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CONSTITUTIONAL REVIEW WORKING PARTY

13 MARCH 2014

A meeting of the Constitutional Review Working Party will be held at **10.00 am on Thursday, 13 March 2014** in the Council Chamber, Cecil Street, Margate, Kent.

Membership:

Independent Members of the Standards Committee: Dr J Sexton & Mrs J Bacon

Councillors: Hayton, Nicholson, Watkins and Wright

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 4)
To approve the Minutes of the Constitutional Review Working Party meeting held on 30 October 2013, copy attached.
3. **DECLARATION OF INTERESTS**
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest form attached at the back of this agenda. If a Member declares an interest, they should complete that form and hand it to the officer clerking the meeting and then take the prescribed course of action.
4. **SOCIAL MEDIA GUIDANCE FOR COUNCILLORS** (Pages 5 - 22)
5. **CIPFA CODE OF PRACTICE ON TREASURY MANAGEMENT** (Pages 23 - 38)
6. **RECORDED VOTES AT BUDGET MEETINGS OF THE COUNCIL - TO AMEND COUNCIL PROCEDURE RULE NO. 21** (Pages 39 - 42)
7. **BUSINESS CONSIDERED AT BUDGET-SETTING MEETINGS - TO REVIEW COUNCIL PROCEDURE RULE 2.0** (Pages 43 - 48)
8. **TO REVIEW APPOINTMENT OF SUBSTITUTES TO ATTEND MEETINGS** (Pages 49 - 56)

Item
No

Subject

9. **REGISTERS OF INTERESTS AND GIFTS AND HOSPITALITY FOR OFFICERS - TO AMEND FINANCIAL PROCEDURE RULES TO REFLECT CURRENT PRACTICE**
(Pages 57 - 60)

Declaration of Interests Form

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 30 October 2013 at 10.00 am in Austen Room, Council Offices, Cecil Street, Margate, Kent.

Present: Mr Robin Hills (Chairman); Mrs Frampton (Independent Member) (Vice-Chairman), Hayton, Nicholson, Watkins and Wright

16. APOLOGIES FOR ABSENCE

Apologies for lateness were received on behalf of Councillor Hayton and Mrs Frampton.

17. DECLARATION OF INTERESTS

There were no declarations of interests

18. MINUTES OF PREVIOUS MEETING

It was noted that the following wording had been omitted at the end of Minute No. 15:

'3.1 *Calling extraordinary meetings*

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

- (i) the Council by resolution;*
- (ii) the Chairman of the Council;*
- (iii) the Monitoring Officer; and*
- (iv) at least one eighth of the membership of Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.'*

It was AGREED that the minutes of the meeting of the Constitutional Review Working Party held on 21 August 2013 be approved, subject to Minute No. 15 being amended to include that wording, and signed by the Chairman.

19. REVIEW OF PETITIONS SCHEME

During discussion, the following points were made in relation to petitions reaching the threshold for submission to, and debate at, Council:

1. Although the two petitions referred to in the report related to the same issue, namely, Pleasurama site, Ramsgate, they were substantially dissimilar in that they referred to different aspects of the same issue. It was very unusual for more than one petition on the one subject to be received within two consecutive meetings of council.
2. A petition relating to an issue for which the executive has responsibility must be referred to the executive, and if this is the case, it should be explained to the petition organiser that the council is unable to take a decision in relation to the petition request.

3. Where it is necessary to refer a petition to the executive, as at point 2 above, it should be possible to refer it without debate, i.e., with the referral being merely proposed and seconded.
4. However, if a petition is referred to the executive without debate, the petition organiser should be given an opportunity to re-present the petition at the subsequent meeting of the executive at which the petition is considered.
5. Apart from that exception, the petitions scheme should remain as it is; i.e., petitions containing 1,000 or more signatures should continue to require to be debated by full council.

It was, on the proposal of Councillor Nicholson, seconded by Councillor Watkins, AGREED TO RECOMMEND to Standards Committee:

- 1) THAT a petition with 1,000 or more signatures relating to an executive function can be referred by council to the executive without debate.
- 2) THAT if a petition 1,000 or more signatures relating to an executive function is referred by council to the executive without debate, the person who presents the petition at the ordinary meeting of council should be afforded the opportunity to re-present the petition at the subsequent meeting of the executive at which the petition is considered.
- 3) THAT otherwise the petitions scheme remains as it is.

It was noted by Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, that in order to allow a petitioner to re-present a petition at a meeting of the executive, the Cabinet Procedure Rules, as well as the Petitions Scheme, would need to be amended.

(Mrs Frampton entered the meeting during discussion, before a decision was taken)

20. QUESTIONS FROM MEMBERS OF THE PUBLIC AT ORDINARY MEETINGS OF COUNCIL

(Councillor Hayton arrived immediately before consideration of this item)

Two issues in relation to public questions at ordinary meetings of council were discussed in turn, namely:

1. Eligibility of Questioners

Discussion focused mainly on whether residents over the age of 16 years should be required to be on the electoral register and whether those under the age of 16 years should be required to be accompanied by a resident who is on the electoral register (*as was the case with Bournemouth Borough Council – Annex 1 refers*).

Some members of the Working Party felt that:

- a) as it is a legal requirement for residents over 16 years of age to be on the electoral register, such residents who are not on the register should be not be allowed to ask a question at an ordinary meeting of council.
- b) participation of young persons at council meetings should be encouraged; therefore, no restrictions whatsoever should apply to those aged under 16 years.

However, another member of the Working Party felt that it was not necessary to base eligibility on the electoral register, and the current requirement to be a resident of the district was sufficient.

Rather than taking a vote upon the matter, it was AGREED TO RECOMMEND that Standards Committee further considers matters relating to eligibility of questioners.

Repeat Questions

During discussion, it was noted that the questions which had been submitted to recent ordinary meetings of council in relation to the Pleasurama site, Ramsgate were substantially different in that they concerned different aspects of the same issue.

It was further noted that the Council could, like West Lindsay District Council, preclude repeat questions on the same issue over a period of time. However, the Working Party felt that the right of the public to ask questions should not be restricted in this way.

It was AGREED TO RECOMMEND to Standards Committee:

“THAT the current restriction on repeat questions remains unchanged, as set out at Council Procedure Rule 13.5 – “Scope of questions”:

*“The Chief Executive will reject a question if it ...
is substantially the same as a question which has been put at a
meeting of the Council in the past six months”*

21. APPOINTMENT OF SUBSTITUTES - PLANNING COMMITTEE

The following points were made during discussion:

1. It was important that all Members attending a meeting of the planning committee had sufficient knowledge and understanding of planning law and procedures.
2. The planning committee was a decision-making body whose decisions could be challenged legally. That being the case, it was important that the Council exercises its power to appoint suitably trained substitutes to a pool, albeit in accordance with the wishes of the respective political groups.
3. Basing the pool of substitutes upon the proportionality of the planning committee itself seemed reasonable and reflected the guidance contained within the model constitution issued by the former Office of the Deputy Prime Minister at the time the Local Government Act 2000 was implemented.

It was AGREED TO RECOMMEND to Standards Committee:

“THAT the option as set out at paragraph 3.1.1 of the report be adopted, namely:

‘Retain the status quo in relation to the size and political composition of the pool of the planning committee substitutes’”.

Meeting concluded : 11.04 am

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SOCIAL MEDIA GUIDANCE FOR COUNCILLORS

To: **Constitutional Review Working Party – 13 March 2014**

By: **Justine Wingate, Corporate Information & Communications Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: To Consider a Social Media Guidance for Councillors

1.0 Introduction and Background

- 1.1 Social media is fast becoming the channel of choice for our residents and as such it is vital that the council actively engages with this to remain relevant to them.
- 1.2 Councillors' use of social media can help support dialogue between them and their constituents, community groups and partner agencies which helps to support the council's values of openness and transparency.
- 1.3 Although social media is an informal method of communication it is not without some significant risks. Users need to be aware of what these are and how to avoid them however the council currently offers no guidance on this.

2.0 The Current Situation

- 2.1 Some councillors are already actively using social media to create dialogue with their constituents. This should be encouraged however the use of Social Media does come with associated risks, some of which are considered criminal offences and carry significant penalties; data protection; harassment; incitement; discrimination; defamation and copyright.
- 2.2 Inappropriate use of social media could also have a detrimental effect on both the council's and individual's reputations. Once a comment is posted it can be read and resent many times in seconds and so is almost impossible to remove or delete.
- 2.3 To specifically support councillors in their use of social media, guidelines, as outlined at Annex 1, have been developed to highlight the benefits and risks and how to get the most from their online interactions.

