to the following rules, the public and press are permitted to record in any meetings of the Councils that are held in public, except where the public have been excluded as permitted by law.
- 3.2 Where meetings are held in private, due to confidential or exempt information being included, no recording by the press or public is permitted.
- 3.3 No recording equipment may be left in the meeting room during any part of a meeting which is conducted in private.

4.0 RULES ON REPORTING

- 4.1 Anyone wishing to undertake recording should notify Democratic Services, by email at democratic.services@adur-worthing.gov.uk or by telephone on 01903 239999, 24 hours prior to the commencement of the meeting and comply with any requests made by the Person Presiding.
- 4.2 All recording must take place from a fixed position in the meeting room (i.e. public gallery) approved by the Person Presiding.
- 4.3 Recording should be directed at Members of the Council and members of the public seated in the public gallery should not be recorded. This also applies to a member of the public asking a question, presenting a petition or making a representation.
- 4.4 No recording of anyone under the age of 18 is permitted.
- 4.5 If a member of the public is concerned about being recorded at a Council meeting, please inform the Democratic Services Officer present at the meeting. No image or recording of a member of the public should be used if consent is refused by that individual. The Person Presiding can suspend recording when a member of the public is speaking and has expressed that they do not wish to be recorded.
- 4.6 The Democratic Services Team will ensure signs are prominently displayed at meetings to remind attendees that recording may be undertaken and that the Council has no control over where a recording might appear (for example posted on the internet). Meeting agendas will also carry this message and at the commencement of a meeting, the Person Presiding will announce if any requests to record have been made by the public.
- 4.7 Persons recording meetings are not permitted to carry out an oral commentary or report whilst the meeting is in session.
- 4.8 The use of flash or additional lighting in connection with recording at meetings will not be permitted without the prior notification and agreement of the Person Presiding.
- 4.9 Where any part of a meeting is held in private, no recording by the press or public will be permitted. All recording equipment must be removed from the meeting room during the exclusion.
- 4.10 Where the Person Presiding considers any recording is disrupting the meeting, the operator of the equipment will be required to stop and may be asked to leave the meeting room, removing their equipment at the same time.
- 4.11 Anyone who has been asked to leave a meeting because they have refused to comply with the Person Presiding's request with regard to recording may be prohibited from recording at future meetings.
- 4.12 Members of the public and press must ensure the recording will not be edited in a way that could lead to misinterpretation of the proceedings of a meeting.

This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those being filmed/recorded.

- 4.13 Persons recording meetings are advised that the law of the land still applies when publishing recordings, for example the law of defamation and the law on public order offences. Freedom of speech within the law should also be exercised with personal and social responsibility, showing respect and tolerance towards the views of others.
- 4.14 Recognised media organisations and educational institutions may be given greater flexibility to record meetings for the purposes of news bulletins, programmes and education. These requests must be directed through the Democratic Services Manager and approved by the Mayor or Chairperson of the relevant Council in the case of meetings of the Full Council, or the Person Presiding in the case of Committees and Sub-Committees.
- 4.15 Any decision taken by the Person Presiding on the interpretation of this protocol is final.

5.0 MEMBERS

- 5.1 Members, as participants at meetings, are in a different position to members of the public and their actions affect the reputation of the Council. Members have an obligation to pay close attention to the proceedings of meetings they attend and demonstrate that they are playing an active part. Therefore during meetings, Committee members are strongly discouraged from engaging in the use of social media.
- 5.2 This is in addition to the general point of showing respect and courtesy to other participants and other provisions of the Members' Code of Conduct. Any use of modern media tools by Members in meetings should be considered in this context, particularly in regulatory meetings.

*For meetings held in the Town Hall, Worthing, members of the press and public are welcome to use the Public Wi-Fi facilities which can be accessed by selecting **Adur & Worthing Councils** from the list of available networks on your device.*



Scheme of Delegations to Officers

1.	General Principles
1.1	Introduction <p>These delegations are made under the powers contained in the Local Government Act 1972 (as amended), Section 101 and by reference to section 100G and the Local Government Act 2000, Sections 14,19 and 20, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and all other enabling powers.</p> <p>An officer or other person is authorised to exercise such powers as are shown in the Scheme of Delegations including those reasonably applied or incidental to the matters specified in respect of the functions of the Council.</p>
1.2	When a Post is Vacant or a Post-holder is Absent <p>For the purposes of this Scheme, if the post of an officer to whom a function is delegated (or which he/she has been appointed as a Proper Officer) is vacant or if the post-holder is absent on leave (of whatever type), unless the function is exercisable by an officer who has the appropriate sub-delegation or the Council otherwise decides the following shall apply:</p>
1.2.1	In the case of the Chief Executive, the delegation shall be exercisable by an Acting Chief Executive (to include an Interim Chief Executive) or any one of the Directors, provided that the Acting Chief Executive or Director has the requisite professional qualification, experience and knowledge, where such is required.
1.2.2	In the case of a Director, the delegation shall be exercisable by the Chief Executive or another Director, provided that the Chief Executive or Director has the requisite professional qualification , experience and knowledge, where such is required.
1.2.3	In the case of the Section 151 Officer, the delegation shall be exercisable by a Deputy Section 151 Officer in relation to matters which are the responsibility of the Section 151 Officer.
1.2.4	In the case of the Monitoring Officer, the delegation shall be exercisable by a Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.
1.2.5	In the case of Heads of Service, the delegation shall be exercisable by the Chief Executive or a Director, provided that the Chief Executive or Director has the requisite professional qualification , experience and knowledge, where such is required.
1.3	All Decisions made by Officers <p>Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:</p>
1.3.1	All delegations shall be exercised in accordance with the Constitution, all relevant policies and procedures of the Council and all relevant legislative provisions, subject to paragraph 4 below.

