

SUMMONS TO ATTEND A MEETING OF THE  
NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Time/Date 6.30 pm on TUESDAY, 8 NOVEMBER 2016  
Location Council Chamber, Council Offices, Coalville  
Officer to contact Democratic Services (01530 454512)

*Christine E. Fisher*

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Chief Executive

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

**AGENDA**

Item	Pages
<b>PRAYERS</b>	
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
Members are reminded that any declaration of interest should be made having regard to the code of conduct. In particular, members must make clear the nature of the interest and whether it is 'pecuniary' or 'non pecuniary'.	
<b>3. CHAIRMAN'S ANNOUNCEMENTS</b>	
<b>4. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS</b>	
Members are reminded that under paragraph 11.1 of part 4 of the Constitution, questions can be asked of the Leader and Cabinet Members without notice about any matter contained in any address. Questions shall be limited to five minutes in total for each announcement.	



<b>Item</b>	<b>Pages</b>
<b>5. QUESTION AND ANSWER SESSION</b>	
To receive questions from members of the public under procedure rule no.10. The procedure rule provides that members of the public may ask members of the Cabinet any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.	
<b>6. QUESTIONS FROM COUNCILLORS</b>	
To receive members' questions under procedure rule no.11. The procedure rule provides that any member may ask the chairman of a board or group any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.	
<b>7. MOTIONS</b>	
To consider any motions on notice under procedure rule no. 12.	
<b>8. PETITIONS</b>	
To receive petitions in accordance with the Council's Petition Scheme.	
<b>9. MINUTES</b>	
To confirm the minutes of the meeting of the Council held on 28 June 2016.	<b>3 - 10</b>
<b>10. LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY</b>	
Report of the Chief Executive Presented by the Leader	<b>11 - 18</b>
<b>11. SENIOR MANAGEMENT STRUCTURE</b>	
Report of the Chief Executive Presented by the Leader	<b>19 - 24</b>
<b>12. APPOINTMENTS TO THE INDEPENDENT REMUNERATION PANEL</b>	
Report of the Chief Executive Presented by the Corporate Portfolio Holder	<b>25 - 28</b>

MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 28 JUNE 2016

Present: Councillor J Cotterill (Chairman)

Councillors R Adams, G A Allman, R Ashman, R D Bayliss, R Blunt, R Boam, J Bridges, R Canny, N Clarke, J G Coxon, D Everitt, T Eynon, F Fenning, J Geary, S Gillard, T Gillard, L Goacher, D Harrison, G Houlton, J Houlton, G Jones, J Legrys, S McKendrick, K Merrie MBE, T J Pendleton, V Richichi, N J Rushton, A C Saffell, S Sheahan, N Smith, A V Smith MBE, M Specht, D J Stevenson and M B Wyatt

Officers: Mr S Bambrick, Ms C E Fisher, Mr A Hunkin, Mr G Jones, Mrs M Meredith, Mr P Padaniya, Mrs M Phillips and Miss E Warhurst

## **18. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Clarke, R Johnson and P Purver.

## **19. DECLARATION OF INTERESTS**

Councillor S Sheahan declared a non pecuniary interest item 10 - Leicester and Leicestershire Strategic Growth Plan – Strategic Growth Statement, as a member of Leicestershire County Council and due to the reference to HS2.

Councillor S Sheahan declared a non pecuniary interest in item 11 – North West Leicestershire Local Plan, due to property interests and potential references to HS2.

Councillor J G Coxon declared a non pecuniary interest in items 10 - Leicester and Leicestershire Strategic Growth Plan – Strategic Growth Statement, and 11 – North West Leicestershire Local Plan, due to the references to HS2.

Councillor N J Rushton declared a non pecuniary interest item 10 - Leicester and Leicestershire Strategic Growth Plan – Strategic Growth Statement, as the Leader of Leicestershire County Council and as a member of Midlands Connect and Midlands Engine.

## **20. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

The Chairman referred to the numerous events he had attended since May; the most memorable of which being Picnic in the Park and Proms in the Park, which was a resounding success. He thanked the officers involved for organising such a well attended event. The Chairman announced that on Friday, 1 July he would be attending a service at Leicester Cathedral commemorating the centenary of the Battle of the Somme.

The Chairman invited Councillor N J Rushton to speak.

Councillor N J Rushton stated that at a previous meeting of Council during the debate he accused Councillor J Legrys of being the Labour leader when he knew he was not, and this comment had offended Councillor S McKendrick. He assured Councillor S McKendrick that this comment was intended to be part of the political banter across the chamber. Councillor S McKendrick approached him after the meeting to discuss matter and he now understood that he had made matters worse. He apologised to Councillor S McKendrick for any offence he may have caused.

Councillor S McKendrick thanked Councillor N J Rushton for the apology and added that she considered the matter closed.

## **21. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS**

Councillor R Blunt made reference to the flooding which had badly affected the district on 15 and 16 June. He thanked the staff for stepping in during an unprecedented emergency. He also expressed thanks to partner organisations and volunteer flood wardens who had worked day and night to support the most vulnerable people. He added that the Council had a responsibility to step in, and had done so by providing over 3,000 sandbags and offering advice and support to anyone whose home was at risk of flooding. He reported that 60 urgent requests for sandbags were received on 15 June, following by a further 20 requests on 16 June. He expressed personal thanks to everyone who had pulled together to help during this extremely challenging time.

Councillor D Everitt stated that the people of Thringstone and Whitwick were very much affected by the flooding and he thanked the officers involved. He added that the Methodist Church, which was the highest point in Whitwick had been flooded for the first time. He made reference to his comments at the Planning Committee prior to the flooding raising concerns about the flood risks relating to placing developments on hills. He added that he believed one of the reasons for this was that not enough notice was taken of ground cover and water absorption.

Councillor S McKendrick added thanks on behalf of the Labour Group to everyone who had been involved in all of the work relating to the flooding. She added that it was evident that a lot of time and hard work went into making things as good as they could be under the circumstances.

Councillor D J Stevenson expressed sympathies to those people who had been flooded in Breedon on the Hill. He thanked everybody for helping and highlighted the positive work that was now being done by Leicestershire County Council looking into prevention.

Councillor A V Smith announced that the Council had received a Municipal Journal award for its Dog Watch initiative, developed by the Street Environment team and based on the Neighbourhood Watch scheme. She highlighted that the campaign had led to significant reductions in dog fouling hotspots and had received positive feedback from parish councils. She added that the Municipal Journal awards were a national award recognising best practice across the country. She expressed thanks to the staff involved.

Councillor M Specht welcomed this news. He explained that Coleorton Parish Council had had an issue with dog fouling and had been issued with a stencilling kit. He added that stencilling the road had eradicated the issue. He highlighted the cost and impact of dog fouling. He congratulated the staff on receiving the award, and added that this was a great credit to the team.

Councillor S McKendrick added thanks to the officers on behalf of the Labour Group. She welcomed the award and commented that people did not realise the importance of this issue and how damaging dog fouling could be.

## **22. QUESTION AND ANSWER SESSION**

There were no questions received.

## **23. QUESTIONS FROM COUNCILLORS**

Councillor J Legrys put the following question to Councillor T J Pendleton:

Officers have been actively working with developer Barrett for Change of Use from neighbourhood equipped area for play (NEAP)/Multi-uses Games Area (MUGA) to informal public open space off Lillehammer Drive Coalville. To date the work has not been carried out. Can the Portfolio Holder please tell if the work will be completed before the start of the 2016 school holidays, and why it is taking so long to complete negotiations between developer and the Council?

Councillor T J Pendleton gave the following response:

Officers have indeed been actively working on this matter for a significant period of time and not for the want of trying progress has been slow.

The current position is that the Council are waiting for the developer Barratts to sign off a Deed of Variation to the S106 agreement.

This will facilitate the changes agreed by our planning committee on the 7 October 2014. These changes will see the current Multi Use Games Area replaced with informal open space for residents and local children to use and enjoy.

However, the area will be subject to our current opening and closing times for parks in order to prevent any use after dark and minimise late night Anti Social Behaviour issues for the immediate neighbours.

Barratts submitted proposals on 1 June for the informal open space landscaping scheme as required through a planning condition. Officers responded with some minor suggestions on 10 June 2016.

Barratts shared the proposals on 16 June with immediate neighbours, interested parties on the wider estate, the Council and the local Ward member for final comment.

The Council now expects to receive feedback from Barratts regarding this final consultation process (noting this was only sent out 12 days ago). Subject to broad agreement from residents it is expected the signing of the Deed of Variation will follow, planning permission granted and subsequent development will follow.

The Deed of Variation is currently drafted to include for the development of a Multi Use Games Area at Scotlands Playing Fields which is deemed a more suitable location.

However, the Council has recently received a proposal from Barratts which disappointingly does not include any resource to facilitate the development of a new Multi Use Games Area. Officers are currently seeking legal advice on this matter. As the school holidays are now less than 4 weeks away it appears unlikely that Barratts will be able to complete the works to the Lillehammer site for use in the summer holidays, despite Officers consistently pushing for this outcome.

Barratts have advised they expect to be undertaking the removal of the Multi Use Games area during the school holidays and commence site preparation in order to be ready for the first available planting season thereafter.

I am reassured that matters are still progressing albeit I am disappointed with Barratts latest communication and that it has taken so long to get to this point.

I am happy to provide the Ward Member with regular updates going forward as soon as we have any news to relay.

Councillor J Legrys declined to ask a supplementary question and stated that he shared Councillor T J Pendleton's disappointment in the outcome.

**24. MOTIONS**

No motions were received.

**25. PETITIONS**

No petitions were received.

**26. MINUTES**

Consideration was given to the minutes of the meeting held on 17 May 2016.

It was moved by Councillor J Cotterill, seconded by Councillor V Richichi and

RESOLVED THAT:

The minutes of the meeting held on 17 May 2016 be approved and signed by the Chairman as a correct record.

**27. LEICESTER AND LEICESTERSHIRE STRATEGIC GROWTH PLAN - STRATEGIC GROWTH STATEMENT**

Councillor T J Pendleton presented the report to members and sought their agreement to the strategic growth plan statement for the purposes of consultation. He reminded members that the Council was working in partnership with the city council, county council, district councils and the LLEP to prepare the strategic growth plan, and having the plan would mean that councils across Leicester and Leicestershire would be able to plan effectively for the future, preparing local plans within a consistent framework and be able to exercise control over the forecast growth for the area. He added that without the strategic growth plan, growth would take place in an unsynchronised sporadic manner, leading to a lack of protection for important assets and also leaving authorities not to demonstrate that they had complied with the duty to cooperate. He outlined the consultation process which would take place once the statement was agreed.

Councillor T J Pendleton moved the recommendations as set out in the report. The motion was seconded by Councillor N J Rushton who reserved his comments.

Councillor S Sheahan commented that this was something of a test of new and emerging governance structures. He expressed concern that the voice of North West Leicestershire was not being heard in this process, and the only issue of any substance for the district was the east midlands gateway. He questioned whether the creation of yet more low wage unskilled jobs should be the sum total of the contribution for North West Leicestershire. He stated that training and opportunities for young people should be promoted, and attempts made to attract businesses that offered this. He commented that there were a lot of weaknesses and threats in the report, and the biggest threat to our prosperity was not even mentioned. He felt that the strategy for Leicester and Leicestershire was a weak offering for the district which had an important part to play in the future of Leicestershire. He added that if North West Leicestershire was not given the support to play its part, Leicestershire as a whole would lose out. He concluded that he would support sending the document out for consultation in the hope that it would improve as a result.

Councillor F Fenning noted that there were no resource implications highlighted in the report. He suggested that it should be clarified that this was excluding officer time and funding for consultancy works. He stated that all costs, including time, must be measured in some way.

Councillor N J Rushton stated that it was most important that this strategic growth plan was approved. He commented that to suggest North West Leicestershire was involved was untrue, and assured members that the district had contributed as much as the other local authorities involved. He commented that logistics was a growing industry and to suggest that such jobs were low value and low paid was appalling and he hoped these comments would be withdrawn.

Councillor T J Pendleton stated that he was very happy to say that the aim of the strategic was to generate prosperity, not just low paid jobs. He highlighted the four transformational priorities outlined in the report, one of which was within North West Leicestershire. He added that there were eleven constituent stakeholders sharing the cost and money was being saved rather than spent. He highlighted the good practice in the work being undertaken and added that cohesion would provide a sound basis for future plans.

The Chairman then put the motion to the vote and it was

RESOLVED THAT:

- a) The strategic growth statement be approved for consultation subject to (b) below;
- b) The Chief Executive in consultation with the Leader be authorised to make minor changes to the draft strategic growth statement prior to consultation.

## **28. NORTH WEST LEICESTERSHIRE LOCAL PLAN**

The Chairman reminded members that the usual rules of debate would apply to this item.

Councillor T J Pendleton presented the report to members, reiterating that the Local Plan was the culmination of years of hard work and was an inspirational strategy that would deliver genuinely sustainable growth across the district. He reminded members that the Local Plan had been the subject of numerous rounds of informed scrutiny by members, carried out in public through the Local Plan Advisory Committee in public, with the aim of garnering cross party support. He added that the Council had set out clear priorities for the district and the Local Plan would put these priorities into action. He stated that the council was unashamedly determined that these priorities of jobs and growth would continue to be supported and would continue to support Coalville's resurgence as an economic powerhouse, capitalising on its fantastic location, proximity to the motorway network, and wealth of talented people. He made reference to the uniqueness of the place and stated that being open for business would not result in the loss of the uniqueness that made this a special place to live, work and thrive. He added that the local distinctiveness and identity of places would be maintained including protecting the Whitwick green wedge and Coalville. He reaffirmed the Council's commitment to the development of the South East Coalville sustainable urban extension which would provide more than 3,000 homes and more than £13 million investment in infrastructure to support those new homes. He highlighted the progress made in the regeneration of Coalville town centre, which had been made possible by the South East Coalville sustainable urban extension. He also made reference to the significant investment in infrastructure which had been secured along the A511 corridor and across the district. He alluded to the risks in the process of preparing the Local Plan and the considerable advice taken about the position in which the Council found itself. He commended the Local Plan to Council and moved the recommendations set out in the report.

The motion was seconded by Councillor D J Stevenson who reserved his comments.

Councillor M B Wyatt sought clarification in respect of the Bardon relief road and its status in the Local Plan. Councillor T J Pendleton stated that this was enshrined within the local planning decision and this could not be reversed.

Councillor J Legrys thanked the officers for their succinct explanations throughout the process. He also thanked Councillor J Bridges as Chairman of the Local Plan Advisory Committee. He expressed disappointment that the Local Plan Advisory Committee had not been listened to or engaged with by many members. He did not feel that the Local Plan was a visionary plan but he believed that the people of North West Leicestershire must be given the opportunity to present their concerns and opposition directly to the independent inspector. He made reference to the explicit timescales set out by the current government. He added that the government had moved the goalposts and several acts had passed through parliament recently which had forced officers to go back to square one on their research. He congratulated the officers on their work. He made reference to the extensive scrutiny undertaken by the Local Plan Advisory Committee and urged members who not happy with the Local Plan to submit their comments to the inspector, providing their planning reasons. He stated that the main concerns were the lack of identifiable infrastructure improvements and when they would be provided. He also noted that Leicestershire County Council would not be supporting the National Forest Line or the A5111 bypass and he expressed concerns in respect of the losses going on in public life at present. He concluded however that the pros and cons had to be balanced and he stressed the importance of preventing greater damage to our communities by uncompromising developers. He urged members to support the motion.

Councillor A C Saffell made reference to the discussions which had taken place in respect of the town centre boundaries in Castle Donington, which the Parish Council had very strongly wished to redraw. He stated that the Portfolio Holder had attended several Parish Council meetings and had indicated that his support. He noted with great disappointment that the proposed boundaries remained unchanged.

Councillor G A Allman stated that he would be voting against the Local Plan, as he had listened to the residents of Ashby de la Zouch and he felt he had to take their views into consideration. He quoted from the Local Plan that the purpose of planning was to help achieve sustainable development, which meant ensuring that providing for the needs of the current generation did not make life worse for future generations. He stated that the increase in the size of Ashby de la Zouch did not sit well with this statement when compared with the overall increase across the district. He added that the minimum affordable housing contribution for Ashby de la Zouch would be 30%; however the Money Hill consortium intended to provide a maximum of 10% and were not providing the nursing home that was promised. He requested a recorded vote.

Councillor J Bridges expressed thanks to the officers who had compiled the Local Plan. He also thanked Councillor J Legrys for his kind words and felt that the Local Plan Advisory Committee had truly operated as a cross party committee. He added that all members had been given the opportunity to comment and had been encouraged to seek feedback from colleagues and parish councils. He congratulated officers on building in as much flexibility as possible whilst making the Local Plan as robust as possible.

Councillor F Fenning thanked those involved for their hard work and thought. He pointed out the cost of preparing the Local Plan to date, which was approximately £394,000 over a 2 year period. He added that this excluded staff costs and he would like officers to consider the amount of time taken.

Councillor T Eynon expressed concerns relating to public health infrastructure, and highlighted the recent report to Policy Development Group pursuing the fate of £1.3 million of developer contributions for health which had been at risk of being paid back. She stated that she was however pleased to see that the Local Plan was taking transport



infrastructure seriously, as according to the RAC, North West Leicestershire was amongst the top 10 districts where working people were obliged to use their private cars to go to work and she made reference to the many road junctions which repeatedly breached air quality guidelines. She concluded that despite her concerns she supported the Local Plan being sent out for consultation and added that she would be encouraging people interested in health and wellbeing to have their say. She commented that she was particularly pleased to support policy IF5 in which the Council committed itself to supporting the provision of public transport on the Leicester to Burton line and she looked forward to seeing progress on the inevitable revisions to the Local Plan which would take place following the consultation.

Councillor R Blunt paid tribute to those members who had served on the Local Plan Advisory Committee and emphasised the importance of the committee. He thanked the Chief Executive for suggesting this approach which had enabled cross party working on such an important document.

Councillor S McKendrick made reference to the comments made and the concerns raised throughout the process, highlighting that there were some key challenges. She stated that the questions that had to be asked were whether the Council had fulfilled its duty to co-operate, whether the housing figures were robust and whether the proposed Local Plan was sound. She commented that in the next 6 week period it was crucial for everybody to ensure they expressed their views and submitted their comments. She felt that some areas like Ashby de la Zouch would be devastated in by the level of housing development, and in some ways it was difficult to support the Local Plan. She acknowledged that without a Local Plan there was no doubt that it would be an open day for developers, and therefore with reluctance she supported it

Councillor M Specht responded to the earlier comments in respect of Section 106 contributions for health as Chairman of the Policy Development Group. He made reference to the meeting of the Policy Development Group which had discussed this issue. He stated that he was not aware that this authority had had to pay any monies back, and he added that this issue had evolved from the reluctance from the National Health Service to take up Section 106 monies. He acknowledged that some of those agreements were coming to the end of their terms, however he had been assured that the developers would be flexible in terms of timescales. He encouraged members with any concerns to contact the ward member concerned.

Councillor D J Stevenson made reference to the importance of this vote and of putting the Local Plan in place. As Chairman of the Planning Committee he urged members to support the Local Plan.

Councillor T J Pendleton thanked members for their constructive comments and made reference to the collaborative working between the administration and the opposition which had taken place.