3.0 Options

1. To approve the Social Media Guidance for Councillors.
2. To recommend amendments to the Social Media Guidance for Councillors and resubmission to SMT for approval.
3. To not approve the Social Media Guidance for Councillors.

4.0 Corporate Implications

4.1 Financial and VAT

4.1.1 None

4.2 Legal

4.2.1 None

4.3 Corporate

4.3.1 The use of social media carries with it a risk of damage to corporate reputation if it is used inappropriately. This guidance outlines these risks and how to avoid them.

4.4 Equity and Equalities

4.4.1 The Social Media Guidance for Councillors references the Equality Act and abiding by equalities legislation as well as the criminal repercussions of discrimination against protected characteristics.

5.0 Recommendation(s)

5.1 That the Working Party recommends to Standards Committee that the Social Media Guidance for Councillors, as attached at Annex 1, be approved

6.0 Decision Making Process

Recommendations by the Working Party will be referred to Standards Committee, who, in turn will make final recommendations to Council.

Future Meeting if applicable:	Date:
Constitutional Review Working Party	13 March 2014
Standards Committee	1 April 2014
Full Council	24 April 2014

Contact Officer:	<i>Justine Wingate, Communications Manager</i>
Reporting to:	<i>Sue McGonigal, Chief Executive</i>

Annex List

Annex 1	Social Media Guidance for Councillors
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Corporate Consultation Undertaken

Finance	<i>n/a</i>
Legal	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, Ext 7005</i>



Social Media Guidance for Councillors

February 2014

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Introduction

Social media has changed the way communicate. Channels such as Facebook, Twitter and blogs are an easy and fast way to converse and find out what our communities care about. The way that online information is created and owned, and the speed at which it is shared has changed.

The important thing to remember about social media is that it is social; it's about communication. Social media is designed to be shared meaning that it is very easy for people to forward, link to or republish comments with a potentially very wide audience. It has put the transformative power of the printed press into the hands of the people. Now anyone can publish and share their views and engage in conversation with others about those views.

Taking part in social media is now, and will continue to be a major activity in our communities. Local government needs to be involved in order to fulfil its leadership role, understand its communities and remain relevant to its stakeholders. Residents and service users are increasingly expecting a greater say in how things happen in their neighbourhood and are already discussing these issues online via social media. Engaging with these conversations can help to shape policy, support local democracy and improve our relationships and services with the customer at the heart of our decisions.

This guidance is for Councillors who would like to use social media as a tool to share information, open new dialogues with the people in their community and beyond and engage their electorate in productive two-way conversation.

What is social media?

Social media is a blanket term applied to a range of online multimedia tools that are used for creating content and two-way communication. They can be accessed via your smartphone, PC, laptop, tablet or smart TV. All social media accounts are free of charge and can be set up quickly and easily from an Internet page. Although this guide will focus on Facebook and Twitter, some useful examples of social media include:

Blogs which are like an online diary journal where you can share information. Examples are Wordpress, Blogger, SimpleSite.

Top tip:

Share your thoughts and activities, and comment on the issues that mean the most to you. Encourage feedback and create dialogue to help your blog evolve.

Micro blogs allow users to share shorter pieces of information. **Twitter** is an example of a micro-blog. Short messages which you post on Twitter are called “Tweets” – they are each limited to 140 characters (letters, numbers and spaces). Tweets are not a private means of communication and can be seen by anyone who is “following” you. Twitter also has a message facility where you can send messages directly to other Twitter users. However, all such personally directed messages can also be viewed by all of your other followers. You can even forward other Twitter users’ Tweets to your own followers, by using the Re-Tweet function. Tweeting is a good way of promoting local events, live tweeting and to give links to other online content.

Top tip:

Follow and be followed. Twitter is a great tool for finding out what is happening, what people think of local and global issues. Listen first and then simply join in the conversation.

Social Networks such as **Facebook** are like having your own small website which can include pictures and text and can provide information and photos. Typically these sites allow you to update people on what you are doing or thinking through a ‘status’ update and allow you to talk about who you are, what’s important to you, what you have done and your plans. You can invite people to be your ‘friends’ and also set different levels of access to your account, so some people can see all the information about you or you can make less detail available to others. You can also use Facebook to communicate with groups or individuals. People who find your page, comments or proposals of interest can “like” you, which encourages further use, and is a useful way of taking a straw poll of your ideas.

Linked-IN is a professional equivalent of Facebook. You can provide information about your career history and skills, and people with whom you are “linked” can endorse you for particular skills. This is a handy site for finding expertise and keeping up-to-date with business developments in your ward or area.

Flickr, Vimeo, Instagram and **YouTube** are examples of platforms for sharing videos and photographs. Don't forget to seek permission before taking photos to upload to, or copying images from these sites. **Snapchat** is a photo messaging application for photo, video, drawing and text.

Communities of Practice are a way of like minded people joining a community where they can share knowledge and discuss issues relevant to the Community for example the LGA Knowledge Hub.

So what are the benefits to councillors of using social media?

- Social media will allow you to open new conversations with the people you represent.
- Increasing numbers of people are using Twitter and Facebook, as their preferred method of communication. If you have a presence on these platforms you have the potential to establish two- way communication with all of them.
- It's a useful way of finding out what people are talking about locally, their concerns and interests.
- It's useful for finding out about breaking news, the latest research or publication or the latest policy announcements from political parties.
- It's a good way of making the electorate more aware of the work you do personally.
- Social media allows you to have a conversation with a range of people that you would never be able to physically meet and who do not traditionally seek out their local representatives.
- Social media allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly. “Going Viral” is not necessarily a bad thing, and refers to a mass spreading of a piece of information, potentially around the world.
- Social media is mobile. You can take it around your community, on the train, to an event or meeting.
- You can upload pictures and videos, showing for example your role in local events, area regeneration projects or images of Thanet - a picture tells a thousand words.
- It's free, accounts cost nothing and you probably already have the equipment you need. All you need is time.

- You can receive immediate feedback on your ideas and manifesto to allow you to modify your proposals in line with local thinking.
- Above all, it can be a lot of fun!

How to use Social Media effectively

Choose your medium and sign up. This is very straightforward and will take you less than five minutes.

Facebook and Twitter are good places to start. You might want to begin with a trial personal account (rather than calling yourself “Councillor Jones”) and experiment with family and friends. Make sure that you understand how people find you and who can access your material.

Remember:

- On Facebook you can control who has access to different parts of your account. You can manage what the world sees and what your “friends” see.
- On Twitter the whole world can see everything you Tweet. Even the messages that you Tweet directly to other people can be viewed by anyone unless you have locked down your account to followers.
- When you are ready to set up your final account, consider the identity you use. The name you give yourself online is important as it allows people to find you. Prefacing your Twitter account with ‘Cllr’ lets people know exactly who you are and indicates that the **Code of Conduct** will apply.
- You might want to consider setting up a separate personal and “professional” account - you can talk about the amazing food in the restaurant around the corner to your friends and followers in your informal account, and the plans for a new development to your friends and followers on your professional account. However, many councillors think that some of their personal comments about food, places they’ve visited, football matches or TV helps break down perceptions of councillors and proves that they are just like everyone else.
- Make it easy for people to find you online. Many people will start their search for the area that you represent, so make sure you mention your location frequently as this will then be picked up by search engines. You will also want to make sure that your social media account details are on your business cards, posters and flyers.
- On Twitter, sign up to Tweety Hall and other sites where councillors can be found by their electorate.
- Increase your web presence by linking to other people and sites, leave comments on others’ posts and encourage others to link with you. The more you are mentioned, the more people will find you.
- Choose your friends on Facebook and who you would like to follow on Twitter carefully. Bear in mind that people know who follows them and will often follow you in

return.

- Find people on Twitter with links to your community, county or region by searching using the 'hashtag'(#) symbol to prefix your search term for example #Ramsgate, #Margate, #Broadstairs, #Thanet
- Be disciplined about making time available to write new content and answer your "friends" and "followers"; a regular time each week to update your Facebook status and throughout the day to check Twitter.
- Decide on what you are going to talk about and how. This could be:
 - Weekly updates of your own activities as a councillor - don't forget your pictures! This works better on Facebook as you can include more detail. Remember a Twitter 'Tweet' is only 140 characters and tends to be more instant and timely.
 - Regular updates on council policies and actions of interest to your community.
 - Links and re-tweets of other relevant national activities.
 - Issues on which you would like feedback from the community.
 - Notice of events and public meetings.

Remember using social media is all about two-way communication, it's good for providing information to your community, but it's better as a tool to get useful feedback. You **will** get feedback and you should expect some people to challenge your ideas or enter into a debate with you online. This is part and parcel of social media.