1.3.2	Any officer exercising a delegation shall only do so where provision has been made for any expenditure within the relevant budget or otherwise in accordance with the Financial Procedure Rules.
1.3.3	Any officer exercising a delegation shall not do so in a manner which is contrary to any resolution of Full Council, Executive, an Individual Executive Member or a Committee.
1.3.4	Any officer exercising a delegation shall do so having regard to Health & Safety requirements.
1.3.5	Any officer exercising a delegation shall do so having regard to Equalities requirements.
1.3.6	Any officer exercising a delegation shall do so having regard to Data Protection requirements.
1.3.7	Any officer exercising a delegation is responsible for carrying out any consultation necessary under this Scheme.
1.3.8	Any officer to whom a delegation is given may waive his/her right to exercise the delegation and refer the matter to the original delegate for a decision or to Full Council, Executive, an Individual Executive Member or relevant Committee, as appropriate.
1.3.9	Where an officer has the authority to take decisions, any action taken to implement such decisions may be taken in the name of (but not necessarily personally by) that officer, or any other officer authorised by that officer in accordance with paragraph 6 below.
1.3.10	Any decision which could subject the Council to legal liability shall be taken in consultation with the Solicitor to the Council.
1.3.11	Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Head of Finance.
1.3.12	Unless specifically stated, no delegation authorises the taking of decisions as to whether or not legal action should be taken by or on behalf of the Council.
1.3.13	Officers shall not have the power to exercise any delegation where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.
1.3.14	Officers shall not have the power to exercise any delegations which fall outside the individual's actual authority as determined by his/her post.
1.3.15	Officers shall not have the power to exercise any delegations in a situation where an individual officer is prevented, for whatever proper reason, from exercising such power.

1.4	Emergency Powers
1.4.1	For the purposes of this Scheme, an emergency is where immediate action is necessary and where inaction may lead to loss

	of life, serious injury to a person or animal, or significant damage to or significant loss of property.
1.4.2	In cases of emergency an officer may, if justified by all of the circumstances, exercise delegations in a manner which is not in accordance with Council policies or procedures and / or where provision has not been made in any budget, in order to prevent or mitigate the emergency.
1.4.3	A written record of the reasons for exercising emergency powers and deviating from the policies and procedure and/or causing expenditure without a relevant budget shall then be provided as soon as practicably possible to the Monitoring Officer and the Section 151 Officer by the relevant officer.

1.5	Sub-Delegations
1.5.1	Where an officer is authorised to act, either under this Scheme or by a specific resolution of Full Council, Executive, an Individual Executive Member or a Committee, he/she may further delegate the authority to exercise a specific power to another officer, whilst still retaining the delegation themselves.
1.5.2	Before making a sub-delegation, the delegating officer must give consideration to and be satisfied that the officer to whom he/she is sub-delegating is of an appropriate level bearing in mind the nature of the delegation.
1.5.3	Any such sub-delegation is subject to the existing consultation and limitation requirements.
1.5.4	All sub-delegations must be made in writing and a copy provided to the Monitoring Officer within five working days. The Monitoring Officer shall maintain a central register of sub-delegations which shall be available on the intranet.
1.5.5	No sub-delegations may be further delegated, unless there is express permission from the original delegating officer that the specific power can be delegated further. Such permission should be included in the written record of the sub-delegation provided under paragraph 1.5.4. When deciding whether to permit further sub-delegation, the same consideration should be given as outlined in paragraph 1.5.2.
1.5.6	In the event that a post to which a delegation or function is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Solicitor to the Council to be retained with the central copy of the scheme of delegations.

1.6	Proper Officers/Authorised Officers
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1.6.1	Those officers designated as proper officers, authorised officers, appropriate person or any other statutory description of officer listed in this Scheme shall exercise the powers, and have the responsibilities, attributed to them by legislation.
1.6.2	The Chief Executive, Appropriate Director and any other officer expressly authorised by this Scheme may appoint any appropriate officer to be a proper officer, authorised officer, appropriate person or any other statutory description of officer in respect of any legislation and written confirmation of such appointment shall be provided to the Monitoring Officer within five working days and made available on the intranet.

1.7	Interpretation
1.7.1	Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Directions, Statutory Guidance or other legal provision made thereunder.
1.7.2	'Appropriate Director' shall mean the Director responsible for the function to which the particular exercise of the delegation applies.
1.7.3	'Appropriate Head of Service' shall mean the Head of Service responsible for the function/service to which the particular exercise of the delegation applies.
1.7.4	'Consultation' shall mean seeking the comments of the person(s) to be consulted. Consultation shall not mean obtaining the consent of the person(s) to be consulted. A written record of the consultation shall be retained by the officer.
1.7.5	'The Council' shall mean The Borough Council of Worthing or the District Council of Adur, as appropriate.

2.	Delegations – General Functions – Chief Executive, Directors & Heads of Service		
Subject to the foregoing, there are delegated to the Chief Executive, Directors and/or Heads of Service those matters detailed in column 2 subject to the consultation requirements set out in column 3 and the limitations in column 4 below.			

2.1	Chief Executive		
No	Delegation	Consultation	Limitations
2.1.1	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European, police commissioner elections or referenda.		
2.1.2	To take Urgent action on behalf of the Council. 'Urgent' means a matter of pressing importance requiring swift action given the gravity of the situation, which was unforeseeable (in an objective sense) and is not attributable to a failing on the part of the Council to prevent damage (or further damage) to life, limb, infrastructure or the financial integrity of the Councils.	The relevant Leader, or in their absence, the relevant Deputy Leader or the Leaders, or in their absence the Deputy Leaders, where appropriate.	A report on the use of urgency powers to be taken to the first available Council meeting. So far as applicable, any decisions/actions taken shall only take effect on a temporary basis until a Committee/Member decision has been made.