In response to Councillor F Fenning's comments, Councillor T J Pendleton stated that permanent staff were needed in order to respond to the changing goalposts. He added that other authorities had experienced similar issues in finalising the Local Plan. He advised that the costs involved were for permanent staff only.

In response to Councillor A C Saffell's comments, Councillor T J Pendleton stated that he had supported the change to the local centre in Castle Donington and minor modifications had been made to the boundary.

In response to Councillor T Eynon's comments he confirmed that to date, no Section 106 monies had been returned to developers and he added that the Kegworth bypass would eliminate a further 2 air quality management areas.

In response to Councillor S McKendrick's comments he stated that the duty to co-operate was not a duty to agree.

Councillor T J Pendleton reiterated the importance of moving forward with the Local Plan and submitting it to the inspectorate. He thanked members for their support and thanked the officers for their work. He commented the Local Plan to members.

The Chairman then put the motion to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion: Councillors R Adams, R Ashman, R D Bayliss, R Blunt, J Bridges, R Boam, R Canny, N Clarke, J Cotterill, J G Coxon, D Everitt, T Eynon, F Fenning, J Geary, S Gillard, T Gillard, L Goacher, D Harrison, G Houlton, J Houlton, G Jones, J Legrys, S McKendrick, K Merrie, T J Pendleton, V Richichi, N J Rushton, S Sheahan, A V Smith, N Smith, M Specht, D J Stevenson and M B Wyatt (33).

Against the motion: Councillor G A Allman (1).

Abstentions: Councillor A C Saffell (1).

The motion was therefore declared CARRIED.

RESOLVED THAT:

- a) The minutes of the Local Plan Advisory Committee of 29 July 2015, 16 December 2015, 20 January 2016 and 9 March 2016 be received;
- b) The publication Local Plan be approved;
- c) Council agrees to publish and invite representations upon the Local Plan Development Plan Document together with the sustainability appraisal report and habitat regulation assessment for a six week period in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- d) Authority be delegated to the Director of Services, in consultation with the Portfolio Holder for Regeneration and Planning to submit the Local Plan Development Plan Document to the Secretary of State following receipt and consideration of representations including the identification of possible modifications to the inspector;
- e) Authority be delegated to the Director of Services to agree possible modifications where requested by the planning inspector during the examination and;
- f) The appointed inspector be requested to recommend modifications to the submitted Local Plan to the Council in the event that the inspector considers that such modifications would make the plan sound.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.35 pm

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**COUNCIL – TUESDAY, 8 NOVEMBER 2016**

Title of report	<b>LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY</b>
Contacts	<p>Councillor Richard Blunt 01530 454510 <a href="mailto:richard.blunt@nwleicestershire.gov.uk">richard.blunt@nwleicestershire.gov.uk</a></p> <p>Chief Executive 01530 454500 <a href="mailto:Christine.fisher@nwleicestershire.gov.uk">Christine.fisher@nwleicestershire.gov.uk</a></p>
Purpose of report	To seek Council's approval of documents which support the functioning of the Combined Authority for Leicester and Leicestershire.
Council Priorities	Business and Jobs Homes and Communities
Implications:	
Financial/Staff	The costs of operating the Combined Authority shall be met initially by the Constituent Councils. Further work on the budget for the Combined Authority is being undertaken in consultation with the Section 151 Officers of the Constituent Councils.
Link to relevant CAT	None.
Risk Management	The in-house Legal team were instructed to consider the documents of the Combined Authority and regularly update the Chief Executive and take instructions accordingly.
Equalities Impact Screening	Not completed.
Human Rights	No discernible impact.
Transformational Government	By working together with the other Leicestershire authorities, the Council will secure more robust strategic decision making on important issues within the area and will develop cross border strategic alliances. This will improve our ability to take advantage of any opportunities for investment and improved functions within the area, such as devolution.
Comments of Head of Paid Service	Report is satisfactory

Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	Cabinet - 14 June 2016 and 26 July 2016.
Background papers	<p><a href="#">Report to Council "Proposed Leicester and Leicestershire Combined Authority" of 17 November 2015.</a></p> <p><a href="#">Minutes of the Council meeting of 17 November 2015.</a></p> <p><a href="#">Report to Cabinet "Leicester and Leicestershire Combined Authority" of 14 June 2016.</a></p> <p><a href="#">Report to Cabinet "Leicester and Leicestershire Combined Authority" of 26 July 2016.</a></p>
Recommendations	<p><b>THAT COUNCIL:</b></p> <ol style="list-style-type: none"> <li><b>1. ENDORSES THE DRAFT CONSTITUTION OF THE LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY;</b></li> <li><b>2. ENDORSES THE DRAFT OPERATING AGREEMENT OF THE LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY;</b></li> <li><b>3. AUTHORISES THE CHIEF EXECUTIVE, FOLLOWING CONSULTATION WITH THE LEADER, TO MAKE ANY FINAL MINOR AMENDMENTS TO THE CONSTITUTION AND OPERATING AGREEMENT PRIOR TO THEIR APPROVAL AND ADOPTION BY THE LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY;</b></li> <li><b>4. AUTHORISES THE CHIEF EXECUTIVE, FOLLOWING CONSULTATION WITH THE LEADER, TO AGREE ANY MINOR CHANGES TO THE OPERATING AGREEMENT IN FUTURE FOLLOWING ADOPTION OF THE DOCUMENT BY THE LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY; AND</b></li> <li><b>5. (I) AGREES THE APPOINTMENT OF THE COUNCIL'S REPRESENTATIVE AND SUBSTITUTE TO SERVE ON THE LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY, AS SET OUT IN PARAGRAPH 4.5 OF THE REPORT AND</b></li> </ol>

	<b>(II) NOMINATE REPRESENTATIVES TO SERVE ON THE LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY'S COMMITTEES, AS SET OUT IN PARAGRAPH 4.4 OF THE REPORT.</b>
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## **1. BACKGROUND**

- 1.1 On 17 November 2015, this Authority resolved to approve the proposed Scheme and Governance Review for the Leicester and Leicestershire Combined Authority (the "LLCA"). Both documents were sent to the Secretary of State for Communities and Local Government (the "Secretary of State") for approval on 22 December 2015.
- 1.2 Council at its meeting on 17 November 2015 delegated power to the Chief Executive, following consultation with the Leader, to agree the Constitution, the Order and any ancillary documents supporting the operation of the LLCA. Delegated powers were initially requested as it was envisaged that some decisions may need to be taken with some urgency. The Chief Executive has now taken the decision that as there has been some delay in the timetable initially provided by the Department of Communities and Local Government, as a result of political changes which took place over the summer, she wishes to continue engagement with members and requests this Council's endorsement of the Constitution and Operational Agreement.

## **2. LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY CORE DOCUMENTS**

- 2.1 There are a number of documents which have been prepared in order to facilitate the functioning of the LLCA. These include the Constitution, an Operating Agreement and an Officer Sharing Agreement.

### **CONSTITUTION**

- 2.2 The Constitution is now in final draft form which has been agreed by Chief Executives and Monitoring Officers of the Constituent Councils and Council endorsement of this document is now sought. Instructions have been provided to the Monitoring Officers, who have been tasked with drafting the documents by the Chief Executives of the Constituent Councils and members of the Economic Growth Board. The draft Constitution can be viewed [here](#) (Hardcopies of the document are available upon request).
- 2.3 As with the constitutional document of any local authority, the document details the proposed governance arrangements for the LLCA. It contains information on such matters as:
  - membership
  - committees
  - voting
  - meeting procedure rules and rules of debate
  - contract procedure rules
  - financial procedure rules

- 2.4 Members will recall that previous reports to Cabinet have referred to the Leicester and Leicestershire Enterprise Partnership (LEEP) membership on the LLCA and in the Scheme they are described as a non-voting member of the LLCA. There are provisions in the Constitution which allow the LLCA to resolve, by unanimous decision, to award such voting rights, as they at their absolute discretion shall determine, to the LLEP. It is proposed that at the first meeting of the LLCA, the members will be asked to consider whether to award voting rights to the LLEP. The proposal intended to be put to the LLCA is that the LLEP shall be awarded voting rights at the full LLCA but not on committees and that it will not have the power to veto any decision. The draft Constitution also states that the LLEP will be an advisory, non-voting member of the LLCA transport committee.
- 2.5 The Constitution is to be taken to a meeting of the Economic Growth Board in November where members will be asked to endorse the draft document. The document may be subject to some final subsequent tweaks after it has been considered by the EGB to ensure it is consistent with the wording of the final Order (see paragraph 3 below). It will then be approved and adopted by the LLCA at its inaugural meeting. The Chief Executive, therefore, requests that Council endorse the draft Constitution with delegation to her, in consultation with the Leader, to make any final amendments which may be required between now and the first meeting of the LLCA.
- 2.6 Council is requested to endorse the draft Constitution. Should any of the Constituent Councils or the EGB not endorse the Constitution in the form presented to Council today then a revised version will be brought back to Council in due course.

#### **OPERATING AGREEMENT**

- 2.7 This Agreement should be read alongside the draft Constitution. It provides further detail as to how the LLCA will be run on a day to day basis. This document has been agreed by the Chief Executives and Monitoring Officers of the Constituent Councils and approval of this document from Council is now sought. The Operating Agreement can be viewed [here](#) (Hardcopies of the document are available upon request).
- 2.8 The Operating Agreement has been drafted by the Monitoring Officers of the Constituent Councils, with input being provided by the Section 151 Officers of the Constituent Councils on the financial aspects of the document. Instructions have also been sought from the Chief Executive and the Leader on matters contained within this agreement.
- 2.9 The document deals with the following matters:
- statutory officers;
  - business cases to be put to the LLCA for approval;
  - provision of support staff to the LLCA to enable it to function;
  - apportionment of costs between the Constituent Councils;
  - sharing of Information between the LLCA and Constituent Councils;
  - procedure for resolving disputes between the Constituent Councils;
  - Exit Strategy in the event that any Constituent Council wants to leave the LLCA.
- 2.10 The Operating Agreement contains a robust change mechanism that Constituent Councils will follow, through their Chief Executives, if any changes to the Operating Agreement are proposed. In the interests of efficiency, it would be beneficial for the Chief Executive to

resolve minor changes with the other Chief Executives without having to bring the matter back to this Council for approval. Therefore Council is requested to consider recommendation 3 of this report.

- 2.11 As it is not intended that the LLCA will be employing its own staff, the mechanism through which staff and core services will be provided to the LLCA will be under a secondment arrangement to the LLCA. A draft Officer Sharing Agreement is currently being negotiated by the officers of the Constituent Councils and instructions are being sought from the Chief Executive as Head of Paid Service and the Leader on the provisions contained in that agreement. Once in agreed form, it will be appended to the Operating Agreement and approval sought from the LLCA.

### **3. THE ORDER**

- 3.1 In advance of the draft Order being received from the Department of Communities and Local Government, the LLCA legal working group met on 16 August 2016 following receipt of a schedule from DCLG indicating what is likely to be included in the order and asked for information from the Constituent Councils so as to inform the drafting of the Order. At this meeting the schedule was discussed and compared with the Scheme, Constitution and the Operating Agreement to ensure that they mirrored one another. There were some changes which had come about as a result of negotiations between the Constituent Councils and some which were as a result of the drafting process. These differences were highlighted and sent back to DCLG to inform their drafting.
- 3.2 The Order has not yet been issued by the Department of Communities and Local Government (DCLG) and the Leader was informed by the Leader of Leicestershire County Council on 12 October 2016 that the Order will not be laid before Parliament until early 2017. It is therefore unlikely that a draft order will be issued by DCLG until the New Year. When the draft Order is received from the DCLG, the LLCA working group shall meet to discuss and compare the draft Order with the Scheme, Constitution and Operating Agreement to ensure that they are the same in terms of content and the Order reflects the changes made through the negotiation and drafting process.
- 3.3 At its meeting on 17 November 2015, Council gave delegated authority to the Chief Executive, in consultation with the Leader, to agree the terms and the final Order, subject to their being no significant departure from or variation to the Scheme. On the basis that Council approve the Constitution and the Operating Agreement, the Chief Executive will use her delegated authority to give consideration to approving the Order. If the Order is not the same in terms of content as the Scheme, Constitution and Operating Agreement or does not reflect the changes made through the negotiation and drafting process, then revised versions of the same will be brought back to Council or agreed by the Chief Executive, in consultation with the Leader, pursuant to the delegated authority set out in paragraph 1.2 above.

### **4. APPOINTMENTS TO THE LLCA**

- 4.1 Members have seen previous reports to Cabinet and Council (included as background papers to this report) detailing the committees of the LLCA and their composition and the draft Constitution is attached (which includes terms of reference). Members will therefore be aware that the following appointments, including named substitutes, need to be made:

- (a) LLCA - 1 member
- (b) Transport Committee - 1 member
- (c) Planning Committee - 1 member
- (d) Overview and Scrutiny Committee - 1 member

4.2 It should be noted that the draft Constitution states that the member who will sit on the LLCA shall be the Leader or the Mayor of the relevant Constituent Council and their substitute can be any Member of a Constituent Council as the Council resolves to appoint. Appointments to the committees of the LLCA are a matter for the full LLCA, but constituent Councils are requested to make nominations. In relation to the Overview and Scrutiny committee, the Constitution of the LLCA requires it to be politically balanced and therefore this Council is required to nominate a Conservative member to sit on this Committee to achieve balance across the combined authority area.

4.3 Council are not requested today to appointment any member to the Governance Committee as the composition of this Committee is proposed in the draft Constitution to be three members of the LLCA, two members of the Overview and Scrutiny Committee and two independent members. Therefore it will be the LLCA who makes this appointment once it has been created.

4.4 Nominations have been sought from the group whips for the respective roles, in accordance with the proposed composition of the committees and the political balance rules, as set out in the LLCA Constitution (described above). Members are asked to vote on the following candidates for each primary and substitute candidate for the Planning Committee and Transport Committee roles:

- (a) Transport Committee

Primary: Councillor T J Pendleton or Councillor R Adams or Councillor T Saffell  
Substitute: Councillor J Clarke or Councillor N Clarke or Councillor R Canny

- (b) Planning Committee

Primary: Councillor T J Pendleton or Councillor J Legrys or Councillor T Saffell  
Substitute: Councillor J Clarke or Councillor J Geary or Councillor R Canny

Council are asked to make nominations to the committees of the LLCA who will make the formal appointments to its own committees at its first meeting. As there are more nominations from this Council than seats, the matter will be determined by Council by way of a vote (show of hands) in the usual way.

4.5 In accordance with the proposed composition of the committees and political balance rules as set out in the LLCA (described above), it is suggested that the following members are appointed to be the LLCA member and the Council's nomination for the Overview and Scrutiny Committee:

- (a) LLCA

Primary: Councillor R Blunt (as Leader of the Council)  
Substitute: Councillor A V Smith



(b) Overview and Scrutiny Committee

Primary: Councillor M Specht  
Substitute: Councillor N Smith

## 5. STATUTORY OFFICERS

- 5.1 The LLCA will be required to have a Head of Paid Service, Section 151 Officer and Monitoring Officer. The Constituent Councils have agreed that there should be deputy statutory officers who are able to act in the absence of the statutory officers or in cases of conflict of interest. It has been agreed that the deputy statutory officers should not be from the same authority as the statutory officer. This has been included as a provision in the Operating Agreement.
- 5.2 The statutory officers will be appointed by the LLCA at its first meeting in accordance with the legal requirements, the deputy roles will be personal appointments of the respective statutory officers. The proposal is as follows:

<b>Statutory Officer</b>	<b>Constituent Council of Employment</b>
Chief Operating Officer (acting as Head of Paid Service)	John Sinnot, Chief Executive, Leicestershire County Council Deputy:- Andy Keeling, Chief Operating Officer, Leicester City Council
Section 151 Officer	Chris Tambini, Leicestershire County Council Deputy:- Dawn Garton, Melton Borough Council
Monitoring Officer	Kamal Adatia, City Barrister, Leicester City Council Deputy:- Elizabeth Warhurst, North West Leicestershire District Council

- 5.3 It is also proposed that the roles of these officers will be covered by an officer sharing agreement between their employing authority and the LLCA.

## 6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 6.1 Broadly, it is expected that costs will be incurred by the LLCA in 3 areas:
- central support costs for core services to the LLCA, for example, finance, democratic services and administration;
  - specialist advisor support costs, for example, in relation to specialist strategic planning support;
  - project costs for evidence based studies, for example, those required to draw down funding from other agencies to the LLCA for the benefit of the locality and countywide area.

- 6.2 The costs of operating the Combined Authority will be met initially by the Constituent Councils. The apportionment of costs is one third to Leicester City Council, one third to Leicestershire County Council and one third to be apportioned between the district councils on the basis of population. However, there is also provision that if the LLCA incurs any liability as a result of a Constituent Council exercising its vote on a reserved status or unanimous decision such that the decision is blocked, then each Constituent Council agrees that they will share the liability equally.
- 6.3 It is not envisaged that the LLCA will directly employ staff and officer support will be provided by the Constituent Councils on a “secondment” basis. The costs of providing core support to the LLCA will be recovered by the authority providing the support on a costs recovery basis. (This includes a percentage for overheads.)
- 6.4 An initial budget of £200,000 was estimated prior to the consideration of the previous report on 17 November 2015. Based upon the agreed apportionment an indicative sum of £9,554 will be the Council’s contribution which shall be made from earmarked reserves. However, further work on the budget is being undertaken in consultation with the Section 151 Officers of the Constituent Councils and it is anticipated that this figure will need to be increased, although at this stage the actual costs are unknown. It is expected that the LLCA will consider its budget at one of its early meetings.

## **7. NEXT STEPS**

- 7.1 The Economic Growth Board will be asked to endorse the draft Constitution and Operating Agreement when it meets late November/early December.
- 7.2 Following the notification by DCLG of a delay to the Order making process (as mentioned above), the likely inception date for the LLCA is now March 2017, and not January 2017.