Etiquette and style

- Keep your communications clear, positive, polite and professional. Plain language helps.
- Many people use abbreviations on Twitter – you'll pick these up as you go along.
- Avoid being ironic or sarcastic, it can be misinterpreted.
- On Facebook, you will need to monitor and, if necessary, censor the contributions that other people make to your site; delete them if they do not match your required standards of behaviour or language. **Defamatory and offensive language will be attributed to the publisher as well as the original author and could incur financial liability.**
- It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused or censoring contributions on political grounds.
- On Twitter, you can block people who are habitually offensive or vexatious. Remember however, blocking them only stops them engaging directly with you, their tweets will continue to be public to all of their followers.

- Bear in mind that constituents may find party political point scoring tedious and prefer to hear information about what you are achieving.
- If you don't have anything to say...don't say anything. Even though it's tempting to let your followers know how busy you are they will soon become bored with constant updates on your day without some relevant or interesting information.

Support from the Council

You do not need the council to set you up with a personal social media account but you should take advantage of any training or guidance provided to help you use it properly.

It's worth remembering that the council is responsible for any information provided on its website and is subject to legal responsibilities. **You** are personally responsible for the material that you broadcast via your own social media accounts or websites.

Advice will be available to you from a number of council officers. The Monitoring Officer, Democratic Services Manager and the Communications Team can offer useful advice.

Social Media and council meetings

Recently, there has been an increase in interest in the use of Twitter in council meetings. Other than what your constitution or social media policy says, there is no legal reason why you shouldn't use social media from meetings. However, some common sense does need to apply.

- Tweeting on meeting progress and receiving comments from the community can be helpful for transparency and engagement BUT excessive use of Twitter may give people the impression that you are not concentrating on the business in hand or are even relying on guidance from outside the meeting. For that reason, it is probably sensible not to use Twitter during a planning or licensing debate. Committee chairs may want to decide how to address this in their meetings and you should abide by the rules set out in the constitution.
- Remember, you may not need to tweet about the detail of a meeting –TDC's Full Council meetings are filmed and published on YouTube and the communications team have an "official" twitter feed during the meeting.
- Remember that you should not tweet or communicate in any way the content of exempt or confidential business dealt with in closed session such as when making formal appointments.

Golden rules

Think before you tweet or post on Facebook. Do not say anything, post views or opinions that you would not be prepared to:

- **Discuss face to face with the person you are speaking about.**
- **Write on a placard and carry down your high street and discuss and defend with anyone who sees it.**
- **Be prepared to have minuted in a public meeting – remember Twitter or Facebook effectively publicly minutes everything for you as you go along.**

Remember that once you have said something it may be seen by millions - friends, supporters, political opponents and the press and could be re-tweeted around the world in minutes.

Keep your messages professional, polite and positive.

Remember to try to keep tweets and texts separate – many people tweet comments that they would previously have texted someone privately; this may be about meeting up later through to 'in' jokes that could be misinterpreted.

Don't follow an individual unless you know them or have a good reason for doing so. Some people, such as constituents or council employees, might find it uncomfortable to have their local councillor hanging on their every word.

If you make a mistake - admit it. Mistakes happen so don't try to cover it up as there will always be a record of what you've said.

Don't enter into unhelpful online arguments; remember all of your followers or friends will be witnessing this online. Ignore people or block them if they persist in vexatious comments.

Don't tweet or post on Facebook when you are tired. It's probably sensible to turn off your phone at any time when you think your judgement may be impaired.

Bear in mind that it is possible for your followers and friends to be seen. If you follow or are Facebook "friends" with council employees, contractors who have been procured to provide services to the council, a company or member of the public making a planning application or pressure groups, this might be construed as having a close personal association with them and therefore a personal interest.

As with your own leaflets or newsletters, always ask permission before taking a picture that you intend to use. NEVER take photos of children without the express permission of their parents based on an understanding of what you intend to use the picture for.

Do not allow anyone else access to your social media accounts, protect your passwords, especially if you use a public computer.

Just like email, you can get spam in social media. Be wary about direct messages via Twitter, even from people you know, with messages such as 'Hi, have you seen this photo of you on Twitter?' Delete these before opening, as the spam could then be sent to all of the people you are following.

The Law

Councillors new to social media tend to be concerned about the legal implications. It is an important consideration, and some councillors and other politicians have fallen foul of the law, but with careful use and following some ground-rules you will be fine.

The style of communication employed in the social media environment tends to be fast and informal. Messages can appear lightweight and transitory.

Whenever you post something on social media, it becomes a publication, you have effectively made a broadcast. As it is now in the public domain, it is subject to both the **Code of Conduct** and to various **Laws**.

Code of Conduct

If you conduct yourself on Twitter or Facebook as you would in person on the street then you will be fine.

Remember that according to guidance from the Ombudsman, the Code of Conduct applies to you whenever you are “Conducting the business of your authority, acting, claiming to act or give the impression you are acting in your official capacity as a member or representative of your authority” Also the Code applies if you “Conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute” If you can be identified as a councillor when you are using social media, either by your account name or how you describe yourself or by what you comment upon and how you comment, the requirements of the Code of Conduct apply. Also if you say something that could be regarded as bringing your office or authority into disrepute the Code applies even if you are not apparently acting in your official capacity or do not identify yourself as a member.

Remember that the Ombudsman’s guidance states that “Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute”

In the same way that you are required to act in council meetings or in communities you should:

- **Show respect for others** - do not use social media to be rude or disrespectful.
- **Not disclose confidential information about people or the council.**
- **Not bully or intimidate others** - repeated negative comments about or to individuals could be interpreted as bullying or intimidation.
- **Not try to secure a benefit for yourself or a disadvantage for others.**
- **Abide by the laws of equality** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti faith. Even as a joke or “tongue in cheek”

Predetermination

As a councillor, you are aware that when you act in a quasi-judicial capacity, for example on a planning or licensing committee, you should not make up your mind about an issue that is to be formally decided upon before you have heard all the relevant information. You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position. It is important to remember therefore that anything relevant you might have said about particular issues on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information.

Criminal Offences

These generally apply to you already in your conduct as a councillor, but it is worth considering them as they apply to social media:

Harassment - It is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment nuisance or distress.

Data Protection - It is illegal to publish personal data about individuals unless they have given you their permission. As a councillor you are a data controller in your own right and therefore personally responsible for what you publish.

Incitement - It is a criminal offence to incite any criminal act.

Discrimination and Racially Aggravated Offences (or any other protected Characteristic) - It is a criminal offence to make a discriminatory remark about anyone based on a "Protected Characteristic" as defined in The Equality Act (such as their race, religion, sexual orientation etc).

Malicious & Obscene Communications - It is a criminal offence to send malicious or obscene communications.

Civil Law

Defamation - It is against the law to make a false statement about someone which damages their personal or professional reputation. Crucially - even if you simply retweet or pass on information originally posted by others, you may still be held equally as responsible as the original commentator. This can also apply to publishing images. If you're found liable to another person, you could be ordered to pay large sums of money as damages.

Recent high profile example of defamation via social media:

"High Court: Sally Bercow's Lord McAlpine tweet was libel"

<http://www.bbc.co.uk/news/world-22652083>

Copyright - The legal ownership of the contents of documents, photos, videos and music belong to the person who created them. You could be in breach of copyright if you reproduce

such material without the owner's permission. Always ask for written consent before you use someone else's material.

Political Comment and Electioneering - Remember that although it is acceptable to make political points or canvass votes via your own social media accounts this will not be permissible if you are using this via council supplied computer equipment, certainly in the run-up to elections. The Electoral Commission has further information about the return on expenditure that candidates need to provide on advertising or campaign literature.

Further Information, Interesting Sites and Sources of Help

Bear in mind that information, sites and terminology change quickly. Facebook is already reporting a drop in users.

Here are some current examples of information and useful sites but bear in mind that they may be quickly out of date.

Sign on to **Twitter** here

<https://twitter.com/>

Twitter Guide - -How To, Tips and Instructions

<http://mashable.com/guidebook/twitter/>

Sign up to **Facebook** here

<https://en-gb.facebook.com/>

Facebook Guide – How To, Tips and Instructions

<http://mashable.com/guidebook/facebook/>

Tweety Hall.

A platform that gathers all the Councillors that have Twitter accounts in the UK together so that all their posts can be read in one place and the public can easily find their local councillor. All you have to do to join them is send them a Tweet.

<http://tweetyhall.co.uk/>

Twenty-first century councillors

<http://socialmedia.21st.cc/>

Useful guidance for members using social media.