2.2	Chief Executive and all Directors		
No	Delegation	Consultation	Limitations
2.2.1	Grant, review, renewal and cancellation of authorisations under the Regulation of Investigatory Powers Act, 2000 in accordance with the Council's surveillance policy.		
2.2.2	The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom.		In accordance with the Financial Procedure Rules.

2.3	Director for Communities		
No	Delegation	Consultation	Limitations
2.3.1	The taking of a decision as to whether or not the Council will tolerate unlawful encampments for a specified period and purpose, and to keep that decision under constant review.		

2.4	Director for Customer Services		
No	Delegation	Consultation	Limitations
2.4.1	To be the link officer with the Commissioner for Local Administration in England (“Local Government Ombudsman”)	Appropriate Head of Service	
2.4.2	To authorise payments or the provision of other benefits under s.92, Local Government Act, 2000 (payments in cases of maladministration) or by way of local settlement in relation to Local Government Ombudsman complaints.	Appropriate Head of Service, Monitoring Officer and, if over £1000, Head of Finance	

2.5	Director for Digital and Resources		
No	Delegation	Consultation	Limitations
2.5.1			

2.6	Director for Economy		
No	Delegation	Consultation	Limitations
2.6.1			

2.7	Chief Executive, all Directors and all Heads of Service		
No	Delegation	Consultation	Limitations

	General		
2.7.1	To manage the functions for which they are responsible.		
2.7.2	To make minor amendments to any Policy, Strategy, Consultation or similar document and sign notices, other than legal notices, arising from any decision of The Council.		
2.7.3	To respond to consultations.		
2.7.4	To dispose of lost or uncollected property	Solicitor to the Council	
2.7.5	To procure goods and services	Head of Business & Technical Services (Procurement)	
2.7.6	To exercise powers and determine all matters relating to the supply of goods and services to other local authorities and public bodies in respect of the functions for which they are responsible.	Solicitor to the Council Head of Finance	
2.7.7	To carry out minor development for which planning permission is not required.	Head of Growth (Planning)	
	Contracts		
2.7.8	To do all matters in relation to procurement and the letting of contracts.	Where specified in Contract Standing Orders, Head of Business & Technical Services (Procurement)	In accordance with Contract Standing Orders

		Solicitor to the Council	
	Financial		
2.7.9	To take any action authorised by Financial Standing Orders.		
2.7.10	To manage budgets allocated to the functions for which they are responsible, including authority to incur expenditure on items included in the approved Revenue Estimates or Capital Programme except where the Council has placed a reservation on any such item.		In accordance with Financial Standing Orders
2.7.11	To write off amounts as irrecoverable	Where specified in Financial Standing Orders, Head of Finance Executive Member for Resources	In accordance with Financial Standing Orders
2.7.12	To determine grant applications in relation to the functions for which they are responsible, other than award of grants to voluntary sector organisations.	Solicitor to the Council	
2.7.13	To vary, in exceptional circumstances, fixed fees and charges.	Relevant Executive Member	
2.7.14	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges	Relevant Executive Member	
2.7.15	To submit bids to outside bodies for grant funding.	Head of Finance Solicitor to the Council	
	Assets		
2.7.16	To dispose of surplus assets other than land and buildings, which are not of historical significance, interest or value.		

	Land		
2.7.17	To manage land, property and other assets allocated to the functions for which they are responsible.		
2.7.18	To grant, vary the terms and conditions of, or negotiate the surrender of leases and licenses.	Solicitor to the Council	
2.7.19	To give landlord's consent for uses, subject to planning permission.	Solicitor to the Council	
	Legal		
2.7.20	To make application for warrants of entry to land or property under the provisions of any legislation, other than warrants for possession of land or property, in relation to functions for which they are responsible.	Where practicable, with the Solicitor to the Council	
2.7.21	To sign, issue and serve all notices required by statute or otherwise to be given by the Council and all necessary advertisements, in relation to functions for which they are responsible.		
2.7.22	To issue fixed penalty notices where permitted by statute in relation to the functions for which they are responsible.		
	Licences, notices etc		
2.7.23	The determination of any application for permissions, consents or licences or for registration within the functions for which he/she is responsible.		Except where they are reserved to Council, Executive, Executive Member or Committee
2.7.24	The issue and service of any notice or requisition for information concerned with matters within the functions for which the/she are responsible.		
2.7.25	The carrying out of works in default following non-compliance with any notice concerned with matters within the functions for which the/she are responsible.		
2.7.26	The management of any internal appeal, challenge or objection process against or in support of any of the Council's decisions, other than before a court or tribunal.	Solicitor to the Council	
	Planning		
2.7.27	To make application for all consents required in relation to planning permission		

	in respect of Council land or property in relation to the functions for which they are responsible.		
2.7.28	To make application for all consents required in relation to Building Regulation Approval in respect of Council land or property in relation to the functions for which they are responsible.		
	Cultural Facilities & Activities		
2.7.29	To exercise the Council's functions relating to the provision and management of cultural facilities and activities.		
	Staffing matters		
2.7.30	To determine and take action in relation to all staff matters in accordance with the Officer Procedure Rules.	Where specified in the Officer Procedure Rules, Solicitor to the Council Head of Human Resources	In accordance with Officer Procedure Rules and all Council policies and procedures.

3.	Delegations – Specific Functions – Heads of Service		
Subject to the foregoing, there are delegated to the Officer(s) listed below those matters detailed in column 2 subject to the consultation requirements in column 3 and limitations in column 4 below.			