# Leicester Leicestershire

Delivering Growth Together



## Leicester and Leicestershire Combined Authority

## Constitution

# Part A: Articles

## Article A1 Interpretation

A1.1 In this Constitution the following terms have the following meanings:

**Annual Meeting:** means the meeting of the LLCA to be held each calendar year in June;

**Article:** means an article within this Part A;

**Budget Meeting:** means the meeting of the LLCA to approve the annual budget of the LLCA to be held each calendar year in February;

**Chair:** means the Chair of the LLCA appointed pursuant to Article A4 and in accordance with the Meeting Procedure Rules;

**Chief Financial Officer:** means the Officer appointed pursuant to Article A9.1.2 and section 151 of the Local Government Act 1972;

**Chief Operating Officer:** means the Officer appointed pursuant to Article A9.1.1 and section 4 of the Local Government and Housing Act 1989 to undertake the role of a head of paid service;

**City Council:** means Leicester City Council;

**Code of Conduct:** means the code of conduct applying to Members and Co-Opted Members set out at Part H of this Constitution;

**Committee:** means a committee of the LLCA;

**Combined Area:** means the area consisting of the administrative areas of the Constituent Councils;

**Common Seal:** means the common seal of the LLCA held in the custody of the Monitoring Officer;

**Complaint(s):** complaints that Members or Co-Opted Members have failed to comply with the Code of Conduct;

**Complaints Arrangements:** means the arrangements that the LLCA has in place to deal with Complaints;

**Constituent Councils:** means the City Council, the County Council and the District Councils;

**Constitution:** means this document (including Appendices) setting out how the LLCA operates, how decisions are made and the procedures that are to be followed to ensure that the LLCA operates efficiently, effectively and is both transparent and accountable;

**Contract Procedure Rules/CPRs:** means the rules set out at Part G of this Constitution;

**Co-opted Member:** means any individual appointed by the LLCA to any Committee or Sub-Committee who is not a Member;

**County Council:** means Leicestershire County Council;

**District Councils:** means Blaby District Council (**BDC**); Charnwood Borough Council (**CBC**); Harborough District Council (**HDC**); Hinckley & Bosworth Borough Council (**HBBC**); Melton Borough Council (**MBC**); North West Leicestershire District Council (**NWLDC**); and Oadby & Wigston Borough Council (**OWBC**); and **District Council** shall be construed accordingly;

**Economic Protocols:** means the protocols detailed at paragraphs B2.3 to B2.5;

**External Audit:** means the arrangements that the LLCA has in place for the audit of the LLCA pursuant to the Local Audit and Accountability Act 2014;

**Extraordinary Meeting:** means a meeting of the LLCA that is not an Ordinary Meeting and is called in accordance with paragraph E1.6.4;

**Financial Procedure Rules:** means the rules set out at Part F of this Constitution;

**Forward Plan:** means the plan prepared in accordance with paragraphs E1.31 to E1.34;

**Function/Functions:** means the powers and duties of the LLCA including those detailed in the LLCA Order and this Constitution;

**Governance Committee:** means the Committee established pursuant to Article A7.1.1;

**Independent Person:** means the person appointed pursuant to section 28 of the Localism Act 2011;

**Internal Audit:** means the arrangements that the LLCA has in place for the audit of the LLCA other than External Audit;

**Investigating Officer:** a person (which may include an Officer)

appointed by the Monitoring Officer in accordance with paragraph C2.17.5;

**Key Decision:** has the meaning given at paragraph E1.31.5;

**LLCA:** means the Leicester and Leicestershire Combined Authority;

**LLCA Order:** means [] made under the Local Democracy, Economic Development and Construction Act 2009 (as amended) and attached to this Constitution as Appendix 1;

**LLEP:** means the Leicester and Leicestershire Enterprise Partnership;

**Meeting Procedure Rules:** means the rules detailed at Part E of this Constitution;

**Member:** means an individual appointed by a Constituent Council and/or the individual appointed from the LLEP to be a member of the LLCA pursuant to Article A3. The term Member also includes any individual appointed as a substitute to act in the absence of a member of the LLCA;

**Member Allowances:** means allowances for travel and subsistence which will be met by Constituent Councils pursuant to Article A3.18;

**Monitoring Officer:** means the Officer appointed in accordance with Article A9.1.3 and section 5 of the Local Government and Housing Act 1989;

**Officers:** means the individuals appointed by the LLCA pursuant to Article A9;

**Ordinary Meeting:** means a meeting of the LLCA that is included in the schedule of meetings agreed by the LLCA at its Annual Meeting. This includes the Budget Meeting but does not include an Extraordinary Meeting. Where a meeting is included in the schedule of meetings but is rearranged then the rearranged meeting remains an Ordinary Meeting;

**Overview and Scrutiny Committee:** means the Committee established pursuant to Article A7.1.4;

**Planning Committee:** means the Committee established pursuant to Article A7.1.2;

**Proper Officer:** means the Officers specified in the Schedule of Proper Officers;

**Register of Members' Interests:** the register required by the

Localism Act 2011 and maintained by the Monitoring Officer pursuant to paragraph C2.17.9;

**Schedule of Proper Officers:** means the list further defined at paragraph C2.1 and detailed in paragraph C2.20 to C2.23;

**Scheme of Delegation:** means the scheme of delegation for the LLCA set out at Section C2 of this Constitution;

**Scrutiny Panel:** means a panel appointed by the Overview and Scrutiny Committee in accordance with paragraphs E2.45 to E2.52;

**Statutory Officers:** means the Chief Operating Officer, the Monitoring Officer and the Chief Financial Officer;

**Sub-Committee:** means a sub-committee of a Committee;

**Transport Committee:** means the Committee established pursuant to Article A7.1.3;

**Transport Councils:** means the City Council and the County Council;

**Transport Protocols:** means those protocols detailed at paragraphs B1.3 to B1.5;

**Vice Chair:** means the Vice Chair of the LLCA appointed pursuant to Article A4 and in accordance with the Meeting Procedure Rules;

## Article A2 Functions of the LLCA

- A2.1 The LLCA was established by the LLCA Order as the combined authority for the Combined Area with the aim of improving the exercise of statutory functions in the Combined Area.
- A2.2 The LLCA is responsible for a range of transport, economic development and regeneration Functions across the Combined Area.
- A2.3 The Functions of the LLCA conferred upon it by the LLCA Order are set out in Part B of this Constitution.
- A2.4 The LLCA will exercise its Functions in accordance with the law, the LLCA Order and this Constitution.
- A2.5 The LLCA will monitor and evaluate the operation of the Constitution as set out at Article A13 below.



## Article A3 Members of the LLCA

- A3.1 Each Constituent Council must appoint one of its elected members to be a Member. The elected member appointed must be the leader or directly elected mayor of the relevant Constituent Council (as appropriate).
- A3.2 The LLEP must nominate and the LLCA must appoint the Chair of the LLEP to be a Member. In the event that the Chair of the LLEP is an elected member of a Constituent Council then the LLEP must nominate another member of its board who is not such an elected member to be a Member. The Member appointed from the LLEP is a non-voting Member of the LLCA unless the Members appointed by the Constituent Councils resolve otherwise in accordance with Article A3.16.

*[Note: At its first meeting the LLCA will be asked to consider whether the LLEP Member should be awarded voting rights at meetings of the LLCA but that the voting provisions relating to unanimity or reserved status set out in paragraph E1.30 of the Meeting Procedure Rules will only apply to the approval of growth schemes set out in any adopted strategic growth plan.]*

- A3.3 Each Constituent Council must appoint a further elected member of the relevant Constituent Council (but such an elected member does not need to hold the qualifications referred to in Article A3.1) and the LLCA must appoint a further member of the LLEP board as nominated by the LLEP (not being an elected member of one of the Constituent Councils) as a substitute to act in the absence of the relevant Member appointed under Articles A3.1 or A3.2.
- A3.4 Appointments by the Constituent Councils under Articles A3.1 and A3.3 and nominations by the LLEP under Articles A3.2 and A3.3 must be notified to the Monitoring Officer in writing for the appointment to be effective or for the nomination to be considered by the LLCA.
- A3.5 Where a substitute appointed under Article A3.3 acts in the absence of a Member then references to the term Member in this Constitution shall be read as references to the relevant substitute unless the context otherwise dictates.
- A3.6 A Constituent Council and/or the LLEP may terminate the appointment of their respective Member and/or substitute at any time by providing written notice to the Monitoring Officer within one week of the change being made. Termination of appointment will only be effective once the Monitoring Officer has received such notice.
- A3.7 Where a Constituent Council and/or the LLEP terminates an appointment under Article A3.6 then it must appoint/nominate a replacement Member and/or substitute in accordance with Article A3.13
- A3.8 A Member or substitute appointed by a Constituent Council may resign their appointment by notice in writing to the Monitoring Officer and the monitoring officer of their appointing Constituent Council. Such resignation is effective upon receipt of

the notice by the Monitoring Officer. Where a resignation occurs then the relevant Constituent Council must appoint a replacement Member or substitute in accordance with Article A3.13.

A3.9 A Member or substitute appointed from the LLEP may resign their appointment by notice in writing to the Monitoring Officer and the director of the LLEP. Such resignation is effective upon receipt of the notice by the Monitoring Officer. Where a resignation occurs then the LLEP must nominate a replacement Member or substitute in accordance with Article A3.13.

A3.10 Where any Member or a substitute appointed by a Constituent Council ceases to be an elected member of the Constituent Council then they shall automatically cease to be a Member or substitute. The relevant Constituent Council must appoint a replacement Member or substitute in accordance with Article A3.13.

A3.11 Where any Member or substitute nominated by the LLEP ceases to be a member of the LLEP board then they shall automatically cease to be a Member or substitute. The LLEP must nominate a replacement Member or substitute for appointment by the LLCA in accordance with Article A3.13.

A3.12 Where a Member ceases to be a Member for whatever reason but a substitute remains appointed by the relevant Constituent Council or appointed from the LLEP then that substitute shall act in the place of the Member until such time as a new Member is appointed

A3.13 Appointments or nominations under any of Articles A3.6 to A3.11 must be made as soon as reasonably practicable. Appointment of the person nominated by the LLEP must take place at the next meeting of the LLCA following nomination by the LLEP. Notice in writing of the new appointment or nomination must be sent to the Monitoring Officer for the appointment to be effective or for the nomination to be placed before the LLCA at the next meeting.

A3.14 All Members will:

A3.14.1 collectively be the ultimate policy makers of the LLCA;

A3.14.2 bring the views of the communities they represent into the LLCA's decision making process; and

A3.14.3 maintain the highest standard of conduct and ethics.

A3.15 Members and their substitutes will at all times observe the Code of Conduct set out in Section H of this Constitution.

A3.16 The Members appointed by the Constituent Councils may resolve at any time to:

A3.16.1 award such voting rights as they at their absolute discretion shall determine to the Member appointed from the LLEP and those Members co-opted onto Committees and Subcommittees of the LLCA;

A3.16.2 amend the voting rights conferred on the Member appointed from the LLEP in accordance with Article A3.16.1 above and those Members co-opted onto Committees and Subcommittees of the LLCA; and

A3.16.3 remove some or all voting rights conferred in accordance with Article A3.16.1 from the Member appointed from the LLEP and those Members co-opted onto Committees and Subcommittees of the LLCA.

A3.17 Any vote under Article A3.16 shall be undertaken in accordance with the Meeting Procedure Rules set out at Section E1 of this Constitution and for the avoidance of doubt to be carried such vote must be a unanimous resolution of the Members appointed by the Constituent Councils.

A3.18 No remuneration is payable to a Member or substitute by the LLCA. Claims for travel and subsistence will be met by the relevant Member's own Constituent Council.

## Article A4 Chairing the LLCA

- A4.1 The LLCA must at its first meeting and at each Annual Meeting thereafter appoint one Member from a Constituent Council as the Chair and another Member from another Constituent Council to serve as the Vice Chair to serve until the next Annual Meeting. The LLEP Member will not be eligible for appointment as Chair or Vice Chair.
- A4.2 The procedure for the appointment of the Chair and Vice Chair is set out in the Meeting Procedure Rules.
- A4.3 Where the Chair or Vice Chair ceases to be a Member then they shall automatically cease to be Chair or Vice Chair (as appropriate).
- A4.4 Where a vacancy arises for whatever reason in the office of either or both of the Chair or the Vice Chair then the LLCA shall appoint a replacement Chair or Vice Chair to serve until the following Annual Meeting in accordance with the process set out in the Meeting Procedure Rules.

## Article A5 Meetings and Procedure

- A5.1 The LLCA shall meet at least twice per calendar year at the Annual Meeting and the Budget Meeting but additional meetings may take place for the transaction of general business at such frequency and times as are determined at the Annual Meeting.
- A5.2 There are three types of LLCA meeting:
- A5.2.1 the Annual Meeting;
  - A5.2.2 Ordinary Meetings (including the Budget Meeting); and
  - A5.2.3 Extraordinary Meetings.
- A5.3 All LLCA meetings will be conducted in accordance with the Meeting Procedure Rules at Section E1 of this Constitution.

## Article A6 Responsibility for Functions

- A6.1 Only a meeting of the LLCA will exercise the Functions of the LLCA as set out in Section C1 of this Constitution.
- A6.2 The LLCA may make arrangements for the exercise of any of the LLCA's Functions (excluding those non-delegable Functions under Article A6.1) by Committees, Sub-Committees, Officers, joint committees or other local authorities pursuant to section 101 of the Local Government Act 1972. Where the LLCA elects to make such arrangements the detail of the LLCA's Functions to be discharged and any conditions on such discharge shall be recorded in the Scheme of Delegation at Section C2 of this Constitution or the record referred to in Article A10.1 or elsewhere in this Constitution.
- A6.3 The LLCA will review the Scheme of Delegation at least annually as part of any review of this Constitution in accordance with Article A13.

## Article A7 Committees of the LLCA

A7.1 The LLCA will establish the following committees of the LLCA:

A7.1.1 The Governance Committee comprising five Members and two Independent Members appointed in accordance with Section D to assist the LLCA in its duty to promote and maintain high standards of conduct by Members of the LLCA pursuant to section 27 of the Localism Act 2011. The Governance Committee will also oversee the audit requirements of the LLCA and all those matters referred to in paragraph 4 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009. The Governance Committee will exercise the Functions and undertake the roles of the LLCA set out in Part D of this Constitution;

A7.1.2 The Planning Committee comprising all Members except the Member appointed by the LLEP to exercise the Functions and undertake the roles of the LLCA set out in paragraph C2.3 of this Constitution; and

A7.1.3 The Transport Committee comprising all Members to exercise the Functions and undertake the roles of the LLCA set out in Paragraph C2.4 of this Constitution. The Member appointed to the Transport Committee by the LLEP is a non-voting Member unless the Members of the LLCA appointed by the Constituent Councils resolve otherwise in accordance with Article A3.16.

A7.1.4 The Overview and Scrutiny Committee comprising 15 members from the Constituent Councils appointed in accordance with paragraph E2.9 to review and scrutinise the LLCA in accordance with the paragraphs 1 and 2 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, the LLCA Order and Section E2 of this Constitution.

A7.2 The LLCA may establish such other committees as it requires to exercise its Functions.

A7.3 The LLCA may appoint any individual who is not a Member appointed under Article A3 to any Committee and/or Sub-Committee. Such individuals are referred to as Co-Opted Members in this Constitution. Co-Opted Members may only have voting rights in relation to the work of the relevant Committee or Sub-Committee that they are appointed to where they are granted such voting rights in accordance with paragraph B3.3 of this Constitution. Co-Opted Members must comply with the Code of Conduct at all times.

A7.4 Further detail on the meetings and procedures of Committees and Sub-Committees can be found in the Meeting Procedure Rules at Section E1, the Scheme of Delegation at Section C2, Governance Committee at Part D and Scrutiny Arrangements at Section E2.

## Article A8 Joint Arrangements

- A8.1 The LLCA may make arrangements with other local authorities to exercise their respective functions jointly pursuant to section 101(5) of the Local Government Act 1972 and where applicable section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- A8.2 Arrangements under Article A8.1 may involve the exercise of any functions by a joint committee of the LLCA and other local authorities or by an officer of the LLCA or other local authorities.



# Article A9 Officers

A9.1 The LLCA shall appoint the following Officers:

A9.1.1 Chief Operating Officer;

A9.1.2 Chief Financial Officer; and

A9.1.3 Monitoring Officer.

A9.2 The responsibilities of and delegations to the Statutory Officers appointed under Article A9.1 are as set out in paragraphs C2.12 to C2.23 of this Constitution. The responsibilities of and delegations to the Statutory Officers may be added to in the record referred to in Article A10.1.

A9.3 The LLCA may appoint such other Officers as it considers necessary to carry out its Functions.

A9.4 Officers will comply at all times with the codes and rules of conduct forming part of their contract of employment. Officers who are not directly employed by the LLCA will seek to avoid placing themselves in a position of conflict of interest between their employer and the LLCA.

*[Note: The LLCA does not intend to directly employ Officers and so has not adopted a code of conduct at this stage.]*

## Article A10 Decision Making

- A10.1 The LLCA will issue and keep up to date a record of all delegations to Officers, Committees and Sub-Committees in addition to the delegations set out at Section C2 of this Constitution. The Chief Operating Officer shall maintain the record of delegations and the record is open to public inspection at County Hall, Glenfield, Leicester LE3 8RA and is updated by the Chief Operating Officer in accordance with Article A13.3. The record referred to in this Article A10.1 forms part of this Constitution.
- A10.2 All decisions of the LLCA (including decisions of its Officers, Committees and Sub-Committees) shall be made having regard to the following principles:
- A10.2.1 proportionality – the action is proportionate to the results to be achieved;
  - A10.2.2 due consultation – both with affected communities and professional advice (where appropriate);
  - A10.2.3 respect for human rights;
  - A10.2.4 presumption in favour of openness;
  - A10.2.5 clarity of aims and desired outcomes; and
  - A10.2.6 due consideration of alternative options.
- A10.3 Decisions relating to those Functions listed in Section C1 of this Constitution must only be exercised by the LLCA and will not be delegated to any Officer, Committee or Sub-Committee.
- A10.4 Committees, joint committees and Sub-Committees established by the LLCA will operate in accordance with those parts of the Meeting Procedure Rules set out in Part E of this Constitution as apply to them.
- A10.5 Officers will exercise their delegated authority in accordance with the Scheme of Delegation, the record referred to in Article A10.1 and in accordance with all other provisions of this Constitution.

## Article A11 Finance

A11.1 A budget will be agreed by the LLCA on an annual basis at the Budget Meeting.

A11.2 The Constituent Councils shall meet the costs of the LLCA that are reasonably attributable to the exercise of the LLCA's Functions in such proportions as are agreed between them.

A11.3 The Constituent Councils shall meet the administrative costs of the LLCA in such proportions as are agreed between them.

A11.4 The management of the LLCA's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part F of this Constitution.

## Article A12 Contracts and Legal Matters

- A12.1 The Monitoring Officer is authorised to institute, defend and/or participate in any legal proceedings in any case where such action is necessary to give effect to a decision of the LLCA or in any case where the Monitoring Officer considers that such action is necessary to protect the LLCA's interests.
- A12.2 Any notices (including under Article 3) to be served on the LLCA are to be sent to the Monitoring Officer at County Hall, Glenfield, Leicester LE3 8RA which for the purposes of section 231 of the Local Government Act 1972 and any other enactment shall be regarded as the principal office of the LLCA.
- A12.3 Where any document is necessary for any legal procedure or proceedings on behalf of the LLCA, it will be signed by the Monitoring Officer or some other person duly authorised by the Monitoring Officer unless any enactment otherwise authorises or requires.
- A12.4 Any contract to be entered into by the LLCA shall be made in writing in a form approved by the Monitoring Officer unless the Monitoring Officer directs that a contract need not be made in writing. Where a contract is to be made in writing then it must be signed by two duly authorised Officers of the LLCA or made under the Common Seal attested by the Monitoring Officer or another Officer authorised by the Monitoring Officer. The Monitoring Officer shall determine which contracts should be entered into under the Common Seal.
- A12.5 The Common Seal will be kept in a safe place in the custody of the Monitoring Officer. A decision of the LLCA, a duly authorised Committee, Sub-Committee or Officer will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal must be attested by the Monitoring Officer or another Officer authorised by the Monitoring Officer.