LGA's Knowledge Hub is an example of a community of practice. This one was set up specifically for people working in and with local government and has online forums, libraries full of materials and details of events. <https://knowledgehub.local.gov.uk/>

Social Media and Online Collaboration Community.

Join this Community of the KnowledgeHub to talk to other councillors and officers working with Social Media.

Glossary

Blog

Term derived from Weblog i.e an internetlog or diary

Blogosphere

All the Blogs on the Internet

Community of Practice

Group of people who are members of an online 'club' because they have a role or an interest in an area of work

Direct Message

A message sent via Twitter to someone who follows you or who you follow.

Facebook

An example of social networking

Flickr

Photo sharing site

Follower

Someone who has chosen to follow you on Twitter

Friend

Someone you have allowed to access your Facebook page.

Forum

A virtual discussion area

#Hashtag

A hashtag or # is a way of denoting a keyword which can be used as a search term on Twitter.

Instagram

A platform for sharing photos and videos

Instant Messaging

A conversation with one other person via for example Microsoft Live Messenger or Yahoo Messenger. A conversation which, if you indicate that you are available for a chat is more immediate than e mail and easier to type than a text

Microblog

Short blog e.g. Twitter using a maximum of 140 characters

Pintrest

A virtual pinboard for creating and sharing images

RebelMouse

A free service that connects to your accounts at services such as Facebook, Twitter and/or Instagram. It integrates all your SM Tweets, postings and blogs automatically into one page, boosting your SM presence without you doing anything extra as it 'runs in the background'. It will save you having to tweet your blogs etc. to get more prominence on search engines.

Retweet

To forward a Tweet received on Twitter

RSS feeds or Really Simple Syndication feeds

Messages from websites informing you that new information is available so that you don't have to keep checking the website for updates

Social Bookmarking

A way of saving and sharing all your favourite sites on the web, for example, **Delicious**

Social networking

Facebook etc

Snapchat

A photo messaging application for photos, videos, drawings and text

Spam

Electronic junk mail

Trending

Current popular people or conversations as in trending on Twitter now...

Troll

Someone who disrupts online communities or discussions through unhelpful, malicious or irrelevant posts

Tweet

A message sent on Twitter

Tweety Hall

A virtual gathering place for councillors with Twitter accounts

Twitter

An example of microblogging

Vimeo

A platform for sharing videos and photographs

Wiki

A tool which enables anyone to add or edit content on a website

Wikipedia

Online Encyclopaedia which works using this method and is therefore not always accurate

You Tube

A platform for sharing videos and photographs

Credits: WLGA 2013

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CIPFA CODE OF PRACTICE ON TREASURY MANAGEMENT (2011 EDITION)

To: **Constitutional Review Working Party – 13 March 2014**

Main Portfolio Area: **Finance**

By: **Sarah Martin – Financial Services Manager and Deputy S151 Officer**

Classification: **Unrestricted**

Summary: **This report makes recommendations in line with the CIPFA Code of Practice on Treasury Management (2011 Edition)**

For Decision

1.0 Introduction and Background

- 1.1 The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 in paragraph 24 require local authorities to have regard to the Chartered Institute of Public Finance & Accountancy (CIPFA) Code of Practice on Treasury Management (2011 edition) (the Code).
- 1.2 The Code also has the support of a wide range of organisations. For example, the Local Government Association has expressed strong support for the Code and encourages the good practice set out in the Code.
- 1.3 This Council follows the Code.

2.0 Formal Requirements/Procedures

- 2.1 As set out in the annex to this report, the Code recommends that certain clauses/delegations are confirmed by Council and that a policy statement and treasury management practices are confirmed by the Governance & Audit Committee.
- 2.2 The delegation of responsibility for the implementation and regular monitoring of treasury management policies and practices to the Governance & Audit Committee is consistent with the existing terms of reference of the Governance & Audit Committee as set out in the Council's constitution, in particular its authority:
 - 2.2.1 To consider the Council's arrangements for governance and agreeing necessary actions to ensure compliance with best practice; and
 - 2.2.2 To consider the Council's compliance with its own and other published standards and controls.
- 2.3 The delegation of responsibility for the execution and administration of treasury decisions to the s151 officer is consistent with the existing authority of the Chief Executive as Financial officer as set out in the Council's constitution, in particular her authority to:

- 2.3.1 Conduct and carry out the functions and responsibilities of the Chief Financial Officer pursuant to the Local Government Finance Act 1988 and to be the person with responsibility for the administration of the Council's financial affairs pursuant to Section 151 of the Local Government Act 1972 including the provision of proper and effective systems of accountancy, treasury management and internal audit (delegation number CFO201C);
- 2.3.2 Deal with the management of all transactions relating to the cash and financing resources of the Council in accordance with recognised practices (delegation number CFO202C); and
- 2.3.3 Arrange for the investment of the Council's funds in accordance with annually approved Treasury Management Code of Practice and to be responsible for the Council's banking arrangements including authority to act in all dealings with the Council's bankers (delegation number CFO205CE).

3.0 Corporate Implications

3.1 Financial

- 3.1.1 There are no financial implications arising directly from this report.

3.2 Legal

- 3.2.1 There are no legal implications arising directly from this report.

3.3 Corporate

- 3.3.1 This report evidences that the Council continues to carefully manage its treasury function in line with best practice.

3.4 Equity and Equalities

- 3.4.1 There are no equity or equality issues arising from this report.

4.0 Recommendation(s)

- 4.1 Following approval by the Governance & Audit Committee at its meeting on 11 December 2013, that the Constitutional Review Working Party at its meeting on 13 March 2014:
 - 4.1.1 Considers and approves this report and annex 1.
 - 4.1.2 Approves the clauses to be adopted as set out in annex 1, and agrees that they be submitted to the Standards Committee, Cabinet and then Council for formal adoption.
 - 4.1.3 Approves the consequential changes to the responsibilities of the Section 151 Officer in relation to Treasury Management, as set out at Annex 2.

5.0 Decision Making Process

- 5.1 For approval by the Constitutional Review Working Party, Standards Committee, Cabinet and then Council as set out in section 4 above.

Future Meetings:	Date:
Standards Committee	1 April 2014
Cabinet	3 April 2014
Council	24 April 2014

Contact Officer:	Sarah Martin, Financial Services Manager extn 7617
Reporting to:	Sue McGonigal, Chief Executive and S151 Officer

Annex List

Annex 1	CIPFA Code of Practice on Treasury Management (2011 Edition)
Annex 2	Extract from Financial Procedure Rules Appendix C: Financial Procedure Note: Risk Management and Control of Resources – Section 9, Treasury Management

Corporate Consultation Undertaken

Finance	N/A
Legal	Harvey Patterson, Corporate & Regulatory Services Manager

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Annex 1: CIPFA Code of Practice on Treasury Management (2011 Edition)

Clause Adoption (for approval by G&A Committee, Cabinet & Council)

CIPFA recommends that all public service organisations adopt, as part of their standing orders, financial regulations, or other formal policy documents appropriate to their circumstances, the following four clauses.

1. This organisation will maintain, as the cornerstones for effective treasury management:
 - a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities.
 - suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the CIPFA Code of Practice on Treasury Management, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key principles.

2. This organisation (ie full council) will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
3. This organisation delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Governance & Audit Committee, and for the execution and administration of treasury management decisions to the s151 officer (the responsible officer), who will act in accordance with the organisation's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
4. This organisation nominates the Governance & Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

Policy Statement (for approval by G&A Committee)

CIPFA recommends that an organisation's treasury management policy statement adopts the following forms of words to define the policies and objectives of its treasury management activities:

1. This organisation defines its treasury management activities as:
The management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
2. This organisation regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury

management activities will focus on their risk implications for the organisation, and any financial instruments entered into to manage these risks.

3. This organisation acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable comprehensive performance measurement techniques, within the context of effective risk management.
4. This organisation sets parameters/policies for its borrowing and investments as described in its annual Treasury Management Strategy Statement.

Treasury Management Practices (for approval by G&A Committee)

CIPFA recommends that an organisation's treasury management practices (TMPs) include those of the following that are relevant to its treasury management powers and the scope of its treasury management activities:

TMP1 Risk management

TMP2 Performance measurement

TMP3 Decision-making and analysis

TMP4 Approved instruments, methods and techniques

TMP5 Organisation, clarity and segregation of responsibilities, and dealing arrangements

TMP6 Reporting requirements and management information arrangements

TMP7 Budgeting, accounting and audit arrangements

TMP8 Cash and cash flow management

TMP9 Money laundering

TMP10 Training and qualifications

TMP11 Use of external service providers

TMP12 Corporate governance

TMP1 Risk management

General statement

The responsible officer will design, implement and monitor all arrangements for the identification, management and control of treasury management risk, will report at least annually on the adequacy/suitability thereof, and will report, as a matter of urgency, the circumstances of any actual or likely difficulty in achieving the organisation's objectives in this respect, all in accordance with the procedures set out in TMP6 *Reporting requirements and management information arrangements*.