3.1	Head of Housing		
No	Delegation	Consultation	Limitations
3.1.1	To determine and take all action in relation to the management and maintenance of the Council's housing accommodation including the letting, transfer, exchange and repossession of dwellings, garages, open spaces and parking spaces.		
3.1.2	To exercise the Council's functions relating to homeless persons.		
3.1.3	To determine applications for Housing Grants (not Social Housing Grants) and the taking of all steps concerned with certification of payment of the same.		
3.1.4	To cast the Council's vote at General Meetings of Worthing Homes.	Exercised after discussion with the WBC appointed Directors of Worthing Homes	
3.1.5	To devise, manage and maintain the Housing Register maintained by the Council under the relevant statutory provisions in accordance with the Council's Housing Allocations Policy.		
3.1.6	To nominate people on the Council's Housing Register to properties managed by Adur Homes and the Registered Social Landlords in accordance with the Council's allocations policy.		

3.2	Head of Wellbeing		
No	Delegation	Consultation	Limitations
3.2.1	To implement the Council's policies regarding Community Safety and the redirection of crime and disorder.		
3.2.2	To take any action to combat anti-social behaviour including the issue of fixed		

	penalty notices.		
3.2.3	<p>To exercise the Council's regulatory functions relating to:</p> <ul style="list-style-type: none"> Amenities on the highway Caravan Sites Environmental protection Fitness and Standards of Housing Food Safety and Hygiene Gambling Gaming permits Hackney Carriages and Drivers Health and Safety at Work Houses in Multiple Occupation House to house collections Highway management * Licensable activities under the Licensing Act 2003 Lotteries Markets Motor Salvage Operators Leisure Boats Private Hire Vehicles drivers and operators Public Health (including airports and port health) Public Safety Registration Plates Residential Accommodation Scrap metal dealers Shops and Sunday trading Street Collections Street Trading ** Water and Sewerage Animal Boarding Licenses Pet Shops Dog Breeding 	<p>* Adur DC in relation to Highways Maintenance - the relevant Executive member and the Street Scene Working Group or relevant Working Group where practicable</p> <p>** Adur DC in relation to Street Trading - the relevant Executive member and the Street Scene Working Group or relevant Working Group where practicable</p>	

	Sex Establishments Hypnosis		
3.2.4	To determine whether or not a simple caution should be administered following an investigation into an alleged criminal offence	Solicitor to the Council	There must be a full admission It must be a minor matter It must be in the public interest It must be a first offence Copy to be sent with reasons to the Solicitor to the Council
3.2.5	All matters relating to the investigation of matters under the Health & Safety at Work legislation.	Solicitor to the Council	Duly appointed inspectors
3.2.6	To convene meetings of Full Council, Executive, Executive Members, Committees and other bodies.	Mayor, Leader, Executive Member or Chairman as appropriate	
3.2.7	To cancel meetings of Full Council, Executive, Executive Members, Committees and other bodies.	Mayor, Leader, Executive Member or Chairman as appropriate	

3.3	Head of Environment		
No	Delegation	Consultation	Limitations
3.3.1	To exercise the Council's functions relating to the provision and management of recreational facilities.		
3.3.2	To manage (including the authority to agree usage) and maintain all the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, burial grounds, crematorium and nature reserves within the Council's control.	Adur DC the relevant Executive member in	

		cases where the authority is required to agree usage	
3.3.3	(WBC only) To approve up to three circuses per year in Brooklands.		Not exercisable in respect of ADC.
3.3.4	To agree fees for medical referees		
3.3.5	To exercise the Council's regulatory functions relating to: Animal welfare Pest Control		
3.3.6	All matters related to the Council's powers and duties in relation to the coast, rivers and harbours.		
3.3.7	All matters relating to pleasure boats, boatman's licences, fisherman's agreements.		
3.3.8	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's parks and foreshore buildings or land.	Executive Members for Resources	

3.4	Head of Revenues & Benefits		
No	Delegation	Consultation	Limitations
3.4.1	To determine any applications for Housing Benefit, Council Tax Support or similar benefits.		
3.4.2	To make payments of Housing Benefit and Council Tax Support or similar benefits		
3.4.3	To take all necessary actions relating to the demand, collection and the recovery of Council Tax Rates, National Non-Domestic Rates and any other local levy or collected taxes.		
3.4.4	To determine entitlement to mandatory, discretionary and other rate relief.		
3.4.5	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.		
3.4.6	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.		

3.4.7	To sign of Valuation Agreements.		
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3.5 Head of Waste & Cleansing			
No	Delegation	Consultation	Limitations
3.5.1	To collect, remove, recycle and dispose of waste.		
3.5.2	To collect, remove, recycle and dispose of litter.		
3.5.3	To collect, remove, recycle and dispose of abandoned or unauthorised vehicles.		
3.5.4	To determine and communicate the Council's position relating to Goods Vehicle Operators licences.		
3.5.5	To authorise the waiving or reduction of charges for special refuse collections, commercial waste collections, green waste collections and clinical waste collections.		
3.5.6	To undertake vehicle testing and issue Ministry of Transport Certificates and to make appropriate charges, and to waive and reduce such charges.		
3.5.7	To issue fixed penalty notices for littering		
3.5.8	To issue fixed penalty notices upon commercial traders for unlawful management of commercial waste		
3.5.9	To exercise the Council's regulatory functions in respect of street trading		

3.6 Head of Customer Services			
No	Delegation	Consultation	Limitations

3.7 Head of Building Control & Land Charges			
No	Delegation	Consultation	Limitations
3.7.1	All matters relating to the naming and numbering of streets.	Relevant Planning Committee Adur DC - relevant Executive Member, Ward member and	

		where practicable the planning committee	
3.7.2	To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out works in default.		
3.7.3	To decide all Building Regulations applications in accordance with Building Regulations current at time of deposit.		
3.7.4	To determine all relevant charges in accordance with the Building (Prescribed Fees) Regulations 2010 as amended		

3.8	Head of Finance		
No	Delegation	Consultation	Limitations
3.8.1	To take any action relating to borrowing in accordance with the Council's borrowing strategy.		
3.8.2	To borrow by way of bank overdraft from the Council's current bankers subject to annual review by the bank and the Executive Member for Resources.	Executive Member for Resources	£1,000,000
3.8.3	To make payments into the insurance fund.		
3.8.4	To make payments in respect of any claims where the Council's insurers may be involved.		
3.8.5	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.		
3.8.6	To make payment of any sums due from the Council.		
3.8.7	To make repayments to the West Sussex County Council Pension Fund from those reserves earmarked for pensions contributions.		
3.8.8	To write off debts.		In accordance with the Financial Procedure Rules
3.8.9	To investigate allegations of housing benefit or council tax benefit fraud.		Not exercisable in respect of ADC.
3.8.10	To investigate and report upon any allegations of fraud or dishonesty.		