# Article A13 Review and Revision of the Constitution

- A13.1 Subject to Article A13.3, the Monitoring Officer will monitor and review the operation of the Constitution at least annually and may, following consultation with the Chief Operating Officer and the Chief Financial Officer, propose amendments to the Constitution to the LLCA for consideration.
- A13.2 Amendments to the Constitution may only be made by a decision of the LLCA following consideration of a proposal made by the Monitoring Officer in accordance with Article A13.1 unless the amendment falls within Article A13.3.
- A13.3 The Chief Operating Officer is authorised, following consultation with the Monitoring Officer, to update the record referred to in Article A10.1 for the purpose of formally recording any changes in or additions to the specific delegations to Officers or any Committee or Sub-Committee that have been authorised by the LLCA, a Committee or a Sub-Committee.

# Part B: Powers and Functions of the LLCA

## Section B1

### Transport Functions of the Transport Councils to be exercised concurrently by the LLCA and the Transport Councils pursuant to the LLCA Order.

- B1.1 Pursuant to the LLCA Order the following transport functions of the Constituent Councils are exercisable by the LLCA concurrently with the relevant Constituent Councils:
- B1.1.1 Sections 108, 109 and 112 of the Transport Act 2000 (duty to develop and keep under review policies relating to transport in its area and to carry out its functions to implement those policies).
  - B1.1.2 Section 2 of the Road Traffic Reduction Act 1997 (the duty to prepare a report on the levels of local road transport and a forecast of the growth in those levels).
- B1.2 The Transport Committee will draw up and agree detailed Transport Protocols in relation to the discharge of the Functions set out at paragraph B1.1 above.
- B1.3 The Transport Committee will keep the Transport Protocols referred to in paragraph B1.2 above under regular review and may revise them from time to time.
- B1.4 Protocols drawn up, agreed, or revised under paragraphs B1.2 and B1.3 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- B1.5 Any requirement in any enactment for a Constituent Council to exercise any of the Functions set out in paragraph B1.1 above may be fulfilled by the exercise of that Function by the LLCA. Exercise of the Function by a Constituent Council fulfils any requirement for the LLCA to exercise the Function in the area of the Constituent Council.

## **Section B2**

# **Economic Development and Regeneration Functions to be exercised by the LLCA concurrently with the Constituent Councils pursuant to the LLCA Order**

**B2.1** Pursuant to the LLCA Order, the following economic development and regeneration functions of the Constituent Councils are exercisable by the LLCA concurrently with the relevant Constituent Councils:

**B2.1.1** Such functions of the Constituent Councils as are exercisable for the purposes of economic development and regeneration in reliance on the general power of competence under Section 1, Localism Act 2011.

**B2.1.2** The power under Section 113A of the Local Democracy, Economic Development and Construction Act 2009 to do anything the Combined Authority considers appropriate: for the purposes of carrying out any of its functions; purposes incidental to and/or indirectly incidental to carrying out its functions; connected to any of its functions; for a commercial purpose.

**B2.1.3** The duty under Section 69 of the Local Democracy, Economic Development and Construction Act 2009 for a local authority to prepare an assessment of economic conditions in its area.

**B2.1.4** The power under Section 142(2) of the Local Government Act 1972 for a local authority to arrange for the publication within their area of information relating to the functions of the authority, etc.

**B2.1.5** The power under Section 144 of the Local Government Act 1972 for a local authority to encourage persons to visit their area, etc.

**B2.1.6** The duty under Sections 15ZA, 15ZB, 15ZC, 17, 18A(1)(b), 514A and 560A of the Education Act 1996 (as inserted by Part 2 of the Apprenticeships, Skills Children and Learning Act 2009) to secure that enough suitable education and training is provided to meet the reasonable needs of 16-19 year olds, 19-25 year olds who are subject to learning difficulty assessment and persons who are subject to youth detention and the duty to co-operate with local authorities exercising these duties.

**B2.2** Any requirement in any enactment for a Constituent Council to exercise any of the Functions set out in paragraph B2.1 above may be fulfilled by the exercise of that Function by the LLCA. Exercise of the Function by a Constituent Council fulfils any requirement for the LLCA to exercise the Function in the area of the Constituent Council.

- B2.3 The LLCA and the Constituent Councils will draw up and agree detailed Economic Protocols in relation to the discharge of the economic development and regeneration Functions set out at paragraph B2.1 above.
- B2.4 The LLCA and the Constituent Councils will keep the Economic Protocols referred to in paragraph B2.3 above under regular review and may revise them from time to time.
- B2.5 Protocols drawn up, agreed, or revised under paragraphs B2.3 and B2.4 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.



## Section B3

# Incidental Provisions pursuant to the LLCA Order

- B3.1 Pursuant to the LLCA Order, the following provisions have effect as if the LLCA was a local authority for the purposes of these provisions:
- B3.1.1 Section 113 of the Local Government Act 1972 (the power to place staff of local authorities at the disposal of other local authorities);
  - B3.1.2 Section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the authority);
  - B3.1.3 Section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings).
- B3.2 The LLCA shall have the power to exercise any of the Functions described under Section 88(1)(a) and (b), Local Government Act 1985 to exercise the functions relating to the research and collection of information whether or not a scheme is made under Section 88.
- B3.3 Section 13 of the Local Government and Housing Act 1989 shall have effect as if in subsection (4) after paragraph (e) there were inserted – “(ea) a committee appointed by the Leicester and Leicestershire Combined Authority;” And after subsection (4) there were inserted – “(4A) A person who is a member of a committee falling within paragraph (ea) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless: (a) he is a member of one of the constituent councils as defined by article X of the [] Order 2016; or (b) is given voting rights by resolution of the Combined Authority in accordance with paragraph [] of Schedule 1 to that Order.”

## Section B4

# Functions conferred or imposed on a combined authority by Local Government Legislation

- B4.1 The LLCA shall have such other Functions as are conferred or imposed on a combined authority by any enactment.
- B4.2 Without prejudice to the generality of the above, such Functions include:
- B4.2.1 the duty to appoint a head of paid service, a monitoring officer and an officer with responsibility for the administration of the LLCA's financial affairs;
  - B4.2.2 the power to borrow money for a purpose relevant to its transport functions only pursuant to Part I of the Local Government Act 2003;
  - B4.2.3 the power to appoint staff and to enter into agreements with other local authorities for the secondment of staff;
  - B4.2.4 the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;  
  
*[Note: This is a reserved matter in accordance with the voting provisions set out at paragraph E1.30]*
  - B4.2.5 the power to pay subscriptions to the funds of local authority associations;
  - B4.2.6 the duty (without prejudice to any other obligation) to exercise its Functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in its area;
  - B4.2.7 the power to charge for discretionary services and trade pursuant to sections 93 and 95 of the Local Government Act 2003;
- B4.3 The LLCA is a local authority for the purpose of Section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities).
- B4.4 The LLCA is a best value authority for the purpose of Section 1 of the Local Government Act 1999.
- B4.5 The LLCA is a public body for the purpose of the Freedom of Information Act 2000.
- B4.6 The LLCA is a local authority for the purpose of the power of a Minister of the Crown to pay grants.

# Part C: Responsibility for Functions

## Section C1

### Non –Delegable Functions of the LLCA

C1.1 The following functions can only be exercised by the LLCA and may not be exercised by any Committee, Sub-committee or Officer:

C1.1.1 Adoption of the Constitution and the making of amendments thereafter other than those amendments falling within Article A13.3.

C1.1.2 The approval of the budget of the LLCA.

C1.1.3 The approval of the borrowing limits of the LLCA.

C1.1.4 The making of any arrangements under section 101 of the Local Government Act 1972 for the exercise of any Function (other than those non-delegable functions of the LLCA) by a Committee, joint committee, Sub-Committee and/or Officer.

C1.1.5 The acceptance of any arrangements to delegate and/or transfer the exercise of the functions of any other person (including a Minister of the Crown) to the LLCA and to accept any arrangements under section 101 of the Local Government Act 1972 or section 9EA of the Local Government Act 2000.

C1.1.6 The appointment and/or removal of the Chief Operating Officer, the Monitoring Officer and the Chief Financial Officer.

C1.1.7 Decisions in relation to the establishment and remuneration of Officer posts including terms and conditions.

C1.1.8 The adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of a plan or strategy of the following descriptions:

C1.1.8.1 strategic growth plan;

C1.1.8.2 joint economic vision for the Combined Area as reflected in the strategic growth plan;

C1.1.8.3 strategic asset management plan;

C1.1.8.4 long term investment strategy;

C1.1.8.5 growth deal framework;

C1.1.8.6 treasury management strategy.

C1.1.9The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009.

# Section C2

## Scheme of Delegation of Functions to Committees, Sub-Committees and Officers of the LLCA and Schedule of Proper Officers

### Introduction

C2.1 This Scheme of Delegation for various Functions has been prepared in accordance with section 101 of the Local Government Act 1972 which enables the LLCA to delegate any of its Functions to its Committees, Sub-Committees and Officers. The LLCA is also required by section 100G of that Act to maintain a register for public inspection (Schedule of Proper Officers) specifying those Functions of the LLCA which for the time being are exercisable from time to time by Officers and stating the title of the Officer(s) able to exercise those Functions.

### Scheme of Delegation

#### Delegation to Committees and Sub-Committees

C2.2 Arrangements for any Committee or Sub-Committee to exercise or discharge any Function shall be without prejudice to the overriding right of the LLCA or a Committee (in the case of a Sub-Committee) itself, subject to any restriction or prohibition imposed by law, to:

C2.2.1 decide any matter (to the effect that the Committee or Sub-Committee cannot now decide that matter);

C2.2.2 exercise or discharge any such Function; and/or

C2.2.3 call for information from a Committee or Sub-Committee about a particular case or class of cases.

#### Delegations to the Planning Committee

C2.3 The Planning Committee is authorised to:

C2.3.1 coordinate the work of the Constituent Councils in discharging the duty to cooperate in section 33A of the Planning and Compulsory Purchase Act 2004;

C2.3.2 advise the LLCA on the development of the strategic growth plan to include ensuring that the preparation of the strategic growth plan integrates the spatial provisions contained within any National Planning Policy Framework compliant local plans adopted from time to time by the Constituent Councils

for any part of the Combined Area in every strategic and spatial interest of acknowledged importance;

C2.3.3 monitor the delivery of the investment plans aligned to the strategic growth plan;

C2.3.4 coordinate the LLCA's involvement and contribution to the review of the LLEP Strategic Economic Plan;

C2.3.5 coordinate the LLCA's engagement with Constituent Councils and adjoining local authorities on matters relating to strategic planning and infrastructure;

C2.3.6 advise the LLCA on adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of any LLCA plan or strategy.

#### Delegations to the Transport Committee

C2.4 The Transport Committee is authorised to:

C2.4.1 develop, agree and monitor the delivery of the single strategic transport masterplan for the Combined Area;

C2.4.2 develop, agree and monitor the delivery of the transport infrastructure investment strategy for the Combined Area;

C2.4.3 exercise the LLCA's Functions under sections 108, 109 and 112 of the Transport Act 2000 (see paragraph B1.1.1);

C2.4.4 exercise the LLCA's Functions under section 2 of the Road Traffic Reduction Act 1997 (see paragraph B1.1.2);

C2.4.5 determine the transport investment for the Combined Area that should be prioritised;

C2.4.6 review and approve individual business cases for priority transport investments;

C2.4.7 coordinate and authorise a response on behalf of the LLCA to any major, national infrastructure investments such as strategic road and rail projects;

C2.4.8 review the contribution of priority transport investments and/or infrastructure strategy to improved health;

C2.4.9 advise the LLCA on adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of any LLCA plan or strategy;

#### Delegation to Officers - Principles

C2.5 The following are the general principles that apply to any delegation to Officers.

C2.6 The Functions delegated to Officers set out in this Scheme of Delegation or otherwise in the record of specific delegations maintained by the Chief Operating Officer pursuant to Article A10.1 or elsewhere in this Constitution may be exercised by other Officers authorised by the Officer to whom the Function is delegated to act on their behalf and in their name provided that administrative procedures are in place to record the authorisation and monitoring decisions taken.

C2.7 The exercise of delegated Functions by Officers is required to be in accordance with:

C2.7.1 statute or other legal requirements including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;

C2.7.2 this Constitution;

C2.7.3 the revenue and capital budgets of the LLCA subject to any variation thereof which is permitted by the Financial Procedure Rules set out at Part F of this Constitution; and

C2.7.4 any policy or direction of the LLCA or any other Committee or Sub-Committee acting in exercise of Functions delegated to that committee by the LLCA.

C2.8 Any exercise of delegated powers by Statutory Officers:-

C2.8.1 shall not authorise expenditure except in accordance with the approved budget or capital programme and, where other further approval is required, shall not precede that approval;

C2.8.2 shall not involve a Key Decision save in exceptional circumstances where it may be necessary for the Chief Operating Officer to act as a matter of urgency under paragraph C2.14.5;

C2.8.3 shall not make a new policy or amend an existing policy of the LLCA as determined at elected member level;

C2.8.4 shall be in accordance with any approved scheme and any directions of the LLCA or other relevant body;

C2.8.5 shall be the subject of prior consultation with the appropriate professional or technical officers from the relevant Constituent Councils in any case involving professional or technical considerations not within the province of the head of department concerned.

C2.8.6 shall be subject to an appropriate audit trail to provide evidence of how the delegation has been exercised.

C2.9 Officers may not exercise delegated Functions where:

C2.9.1 the matter must be exercised by the LLCA by law or by this Constitution;

C2.9.2 the matter is a Function which cannot by law be discharged by an Officer;

C2.9.3 the LLCA or a Committee or Sub-Committee or a joint committee to which the LLCA is a party has determined that the matter should be discharged otherwise than by an Officer; or

C2.9.4 the Chief Operating Officer or the Monitoring Officer has directed that the Officer concerned should not exercise a delegated Function;

C2.9.5 where the exercise of such function or power results in a conflict of interest between his or her duties as an Officer of the LLCA and his or her duties arising as a result of his or her employment by a Constituent Council.

C2.10 Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment or re-enactment of the same.

C2.11 Delegation to Officers shall be without prejudice to the overriding right of the body (LLCA, Committee and/or Sub-Committee) delegating the exercise or discharge of a Function to an Officer, subject to any restriction or prohibition imposed by law, to:

C2.11.1 decide any matter;

C2.11.2 exercise or discharge any Function delegated to an Officer; and/or

C2.11.3 call for information from a Committee or Sub-Committee about a particular case or class of cases relevant to its competency.

In particular a Statutory Officer may in any case, in lieu of exercising his or her delegated powers, refer a matter to the LLCA or other relevant body, as the case may be, for decision.

C2.12 Subject to the foregoing conditions and to any additional conditions which may have been or may in future be applied in respect of particular matters, Statutory Officers will be expected to make such decisions and to initiate such action as they deem necessary in the interests of the efficient running of the LLCA.

C2.13 Statutory Officers are authorised to:

C2.13.1 undertake the day to day routine management, supervision and control of services provided by the LLCA by Officers under their control in accordance with this Constitution.

C2.13.2 dispose of surplus or obsolete equipment to the person submitting the highest quotation up to a limit of £10,000 in value (excluding Value Added Tax or equivalent).

C2.13.3 invite quotations/tenders and accept quotations/tenders subject to and in accordance with the Financial Procedure Rules and the Contract Procedure Rules where the expenditure provided for is contained within the approved budget of the LLCA.



## Delegations to the Chief Operating Officer

C2.14 The Chief Operating Officer is authorised to:

- C2.14.1 discharge the functions of a head of paid service in relation to the LLCA as set out in section 4 of the Local Government and Housing Act 1989;
- C2.14.2 report to the LLCA where appropriate setting out proposals with respect to the co-ordination of the LLCA's Functions, the number and grades of Officers required and the organisation, appointment and proper management of Officers;
- C2.14.3 exercise, following consultation with the Monitoring Officer and the Chief Financial Officer, the Functions of the LLCA which are:
  - C2.14.3.1 not the statutory responsibility of another Officer, Committee or Sub-Committee;
  - C2.14.3.2 not specifically delegated to another Officer, Committee or Sub-Committee; and/or
  - C2.14.3.3 not designated non-delegable functions of the LLCA under Section C1 of this Constitution.
- C2.14.4 direct any Officer not to exercise a delegated Function unless the Officer is required to exercise the Function by law.
- C2.14.5 take any action which is required as a matter of urgency in the interests of the LLCA following consultation with the Chair of the LLCA and the Vice Chair in the absence of the Chair and report that action to the next appropriate meeting of the LLCA;
- C2.14.6 take, following consultation with the Chair of the LLCA and the Vice Chair in the absence of the Chair, preliminary steps to protect the rights and interests of the LLCA in relation to any Bill or Statutory Instrument or Order in Parliament;
- C2.14.7 conduct, following consultation with the Monitoring Officer and the Chief Financial Officer, before either House of Parliament any proceedings (including the retention of parliamentary agents and counsel) connected with the passage of any private Bill which the LLCA has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the LLCA not opposing any private Bill;
- C2.14.8 oversee and ensure the provision of a comprehensive core support service to the LLCA;

C2.14.9 control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy including approval of the issue of all official LLCA publicity and publications;

C2.14.10 approve the provision of reasonable hospitality to representatives of joint authorities, local authorities, organisations etc. visiting the LLCA where the proposed expenditure in any one case does not exceed £100.

#### Delegations to the Monitoring Officer

C2.15 The Local Government and Housing Act 1989 requires the LLCA to appoint a Monitoring Officer.

C2.16 The Monitoring Officer shall:

C2.16.1 where at any time it appears to the Monitoring Officer that any proposal, decision or omission by the LLCA has given rise to, or is likely to give rise to unlawfulness or maladministration, prepare a report to the LLCA with respect to that proposal, decision or omission; and

C2.16.2 contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Governance Committee.