[1] credit and counterparty risk management

This organisation regards a key objective of its treasury management activities to be the security of the principal sums it invests. Accordingly, it will ensure that its counterparty lists and limits reflect a prudent attitude towards organisations with whom funds may be deposited, and will limit its investment activities to the instruments, methods and techniques referred to in TMP4 *Approved instruments, methods and techniques*. It also recognises the need to have, and will therefore maintain, a formal counterparty policy in respect of those organisations from which it may borrow, or with whom it may enter into other financing or derivative arrangements.

[2] liquidity risk management

This organisation will ensure it has adequate though not excessive cash resources, borrowing arrangements, overdraft or standby facilities to enable it at all times to have the level of funds available to it which are necessary for the achievement of its business/service objectives.

This organisation will only borrow in advance of need where there is a clear business case for doing so and will only do so for the current capital programme or to finance future debt maturities.

[3] interest rate risk management

This organisation will manage its exposure to fluctuations in interest rates with a view to containing its interest costs, or securing its interest revenues, in accordance with the amounts provided in its budgetary arrangements as amended in accordance with TMP6 Reporting requirements and management information arrangements.

It will achieve this by the prudent use of its approved instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of interest rates. This should be the subject to the consideration and, if required, approval of any policy or budgetary implications.

It will ensure that any hedging tools such as derivatives are only used for the management of risk and the prudent management of financial affairs and that the policy for the use of derivatives is clearly detailed in the annual strategy.

[4] exchange rate risk management

It will manage its exposure to fluctuations in exchange rates so as to minimise any detrimental impact on its budgeted income/expenditure levels.

[5] refinancing risk management

This organisation will ensure that its borrowing, private financing and partnership arrangements are negotiated, structured and documented, and the maturity profile of the monies so raised are managed, with a view to obtaining offer terms for renewal or refinancing, if required, which are competitive and as favourable to the organisation as can reasonably be achieved in the light of market conditions prevailing at the time.

It will actively manage its relationships with its counterparties in these transactions in such a manner as to secure this objective, and will avoid overreliance on any one source of funding if this might jeopardise achievement of the above.

[6] legal and regulatory risk management

This organisation will ensure that all of its treasury management activities comply with its statutory powers and regulatory requirements. It will demonstrate such compliance, if required to do so, to all parties with whom it deals in such activities. In framing its credit and counterparty policy under TMP1[1] *credit and counterparty risk management*, it will ensure that there is evidence of counterparties' powers, authority and compliance in respect of the transactions they may effect with the organisation, particularly with regard to duty of care and fees charged.

This organisation recognises that future legislative or regulatory changes may impact on its

treasury management activities and, so far as it is reasonably able to do so, will seek to minimise the risk of these impacting adversely on the organisation.

[7] fraud, error and corruption, and contingency management

This organisation will ensure that it has identified the circumstances which may expose it to the risk of loss through fraud, error, corruption or other eventualities in its treasury management dealings. Accordingly, it will employ suitable systems and procedures, and will maintain effective contingency management arrangements, to these ends.

[8] market risk management

This organisation will seek to ensure that its stated treasury management policies and objectives will not be compromised by adverse market fluctuations in the value of the principal sums it invests, and will accordingly seek to protect itself from the effects of such fluctuations.

TMP2 Performance measurement

This organisation is committed to the pursuit of value for money in its treasury management activities, and to the use of performance methodology in support of that aim, within the framework set out in its treasury management policy statement.

Accordingly, the treasury management function will be the subject of ongoing analysis of the value it adds in support of the organisation's stated business or service objectives. It will be the subject of regular examination of alternative methods of service delivery, of the availability of fiscal or other grant or subsidy incentives, and of the scope for other potential improvements.

TMP3 Decision-making and analysis

This organisation will maintain full records of its treasury management decisions, and of the processes and practices applied in reaching those decisions, both for the purposes of learning from the past, and for demonstrating that reasonable steps were taken to ensure that all issues relevant to those decisions were taken into account at the time.

TMP4 Approved instruments, methods and techniques

This organisation will undertake its treasury management activities by employing only approved instruments, methods and techniques, and within the limits and parameters defined in TMP1 *Risk management*.

Where this organisation intends to use derivative instruments for the management of risks, these will be limited to those set out in its annual treasury strategy. The organisation will seek proper advice and will consider that advice when entering into arrangements to use such products to ensure that it fully understands those products.

TMP5 Organisation , clarity and segregation of responsibilities, and dealing arrangements

This organisation considers it essential, for the purposes of the effective control and monitoring of its treasury management activities, for the reduction of the risk of fraud or error, and for the pursuit of optimum performance, that these activities are structured and managed in a fully integrated manner, and that there is at all times a clarity of treasury management responsibilities.

The principle on which this will be based is a clear distinction between those charged with setting treasury management policies and those charged with implementing and controlling these policies, particularly with regard to the execution and transmission of funds, the recording and administering of treasury management decisions, and the audit and review of the treasury management function.

If and when this organisation intends, as a result of lack of resources or other circumstances, to depart from these principles, the responsible officer will ensure that the reasons are properly reported in accordance with TMP6 Reporting requirements and management information arrangements, and the implications properly considered and evaluated.

The responsible officer will ensure that there are clear written statements of the responsibilities for each post engaged in treasury management, and the arrangements for absence cover. The responsible officer will also ensure that at all times those engaged in treasury management will follow the policies and procedures set out.

The responsible officer will ensure there is proper documentation for all deals and transactions, and that procedures exist for the effective transmission of funds.

The responsible officer will fulfil all such responsibilities in accordance with the organisation's policy statement and TMPs and, if a CIPFA member, the *Standard of Professional Practice on Treasury Management*.

TMP6 Reporting requirements and management information arrangements

This organisation will ensure that regular reports are prepared and considered on the implementation of its treasury management policies; on the effects of decisions taken and transactions executed in pursuit of those policies; on the implications of changes, particularly budgetary, resulting from regulatory, economic, market or other factors affecting its treasury management activities; and on the performance of the treasury management function.

As a minimum:

The organisation (ie full council) will receive:

- an annual report on the strategy and plan to be pursued in the coming year
- a mid-year review
- an annual report on the performance of the treasury management function, on the effects of the decisions taken and the transactions executed in the past year, and on any circumstances of non-compliance with the organisation's treasury management policy statement and TMPs.

The committee/board/council will receive regular monitoring reports on treasury management activities and risks.

The body responsible for scrutiny, which is the Governance & Audit Committee, will have responsibility for the scrutiny of treasury management policies and practices.

Local authorities should report the treasury management indicators as detailed in their sector-specific guidance notes.

TMP7 Budgeting, accounting and audit arrangements

The responsible officer will prepare, and this organisation will approve and, if necessary, from time to time will amend, an annual budget for treasury management, which will bring together all of the costs involved in running the treasury management function, together with associated income. The matters to be included in the budget will at minimum be those required by statute or regulation, together with such information as will demonstrate compliance with TMP1 *Risk management*, TMP2 *Performance measurement*, and TMP4 *Approved instruments, methods and techniques*. The responsible officer will exercise effective controls over this budget, and will report upon and recommend any changes required in accordance with TMP6 *Reporting requirements and management information arrangements*.

This organisation will account for its treasury management activities, for decisions made and transactions executed, in accordance with appropriate accounting practices and standards, and with statutory and regulatory requirements in force for the time being.

TMP8 Cash and cash flow management

Unless statutory or regulatory requirements demand otherwise, all monies in the hands of this organisation will be under the control of the responsible officer, and will be aggregated for cash flow and investment management purposes. Cash flow projections will be prepared on a regular and timely basis, and the responsible officer will ensure that these are adequate for the purposes of monitoring compliance with TMP1[1] *liquidity risk management*.

TMP9 Money laundering

This organisation is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly, it will maintain procedures for verifying and recording the identity of counterparties and reporting suspicions, and will ensure that staff involved in this are properly trained.

TMP10 Training and qualifications

This organisation recognises the importance of ensuring that all staff involved in the treasury management function are fully equipped to undertake the duties and responsibilities allocated to them. It will therefore seek to appoint individuals who are both capable and experienced and will provide training for staff to enable them to acquire and maintain an appropriate level of expertise, knowledge and skills. The responsible officer will recommend and implement the necessary arrangements.