3.8.11	In respect of housing benefit and council tax fraud, to determine whether or not a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence.	EHC&CS	Not exercisable in respect of ADC. There must be a full admission It must be a 1st offence It must be for sums less than £500 It must be in the public interest It must not be a complex fraud or attempted fraud Copy to be sent with reasons to EHC&CS
3.8.12	In respect of housing benefit and council tax fraud, to administer simple cautions and administrative penalties.		Not exercisable in respect of ADC.
3.8.13	To settle any claims where the Council's Insurers may be involved.	Head of Legal	

3.9	Head of Legal Services		
No	Delegation	Consultation	Limitations
3.9.1	<p>Legal Proceedings:</p> <p>a. To determine what, if any legal action should be taken following any investigation into a criminal matter (except in relation to Health & Safety at Work).</p> <p>b. To institute, prosecute or terminate any proceedings which the Council is empowered to undertake in or before any Court, Tribunal, Inquiry or by way of Fixed Penalty Notice (except in relation to Health & Safety at Work).</p> <p>c. To defend or settle any proceedings brought against the Council (except in relation to Health & Safety at Work).</p> <p>d. To take any action incidental or inclusive to or which would facilitate any action under this paragraph.</p> <p>e. To administer simple cautions.</p> <p>f. To determine whether or not any legal proceedings should be taken in any</p>		

	particular case or set of circumstances.		
3.9.2	To appoint and instruct legal service providers.		
3.9.3	To determine whether or not a simple caution or other alternative to prosecution should be administered following an investigation into an alleged criminal offence.		
3.9.4	To settle any claims where the Council's Insurers may be involved.	Head of Finance	
3.9.5	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.	Head of Growth	Not where the determining body for any associated planning application is a committee.
3.9.6	To make minor amendments in planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.	Head of Growth	
3.9.7	To issue serve modify or withdraw any enforcement action or notices under the Planning Acts, etc.	Head of Growth	
3.9.8	To carry out or authorise the carrying out of works in default under any statutory provisions (including Notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, Section 79).		
3.9.9	To determine applications under the Local Government (Miscellaneous Provisions) Acts 1982 Section 37 (Temporary Markets).		
3.9.10	To give, make and confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas.	Head of Growth	Not to confirm if there are any objections
3.9.11	To exercise the Council's powers relating to temporary road closures. Town Police Clauses Act, 1847.		
3.9.12	To seal any document on behalf of the Council.		
3.9.13	To review authorisations under the Regulation of Investigatory Powers Act 2000.		
3.9.14	To negotiate and agree the terms of any contract.		In accordance with the Contract Procedure Rules.

3.9.15	To sign any contract on behalf of the Council.		In accordance with the Contract Procedure Rules.
3.9.16	To authorise the attendance of officers at Court under any statutory provision.		
3.9.17	To authorise service of any statutory requisition for information as to interests in land.		
3.9.18	To execute any legal document on behalf of the Council.		
3.9.19	All matters relating to consultations with Sussex Police and other bodies in relation to Anti-Social Behaviour.		
3.9.20	All matters relating to the consecration of land.		
3.9.21	To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act.		
3.9.22	To respond to requests under Data Protection and Freedom of Information legislation.		
3.9.23	All matters relating to the investigation of matters under the Health & Safety at Work legislation.		

3.10	Head of Design & Digital		
No	Delegation	Consultation	Limitations

3.11	Head of Human Resources		
No	Delegation	Consultation	Limitations
3.11.1	To confirm the appointment of staff on the satisfactory completion of probationary period.	Appropriate Head of Service	
3.11.2	To implement decisions arising from the Council's pay and grading procedure.		
3.11.3	To implement any nationally agreed pay settlements.	Head of Finance	
3.11.4	To maintain a register of politically restricted posts and ancillary matters.		
3.11.5	To comply with all legislation and government guidance on transparency in pay within the Council.		

3.12	Head of Business & Technical Services		
No	Delegation	Consultation	Limitations
3.12.1	To take any action necessary with regard to the Council's Emergency Planning functions.		

3.13	Head of Culture		
No	Delegation	Consultation	Limitations
	To manage (including the authority to agree usage) and maintain the theatres and museums within the Council's control.	Adur DC the relevant Executive member in cases where the authority is required to agree usage	

3.14	Head of Place & Investment		
No	Delegation	Consultation	Limitations

3.15	Head of Growth		
No	Delegation	Consultation	Limitations
3.15.1	To determine applications for Planning permission, listed building consent, conservation area consent, express consent to display advertisements, hazardous substances consent pursuant to the Planning Acts, including: <p>a. development specified in the GPDO where expressed planning permission is required by reason of limitations or conditions by that order; and</p> <p>b. determinations in connection with prior notification procedure under T&CP (General Permitted Development) Order.</p>		The delegation shall not be exercised in relation to: <p>a. applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) (Departures) Direction</p>