C2.17 The Monitoring Officer is authorised in relation to dealing with matters of conduct and ethical standards in accordance with the Localism Act 2011 to:-

C2.17.1 support the Governance Committee in preparing a locally based system for the assessment, referral, investigation, hearing and resolution of complaints of member misconduct for approval by the LLCA;

C2.17.2 support the Governance Committee in operating a locally based system for the assessment, referral, investigation, hearing and resolution of complaints of member misconduct;

C2.17.3 prepare and maintain a Register of Members' Interests to comply with the Code of Conduct and ensure that it is available for inspection and published on the LLCA's website

C2.18 The Monitoring Officer is authorised to:

C2.18.1.1 grant dispensations from section 31(4) of the Localism Act 2011 if, having regard to all relevant circumstances, the Monitoring Officer considers that:

C2.18.1.2 without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or

- C2.18.1.3 without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - C2.18.1.4 granting the dispensation is in the interests of persons living in the Combined Area; or
  - C2.18.1.5 it is otherwise appropriate to grant a dispensation;
- C2.18.2 provide advice on the scope of the Functions and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all Members;
- C2.18.3 institute, conduct, prosecute and defend any legal proceedings on behalf of the LLCA, as may be necessary to protect and promote the LLCA's interests;
- C2.18.4 settle:-
- C2.18.4.1 if appropriate and in the interests of the LLCA, any actual or threatened litigation under the value of £50,000 other than litigation which is commenced by the LLCA against or by the Constituent Council by which the Monitoring Officer is employed, in which case such decision shall be taken by the Deputy Monitoring Officer;
  - C2.18.4.2 following consultation with the Chair (or Vice Chair if the Chair is not available), if appropriate and in the interests of the LLCA, any actual or threatened litigation over the value of £50,000 but not exceeding the value of £100,000 other than litigation which is commenced by the LLCA against or by the Constituent Council by which the Monitoring Officer is employed, in which case such decision shall be taken by the Deputy Monitoring Officer;
  - C2.18.4.3 The delegations under paragraph C2.18.4 shall not apply where such litigation has arisen as a result of a Member or Members voting against a motion of which it is required to form part of the majority in order to carry, in accordance with E1.30.3.2 to E1.30.5.4, or a Member or Members dissenting on a decision requiring unanimous approval in accordance with E1.30.4.1
- C2.18.5 instruct Counsel and other professional advisers (to include solicitors), where the Monitoring Officer considers it appropriate;
- C2.18.6 give undertakings on behalf of the LLCA;

- C2.18.7 supervise the preparation of legal documents and to seal (to include attestation of the Common Seal) or sign legal documents not required to be under seal;
- C2.18.8 authorise other Officers to seal (and attest the affixing of the Common Seal) or sign legal documents not required to be under seal;
- C2.18.9 complete all property transactions and contractual arrangements where terms have been agreed by the LLCA or by Committees, Sub-Committees and Officers authorised by the LLCA (including under this Scheme of Delegation);
- C2.18.10 oversee the LLCA's compliance with the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998 and to determine any requests and exemptions under those Acts and Regulations;
- C2.18.11 notwithstanding paragraph C2.18.11, be the Proper Officer for ensuring the maintenance of public access to information in relation to LLCA documents, reports and background papers;
- C2.18.12 accept on behalf of the LLCA the service of notices, orders and legal proceedings;
- C2.18.13 authorise, in accordance with section 223 of the Local Government Act 1972, Officers who are not admitted as solicitors to appear in Magistrates' Courts on behalf of the LLCA.

#### Delegations to the Chief Financial Officer

C2.19 The Chief Financial Officer is authorised to:

- C2.19.1 effect the proper administration of the LLCA's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally;
- C2.19.2 take all action required on borrowing, investment and financing subject to the submission to the LLCA of an annual report of the Chief Financial Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes;
- C2.19.3 effect and maintain all insurance cover required in connection with the business of the LLCA.
- C2.19.4 settle:-
  - C2.19.4.1 all insurance claims under the value of £50,000, following consultation with the Monitoring Officer, under such insurances arranged for the LLCA's benefit other than claims which are

made by the LLCA against or by the Constituent Council by which the Chief Financial Officer is employed, in which case such decision shall be taken by the Deputy Chief Financial Officer;

C2.19.4.2 following consultation with the Chair (or Vice Chair if the Chair is not available), if appropriate and in the interests of the LLCA, any insurance claims over the value of £50,000 but not exceeding the value of £100,000 other than claims which are commenced by the LLCA against or by the Constituent Council by which the Chief Financial Officer is employed, in which case such decision shall be taken by the Deputy Chief Financial Officer;

C2.19.4.3 The delegations under paragraph C2.19.4 shall not apply where such claim has arisen as a result of a Member or Members voting against a motion of which it is required to form part of the majority in order to carry, in accordance with E1.30.3.2 to E1.30.5.4, or a Member or Members dissenting on a decision requiring unanimous approval in accordance with E1.30.4.1.

C2.19.5 prepare and maintain manuals of financial and accounting procedures to be following by Officers;

C2.19.6 accept grant offers, following consultation with the Monitoring Officer, on behalf of the LLCA on the terms and conditions set out by the grant awarding body or as may be agreed with the grant awarding body;

C2.19.7 submit all claims for grant to the UK Government or the European Union or any other person;

C2.19.8 make all necessary banking arrangements on behalf of the LLCA, to sign all cheques drawn on behalf of the LLCA, or make arrangements for cheques to be signed by other Officers or to arrange for such cheques to bear the facsimile signature of the Chief Financial Officer;

C2.19.9 monitor revenue and capital spending and submit a report to the LLCA at not more than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by the LLCA;

C2.19.10 collect all monies due to the LLCA and to write off bad debts under the value of £50,000 other than bad debts of the LLCA owed to the Constituent Council by which the Chief Financial Officer is employed, in which case the decision shall be taken by the Deputy Chief Financial Officer. This delegation shall not apply where the bad debt has been created as a result of a Member or Members voting against a motion of which he or she is required to form part of the majority in order to carry, in accordance with E1.30.3.2 to E1.30.5.4, or a Member or Members dissenting on a decision requiring unanimous approval;

- C2.19.11 Write off bad debts over the value of £50,000, but not exceeding the value of £100,000 following consultation with the Chair (or Vice Chair if the Chair is not available) other than bad debts of the LLCA owed to the Constituent Council by which the Chief Financial Officer is employed, in which case the decision shall be taken by the Deputy Chief Financial Officer. This delegation shall not apply where the bad debt has been created as a result of a Member or Members voting against a motion of which he or she is required to form part of the majority in order to carry, in accordance with E1.30.3.2 to E1.30.5.4, or a Member or Members dissenting on a decision requiring unanimous approval;
- C2.19.12 supervise procedures for the invitation, receipt and acceptance of quotations and tenders and ensure compliance with the Financial Procedure Rules and the Contract Procedure Rules;
- C2.19.13 administer the scheme of Members' allowances (if such a scheme is in place);
- C2.19.14 discharge the functions of the "responsible financial officer" under the Accounts and Audit Regulations 2015 and any successor legislation;
- C2.19.15 discharge the Functions of the LLCA under the Accounts and Audit Regulations 2015 (with the exception of Regulations 6(2), 6(3) and 9(2)) or any successor legislation;
- C2.19.16 sign certificates under the Local Government (Contracts) Act 1997;
- C2.19.17 be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder;
- C2.19.18 prepare and monitor a risk management framework for the LLCA following consultation with the Monitoring Officer;
- C2.19.19 prepare, following consultation with the Chief Operating Officer and the Monitoring Officer, the annual governance statement.
- C2.19.20 exercise the responsibilities assigned to the Chief Financial Officer in the Financial Procedure Rules and the Contract Procedure Rules.

### Schedule of Proper Officers

- C2.20 Section 112(1) of the Local Government Act 1972, provides that the LLCA shall appoint such Officers as it thinks necessary for the appropriate discharge by the LLCA of such of its Functions as fall to be discharged by them.
- C2.21 There are a number of specific references in enactments affecting the LLCA which call for functions to be undertaken by what are termed the **Proper Officer**. The following lists such references and identifies the Statutory Officer responsible for their discharge:

Local Government Act 1972		
Section 100B(2)	Determination of those reports which should be available for public inspection prior to a meeting of the LLCA, any committee of the LLCA or any sub-committee of the LLCA and those which are likely to be heard in private and consequently which should not be released to the public	Monitoring Officer
Section 100B(7)	Provision of documents to the press, additional to committee reports	
Section 100C(2)	Preparing written summaries of proceedings	
Section 100D(1)	Making arrangements for the list of reports and background papers to reports to be made available for public inspection	
Section 100F(2)	Determination of documents disclosing exempt information which may not be inspected by Members	
Section 115(2),	Receipt of money due from Officers	
Section 146(1)(a) and (b),	Declaration and certificates with regard to securities	Monitoring Officer
Section 225(1)	Deposit of documents	
Section 229(5)	Certifications of photographic copies of documents	

Section 234(1) and (2)	Issuing and signing of formal notices	
Section 236(9) and (10)	Serving copies of byelaws	
Section 238	Certification of byelaws	
Schedule 12, paragraph 4(1A)(b)	Signature of summonses to the LLCA	
Local Government Act 1985		
Section 73	Administration of the financial affairs of the LLCA	Chief Financial Officer

C2.22 All Officers in whose name reports are submitted to the LLCA (or any committee or sub-committee of the LLCA) through the Monitoring Officer and the Chief Financial Officer are appointed the Proper Officers in relation to the following:

Local Government Act 1972		
Section 100D(1)(a)	Compilation and retention of lists of background papers and copies of the relevant documents and reports	
Section 100D(5)	Identifying and determining what are background papers	

C2.23 The Chief Operating Officer is appointed the Proper Officer for the purpose of any enactment (including the LLCA Order) other than an enactment in respect of which the LLCA or this Constitution has designated another officer as the Proper Officer.



# Part D: Governance Committee

## Governance Committee

D1.1 The LLCA will establish the Governance Committee with responsibility for governance, standards and audit.

## Composition

D1.2 The Governance Committee will reflect the political balance of the LLCA as a whole. Membership will comprise:

D1.2.1 Three Members;

D1.2.2 Two members of the Overview and Scrutiny Committee;

D1.2.3 Two independent members.

The Co-Opted Members identified at paragraphs D1.2.2 and D1.2.3 shall have voting rights in respect of all business of the Governance Committee in accordance with paragraph B3.3 of this Constitution.

D1.3 The members of the Governance Committee must be appointed to the Governance Committee by the LLCA.

D1.4 The Chair and/or the Vice Chair may not be a member of the Governance Committee.

D1.5 The LLCA will appoint one of the independent members as the chair of the Governance Committee. In the absence of the chair of the Governance Committee, the Governance Committee will be chaired as determined by the Governance Committee, subject to the chair not being one of the Members.

D1.6 The quorum for the Governance Committee shall be three and, in relation to standards of conduct matters, at least one of whom must be an independent member, provided that both independent members are not prevented or restricted from participating by virtue of the LLCA's Code of Conduct.

D1.7 The Governance Committee will appoint one of the Members referred to at paragraph D1.2.1 for the purpose of answering questions at meetings of the LLCA on the discharge of the Governance Committee's functions.

## Role and Function

D1.8 The Governance Committee shall have power to appoint Sub-Committees to deal with any appointments for which it has responsibilities.

D1.9 The extent to which the Functions within the Governance Committee's remit have been delegated to Officers, either by the LLCA or by the Governance Committee, will be found:

D1.9.1 in the Scheme of Delegation; and/or

D1.9.2 in the record of specific delegations to Committees, Sub-Committees and Officers maintained by the Chief Operating Officer for public inspection in accordance with Article A10.1.

D1.10 Subject to the delegations described in paragraph D1.9, the Functions delegated to the Committee shall be:

*Corporate Governance Matters*

D1.11 To the extent not covered below, all matters referred to in paragraph 4(2) of Schedule 5A to the Local Democracy, Economic Development and Constructions Act 2009.

D1.12 The promotion and maintenance of high standards within the LLCA and in particular to ensure:

D1.12.1 that an adequate risk management framework and associated control environment is in place;

D1.12.2 that the LLCA's financial and non-financial performance is properly monitored;

D1.12.3 proper oversight of the financial reporting processes;

D1.13 That the LLCA's treasury management arrangements are appropriate and regularly monitored and to satisfy itself that the LLCA's statement of accounts and annual governance statement have been prepared in accordance with best practice.

D1.14 To make recommendations to the LLCA on any amendments required to the Financial Procedure Rules and Contract Procedure Rules set out in Parts F and G of this Constitution.

D1.15 To monitor the adequacy and effectiveness of the External Audit of the LLCA and to:

D1.15.1 consider the nature and scope of the External Audit of the LLCA's services and functions;

D1.15.2 consider external audit reports and management letters;

D1.15.3 monitor the LLCA's response to the External Audit findings and the implementation of External Audit recommendations.

D1.16 To monitor the adequacy and effectiveness of the Internal Audit arrangements and to:

- D1.16.1 consider the annual Internal Audit plan;
- D1.16.2 monitor progress against the plan through the receipt of periodic progress reports and an annual Internal Audit report;
- D1.16.3 consider major Internal Audit findings and recommendations;
- D1.16.4 monitor the response to major Internal Audit findings and the implementation of its recommendations.

D1.17 To monitor the effectiveness of Officer arrangements for ensuring an adequate internal control environment and combating fraud and corruption.

D1.18 To monitor the arrangements for the identification monitoring and management of strategic and operational risk within the LLCA.

D1.19 To liaise with the LLCA on matters of corporate governance and financial accountability.

D1.20 To advise on training for Members and Co-Opted Members on matters relating to the corporate governance of the LLCA.

D1.21 To make reports to the LLCA on matters within the remit of the Governance Committee.

#### *Standards of Conduct Matters*

D1.22 The promotion and maintenance of high standards of conduct by Members and Co-Opted Members including:

- D1.22.1 advising the LLCA on the adoption or revision of its Code of Conduct and Complaints Procedure;

- D1.22.2 monitoring and advising the LLCA about the operation of its Code of Conduct and Complaints Procedure in the light of best practice and changes in the law.

D1.23 To ensure that all Members and Co-Opted Members have access to training in all aspects of the Code of Conduct, that this training is actively promoted, and that Members and Co-Opted Members are aware of the standards expected under the Code of Conduct.

D1.24 To make recommendations to the LLCA for the appointment of at least one Independent Person whose views must be sought about allegations of a breach of the Code of Conduct in accordance with the provisions of the Localism Act 2011.

D1.25 To exempt Members from vacation of office by failure to attend meetings.

D1.26 To advise as necessary on matters relating to the conduct of Officers and procedures relating to the handling of complaints, including “whistle blowing”.

# Part E: Meeting Procedure Rules and Scrutiny Arrangements

## Section E1 Meeting Procedure Rules

### E1.1 Interpretation, Suspension and Chair's Ruling

E1.1.1 These Rules apply to meetings of the LLCA. A number of these rules expressly relate to Committees and Sub-Committees. In addition to this, Rules E1.6.3, E1.6.4, E1.9, E1.14, E1.16, E1.20 to E1.30 inclusive and E1.35 to E1.37 inclusive shall apply with any necessary modification to the Committees and Sub-Committees.

References in these Rules to the "Chair" mean the Member or Co-Opted Member presiding at the relevant meeting of the LLCA, its Committees and Sub-Committees. References to "Vice Chair" include any, where the Rule is applicable to a Committee or Sub-Committee, the vice chair of that body.

E1.1.2 These Rules should be read in conjunction with other Parts of the Constitution.

E1.1.3 These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.

E1.1.4 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.

### E1.2 Suspension and Revocation of the Meeting Procedure Rules

E1.2.1 With the exception of Rules E1.11 (Quorum), E1.14 (Urgent Items) and E1.30 (Voting), any Rule may be suspended at a meeting of the LLCA either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a simple majority of those present and voting. A motion to suspend any Rules will not be moved without notice unless at least 6 Members of the LLCA are present.

E1.2.2 Rules may be changed by the LLCA either at the Annual Meeting or by a motion on notice made at a meeting of the LLCA.

### E1.3 Chair and Vice-Chair of the LLCA

E1.3.1 The LLCA shall at its first meeting and at each subsequent Annual Meeting appoint the Chair and the Vice Chair from among the LLCA Members.

E1.3.2 The appointment of the Chair and Vice-Chair shall be the first business transacted at the Annual Meeting. Incumbents will be eligible for re-election.

E1.3.3 The procedure for appointment of the Chair and Vice-Chair under paragraph E1.3.2 or E1.3.4 shall be as set out below:

E1.3.3.1 Every Member nominated to act as Chair or Vice-Chair shall be openly proposed and seconded;

E1.3.3.2 At the close of nominations the Monitoring Officer shall state the names of the candidates who have been duly proposed and seconded;

E1.3.3.3 If the number of nominations does not exceed the number of vacancies the Monitoring Officer shall forthwith put the appointment of the duly nominated candidates collectively as a substantive motion upon which no amendment may be moved;

E1.3.3.4 If the number of nominations does exceed the number of vacancies there shall be a secret ballot of the Members present at the meeting in which each Member may vote for as many candidates as there are vacancies to be filled;

E1.3.3.5 Any ballot shall be conducted by the Monitoring Officer whose return shall be final and conclusive.

E1.3.3.6 No candidate in any ballot shall be appointed unless the number of votes cast in his or her favour exceeds half the number of persons voting. If in any ballot no candidate receives the number of votes entitling him or her to be appointed, the names of those candidates who receive no votes and the name of the candidate who receives the least number of votes shall be struck off the list of nominated candidates and a fresh secret ballot shall be taken. Secret ballots shall be taken until all the vacancies are filled.

E1.3.4 On a vacancy arising in the office of Chair or Vice-Chair for whatever reason, the LLCA shall make an appointment to fill the vacancy at the next Ordinary Meeting of the LLCA held after the date on which the vacancy occurs, unless such meeting is within fourteen days of the vacancy arising, when it will be the meeting following the next Ordinary Meeting.

E1.3.5 Subject to these Meeting Procedure Rules, anything authorised or required to be done by, or in relation to, the Chair, may be done by, or in relation to, the Vice-Chair.

E1.4 Chair and Vice Chair of Committees and Sub-Committees

E1.4.1 The arrangements for appointing the chair of the Overview and Scrutiny Committee are set out at paragraph E2.8.

E1.4.2 Except where otherwise agreed by the LLCA, each Committee or Sub-Committee shall appoint its chair and vice chair (if applicable) from amongst the members of the relevant Committee or Sub-Committee.

E1.4.3 The vice chair of the Overview and Scrutiny Committee and the chair and vice chair of any other Committee or Sub-Committee shall hold office until:

E1.4.3.1 he or she ceases to be a Member or Co-Opted Member (for whatever reason);

E1.4.3.2 he or she is suspended by the relevant political group (although he or she may resume office at the end of the period of suspension);

E1.4.3.3 he or she is removed from office by the LLCA; or

E1.4.3.4 the next Annual Meeting.

E1.5 The appointment of the vice chair of the Overview and Scrutiny Committee and the chair and vice chair of any other Committee or Sub-Committee shall be conducted in accordance with the Rules on appointments made by the LLCA set out at Rule E1.3.

## E1.6 Meetings

E1.6.1 The Annual Meeting of LLCA shall be held each June on a date and at a time determined by the LLCA.

E1.6.2 The Budget Meeting of the LLCA shall be held each February on a date and at a time determined by the LLCA.

E1.6.3 A minimum of two Ordinary Meetings of the LLCA for the transaction of general business (exclusive of the Annual Meeting and Budget Meeting) shall be held on such dates and at such times as the LLCA shall determine at each Annual Meeting.

E1.6.4 An Extraordinary Meeting of the LLCA may be called at any time by:-

E1.6.4.1 The LLCA by resolution;

E1.6.4.2 The Chair of the LLCA;

E1.6.4.3 The Chief Operating Officer, Monitoring Officer or Chief Finance Officer; and

E1.6.4.4 Any four members of the LLCA, if they have signed a requisition presented to the Chair and the Chair has refused to call a meeting, or failed to call a meeting within seven days of the presentation of the requisition.

## E1.7 Meetings of Committees and Sub-Committees

E1.7.1 The chair of a Committee or Sub-Committee may cause a special meeting of the Committee or Sub-Committee concerned to be called at any time. In the absence of the chair of the Committee or Sub-Committee concerned then the relevant vice chair may exercise the powers conferred on the chair by this Rule.

E1.7.2 A special meeting of a Committee or Sub-Committee shall be called on the request of at least one quarter of the whole number of members of the Committee or Sub-Committee concerned by notice in writing signed by them and give to the Chief Operating Officer and specifying the business for which the meeting is to be called.

E1.7.3 In relation to meetings of the Overview and Scrutiny Committee, a political group may give notice in writing to the Chief Operating Officer delivered at least eight clear days before the next meeting that they wish the item of business specified in the notice to be included in the agenda for consideration at that meeting. Such notice shall include an explanation of the reasons underlying the request and the purpose to be achieved.