The responsible officer will ensure that board/council members tasked with treasury management responsibilities, including those responsible for scrutiny, have access to training relevant to their needs and those responsibilities.

Those charged with governance recognise their individual responsibility to ensure that they have the necessary skills to complete their role effectively.

TMP11 Use of external service providers

This organisation recognises that responsibility for treasury management decisions remains with the organisation at all times. It recognises that there may be potential value in employing external providers of treasury management services, in order to acquire access to specialist skills and resources. When it employs such service providers, it will ensure it does so for reasons which have been submitted to a full evaluation of the costs and benefits. It will

also ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review. And it will ensure, where feasible and necessary, that a spread of service providers is used, to avoid overreliance on one or a small number of companies. Where services are subject to formal tender or re-tender arrangements, legislative requirements will always be observed. The monitoring of such arrangements rests with the responsible officer.

TMP12 Corporate governance

This organisation is committed to the pursuit of proper corporate governance throughout its businesses and services, and to establishing the principles and practices by which this can be achieved. Accordingly, the treasury management function and its activities will be undertaken with openness and transparency, honesty, integrity and accountability.

This organisation has adopted and has implemented the key principles of the CIPFA Code of Practice on Treasury Management. This, together with the organisation's other treasury arrangements, are considered vital to the achievement of proper corporate governance in treasury management, and the responsible officer will monitor and, if and when necessary, report upon the effectiveness of these arrangements.

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9.0 Treasury Management

9.1 General

Many millions of pounds pass through the Council's books each year. To ensure proper control the Codes of Practice aim to provide assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's money. The Council has adopted the CIPFA "Code of Practice on Treasury Management".

9.2 Responsibilities of Section 151 Officer – Treasury Management and Banking:

- To arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA "Code of Practice on Treasury Management" and the Council's Treasury Management policy statement and strategy, CIPFA's Standard of Professional Practice on Treasury Management and the Council's agreed Treasury Management practices.
- To report to **Council** annually **on treasury management policies, practices and activities, including, as a minimum:**
 - (a)**A report for the previous year,**
 - (b)**A strategy and plan for the forthcoming year, and**
 - (c)**A mid-year review.**
- To open, operate and close such bank accounts as are considered necessary.

9.3 Responsibilities of Directors of Services – Treasury Management and Banking:

- To follow the instructions on banking issued by the Section 151 Officer .

9.4 Responsibilities of Section 151 Officer – Investments and Borrowing:

- To ensure that all investments of money are made in the name of the Council or in the name of nominees approved by Full Council.
- To ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in the custody of the appropriate Director of Services.
- To effect all borrowings in the name of the Council.
- To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.

9.5 Responsibilities of Directors of Services – Investments and Borrowing:

- To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of Full Council, following consultation with the Section 151 Officer .

9.6 Responsibilities of Directors of Services– Trust Funds and Funds Held for Third Parties:

- To arrange for all Trust Funds to be held, wherever possible, in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Section 151 Officer unless the deed otherwise provides.

- To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Section 151 Officer , and to maintain written records of all transactions.
- To ensure that Trust Funds are operated within any relevant legislation and the specific requirements for each trust.

9.7 Responsibilities of the Section 151 Officer – Imprest Accounts:

- To provide employees of the Council with cash or bank imprest accounts to meet minor expenditure on behalf of the Council and to prescribe rules for operating these accounts. Expenditure should not exceed the prescribed amount.
- To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.
- To reimburse imprest holders as often as necessary to restore the imprests, but normally less than monthly.

9.8 Responsibilities of Directors of Services – Imprest Accounts:

- To ensure that employees operating an imprest account:
 - (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained.
 - (b) make adequate arrangements for the safe custody of the account.
 - (c) produce upon demand the cash and all vouchers to the total value of the imprest amount.
 - (d) record transactions promptly.
 - (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder.
 - (f) provide the Section 151 Officer with a certificate of the value of the account held at 31 March each year.
 - (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made.
 - (h) on leaving the Council's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Section 151 Officer for the amount advanced to him or her.

10.0 Staffing

10.1 General

In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level. The statutory posts of Head of Paid Service, Monitoring Officer and Section 151 Officer must be established within the Council.

10.1 Responsibilities of the Chief Executive:

- To provide overall management to staff.

10.3 Responsibilities of the: Section 151 Officer:

- To ensure that budget provision exists for all existing and new employees.

10.4 Responsibilities of Directors of Services:

- To produce an annual staffing budget.
- To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.
- To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- To ensure that the Chief Executive and the Section 151 Officer are immediately informed if the staffing budget is likely to be materially over or underspent.
- To adhere to the Authority's approved Human Resources policies and practices.
- To ensure that all records relating to sums payable to employees as remuneration or allowances are authorised and to provide specimen signatures to the Section 151 Officer of all officers to whom this responsibility is delegated.

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RECORDED VOTES AT BUDGET MEETINGS OF THE COUNCIL – TO AMEND COUNCIL PROCEDURE RULE NO. 21

To: **Constitutional Review Working Party – 13 March 2014**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **To amend Council Procedure Rule 21 in order to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 which require a recorded vote on decisions of the Council, approving the budget or setting the council tax**

For Decision

1.0 The Current Situation

1.1 By virtue of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, which came into force on 25 February 2014, the Council is required to take recorded vote on decisions which approve the budget or set the council tax.

1.2 Currently, a recorded vote is required in the following situations:

1.2.1 Council Procedure Rule No. 21.4

“Recorded vote

If a majority of members present at the meeting demand it before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.”

1.2.2 Council Procedure Rule 21.5

“Right to require individual vote to be recorded

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

1.3 In order to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, it is suggested that:

1.3.1 A new Council Procedure Rule 21.6 be inserted as follows:

“21.6 Recorded votes at Council budget decision meetings

A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the

budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/ amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 29.1”; and

1.3.2 Council Procedure Rule 21.3 be amended as follows:

“21.3 Show of hands

*Unless a recorded vote is demanded under Rule 21.4 **or required under Rule 21.6**, the Chairman will take the vote by show of hands (and a count if requested), or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting.”*

2.0 Corporate Implications

2.1 Financial and VAT

2.1.1 None arising

2.2 Legal

2.2.1 The constitution requires to be amended to reflect any new legal requirements in relation to council procedures.

2.3 Corporate

2.3.1 The recording of votes, as required by the new regulations, will provide members of the public an opportunity of seeing how councillors voted on all decisions of Council relating to the setting the budget or council tax.

2.4 Equity and Equalities

2.4.1 None arising

3.0 Recommendation

3.1 THAT the Working Party approves for recommendation to the Standards Committee amendments to Council Procedure Rule 21 as follows:

3.1.1 New Council Procedure Rule 21.6

“21.6 Recorded votes at Council budget decision meetings

“A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/ amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure 29.1.”

3.1.2 Amended Council Procedure Rule 21.3

“21.3 Show of hands

*Unless a recorded vote is demanded under Rule 21.4 **or required under Rule 21.6**, the Chairman will take the vote by show of hands (and a count if requested), or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting.”*

4.0 Decision Making Process

- 4.1 Recommendations by the Working Party will be submitted to Standards Committee, who, in turn, will make final recommendations to Council.

Future Meetings	Date:
Standards Committee	1 April 2014
Council	24 April 2014

Contact Officer:	Glenn Back, Democratic Services & Scrutiny Manager, ext 7187
Reporting to:	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005</i>

Annex List

None	
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Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>n/a</i>
Legal	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005</i>

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TO REVIEW COUNCIL PROCEDURE RULE 2.0 IN RELATION TO BUSINESS CONSIDERED AT BUDGET-SETTING MEETINGS OF THE COUNCIL

To: **Constitutional Review Working Party – 13 March 2014**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Not applicable**

Summary: To review Council Procedure Rule 2.0 in relation to business transacted at budget-setting meetings of Council

For Decision

1.0 The Current Situation

- 1.1 As from 2012, the Council has held an additional meeting, either in late January or early February, for the purpose of setting the budget. In 2012, this was an extraordinary meeting. In 2013 and 2014, it was an ordinary meeting and on that basis, the usual items of business transacted at ordinary meetings were placed on the agenda; for example:
- Announcements
 - Petitions from the public
 - Questions from the press and public
 - Motions on notice
 - Leader's Report
- 1.2 Prior to the budget meeting taking place on 6 February 2014, the Political Group Leaders reached an informal agreement whereby Members did not submit questions or notices of motion to the meeting, given that they could be submitted to a different Council meeting only a few weeks later (on 27 February). The underlying purpose of that arrangement was to enable more time to be devoted to consideration of the budget at the meeting. Additionally, and for the same reason, the Leader of Council declined to present the Leader's report.
- 1.3 In a similar vein, a question was received from a member of the public that would ordinarily have been presented to the meeting on the 6th. The member of the public was asked if they were willing to defer the question until the meeting on 27 February, which they agreed to.
- 1.4 At a recent meeting involving all Group Leaders, they seemed to wish to formally restrict the number of agenda items that could be considered at the budget setting meeting, for the same reason – allowing maximum time for a debate on budget setting for the year ahead.
- 1.5 As the budget-setting meeting is essentially an “extra meeting”, followed by a further ordinary meeting (at which the council tax is agreed) three to four weeks later, it is not considered that the opportunities for transaction of other ordinary business (which do

not relate to the budget) are significantly affected by excluding that business from the agenda.