		<p>2009;</p> <p>b. applications for development requiring an environmental impact assessment but excluding applications for a screening or scoping opinion in connection with an environmental impact assessment;</p> <p>c. applications comprising 'major 'development within the meaning of the T&CP (General Permitted Development) Order;</p> <p>d. applications for development which conflicts materially with the development plan;</p> <p>e. applications materially affecting ancient monuments, and sites of special scientific interest;</p> <p>f. applications made by on behalf of jointly with or promoted by the Council,</p>
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			<p>a parish Council, West Sussex County Council any other local authority;</p> <p>g. where the application has been made by a member or an officer;</p> <p>h. where a member of the Council not more than 28 days after validation of an application requests otherwise.</p>
3.15.2	To determine applications for consent pursuant to the conditions and limitations under the Planning Acts.		
3.15.3	To determine the Council's stance in respect of and respond to consultation opinions concerning matters including WSCC planning applications unless they are for 'major' development within the meaning of the T&CP (General Development Procedure) Order.		
3.15.4	To determine applications for lawful development certificates (Town and Country Planning Acts Sections 191 and 192).	EHC&CS where necessary.	
3.15.5	To give, make and confirm any Order or Direction under the Planning Acts		
3.15.6	To issue, serve, modify and withdraw any Notice under the Planning Acts and to carry out works in default including ruins and dilapidated buildings and neglected sites (Building Act 1984, Section 79).		
3.15.7	To determine applications and to take any action under Anti-Social Behaviour Act (2003) Part 8 (High Hedges).		
3.15.8	Subject to the limitations imposed above to determine the Council's stance in respect of and respond to consultations and opinions concerning matters referred to above.		

3.15.9	All matters relating to the Planning (Hazardous Substances) Act, 1990.		
3.15.10	To issue and serve notices in relation to breaches of conditions in relation to planning permissions.		
3.15.11	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.	Solicitor to the Council	Not where the determining body for any associated planning application is a committee.
3.15.12	To make minor amendments in planning or other agreements regulating or controlling the use or development of land where the determining body for any associated planning application is a committee.	Solicitor to the Council	
3.15.13	To issue serve modify or withdraw any enforcement action or notices under the Planning Acts, etc.	Solicitor to the Council	
3.15.14	(WBC only) To approve up to three circuses per year in Brooklands.		Not exercisable in respect of ADC.
3.15.15	To manage, improvement, refurbishment, maintenance and new build provision of the Council's non-housing property portfolio not specifically the responsibility of other officers.		
3.15.16	To acquire land in connection with the Council's functions and to take and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council's functions.		
3.15.17	To dispose of land in connection with the Council's functions and to grant and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council's functions.	Executive Member for Resources	
3.15.18	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's buildings or land.	Executive Member for Resources	
3.15.19	To determine and where appropriate give consent for alterations or extensions to former Council houses and flats.		
3.15.20	All matters relating to on and off street parking.	Adur DC - relevant Executive	

		Member	
3.15.21	To exercise the Council's powers in respect of water supply, sewerage and drainage.		
3.15.22	To exercise the Council's powers in respect of land drainage	Adur DC - relevant Executive Member	
3.15.23	To exercise the Council's powers affecting the design or maintenance of highways		
3.15.24	All matters relating to coastal and dredging licence applications		Such development must be permitted in a General Permitted Development Order or have been granted planning permission
3.15.25	All matters related to the Council's powers and duties in relation to the coast, rivers and harbours.		

3.16	Head of Productivity & Innovation		
No	Delegation	Consultation	Limitations

3.17	Head of Communications		
No	Delegation	Consultation	Limitations
3.17.1	To produce Adur & Worthing eZine for district/borough wide distribution.		

3.18	Head of Organisational Development		
No	Delegation	Consultation	Limitations

4.	Proper Officer and Authorised Officer Functions			
The following proper officer and/or authorised officer functions listed in column 3 are assigned to the officers and deputies in columns 4 and 5.				

4.1 Functions relating to Officers				
No	Act	Function	Officer	Deputy
4.1.1	s.2 Local Government and Housing Act 1989	To maintain a list of politically restricted posts	Head of Human Resources	
4.1.2	s.3A Local Government and Housing Act 1989	To determine applications for exemption from the list of politically restricted posts	Chief Executive in consultation with MO	Head of Legal
4.1.3	s.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive	Nominated Director
4.1.4	s.5 Local Government and Housing Act 1989	Monitoring Officer	Head of Legal	Senior Solicitors
4.1.5	Sch.1, Part II, Para.5 Local Authorities (Standing Orders) (England) Regulations 2001	Process requiring notification to Executive and objections to be considered where appointment or dismissal of Head of Paid Service, Chief Officers or Deputy Chief Officers involved	Monitoring Officer	Deputy Monitoring Officer(s)

4.2 Functions relating to Democratic Process				
No	Act	Function	Officer	Deputy
4.2.1	s.8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive	Director for Customer Services
4.2.2	s.52 Representation of the People Act 1983	Deputy Electoral Registration Officer	Director for Customer Services	Head of Customer Services
4.2.3	s.35 Representation of the People Act 1983	Returning Officer	Chief Executive	Officer(s) appointed in