#### E1.8 Admission of Public

E1.8.1 All meetings of the LLCA, its Committees and Sub-Committees shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:

E1.8.2 In accordance with Section 100A(2) of the Local Government Act 1972; or

E1.8.3 By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

#### E1.9 Notice of Meetings

E1.9.1 At least five clear days before a meeting of the LLCA:

E1.9.1.1 notice of the time and place of the intended meeting shall be published by the Monitoring Officer and posted at County Hall, Glenfield, Leicester LE3 8RA; such details shall also be published on the LLCA's website.

E1.9.1.2 a summons to attend the meeting, specifying an agenda for the meeting, shall be left at or sent by post to all Members of the LLCA and electronic mail to the usual place of residence of each Member, or any other address notified to the Monitoring Officer by a Member.

E1.9.2 Lack of notice and/or service on a Member of the LLCA of the summons shall not affect the validity of a meeting of the LLCA.

#### E1.10 Chair of Meeting

E1.10.1 At each meeting of the LLCA, its Committees and Sub-Committees the Chair, if present, shall preside.

E1.10.2 If the Chair is absent from a meeting of the LLCA, its Committees or Sub-Committees the Vice-Chair, if present, shall preside.

E1.10.3 If both the Chair and Vice-Chair of the LLCA, a Committee or Sub-Committee, are absent from a meeting, the members of the relevant body present shall elect a member of the body to preside for the duration of the meeting or until such time as the Chair (or Vice-Chair) joins the meeting subject to Rule E1.10.4 below.

E1.10.4 If the Chair (or the Vice Chair if the Chair is not present) arrives at a meeting of the body concerned arrives at a meeting of the body after the time for which the meeting has been summonsed he or she shall preside over the meeting after any question under discussion on his or her arrival has been disposed of but not before then.

E1.10.5 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised or discharged by the person presiding at the meeting.

#### E1.11 Quorum

E1.11.1 The quorum of any LLCA meeting will only be calculated by reference to Members with voting rights.

E1.11.2 Subject to Rule E1.11.3, the quorum for the meeting of the LLCA will be six Members.

E1.11.3 The following additional rules for quorum will apply:

E1.11.3.1 Where any decision is to be taken with reserved status as determined in accordance with E1.30.3.7 then the meeting will only be quorate for the purposes of that decision where the relevant Members appointed by directly affected Constituent Councils are present; and

E1.11.3.2 Where any decision is to be taken that requires unanimous approval as determined in accordance with E1.30.4.2 then the meeting will only be quorate for the purposes of that decision where all Members appointed by all of the Constituent Councils are present.

E1.11.4 The quorum of any Committee or Sub-Committee of the LLCA will be determined by the LLCA (to include where expressly stated in this Constitution).

E1.11.5 Where, during any meeting of the LLCA the Chair after counting the number of members present declares that there is not a quorum present to enable a decision to be taken with reserved status in accordance with E1.30.3.7 or that requires unanimous approval in accordance with E1.30.4.2, consideration of those items shall be postponed to a time fixed by the Chair at the time the item is postponed, or, if he or she does not fix a time, to the next ordinary meeting of the LLCA.



E1.11.6 Where, during any meeting of the LLCA the Chair after counting the number of members present declares that there is not a quorum present for the transaction of ordinary business (i.e. business that is outside the requirements for reserved status or unanimous approval) the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or, if he or she does not fix a time, to the next ordinary meeting of the LLCA.

## E1.12 Order of Business

E1.12.1 At every meeting of the LLCA the order of business shall be:

E1.12.1.1 To choose a person to preside if the Chair or Vice-Chair is absent;

E1.12.1.2 To deal with any business required by law to be done before any other business;

E1.12.1.3 To confirm the minutes of the last meeting;

E1.12.1.4 To seek any declarations of interests from Members in accordance with the Code of Conduct

E1.12.1.5 To deal with any business expressly required by law to be done;

E1.12.1.6 To answer questions asked under Rules E1.17 and E1.18;

E1.12.1.7 To dispose of business (if any) remaining from the last meeting;

E1.12.1.8 To consider reports from Officers;

E1.12.1.9 To consider reports requested by Members in accordance with Rule E1.12.2;

E1.12.1.10 To appoint individuals to the Committees and Sub-Committees in accordance with Article A7.2 and A7.3;

E1.12.1.11 To appoint any other individual or persons to any office;

E1.12.1.12 Other business, if any, specified in the summons.

E1.12.2 The Monitoring Officer shall set out in the agenda for each meeting of the LLCA the items of business requested by Members (if any) in the order in which they have been received, unless the Member concerned has given written notice to the Monitoring Officer prior to the issue of the agenda for the meeting, for it to be withdrawn. If the Member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the LLCA decides otherwise, be treated as withdrawn.

## E1.13 Variation of Order of Business

E1.13.1 Business falling within Rules E1.12.1.1, E1.12.1.2, E1.12.1.3 and E1.12.1.5 shall not be displaced, but otherwise the order of business may be varied:

E1.13.1.1 by the Chair at his or her discretion;

E1.13.1.2 by a resolution passed at the meeting. A motion to vary the order of business shall be moved and seconded formally and put without discussion;

E1.13.1.3 by the Chair bringing before the LLCA at his or her discretion any matter that he or she considers appropriate to bring before the LLCA as a matter of urgency.

## E1.14 Urgent Items

E1.14.1 Subject to E1.14.2, any item proposed to be included on the agenda or any meeting of the LLCA in accordance with Rule E1.12 above, which is not submitted before five clear days of the meeting shall not be included on the agenda for that meeting unless the Chair is of the opinion that the items should be considered at the meeting as a matter of urgency. In this case the amended agenda for the meeting will state the reason for the late acceptance of any such item.

E1.14.2 Where an urgent item is also a Key Decision the rules set out at Rules E1.32 to E1.34 will also apply.

E1.14.3 Except in the case of business required by these Rules to be transacted at a meeting of the LLCA, and other business brought before the meeting as a matter of urgency (and of which the Monitoring Officer shall have prior notice and which the Chair considers should be discussed at the meeting) no business shall be transacted at a meeting other than that specified in the agenda for the meeting.

## E1.15 Appointments made at the Annual Meeting

E1.15.1 At the Annual Meeting the procedure for appointment of individuals to Committees and Sub-Committees shall be as set out below and Rules E1.3 and E1.4 shall not apply for the purposes of such appointments.

E1.15.2 The Chair shall invite proposals each of which shall be in the form of a list of candidates nominated for all the vacancies to be filled; it shall not be in order to propose a list of nominations which does not deal with all of the appointments which are to be made at the meeting.

E1.15.3 The Chair shall then put to the LLCA for decision the lists of nominations proposed and seconded. Each Member shall have one vote only to be cast in favour of one list of nominations.

E1.15.4 If there is more than one list of nominations there shall be a series of votes. After each vote, the list which has attracted the least number of votes shall be struck out and a further vote taken, and so on until one list receives a majority of the Members present and voting.

E1.15.5 The Chair shall declare appointed those individuals named in the list of nominations which attracts the majority of votes.

#### E1.16 Minutes

E1.16.1 The names of Members and Substitute Members present at any meeting of the LLCA, its Committees or Subcommittees to be recorded in the minutes of that meeting.

E1.16.2 At a meeting of the LLCA at which minutes of a previous meeting are submitted for approval as a correct record, the Chair shall move that those minutes be so approved.

E1.16.3 No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.

E1.16.4 If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

E1.16.5 Where in relation to any meeting of the LLCA the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the LLCA (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting of the purposes of paragraphs 41(1) and (2) (signing of minutes) of that Schedule.

#### E1.17 Questions from Members, Co-Opted Members and elected members of Constituent Councils

E1.17.1 At a meeting of the LLCA a Member or a Co-Opted Member or an elected member of a Constituent Council may ask the Chair or Vice Chair any question relating to the business of the LLCA or which relates to a matter affecting the whole area of the LLCA. With the permission of the Chair or Vice Chair, Officers may be permitted to answer any questions put under this paragraph E1.17.

E1.17.2 At Ordinary Meetings of any Committee or Sub Committee any Member, Co-Opted Member or elected member of a Constituent Council who is present may ask the chair of the body concerned any question on any matter in relation to which the body concerned has delegated or advisory functions. The time for dealing with such questions shall immediately follow the item on the agenda for answering questions from electors.

E1.17.3 The text of any question shall be submitted in writing to the Monitoring Officer not less than five clear days before the meeting at which the Member, Co-Opted Member or elected member proposes to ask the question subject to paragraph E1.17.4 below (urgent business).

- E1.17.4 The Chair of the meeting may allow the asking of a question which has not been submitted as required by paragraph E1.17.3 above if he or she considers it relates to urgent business. The text of any such question shall, if be possible, be delivered to the Monitoring Officer not later than 10.00am on the day before the meeting at which the question is to be asked.
- E1.17.5 After a question has been replied to, the Member, Co-Opted Member or elected member who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. A Member, Co-Opted Member or elected member asking such a supplementary question shall confine himself or herself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of his or her original question.
- E1.17.6 Every question shall be put and answered without discussion.
- E1.17.7 No resolution shall be moved with reference to any question or reply to a question.
- E1.17.8 If the Chair of the meeting is of the opinion that the question is out of order, or of a personal character, or in the interests of the LLCA it is undesirable, he or she shall so inform the person asking the question and shall not allow the question to be put.
- E1.17.9 The period allowed for the putting and answering of questions shall be 30 minutes in total.
- E1.17.10 Questions asked in pursuance of paragraph E1.17 shall be recorded in the minutes of the meeting, and the Monitoring Officer shall supply the questioner with a copy of the replies thereto within seven working days after the meeting.

#### E1.18 Questions from Electors

- E1.18.1 At any ordinary meeting of the Committees or Subcommittees of the LLCA, including the Overview and Scrutiny Committee, to which the press and public are admitted, any elector registered within the area of the LLCA may, subject to paragraphs E1.18.2 to E1.18.8 below, ask the Chair of the meeting concerned any question on any matter in relation to which the body concerned has powers and duties.
- E1.18.2 Any question shall be submitted in writing to the Monitoring Officer not less than five clear days before the meeting at which the elector proposes to ask the question.
- E1.18.3 The Monitoring Officer may decline to accept a proposed question if in his or her opinion it is:
- E1.18.3.1 not relevant to the functions of the body concerned;
  - E1.18.3.2 is otherwise offensive, frivolous or defamatory;

E1.18.3.3 is substantially similar to a question which has been put at a meeting in the past six months; or  
E1.18.3.4 requires the disclosure of confidential or exempt information.

E1.18.4 The period allowed for the putting and answering of questions shall be thirty minutes in total

E1.18.5 Questions shall be put and answered in the order in which they were received and accepted by the Monitoring Officer

E1.18.6 After a question has been replied to, the elector who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. An elector asking such a supplementary question shall confine himself or herself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of his or her original question. If the Chair of the meeting is of the opinion that the supplementary question is out of order, or of a personal character, or in the interests of the LLCA it is undesirable, he or she shall so inform the elector and shall not allow the question to be put.

E1.18.7 A question shall fall and shall not receive an answer if the elector who submitted the question is not present at the meeting to put the question at the due time.

E1.18.8 There shall be no discussion on the question or the answer but a member of the body concerned may propose that the subject matter of the question be placed on the agenda of the next ordinary meeting of the body concerned. Such a motion shall be moved and seconded formally and be put without discussion.

#### E1.19 Proceedings at Committees and Sub-Committees

E1.19.1 No act of a Committee or Sub-Committee shall have effect until approved by the LLCA except to the extent that the Committee or Sub-Committee has itself the power to act without the approval of the LLCA and the power so to act has been conferred upon the Committee or Sub-Committee (whether by act of the LLCA or by law).

#### Rules of Debate

E1.20 Motions and amendments which may be moved without notice

E1.20.1 Motions and amendments relating to the following matters may be moved without notice:-

E1.20.1.1 appointment of a chair of the meeting at which the motion is made;

E1.20.1.2 the approval of accuracy of the minutes;

E1.20.1.3 that an item of business specified in the summons have precedence;

- E1.20.1.4 appointment of a body or the members thereof, occasioned by an item mentioned in the summons to the meeting;
- E1.20.1.5 adoption of reports and recommendations of the Committees and Sub-Committees of the LLCA and any consequent resolution;
- E1.20.1.6 authorising the sealing of documents;
- E1.20.1.7 giving consent of the LLCA where the consent of the LLCA is required by the Constitution;
- E1.20.1.8 any of the motions listed in paragraph E1.21 below whether or not moved whilst another motion is under debate.

#### E1.21 Motions which may be moved during debate

- E1.21.1 When a motion is under debate no other motion shall be moved except the following:-
  - E1.21.1.1 to amend the motion;
  - E1.21.1.2 to adjourn the meeting;
  - E1.21.1.3 to adjourn the debate;
  - E1.21.1.4 to proceed to the next business;
  - E1.21.1.5 that the proposition under discussion be put;
  - E1.21.1.6 that a member be not further heard;
  - E1.21.1.7 by the Chair under paragraph E1.35 "That the member named do leave the meeting";
  - E1.21.1.8 to exclude the public;
  - E1.21.1.9 that the subject of debate be referred to a Committee or Sub-Committee of the LLCA;
  - E1.21.1.10 that Meeting Procedure Rules be suspended under Rule E1.2;
  - E1.21.1.11 that leave be given to alter or withdraw a motion, amendment or report.

#### E1.22 Recissions

- E1.22.1 No motion:
  - E1.22.1.1 to rescind any resolution passed; and/or

E1.22.1.2 to the same effect as any motion which has been rejected;

in the preceding six months shall be proposed at a meeting unless at a meeting prior to that at which the motion is to be proposed a Member moves for consent to propose the motion at the next Ordinary Meeting and obtains a majority of those Members present and voting at the meeting. If consent is obtained then notice of the motion shall be inserted in the summons for the next Ordinary Meeting.

E1.23 Amendments to motions

E1.23.1 An amendment shall be relevant to the motion and shall be either:-

E1.23.1.1 to refer a subject of debate to a Committee or Sub-Committee of the LLCA for consideration or re-consideration;

E1.23.1.2 to leave out words;

E1.23.1.3 to leave out words and insert or add others;

E1.23.1.4 to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating a motion before the LLCA.

E1.23.2 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of;

E1.23.3 Provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if he or she considers that this course would facilitate the proper conduct of the LLCA's business.

E1.23.4 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

E1.24 Alterations or withdrawal of motion or amendment

E1.24.1 A proposer of a motion may, with the concurrence of the seconder and the consent of the LLCA, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chair be reduced into writing and handed to him or her before the consent of the LLCA to the alteration is sought.

E1.24.2 A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the LLCA, withdraw the motion or amendment which he or she has proposed, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.

E1.24.3 The giving or refusal of the consent of the LLCA to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

#### E1.25 Motions and amendments generally

E1.25.1 A motion or amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.

E1.25.2 A member may not propose or second a motion or amendment on which he or she is disqualified from voting.

#### E1.26 Motions affecting Officers of the LLCA

E1.26.1 If any question arises at a meeting of the LLCA, its Committees or Sub-Committees as to the conduct of any Officer, such question shall not be the subject of discussion until the body concerned has decided whether or not the power of exclusion of the public shall be exercised.

#### E1.27 Next business etc

E1.27.1 A Member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another Member, unless the Chair considers that the matter has been insufficiently discussed, move "that the LLCA proceed to the next business" or, if there is no other business to be transacted, "that the LLCA adjourn".

E1.27.2 There shall be no debate on a motion as described in paragraph E1.26.1 above.

E1.27.3 If that motion is carried, the original motion shall be considered as withdrawn.

#### E1.28 Adjournment of debate

E1.28.1 A Member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another member, move that the debate be adjourned to that hour or occasion.

E1.28.2 If the Member does not specify an hour or occasion, the motion shall be deemed to intend that the debate shall be resumed at the next Ordinary Meeting of the LLCA.

E1.28.3 There shall be no debate on a motion as described in paragraph E1.28.1 above.



E1.28.4 On the resumption after adjournment of an interrupted debate, the LLCA shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Meeting Procedure Rules.

#### E1.29 Closure

E1.29.1 A Member may at the conclusion of the speech of another Member move "that the proposition under discussion be now put" (which is in these Meeting Procedure Rules referred to as "the closure").

E1.29.2 There shall be no debate after the closure. The closure shall be put forthwith to the vote unless it appears to the Chair that the proposition to which it is sought to apply the closure has not been sufficiently discussed.

E1.29.3 If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion.

#### E1.30 Voting

E1.30.1 In the full spirit of partnership working the Members will endeavour to reach decisions by consensus.

E1.30.2 The following will apply to any vote of the LLCA:-

E1.30.2.1 The Members (who have voting rights) shall have one vote each.

E1.30.2.2 Subject to Rules E1.30.3 and E1.30.4 below and the provisions of any enactment, all questions coming or arising before the LLCA shall be decided by a simple majority of the members of the LLCA present and voting.

E1.30.2.3 In the case of a tied vote on any motion or amendment, the motion or amendment shall be deemed to have been lost. The Chair (which includes any other Member presiding at a meeting) shall not have a second or casting vote.

E1.30.2.4 On the requisition of any one Member, made before the vote is taken, the voting on any matter shall be recorded so as to show how each Member voted and there shall also be recorded any Member abstaining from voting.

E1.30.2.5 A decision with reserved status can only be taken where all Members representing directly affected Constituent Councils are present and vote positively in favour of the proposition.

E1.30.2.6 A decision requiring unanimous support can only be taken if all Members are present and vote positively in favour of the proposition.

E1.30.2.7 Abstentions shall be recorded in the minutes of the relevant meeting.

### E1.30.3 Reserved Status – Special Majority

- E1.30.3.1 In recognition of the significant impact that some decisions made by the LLCA could have on the Constituent Councils, and to ensure that the existing democratic mandate of each Constituent Council is respected and preserved, decisions concerning a number of matters will qualify for 'reserved status'. Decisions made by the LLCA regarding matters with 'reserved status' will require a 'special majority' in order to carry. The special majority will operate on the principle that the Members appointed by Constituent Councils who are directly affected by a decision must be present at the meeting and be a part of the deciding vote's majority for that decision to carry. In practice, this will require that:
- E1.30.3.2 for a vote on a transport related matter, both the Members appointed by the City Council and the County Council – as the two existing transport authorities – must form a part of the deciding vote's majority for that decision to carry. Where a transport related matter affects only the City of Leicester or only the County of Leicestershire then the Member appointed by the relevant transport authority must form part of the deciding vote's majority.
- E1.30.3.3 for a vote on a planning matter (including planning for future housing and employment land provision and the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land), then the Member appointed by the planning authority for the area or areas directly affected must form part of the deciding vote's majority for that decision to carry.
- E1.30.3.4 In the case of a planning matter affecting the City of Leicester then the Member appointed by the City Council must form part of the majority.
- E1.30.3.5 In the case of a planning matter affecting an area of the County of Leicestershire then:
- E1.30.3.5.1 the Member appointed by the relevant District Council must form part of the majority if the matter would be dealt with by the District Council as a planning authority;
- E1.30.3.5.2 the Member appointed by the County Council must form part of the majority if the matter would be dealt with by the County Council as a planning authority; or
- E1.30.3.5.3 where the matter could be dealt with by either the relevant District Council or the County Council as a planning authority then both Members must form part of the majority.