- 1.6 Online research has been carried out with a view to determining whether any other councils exclude non-budget business from their budget setting meetings. Table 1 provides some examples of items of business that are not permissible.

Table 1

Council	Items excluded from a budget setting meeting of council
Birmingham	Public questions
Cardiff	Members' questions Members' notices of motion
Lambeth	Members' questions Reports from Cabinet and other council committees Members' motions
Norfolk	Everything "... except the budget and associated items, subject to the Chairman having discretion to accept additional items other than those relating to the budget; but only in exceptional or urgent circumstances."
Medway	Petitions Public questions Leader's report Report on Overview & Scrutiny activity Members' questions Members' motions

- 1.7 Members may wish to note that in the case of Birmingham and Cardiff, council meetings are generally held on a monthly basis; in the case of Norfolk, an ordinary meeting takes place a month before and a month after the budget meeting; in the case of Lambeth an ordinary meeting takes place a month before and 6-7 weeks after the budget meeting; and, finally, in the case of Medway, an ordinary meeting takes place a month before and 2 months after the budget meeting.

2.0 Options

- 2.1 **Option 1** - exclude from the budget-setting meeting agendas all items that do not relate to the budget, with the exception of the essential items of apologies for absence, minutes of previous meeting and declarations of interests, subject to a qualification similar to that used by Norfolk council as follows:
- *subject to the Chairman having discretion to accept additional items; but only in exceptional or urgent circumstances.*
- 2.2 **Option 2** - only exclude from the budget-setting meeting agendas some or all of the items of business listed at paragraph 1.1 above, but also with the qualification above regarding exceptional or urgent items;
- 2.3 **Option 3** - do not exclude any items of business from the budget-setting meeting agenda.

2.4 How the adoption of options at paragraphs 2.1 or 2.2 could affect the wording of Council Procedure Rule 2.0 is illustrated at Annex 1.

3.0 Corporate Implications

3.1 Financial and VAT

3.1.1 None

4.2 Legal

4.2.1 Any changes to the types of business transacted at ordinary budget meetings must be reflected in the Council's constitution.

4.3 Corporate

4.3.1 Whereas it could be considered that the opportunity afforded to members of the public to participate in council meetings would be diminished by the exclusion of public petitions and questions from the agenda of an ordinary budget setting meeting, this must be weighed against the close proximity that now exists between the ordinary budget setting meeting and the ordinary Council meeting that follows it.

4.4 Equity and Equalities

4.4.1 None arising directly from this report.

5.0 Recommendation

5.1 The Working Party is asked to decide which of the three options (as outlined in section 2.0 above), to recommend to Standards Committee, i.e.,

5.1.1 Exclude from the budget-setting meeting agendas all items that do not relate to the budget, with the exception of the essential items of apologies for absence, minutes of previous meeting and declarations of interests, subject to a qualification similar to that used by Norfolk council as follows:

- *subject to the Chairman having discretion to accept additional items; but only in exceptional or urgent circumstances.*

5.1.2 Only exclude from the budget-setting meeting agendas some or all of the items of business listed at paragraph 1.1 above, but also with the qualification above regarding exceptional or urgent items;

5.1.3 Do not exclude any items of business from the budget-setting meeting agenda.

5.2 If the Working Party decides to recommend the option at paragraph 5.1.2, it is asked to identify the items of business which should be excluded.

6.0 Decision Making Process

6.1 Recommendations by the Working Party will be submitted to Standards Committee, who, in turn, will make final recommendations to Council.

Future Meetings

Standards Committee	<i>1 April 2014</i>
Council	<i>24 April 2014</i>

Contact Officer:	Glenn Back, Democratic Services & Scrutiny Manager, ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

Annex List

Annex 1	Suggested changes to CPR 2.0 to take account of Options 1 & 2, at paragraphs 5.1.1 and 5.1.2 of the report
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Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>n/a</i>
Legal	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, Ext 7005</i>

PROPOSED AMENDMENTS IF EITHER OF THE OPTIONS AT PARAGRAPHS 5.1.1 AND 5.1.2 OF THE REPORT ARE ADOPTED

COUNCIL PROCEDURE RULE 2.0

2.0 Ordinary Meetings

2.1 Order of Business

Ordinary meetings of the Council shall commence at 7.00 pm unless otherwise agreed with the Chairman and will take place on a Thursday in accordance with a programme decided at the Council's annual meeting. **Subject to rule 2.5**, ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice Chairman are not present;
- (ii) deal with any business required by statute to be done before any other business;
- (iii) approve the minutes of the last meeting;
- (iv) receive any announcements from the Chairman, Leader, members of the Cabinet or the Head of Paid Service;
- (v) receive any declarations of interest from members;
- (vi) receive petitions from the public;
- (vii) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (viii) deal with any business from the last Council meeting;
- (i) receive reports from the Cabinet Leader, Members of the Cabinet and the Council's Committees etc;

Except for items under (i), (ii) or (iii) of Rule 2.1 the order of business may be varied at the Chairman's discretion or by a resolution passed on a motion that has been moved and seconded which shall be put without discussion.

2.2 Leaders Report

The Leader of the Council may make an oral report, not exceeding ten minutes, on key issues arising since the last meeting of Council.

The Leaders of any other Political Group may comment on the Leader's report. The comments of the Leaders of the other Political Groups shall be limited each to five minutes. The other Group Leaders will comment in an order determined by the number of Councillors within those Political Groups, with the largest Group commenting first, and so on.

The Leader has a right of reply to each Group Leader limited to two minutes, in hierarchical order, to any comments made on his/her report.

The Leader of the Council, the Leader of the Opposition and the Leader of any other Political Group may appoint substitutes to speak on their behalf.

No motions may be moved nor resolutions passed under this item.

2.3 Related Items

The Chairman shall also have discretion to decide that related items of business may be dealt with in accordance with such procedure as the Chairman shall consider is most conducive to the despatch of business.

2.4 Application to Committees

The Chairman of any Committee or Sub-Committee shall have the discretion to vary the order of business and decide on related items of business in accordance with such procedure as the Chairman shall consider is most conducive to the despatch of business.

EITHER

[SUGGESTED AMENDMENT IF OPTION AS SET OUT AT PARAGRAPH 2.1 OF THE REPORT IS ADOPTED]

2.5 Budget-setting meetings of the Council

With the exception of the essential items of apologies for absence, minutes of previous meeting and declarations of interest, the only items that will be considered at budget-setting meetings of the Council will be the budget and associated items, subject to the Chairman of Council having discretion to accept additional items; but only in exceptional or urgent circumstances.

OR

[SUGGESTED AMENDMENT IF OPTION AS SET OUT AT PARAGRAPH 2.2 OF THE REPORT IS ADOPTED]

2.5 Budget-setting meetings of the Council

At budget-setting meetings of the Council, the following items of business will be excluded from the agenda:

XX

YY

ZZ;

subject to the Chairman of Council having discretion to accept any of those items; but only in exceptional or urgent circumstances.