				writing by the Returning Officer
4.2.4	s.82 Representation of the People Act 1983	To receive declaration of Election expenses	Director for Customer Services	Head of Customer Services
4.2.5	s.83 Local Government Act 1972	Declarations of acceptance of office	Chief Executive	Director for Communities
4.2.6	s.84 Local Government Act 1972	Receipt of resignations	Chief Executive	Director for Communities
4.2.7	s.86 Local Government Act 1972	To declare any vacancy in office	Chief Executive	Director for Communities
4.2.8	s.88(2) Local Government Act 1972	Convene a meeting to fill a vacancy of a chair	Director for Communities	Head of Wellbeing
4.2.9	s.89(1) Local Government Act 1972	Receive from two electors Notices of Casual Vacancies of Councillors	Chief Executive	Director for Customer Services
4.2.10	s.100B(2),(7) and 100H Local Government Act 1972	Excluding from the Public reports which are not likely to be considered in open session; and provision to the press/public of other documents provided to members where the Proper Officer thinks fit	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.11	s.100C(2) Local Government Act 1972	Where part or the whole of the report has been exempt the Proper Officer shall make a written summary of the proceedings or a part to provide a record without disclosing the exempt information.	Director for Communities	Head of Wellbeing
4.2.12	s.100D Local Government Act 1972	Compilation of list of background documents relied upon to a material extent in producing the report or disclosing important facts	Author of Report	
4.2.13	s.100F Local Government Act 1972	Deciding whether documents for inspection in connection with Committees contain exempt information under a paragraph of Schedule 12A	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.14	s.41 Local Government Miscellaneous Provisions Act	To certify copies of Resolutions Orders Reports or Minutes of the Council or any Predecessor Authority	Director for Communities	Head of Wellbeing

	1976			
4.2.15	Reg.9 Local Government (Committees and Political Groups) Regulations 1990	Receipt of Notice re Political Groups	Director for Communities	Head of Wellbeing
4.2.16	Reg.10 Local Government (Committees and Political Groups) Regulations 1990	Receipt of Notice of Cessation of Membership of Political Group	Director for Communities	Head of Wellbeing
4.2.17	Reg.13 Local Government (Committees and Political Groups) Regulations 1990	To accept wishes of Political Groups in respect of proportionality	Director for Communities	Head of Wellbeing
4.2.18	Reg.14 Local Government (Committees and Political Groups) Regulations 1990	To notify Political Groups of allocations	Director for Communities	Head of Wellbeing
4.2.19	Part 3 Local Government Act 1974	Local Government Ombudsman functions, including giving public notice of reports	Director for Customer Services in consultation with Monitoring Officer	Head of Customer Services
4.2.20	Local Authorities (Referendum) (Petitions) (England) Regulations 2011	Proper Officer function	Director for Customer Services	Head of Customer Services
4.2.21	Local Authorities (Conduct of Referendums) (England) Regulations 2012	Proper Officer function	Director for Customer Services	Head of Customer Services
4.2.22	s.29 Localism Act 2011	Establish and maintain a register of members' and co-opted members' interests	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.23	s.30-31 Localism Act 2011	Receipt of members' and co-opted members' declarations of interests and changes to those interest within 28 days	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.24	s.32 Localism Act 2011	Sensitive interests	Monitoring Officer	Deputy Monitoring Officer(s)

4.2.25	s.33 Localism Act 2011	Dispensations from restrictions under s.31(4)	Monitoring Officer	Deputy Monitoring Officer(s)
4.2.26	Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Access to information, recording executive decisions and the Forward Plan	Director for Communities	Head of Wellbeing

4.3 Functions relating to Finance				
No	Act	Function	Officer	Deputy
4.3.1	All legislation prior to 1 st April 1972; s.151 Local Government Act 1972; and ss.114-116 Local Government Finance Act 1988	Proper Officer in relation to references to Treasurer or Borough Treasurer; the officer responsible for the proper management of the Council's financial affairs and for making reports to Cabinet/Council	Head of Finance	Deputy s.151 Officer(s)
4.3.2	All legislation prior to 1st April 1972	Proper Officer in relation to declarations and certificates with regard to securities	Head of Finance	Deputy s.151 Officer(s)
4.3.3	s.115(2) Local Government Act 1972	For receipt of monies due to the Council from Officers	Head of Finance	Deputy s.151 Officer(s)

4.4 Functions relating to Legal Processes				
No	Act	Function	Officer	Deputy
4.4.1	s.229 Local Government Act 1972	To certify photographic copies of documents to be a true copy (other than those under Public Records Act 1958)	Head of Legal	Senior Solicitor(s)
4.4.2	s.234 Local Government Act 1972	To sign Notices Orders or other documents authorised or required by or under any Enactment	Head of Legal	Senior Solicitor(s)
4.4.3	s.236 Local Government Act 1972	To send copies of Byelaws to Parish and Community Councils to which they apply.	Head of Legal	Senior Solicitor(s)
4.4.4	s.238 Local Government Act 1972	Certification of printed copies of Byelaws	Head of Legal	Senior Solicitor(s)
4.4.5	s.36 Freedom of Information Act	Non-disclosure where potential to prejudice the	Head of Legal	Senior

	2000	effective conduct of public affairs		Solicitor(s)
4.4.6	Sch.12 Local Government Act 1972	Signing and serving of Summonses from meetings of Principal Councils	Director for Communities	Head of Wellbeing
Court Representation				
4.4.7	Every Solicitor, Barrister or Chartered Legal Executive employed or engaged by the Council (irrespective of his or her job title) shall be authorised to appear on its behalf before any Court, Tribunal or other hearing before which they have a Right of Audience and to exercise the powers given by the relevant professional body.			
4.4.8	In addition to the powers delegated in Section 3 above and the rights to appear in Court detailed in paragraphs 4.4.7, the following Officers in column 4 are authorised to appear on behalf of the Council and to conduct proceedings in Court in relation to the functions mentioned in column 3.			
4.4.9	There may be Officers other than those listed in 4.7 who are authorised to appear in Court on behalf of the Council by virtue of the Head of Legal's delegation at 3.8.16 to provide such authorisation. Any authorisations made under delegation 3.8.16 will be recorded in writing and shall be provided to the Monitoring Officer within five working days and made available on the intranet.			
No	Act	Function	Officer	Deputy
4.4.10	s.223 Local Government Act 1972 and s.60 County Courts Act 1984	In respect of possession matters and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf	Legal Assistants Trainee Solicitors	
4.4.11	s.223 Local Government Act 1972	In respect of National Non-Domestic Rating or Council Tax matters	Head of Revenues and Benefits Revenues and Recovery Team Leader	
4.4.12	Part 9 Insolvency Rules 1986	Examination of persons concerning company and individual insolvency	Additionally, and only in respect of ADC: Officers of Mid Sussex District Council authorised by that Authority	