E1.30.3.6 Where the LLCA establishes a Committee or Sub-Committee then that body can make decisions that have reserved status provided that the membership of the Committee or Sub-Committee includes those Members appointed by the Constituent Councils directly affected by the decision and those Members vote in favour.

E1.30.3.7 The decision that a Constituent Council is directly affected by a decision will be taken by the Monitoring Officer, following consultation with the relevant councils but for the avoidance of doubt the approval of a Business Case will be a Reserved Status Decision.

*[Note: The LLCA at its first meeting will be asked to consider the proposal that this provision E1.30.3 will not apply to the LLCA Member nominated by the LLEP.]*

#### E1.30.4 Unanimity

E1.30.4.1 Where a matter for decision (other than a transport matter) affects the entirety of the Combined Area then it will require unanimous support from the Members appointed by the Constituent Councils. Matters requiring unanimous support include (without limitation) the following:

E1.30.4.1.1 Decisions relating to the creation, adoption and review of the documents listed in paragraph C1.1.8 of this Constitution;

E1.30.4.1.2 Approval of the Combined Authority's annual budget including decisions on any levies (except transport levies), precepts or other demands for financial contribution from the Constituent Councils;

E1.30.4.1.3 Approval of borrowing limits, treasury management strategy including reserves, Investment Strategy and Capital Budget of the LLCA;

E1.30.4.1.4 Approval of the LLCA's Constitution and any changes thereto;

E1.30.4.1.5 Adoption of any freedoms or flexibilities offered by central Government;

E1.30.4.1.6 Future expansion of the LLCA's functions (including by delegation);

E1.30.4.1.7 Approval of growth schemes set out in any adopted strategic growth plan;

E1.30.4.1.8 Decisions to grant, amend or remove voting rights to the Member appointed from the LLEP and those Members co-opted onto Committees and Subcommittees of the LLCA;

E1.30.4.1.9 Decisions to designate a matter as having reserved status or remove that status.

E1.30.4.2 The decision that a matter affects the entirety of the Combined Area will be taken by the Monitoring Officer, following consultation with the Constituent Councils.

E1.30.4.3 The proceedings of the LLCA are not invalidated by any vacancy among its Members or by any defect in the appointment or qualifications of any Member.

*[Note: with regard to unanimity, the LLCA at its first meeting will be asked to consider the proposal that this provision E1.30.4 will not apply to the LLCA Member nominated by the LLEP]*

### E1.31 The Forward Plan

E1.31.1 Period of Forward Plan. At least 28 days before decisions of the nature set out in Rule E1.31.2 are to be taken by the LLCA the Monitoring Officer will produce a Forward Plan setting out the details. The Forward Plan will be published on the LLCA's website and made available for inspection by members of the public.

E1.31.2 The Forward Plan will contain matters which are considered to involve:- (a) a Key Decision, and/or (b) a matter where it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential or exempt information would be disclosed and therefore it is proposed that the public be excluded from the meeting (i.e. the matter will be considered in private).

E1.31.3 Where a decision maker intends to make a Key Decision the Forward Plan will describe the following particulars in so far as the information is available or might reasonably be obtained:-

E1.31.3.1 That a Key Decision is to be made on behalf of the LLCA;

E1.31.3.2 The matter in respect of which the decision is to be made;

E1.31.3.3 Where the decisions maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;

E1.31.3.4 The date on which, or the period within which, the decision is to be made;

- E1.31.3.5 A list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;
  - E1.31.3.6 The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
  - E1.31.3.7 That other documents relevant to those matters may be submitted to the decision maker; and
  - E1.31.3.8 The procedure for requesting details of those documents (if any) as they become available.
- E1.31.4 Where a matter is to be considered in private the Forward Plan will give notice of the LLCA's intentions and will give a statement of the reasons for doing so.
- E1.31.5 For the purposes of the Forward Plan a "Key Decision" includes a decision of the LLCA, a Committee of the LLCA or an Officer of the LLCA which:- (i) relates to any of the matters listed at paragraphs E1.30.3 and E1.30.4 (reserved matters and those requiring unanimity) above; or (ii) is likely to result in the LLCA incurring significant expenditure, or the making of significant savings; or (iii) to be significant in terms of its effects on communities living or working in the area of the LLCA.
- E1.31.6 For the purposes of paragraph E1.31.5 above significant expenditure or savings are expenditure or savings (including the receipt or loss of income or capital receipts) in excess of £100,000.
- E1.32 General Exceptions
- E1.32.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rules E1.33 (confidential and exempt items) and E1.34 (special urgency), the decision may still be taken if:
- E1.32.1.1 the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan;
  - E1.32.1.2 the Monitoring Officer has informed the chair of the Overview and Scrutiny Committee (or if there is no such person, each member of the Overview and Scrutiny Committee) by notice in writing of the matter on which the decision is to be made and the reasons why inclusion on the Forward Plan is impracticable;
  - E1.32.1.3 the Monitoring Officer has made copies of that notice available to the public at Leicestershire County Council's offices and the notice has been published on the LLCA's website; and
  - E1.32.1.4 at least five clear days have elapsed since the Monitoring Officer complied with paragraphs E1.32.1.2 and E1.32.1.3.

### E1.33 Confidential and Exempt Items

E1.33.1 Where confidential or exempt items have not been included on the Forward Plan in accordance with Rule E1.31 the matter may still be considered where agreement that the matter is urgent and cannot reasonably be deferred has been obtained from the chair of the Overview and Scrutiny Committee or, if there is no such person, the chair of the Governance Committee.

### E1.34 Special Urgency

E1.34.1 If by virtue of the date by which a decision must be taken Rule E1.33 cannot be followed, then the decision can only be taken if the agreement of the chair of the Overview and Scrutiny Committee that the taking of the decision cannot reasonably be deferred has been obtained.

E1.34.2 If there is no chair of the Overview and Scrutiny Committee or the chair is unable to act then the chair of the Governance Committee must agree that the decision cannot reasonably be deferred.

E1.34.3 A notice must be made available to the public at the offices of Leicestershire County Council and on the LLCA's website setting out the reasons why the decision is urgent and cannot reasonably be deferred.

### E1.35 Conduct of Members

E1.35.1 If the Chair is of the opinion that at a meeting any Member of the LLCA has misconducted, or is misconducting him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the LLCA, the Chair may notify the meeting of that opinion and may take any of the following actions either separately or in sequence:

E1.35.1.1 The Chair may direct the Member to refrain from speaking during all or part of the remainder of the meeting;

E1.35.1.2 The Chair may direct the Member to withdraw from all or part of the remainder of the meeting;

E1.35.1.3 The Chair may order the Member to be removed from the meeting; and

E1.35.1.4 The Chair may adjourn the meeting for such period as they consider necessary

E1.35.2 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in him or her may, without question put, adjourn the meeting for such period as he or considers necessary.

### E1.36 Attendance of Members at meetings (other than the LLCA meeting)

E1.36.1 Any Member may attend as an observer at meetings of the Committees or Sub-Committees (except those meetings which the LLCA (to include any Committee or Sub-Committee authorised by the LLCA) from time to time determine for the purposes of this Rule) to which he or she has not been appointed as a member, including meetings or items of business from which the public has been excluded. If given permission by the chair of the relevant meeting, a Member attending as an observer may speak (but not vote) on any matter.

#### E1.37 Disturbance by Members of the Public

E1.37.1 If a member of the public interrupts the proceedings at any meeting of the LLCA the Chair shall warn him or her. If they continue the interruption the Chair shall order his or her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

#### E1.38 Notification and Declaration of Interests

E1.38.1 Members are required to notify the Monitoring Officer of any interests and to declare them at meetings in accordance with the Code of Conduct set out in Part H of this Constitution.

E1.38.2 If any Member has a disclosable pecuniary interest in any matter under consideration at a meeting of the LLCA, its Committees or Subcommittees, that Member shall declare that interest and withdraw from the meeting while the matter is under consideration by the meeting unless the disability to discuss that matter imposed upon him or her by the Code has been removed by the Monitoring Officer or the Governance Committee on appeal from the Monitoring Officer.

#### E1.39 Publication of Reports

E1.39.1 Reports or other documents for the consideration of the LLCA or a Committee or Sub-Committee shall be marked "Private & Confidential Not for Publication" only if the Monitoring Officer, as Proper Officer under Section 100B (2) of the Local Government Act 1972 determines that this should be done on one or more of the grounds specified in the Act/Regulations.

E1.39.2 A Member (or Co-Opted Member in the case of a Committee or Sub-Committee) or a member of the public may request that an item of business containing exempt information should be taken in public and such a request should be dealt with by the Monitoring Officer or by the meeting at which the item is to be considered in private as the first item on the agenda. The procedure for dealing with such requests is set out in Rules E1.40 below.

E1.39.3 Copies of the agenda of meetings of the LLCA and its Committees and Sub-Committees, including prints of reports or other documents to be submitted to the LLCA, its Committees and Sub-Committees (other than reports or other documents marked "Not for Publication") shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall

also be made available for public inspection, at least five clear days before any meeting of the LLCA, its Committees and Sub-Committees at the offices of Leicestershire County Council and shall be published on the LLCA's website.

E1.39.4 Where an item or report has been added to an agenda, any revised agenda or additional report shall be available for public inspection as soon as the item or report has been added to the agenda, provided copies are also, at that time, available to Members (or Co-Opted Members in the case of Committees and Sub-Committees).

#### E1.40 Access to Information Procedure Rules

E1.40.1 Except as otherwise indicated, these rules apply to all meetings of the LLCA, its Committees and Sub-Committees.

E1.40.2 Rule E1.39 does not affect any more specific rights to information contained elsewhere in these Rules or the law.

E1.40.3 The LLCA, its Committees and Subcommittees will supply copies of:

E1.40.3.1 any agenda and reports that are open to public inspection;

E1.40.3.2 any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda; and

E1.40.3.3 if the Monitoring Officer thinks fit, copies of any other documents supplied to members in connection with an item

to any person on payment of a charge for postage and any other costs.

E1.40.4 The LLCA, its Committees and Subcommittees will make available copies of the following for six years after a meeting:

E1.40.4.1 the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (these will be kept in perpetuity);

E1.40.4.2 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record (this will be kept in perpetuity);

E1.40.4.3 the agenda for the meeting;

E1.40.4.4 reports relating to items when the meeting was open to the public.

E1.40.5 The relevant Statutory Officer or other Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:



E1.40.5.1 disclose any facts or matters on which the report or an important part of the report is based; and

E1.40.5.2 which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

#### E1.41 Exclusion of access by the public to meetings

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

E1.41.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

E1.41.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons stated in Article 6.

##### *Meaning of confidential information*

E1.41.3 Confidential information means information given to the LLCA, its Committees and Sub-Committees by a Government department on terms that forbid its public disclosure or information that cannot be publicly disclosed by reason of a Court Order or any enactment.

##### *Meaning of exempt information*

E1.41.4 Exempt information means information falling within one or more of the following categories (subject to any qualifications):

E1.41.4.1 information relating to any individual;

E1.41.4.2 information which is likely to reveal the identity of any individual;

E1.41.4.3 information relating to the financial or business affairs of any particular person (including the authority holding that information);

E1.41.4.4 information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the LLCA, its Committees and Sub-Committees or a Minister of the Crown and employees of, or office holders under, the LLCA, its Committees and Sub-Committees;

E1.41.4.5 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;

E1.41.4.6 information which reveals that the LLCA, its Committees and Sub-Committees proposes a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment;

E1.41.4.7 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

*Exclusion of access by the public to reports*

E1.41.5 If the Monitoring Officer thinks fit, the LLCA, its Committees and Sub-Committees may exclude access by the public to reports which in his/her opinion relate to items during which the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

E1.42 Public Rights of Appeal

E1.42.1 This Rule applies where a member of the public has made a request to the Monitoring Officer that a report to be considered at a meeting of the LLCA or any public meeting of a Committee or Subcommittee operating under this constitution which contains exempt information should be discussed in the public part of the agenda or that s/he should have access to inspect the report or any background document.

E1.42.2 If the Monitoring Officer (after consulting the Officer responsible for the report) agrees to the request, the report (and any requested background document) will be made available to the member of the public and on the LLCA's website.

E1.42.3 If the Monitoring Officer (after consulting the Officer responsible for the report) refuses the request, s/he must give the member of the public reasons for the decision, together with details of the appeals procedure.

E1.42.4 The process for appealing against the Monitoring Officer's decision is as follows:

E1.42.4.1 The appellant must write to the Monitoring Officer at least 24 hours before the meeting in question and any request after this time will be invalid.

E1.42.4.2 The appeal will be dealt with in private as the first item on the agenda.

E1.42.4.3 The Monitoring Officer or the relevant Statutory Officer will give the reasons for their decisions (without the appellant being present) and will answer questions from members.

E1.42.4.4 The appellant will then be called into the meeting and the Chair will summarise the reasons given for the refusal.

E1.42.4.5 The appellant will be given an opportunity to address the meeting give and to justify their request and members will be able to ask questions of the appellant (but having regard to the confidentiality of the item).

E1.42.4.6 The appellant will then withdraw and the meeting will consider and determine the appeal.

# Section E2

## Scrutiny Arrangements

### Terms of Reference

E2.1 The LLCA will establish a joint Overview and Scrutiny Committee to exercise scrutiny functions over the LLCA.

### General Role

E2.2 The Overview and Scrutiny Committee will:-

E2.2.1 review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the LLCA's functions;

E2.2.2 make reports and/or recommendations to the LLCA in connection with the discharge of any LLCA functions;

E2.2.3 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the LLCA or any Committee or Sub-Committee, including Key Decisions.

E2.2.4 make reports or recommendations to the LLCA on matters that affect the Combined Area and/or the inhabitants of the Combined Area. Where the Overview and Scrutiny Committee makes a report it may also publish it and require a response from the LLCA. The notice published must give the LLCA two months to consider the report.

### Specific Functions

E2.3 **Policy development and review.** The Overview and Scrutiny Committees may:

E2.3.1 assist the LLCA in the development of its Budget and Policy Framework by in-depth analysis of policy issues;

E2.3.2 conduct research, community and other consultation in the analysis of policy issues and possible options;

E2.3.3 consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

E2.3.4 question members and officers of the LLCA about their views on issues and proposals affecting the area and remit of the LLCA

E2.3.5 liaise with other external organisations operating in the area of the LLCA, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

**E2.4 Scrutiny.** The Overview and Scrutiny Committee may:

E2.4.1 review and scrutinise the decisions made by and performance of the Members and Officers both in relation to individual decisions and over time;

E2.4.2 review and scrutinise the performance of the LLCA in relation to its policy objectives, performance targets and/or particular service areas;

E2.4.3 question Members and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

E2.4.4 make recommendations to the LLCA arising from the outcome of the scrutiny process;

E2.4.5 question and gather evidence from any person (with their consent).

**E2.5 Finance.** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

**E2.6 Annual report.** The Overview and Scrutiny Committee will report annually to the LLCA on its workings and make recommendations for future work programmes and amended working methods if appropriate.

**E2.7 Officers.** The Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the Officers employed to support its work.

### Chair

E2.8 The chair of the Overview and Scrutiny Committee will be the leader of the largest opposition group across the area of the LLCA. Where there are two opposition groups with an equal number of seats, chairmanship of the Overview and Scrutiny Committee shall rotate between those groups on an annual basis, normally effective from the Annual Meeting. Unless agreement is reached otherwise, the order in which the chairmanship is allocated between the opposition groups will be determined by the toss of a coin.

### Membership of the Overview and Scrutiny Committee

E2.9 There will be a total of fifteen members appointed to the Overview and Scrutiny Committee. Each Constituent Council will nominate for appointment by the LLCA such elected members to the Overview and Scrutiny Committee as are required to achieve political balance across the area of the LLCA. Overview and Scrutiny membership must not include a Member or a member of the Executive or policy committee or resources committee (or equivalent) of a Constituent Council.

## Proceedings of the Overview and Scrutiny Committee

- E2.10 At least one annual meeting of the Overview and Scrutiny Committee will take place and additional meetings may be convened in accordance with these arrangements.
- E2.11 At the annual meeting the Overview and Scrutiny Committee will:
- E2.11.1 elect a vice chair. The chair and vice chair must come from different political groups.
  - E2.11.2 determine the areas of review and scrutiny that it wishes to pursue during the ensuing 12 months and a schedule of meetings.
  - E2.11.3 consider the need to establish Scrutiny Panels from amongst its number in order to carry out agreed areas of review and scrutiny.
- E2.12 The quorum for this annual meeting and any other meetings of the Overview and Scrutiny Committee will be one quarter of the members, and must include representatives of at least four of the Constituent Councils.
- E2.13 The principle of decision making at any such meeting shall be that, wherever possible decisions will be made by agreement, without the need for a vote. If a vote is necessary it will be a simple majority of those present and the chair will not have a casting vote.
- E2.14 The venue for each annual meeting and any other meetings of the Overview and Scrutiny Committee will be decided by the chair and notified to Constituent Councils for inclusion on their Council website, as well as being publicised on the LLCA's website.
- E2.15 Notice of the annual meeting and any other additional meetings will be sent to each Scrutiny Panel member in accordance with the requirements of the Local Government Act 1972.
- E2.16 The chair will approve the agenda for each annual meeting and any other meetings; however, any member of the Overview and Scrutiny Committee will be entitled to require an item to be placed on the agenda for the meeting.
- E2.17 Subject to paragraphs E2.10 to E2.16, meetings will proceed in accordance with the Meeting Procedure Rules set out in Section E1 of this Constitution.

## Petitions

- E2.18 Petitions may be presented at meetings of the Overview and Scrutiny Committee. The Overview and Scrutiny Committee shall receive only such petitions as have been lodged with the Monitoring Officer eight clear days before the meeting and are presented by a person who resides, studies or works in the area of the LLCA and/or is a recipient of LLCA services and is associated with the petition.

- E2.19 Every petition shall be couched in proper language and be relevant to some question over which the Overview and Scrutiny Committee has authority or which otherwise affects the whole area of the LLCA and shall involve a call for action. Signatories should record their name, address (and email address for electronic petitions) and date they signed the petition, and any residential, work or study addresses. The Monitoring Officer shall have the right to refuse to accept any petition which is considered to be frivolous, vexatious or discriminatory.
- E2.20 A petition may be presented by one of the petitioners concerned or may be considered in their absence. It may also be presented by an elected member of any of the Constituent Councils. If the petitioner is present and wishes to do so, he or she may speak but only to the extent of formally repeating the wording of the petition and stating the number of signatories to it. A member of the Overview and Scrutiny Committee to which the petition has been presented may then formally propose either that it be considered at that meeting or that it be referred for consideration to a future meeting or be the subject of a written response by the relevant officer to the person who presented the petition.
- E2.21 If the Overview and Scrutiny Committee determines that the petition be considered at the meeting at which it is presented, the question raised by the petition shall be debated at that meeting.
- E2.22 If the Overview and Scrutiny Committee determines that the petition be considered at a future meeting, a report on the question raised by the petition shall be considered as soon as practicable and in any case not later than six months following the date of the meeting at which the petition is presented.
- E2.23 Nothing in paragraphs E2.18 to E2.22 will prevent a petition being presented elsewhere provided that it relates to a matter which is already before the body concerned.
- E2.24 Where a petition attracts significant support from the local community, defined as being signed by at least 10,000 persons living, working or studying in the LLCA area, it will be considered at a meeting of the LLCA.
- E2.25 Where the Overview and Scrutiny Committee believes that a wider debate can be justified, it may report to a meeting of the LLCA, regardless of the number of signatories to that petition.
- E2.26 Where a petition attracts enough support from the local community, defined as being signed by at least 2,000 persons living, working or studying in the LLCA area, and where the petition requests that an Officer of the LLCA (whether identified by name or description) be called to account at a public meeting of the LLCA, that Officer will be required to do so at the Overview and Scrutiny Committee.
- E2.27 Where petitioners exercise their right to request for a review of the adequacy of the steps taken or which are proposed to be taken in the LLCA's response to a petition, this will be undertaken by the Overview and Scrutiny Committee which may use any of its powers to deal with the matter, including instigating an investigation, and making recommendations to the LLCA, as appropriate.