TO REVIEW APPOINTMENT OF SUBSTITUTES TO ATTEND MEETINGS

To: **Constitutional Review Working Party – 13 March 2014**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **To consider whether a substitute appointed to attend a meeting of a body should be from the same political group as the member of the body who is being substituted**

For Decision

1.0 The Current Situation

- 1.1 Members of the Working Party will recall reviewing the position regarding the size and political composition of the pool of substitute members of the Planning Committee at its meeting on 30 October 2013. The Working Party agreed to recommend that the status quo be retained in relation to the size and political composition of the pool; i.e. that the size and composition continue to mirror exactly those of the committee. That recommendation was endorsed by Standards Committee and adopted by Council on 5 December 2013.
- 1.2 Additionally, the Working Party considered the establishment of a pool of substitutes for the Governance & Audit Committee at its meeting on 21 August 2013 and agreed to recommend that a pool be set up to replicate the size and political proportionality of the committee.
- 1.3 Ultimately, Council resolved, on 3 October 2013, that there be named substitutes, appointed in accordance with the principles of political proportionality.
- 1.4 As the respective pools for the Planning Committee and Governance & Audit Committee are politically balanced, it could be expected that the appointment from the pools of substitutes to attend meetings would also be such so as to maintain political balance at meetings.
- 1.5 Regarding the Council bodies, apart from Planning and Governance & Audit, which are politically balanced under the provisions of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, the position is that, with the exception of the Licensing Board, for which no substitutes are permissible, any Member who is not a member of a body can be appointed as substitute to attend a meeting of that body.
- 1.6 In the interests of maintaining political balance as far as possible at meetings of council bodies, whose composition is politically proportional, it is suggested that Members of those bodies appoint as substitutes only Members of the same political group to which they belong.
- 1.7 If Members of the Working Party agree, the relative constitutional provisions:

- (i) Council Procedure Rule No. 5 – Appointment of Substitute members of Committees, Sub-Committees and Working Parties; and
- (ii) In so far as they relate to the Planning Committee - Clause 9.0 of the Protocol for the Guidance of Planning Members and Officers.

could be amended as highlighted at Annexes 1 and 2 respectively.

2.0 How do Members Register a substitute?

- 2.1 Currently any Member may contact Democratic Services and give their apologies for a meeting and give details of a substitute. In addition in accordance with the Council Procedure Rules a substitute can also be appointed anytime up to the start of an item of business.
- 2.2 The Constitutional Review Working Party could use this opportunity to see whether they feel that the rules on who can register a substitute should be amended to allow for either individual substitution or substitution by the group whip. In addition also whether when this act of substitution should occur – by a fixed time deadline in advance of a meeting or anytime up to the start of an item of business as shown in paragraph 5.3 ii) and iii) of annex 1 of this report.

3.0 Corporate Implications

3.1 Financial and VAT

- 3.1.1 None arising

3.2 Legal

- 3.2.1 The Council must observe rules concerning political balance of council bodies, as provided for within the Local Government & Housing Act 1989 and the Local Government (Committees and Political Groups) 1990. The suggested modular council procedural rule 1.2 “Selection of Councillors on Committees and Outside Bodies states that: “At the annual meeting, the council ... will ... (iii) decide the allocation of seats [and substitutes] to political groups in accordance with political balance rules”.

3.3 Corporate

- 3.3.1 None arising

3.4 Equity and Equalities

- 3.4.1 None arising

4.0 Recommendation(s)

- 4.1 That the Working Party recommends to Standards Committee that Council Procedure Rule 5 and Clause 9 of the Protocol for the Guidance of Planning Committee Members and Officers be amended, as indicated at Annexes 1 and 2 respectively.

5.0 Decision Making Process

- 5.1 Recommendations by the Working Party will be submitted to Standards Committee, who, in turn, will make the final recommendation to Council.

Future Meetings

Standards Committee	1 April 2014
Council	24 April 2014

Contact Officer:	<i>Glenn Back, Democratic Services & Scrutiny Manager, ext 7187</i>
Reporting to:	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005</i>

Annex List

Annex 1	CPR 5 – Appointment of Substitute Members of Committees, Sub-Committees and Working Parties
Annex 2	Clause 9, Protocol for the Guidance of Planning Committee Members and Officers, “Membership of Planning Committee and Substitutions

Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>n/a</i>
Legal	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer Ext 7005</i>

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COUNCIL PROCEDURE RULE 5

5.0 Appointment of Substitute Members of Committees, Sub-Committees and Working Parties

5.1 Allocation

The Council will appoint as substitute members of Committees and Sub-Committees those members nominated by each political group. Political groups may nominate every other member of the group provided that neither the Chairman nor Vice-Chairman of Council nor any member of the Cabinet shall be eligible to be a substitute member at any Committee or Sub-Committee on which either the Chairman or Vice-Chairman or a member of the Cabinet may not sit.

5.2 Powers and duties

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

5.3 Substitution

- (i) It shall be the duty of Groups themselves to arrange for the attendance of substitute Members. **As far as committees and sub-committees to which political balance rules apply, the substitute Member appointed shall be a member of the same political group as the Member being substituted.**
- (ii) The Member Services Officer must be notified of the attendance of a substitute member before the commencement of any item of business.
- (iii) If a substitute Member is present at any meeting and the appointed Member subsequently attends during the course of the proceedings, the substitute Member shall withdraw from taking any further part in the meeting at the conclusion of the item under discussion.
- (iv) No substitute Member should be eligible to Chair a meeting if an appointed Member of the Committee or Board is present and willing to take the Chair.
- (v) In relation to the determination of any applications made under the Licensing Act 2003, no Member shall be eligible to be a substitute on the Licensing Board or on a sub-committee established by it.

5.4 Working Parties.

These rules shall also apply to Working Parties.

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Clause 9, Protocol for the Guidance of Planning Committee Members and Officers

9.0 Membership of Planning Committee and Substitutions

- 9.1 The Planning Committee consist of 15 members reflecting the representation that the party groups have on full Council. A system of substitution also applies to the Planning Committee, meaning that a committee member who is unable to attend a meeting can appoint another member to attend the meeting in his or her place. Substitutions at a Planning Committee shall only be permitted from a designated pool of substitute Members to be agreed at the Annual Meeting of Council each year (and updated as required at subsequent meetings of Council).
- 9.2 It shall be the responsibility of the Member unable to attend the Planning Committee meeting to appoint a substitute Member from the pool and inform the Democratic Services & Scrutiny Manager, in accordance with the Council's Constitution.
- 9.3 **As the pool of substitutes for the Planning Committee is politically balanced, the substitute Member must be a member of the same Political Group as the Member being substituted.**

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REGISTER OF INTERESTS, GIFTS AND HOSPITALITY FOR OFFICERS – TO AMEND FINANCIAL PROCEDURE RULES TO REFLECT CURRENT PRACTICE

To: **Constitutional Review Working Party – 13 March 2014**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Ward: N/A

Summary: **To approve an amendment to the Financial Procedure Rules to reflect current practice in relation to the maintenance of a register of interests, gifts and hospitality for officers**

For Decision

1.0 Current situation

- 1.1 It is the current practice for the Monitoring Officer to maintain the register of interests, gifts and hospitality for officers.
- 1.2 Consequently, the responsibilities, as set out at Clause 5.0 relating to, “Preventing Fraud and Corruption” [*Appendix C to the Financial Procedure Rules: Financial Procedure Note: Risk Management and Control of Resources*] require to be updated to reflect this practice.
- 1.3 The Working Party is asked to approve the suggested amendment shown at Annex 1.

2.0 Corporate Implications

2.1 Financial and VAT

- 2.1.1 None arising

2.2 Legal

- 2.2.1 The constitution of the Council should be kept up to date to reflect current practices. This avoids confusion.

2.3 Corporate

- 2.3.1 None directly arising

2.4 Equity and Equalities

- 2.4.1 None arising

3.0 Recommendation

- 3.1 That the Working Party approves the amendments as highlighted at Annex 1.

4.0 Decision Making Process

- 4.1 Recommendations by the Working Party will be submitted to Standards Committee, who, in turn, will make final recommendations to Council.

Future Meetings	Date:
Standards Committee	1 April 2014
Council	24 April 2014

Contact Officer:	Glenn Back, Democratic Services & Scrutiny Manager, ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

Annex List

Annex 1	Extract of Financial Procedure Rules Annexe C: "Preventing Fraud and Corruption"
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Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>n/a</i>
Legal	<i>n/a</i>

Extract from Financial Procedure Rules

Appendix C: Financial Procedure Note: Risk Management and Control of Resources

5.0 Preventing Fraud and Corruption

5.1 General

The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council. The Council's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Council also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and will take reasonable actions to prevent fraud and corruption.

5.2 Responsibilities of the Section 151 Officer:

- To develop and maintain an anti-fraud and anti-corruption policy.
- To maintain adequate and effective internal control arrangements.
- To ensure that all confirmed irregularities are reported to the Head of Paid Service, the Cabinet and any committee with responsibility for audit.

5.3 Responsibilities of Directors of Services:

- To ensure that all suspected irregularities are reported to the Section 151 Officer.
- To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- To ensure that where financial impropriety is discovered, the Section 151 Officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- ~~To maintain a departmental register of interests, gifts and hospitality.~~

5.4 Responsibilities of Monitoring Officer:

- To maintain a register of interests, gifts and hospitality.

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING.....

DATE..... AGENDA ITEM

DISCLOSABLE PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.