4.4.13	Part I Health and Safety at Work etc 1974		Head of Wellbeing	
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4.5 Functions in relation to Public Health				
No	Act	Function	Officer	Deputy
4.5.1	s.79 Public Health Act 1936	Removal of Noxious Matter	Director for Communities	
4.5.2	s.84 Public Health Act 1936	Verminous Articles	Director for Communities	
4.5.3	s.85 Public Health Act 1936	Verminous People	Director for Communities	
4.5.4	Part XI Local Government Miscellaneous Provisions Act 1982	Public Health	Director for Communities	
4.5.5	s.47 National Assistance Act 1948	Removal of people in need	Director for Communities	Officers of Health Authority etc. authorised under Section 113 (1A) of the Local Government Act 1972
4.5.6	s.37 Public Health Act 1961	Verminous Articles	Director for Communities	
4.5.7	Public Health (Control of Disease) Act 1984	Infectious Diseases and Dead Bodies	Director for Communities	
4.5.8	Sch.14 Paragraph 25(7) Local Government Act 1972	To certify copies of Resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	Director for Communities	
4.5.9	Food Safety Act 1990	Food Safety and authentication of documents	Director for Communities	

4.5.10	s.40 Anti-Social Behaviour Act 2003	Closure order in respect of noisy premises where public nuisance	Chief Executive	Director for Communities
4.5.11	s.78 Building Act 1984	Authorise action in relation to dangerous structures	Appropriate Director	Appropriate Head of Service

4.6 Miscellaneous Functions				
No	Act	Function	Officer	Deputy
4.6.1	s.100G Local Government Act 1972	Maintain a list of members	Director for Communities	Head of Wellbeing
4.6.2	s.100G Local Government Act 1972	Maintain a list of delegations to officers and the like	Monitoring Officer	Deputy Monitoring Officer(s)
4.6.3	s.146(1)(a) Local Government Act 1972	Statutory Declaration re Change of Name of the Authority in connection with Companies	Head of Legal	Senior Solicitor(s)
4.6.4	s.191(2) Local Government Act 1972	Applications under the Ordnance Survey Act 1841	Director for Economy	
4.6.5	s.210 Local Government Act 1972	In respect of Powers with regard to Charities	Director for Communities	Head of Wellbeing
4.6.6	s.225 Local Government Act 1972	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	Head of Legal	Senior Solicitor(s)
4.6.7	s.248 Local Government Act 1972	To keep the roll of Freeman of City or Town in District	Chief Executive	Director for Communities
4.6.8	Any other provisions for which arrangements are not specifically made under this Scheme of Delegation	Any other legislation whether made before or after this list was approved and requiring a proper officer or authorised officer where not otherwise stated in the Council's approved scheme of delegations from time to time	Chief Executive	

4.7 Functions in relation to Entry of Land/Premises				
4.7.1	The Chief Executive, Directors, Solicitor to the Council, Senior Solicitors, Solicitors, Senior Legal Executives, Legal Executives and Emergency Planning Officer shall be authorised to enter land or premises in relation to any function of the			

	Council, subject to any applicable statutory constraints.			
4.7.2	In addition to the powers delegated in Section 3 above, the following Officers in column 4 are authorised to enter land or premises for or in connection with their duties and pursuant to the functions mentioned in column 3, subject to any applicable statutory constraints.			
4.7.3	An Officer authorised to enter land is also authorised to seek a warrant to enter.			
4.7.4	An Officer authorised to enter land may take with him or her such other persons and equipment as may be necessary.			
4.7.5	The right to enter given by paragraph 4.7 shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods.			
	Environmental Health, Housing etc			
No	Act	Function	Officer	Deputy
4.7.6		Animal Welfare Caravan Sites Environmental Protection Food Safety and Hygiene Health and Safety at Work Housing Licensing Act 2003 Pest Control Public Health Public Safety Scrap Metal Dealers Shop Acts Street Trading Sunday Trading Public Health Environmental Protection Gambling Act 2005 Animal Boarding Licences Pet Shops Dog Breeding Sex Establishments Hypnosis	Director for Communities and such others as shall be delegated in writing by him/her from time to time	

Planning			
4.7.7	ss.178, 196A, 196B, 324 & 325 Town and Country Planning Act 1990		Director for Economy/Director for Communities, as appropriate
4.7.8	s.88 Planning (Listed Buildings and Conservation Areas) Act 1990		Planning Services Manager
4.7.9	s.36 Planning (Hazardous Substances) Act 1990		Development Control Manager Principal Planning Officers Senior Planning Officers Planning assistants Senior Enforcement Officer Enforcement Assistant
4.7.10	Part 8 Anti-Social Behaviour Act 2003		Director for Communities Planning Services Manager Development Control Manager Principal Planning Officers Senior Planning Officers Planning assistants Senior Enforcement

			Officer Enforcement Assistant Senior Technical Officer (Parks)	
	Building Control			
4.7.11	s.95 Building Act 1984	General power of entry in relation to building regulations	Head of Building Control and Land Charges Principal Building control Surveyor Senior Building control surveyor Building control surveyor Fire Safety Officer	
	Local Taxation			
4.7.12		Collection of Local Taxes	Director for Customer Services Head of Revenues and Benefits Inspector/Collector	
	Land Drainage and Sewerage Undertaking			
4.7.13	Water Industry Act 1991		Principal Engineer	
4.7.14	Land Drainage Act 1991		Senior Engineer	