## Call in of decisions

- E2.28 Members of the Overview and Scrutiny Committee will have the power to call in a decision taken by the LLCA, a Committee or Sub-Committee which has been made but not yet implemented, as set out in the LLCA's Forward Plan.
- E2.29 When a decision taken by the LLCA in accordance with the delegations set out in Section C2 of this Constitution; the decision shall be published, including where possible by electronic means, and shall be available from the normally within 2 days of being made.
- E2.30 The notice referred to at paragraph E2.29 above will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, as from 4.00 pm on the fifth day after the day on which the decision was published, unless five members of the Overview and Scrutiny Committee object to it and call it in.
- E2.31 During the "Call-in" period specified at paragraph E2.30 above the Monitoring Officer shall call-in a decision of the LLCA for scrutiny by the Overview and Scrutiny Committee if so requested by any five members from the Overview and Scrutiny Committee, and shall then notify members of the LLCA of the Call-in. The Monitoring Officer shall call a meeting of the Overview and Scrutiny Committee on such date as he/she may determine, where possible after consultation with the chair of the Overview and Scrutiny Committee and in any case within 2 weeks of the decision to call-in;
- E2.32 If, having considered a decision made by the LLCA in accordance with the delegations set out in Section C2 of this Constitution, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the LLCA for reconsideration, setting out in writing the nature of its concerns. If a decision is so referred, the LLCA will reconsider the decision before adopting a final decision.
- E2.33 If, following an objection to a decision made by the LLCA in accordance with the delegations set out in Section C2 of this Constitution, the Overview and Scrutiny Committee does not refer it back to the LLCA or the LLCA for reconsideration, the decision shall take effect on the date of the meeting of the Overview and Scrutiny Committee.
- E2.34 The call-in procedure set out above shall not apply where the decision made by the LLCA in accordance with the delegations set out in Section C2 of this Constitution is urgent.
- E2.35 For the purposes of paragraph E2.34 above a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interests of the LLCA, the Constituent Councils, or the residents and/or businesses of the Combined Area. The record of the decision and the notice by which it is made public shall state whether in the opinion of the decision making body, (having considered the advice of the Chief Operating Officer and/or the Monitoring Officer and/or the Chief Financial Officer) the decision is an urgent one, and therefore not subject to



call-in. The LLCA must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

### Key principles for the operation of the scrutiny arrangements

- E2.36 The process of scrutiny will be an open and transparent process designed to engage the Constituent Councils, their residents and other stakeholders.
- E2.37 Meetings will be held in public unless the meeting decides to convene in private in order to discuss confidential or exempt information, in accordance with the relevant provisions of the Local Government Act 1972 or Local Government Act 2000.
- E2.38 The LLCA and the Constituent Councils will work together to maximise the exchange of information and views, to minimise bureaucracy and make best use of the time of members and officers of other bodies or agencies.
- E2.39 Members of the Overview and Scrutiny Committee will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Constituent Councils or elsewhere and will not duplicate the work of existing bodies or agencies.
- E2.40 Subject to prior consultation, the Constituent Councils will respond positively to requests for information, or for the attendance of a member or officer at any meetings set up under these arrangements.
- E2.41 While it is ultimately for each Constituent Council to decide who it considers the most appropriate person(s) to speak on its behalf at any meetings set up under these arrangements consideration will be given to meeting specific requests.
- E2.42 Dates and times for Officer and Member attendance at any meetings set up under these arrangements should be by agreement between the Scrutiny Chair and the relevant Member and/or Officer.
- E2.43 Members appointed under these arrangements may request the attendance of officers employed by the Constituent Councils to answer questions and give evidence at any meetings set up under these arrangements. All such requests must be made via the Chief Executive of the relevant Constituent Council. If any request is declined by the Chief Executive, he/she must state the reasons for so doing.
- E2.44 When considering any matter in respect of which an Overview and Scrutiny Committee member appointed under these arrangements is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of any deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

### Scrutiny Panels

- E2.45 The annual meeting of members of the Overview and Scrutiny Committee can consider the establishment of Scrutiny Panels to undertake agreed scrutiny reviews. Membership of the Scrutiny Panels will be determined at the annual meeting and the

principle of political balance from across Overview and Scrutiny Committee members must be applied when membership is agreed.

- E2.46 The terms of reference, timescale and outline of any review will be agreed by the Overview and Scrutiny Committee at its annual meeting.
- E2.47 Different approaches to scrutiny reviews may be taken in each case but members will seek to act in an inclusive manner and will take evidence from a wide range of opinion. Scrutiny Panels will make specific efforts to engage with hard to reach groups.
- E2.48 Scrutiny Panels shall include representatives (who need not be Co-Opted Members but must not be Members) from at least four of the Constituent Councils. Each Scrutiny Panel shall appoint a chair and vice chair from amongst its members. Unless unanimously agreed by all members appointed to any Scrutiny Panel, the chair and vice chair of each Scrutiny Panel must come from different political groups.
- E2.49 Scrutiny Panels established under Section E2.45 must be appointed to carry out specific scrutiny tasks and be time limited. Their continuation will be subject to confirmation at each annual meeting of the Overview and Scrutiny Committee. Any Scrutiny Panel continuing for more than two years must be subject to confirmation by the LLCA.
- E2.50 The LLCA may also, if it chooses, request that a Scrutiny Panel be appointed to examine a specific issue in more detail and report back its findings to the LLCA.
- E2.51 The primary objective of any Scrutiny Panel established under these arrangements will be to reach consensus on its recommendations, but where a minimum number of 2 members express an alternative to the majority view, they will be permitted to produce a minority report.
- E2.52 Voting will be by a show of hands and a simple majority will be required to approve any recommendation.

# Part F: Financial Procedure Rules and Standard Financial Instructions

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# Section F1

## Financial Procedure Rules

### **F1.1 Application of Rules**

F1.1.1 These Rules set out the main financial management requirements of the Leicester, Leicestershire Combined Authority (LLCA). They state what these are and who is responsible for preparing, authorising and acting on them. The Rules apply to the Committees and to officers of the LLCA. They also apply to any person acting on behalf of the LLCA. Amendments to the Rules will be made by the LLCA.

F1.1.2 The Chief Financial Officer (CFO) shall make arrangements for the proper administration of the financial affairs delegated to him or her. The Standard Financial Instructions will be proposed by the Chief Financial Officer and will not form part of these Rules. The Standard Financial Instructions will cover the more detailed procedures required for the control of the capital programme and revenue budgets, contracts, ordering, payments, imprest accounts, stocks and assets, income collection, banking and insurance. The LLCA or Governance Committee on its behalf, may make, amend or revoke the Standard Financial Instructions.

### **F1.2 Responsibility of the Chief Financial Officer**

F1.2.1 The Chief Financial Officer is responsible for the proper administration of the LLCA's financial affairs under the requirements of Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

F1.2.2 Having informed the Governance Committee, the Chief Financial Officer will report to the LLCA if in his or her opinion any significant failure in the proper administration of the Authority's affairs is occurring.

F1.2.3 To fulfil his or her statutory duty the Chief Financial Officer may issue Accounting Instructions to complement these Rules and the Standard Financial Instructions.

F1.2.4 The Chief Financial Officer will be responsible for the provision of corporate budgeting and accounting systems, including the establishment of reserves and provisions.

F1.2.5 In monitoring the application of these Rules and the Standard Financial Instructions, the Chief Financial Officer will identify (and propose) any amendments to them which would enable the LLCA to take advantage of developments in electronic methods, provided that any such amendments would retain a degree of security which is similar to that provided by traditional paper-based systems.

### **F1.3 Responsibility of budget holders**

F1.3.1 Budget holders are those officers of Constituent Council(s) (including statutory officers of the LLCA) who are responsible for deploying financial resources of the LLCA. They can be:

- (a) officers providing core support, which is chargeable to LLCA;
- (b) scheme managers, appointed to the role when the LLCA approves a business case as described in the operating agreement.

F1.3.2 Budget holders must act in accordance with these Rules and Standard Financial Instructions. They should also follow any financial requirements laid down in the Contract Procedure Rules. Where responsibilities for management of resources are delegated, the budget holder should ensure that the authorised person is familiar with these Rules, the Contract Procedure Rules and the Standard Financial Instructions.

F1.3.3 The budget holder when deciding to delegate authority to a representative should consider the duties of that representative in relation to the level of delegated authority. He or she may choose to place financial limits on the authorisation levels allowed.

F1.3.4 Budget holders shall consult and take into account financial advice given by the Chief Financial Officer including guidance on delegation of budgets. They will also be responsible for providing financial information when requested by the Chief Financial Officer.

### **F1.4 Business Cases**

F1.4.1 Business cases are the formal means of planning an increase in the approved revenue budget or capital programme of the LLCA, and are subject to the approval of the LLCA. Officers preparing business cases for any project must include:

- (a) The nature of the work to be undertaken;
- (b) The scheme manager, who will act as budget holder;
- (c) The timescales for delivery of the work;
- (d) The estimated capital and revenue expenditure, before and after external contributions;
- (e) The proposed apportionment of net cost between Constituent Councils, and the procedure for funding any overspends.

F1.4.2 In the case of capital expenditure, business cases should specify the amount of any borrowing proposed to be incurred by the LLCA, the consequent debt costs, and the apportionment of any debt costs. Constituent Councils may always elect to make a capital contribution in lieu of sharing debt costs.

### **F1.5 Changes in expenditure levels**

F1.5.1 No changes may be made in the amount required of Constituent Councils to fund the revenue budget or capital programme, except by means of:

- (a) Business cases approved unanimously at a meeting of the LLCA;
- (b) Approved changes to the operating agreement, in line with the procedure described in that document;
- (c) Increases in the budget, approved unanimously at a meeting of the LLCA.

## **F1.6 Capital programmes**

F1.6.1 Capital projects may be approved as a consequence of business cases, and will consequently be included in the capital programme of the LLCA.

F1.6.2 When the LLCA has given its approval, capital expenditure included in the first year of the programme may commence without further approval.

F1.6.3 Commencement before the planned programme year can be approved by the Chief Financial Officer provided he/she is satisfied that resources are available.

## **F1.7 Implementation and amendment of approved capital programme**

F1.7.1 When the capital programme has been approved, the designated budget holder will be responsible for controlling expenditure on each project agreed.

## **F1.8 Capital expenditure - accountability and performance**

F1.8.1 The LLCA will make arrangements through the Chief Financial Officer to control and monitor total capital spending. The LLCA and the Scrutiny Committee will receive regular financial statements. The Chief Financial Officer will also report the final position to the LLCA and the Scrutiny Committee.

## **F1.9 Annual budgets and financial plans**

F1.9.1 The Chief Financial Officer will be responsible for preparing an annual revenue budget of expenditure and income. The budget will consist of:

- (a) Budgets for core support;
- (b) Budgets for projects approved by means of business cases;
- (c) A contingency;
- (d) Charges to be made to Constituent Councils, to meet the proposed net expenditure of the LLCA.

## **F1.10 Implementation and amendment of approved budgets and plans**

F1.10.1 When the annual budget has been approved the appropriate budget holders will be responsible for ensuring expected income is received and budgeted expenditure is not exceeded.

F1.10.2 The Chief Financial Officer will be responsible for maintaining a control over the total of the LLCA's expenditure and income.

F1.10.3 The Chief Financial Officer may amend the budget by reallocating the contingency, as deemed appropriate and subject to reporting the change in the next monitoring report.

## **F1.11 Accountability and performance**

F1.11.1 Procedures for the collection of income and making of payments against budgeted expenditure will be laid down in the Standard Financial Instructions.

F1.11.2 Budget holders will be responsible for ensuring that appropriate arrangements are made, on a regular basis, to monitor performance against budgets and financial forecasts. Any potential difficulties shall be reported in writing immediately to the Chief Financial Officer.

F1.11.3 The LLCA will receive regular budget monitoring reports from the Chief Financial Officer and will monitor overall performance.

F1.11.4 The Chief Financial Officer will co-ordinate the production of final accounts and ensure they are produced in a consistent manner. The Chief Financial Officer will prepare a summary of the final accounts for approval by the LLCA and consideration by the Scrutiny Committee. The Statement of Accounts will be considered by the Governance Committee and approved by the LLCA.

## **F1.12 Reviews**

F1.12.1 The LLCA may require Budget holders to report on the performance of any aspect of the services within their area of responsibility. In addition it may require them to provide explanations on performance indicators and other related information published by the Government or Government Agencies.

F1.12.2 The Scrutiny Committee may require budget holders to report on the performance of any aspect of the services within their area of responsibility. This would include the results of comparative performance and value for money studies. The extent of the review will be bound by the terms of reference and the rules relating to the committee.

## **F1.13 Internal audit**

F1.13.1 Responsibility for arranging a continuous internal audit of the LLCA's financial management arrangements will be delegated by members of the LLCA to the Chief Financial Officer.

F1.13.2 The Chief Financial Officer or an authorised representative has authority to:-

- a) enter any LLCA building or land at all reasonable times;
- b) have access to all records, documents and correspondence relating to any transactions of the LLCA or carried out on behalf of the LLCA;
- c) receive such explanations as he or she considers necessary on any matter under examination; and
- d) require any employee of the LLCA to produce cash, stores or any other LLCA property under his or her control.

F1.13.3 Budget holders (or where appropriate the LLCA) will be responsible for considering and taking appropriate action on matters drawn to their attention by audit reports.

F1.13.4 Constituent Councils carrying out work on behalf of the LLCA has a responsibility to cooperate and provide information in a timely and professional manner.

#### **F1.14 Internal control and check**

F1.14.1 The duties of staff, employed by the LLCA, concerned with financial transactions should, as far as is practicable, be distributed with regard to the principles of internal control and check. Budget holders should consult the Chief Financial Officer (or his or her authorised representative) when this is not considered practicable or when changes to financial arrangements are being proposed so that the Chief Financial Officer or his or her authorised representative can ensure proper financial systems will still be in place.

#### **F1.15 Financial irregularities**

F1.15.1 The Chief Financial Officer shall be notified immediately by budget holders of any financial irregularities, or of any circumstances which may suggest the possibility of an irregularity, affecting any asset of the LLCA.

#### **F1.16 Appointment of employees**

F1.16.1 Where the LLCA employs staff, proposals made by budget holders to appoint employees or alter grades need to take into account both current and future years funding and potential termination costs, where the proposals relate to a fixed time scale.

#### **F1.17 Redeployment or redundancy**

F1.17.1 When preparing an Action Plan, budget holders shall consult the Chief Financial Officer over the funding arrangements for the Action Plan proposals.

F1.17.2 Prior to making a decision which has redundancy implications the LLCA should be informed of the potential number of staff involved and the funding arrangements to pay the redundancy and associated costs.

#### **F1.18 Personnel rules**

F1.18.1 Budget holders must abide by any rules approved by the LLCA.

#### **F1.19 Property records and deeds**

F1.19.1 A register of all land, buildings and interests owned by the LLCA will be maintained by the Chief Financial Officer.

F1.19.2 The Monitoring Officer will be responsible for the custody of all title deeds.



## **F1.20 Property acquisition, disposal and review**

F1.20.1 The LLCA will be responsible for acquisition, disposal and allocation of land and buildings as requested by the Chief Financial Officer.

F1.20.2 The Chief Financial Officer will be responsible for a continuing review both of the purpose for and the efficient utilisation of all land and buildings owned or used by the LLCA. He or she will provide regular reports on these subjects to the LLCA.

F1.20.3 The Chief Financial Officer will regulate the administration of the purchase, lease, disposal, management and repair and maintenance of land and buildings.

## **F1.21 Property management**

F1.21.1 Budget holders will undertake the responsibilities of a tenant for the LLCA properties they use, unless specifically agreed otherwise with the Chief Financial Officer.

F1.21.2 They shall take advice from the Chief Financial Officer on leasing, letting and changes in use of LLCA property. They should also take advice from him or her on maintenance and property management. It is important that special attention is given to compliance with Fire Certificates and Health and Safety Regulations.

F1.21.3 The Chief Financial Officer will act as the landlord for LLCA properties. In addition where buildings have joint use he or she may also undertake some of the responsibilities of the tenant.

## **F1.22 Information and communication technology**

F1.22.1 Corporate Strategy: The Chief Financial Officer shall make arrangements to provide an appropriate financial accounting system for use by the LLCA. He or she will provide specialist advice, will stipulate the technical standards and specifications which will apply and will ensure there will be satisfactory links with other systems where appropriate.

## **F1.23 Purchasing and income collection**

F1.23.1 Purchasing and collection officers must follow the requirements laid down in these Rules, the Contract Procedure Rules, and the Standard Financial Instructions.

## **F1.24 Inventories of assets**

F1.24.1 Budget holders will be responsible for the safe keeping and condition of LLCA assets under their control. They will also maintain an up to date inventory. The Chief Financial Officer will issue instructions on which assets should be included in these.

F1.24.2 The Governance Committee will have power to make Standard Financial Instructions on the checking, usage and disposal of assets.

## **F1.25 Stocks and stores**

F1.25.1 Budget holders will be responsible for the custody and physical condition of any LLCA stocks and stores under their control. The levels of stocks shall not exceed reasonable requirements.

F1.25.2 The Governance Committee will have power to make Standard Financial Instructions on the control, checking, valuation and disposal of stocks.

## **F1.26 Treasury management**

F1.26.1 The LLCA in making decisions on borrowing and lending will have due regard to the requirements of the CIPFA Code of Practice on Treasury Management in Local Authorities.

F1.26.2 A Treasury Management Statement setting out strategy and procedures shall be adopted by the LLCA.

F1.26.3 The Chief Financial Officer when exercising powers delegated to him or her will have due regard to the requirements of the CIPFA Code of Practice and CIPFA's Guide for Chief Financial Officers.

F1.26.4 The Chief Financial Officer will provide the LLCA with an annual report on the Treasury Management operation, which will enable the LLCA to monitor the implementation of the approved policy.

F1.26.5 The Chief Financial Officer will be responsible for the borrowing and repayment of money on behalf of the LLCA.

F1.26.6 The Chief Financial Officer shall be consulted prior to entering into any lease. A full understanding of the commitment that is being made on behalf of the LLCA is essential.

F1.26.7 The Chief Financial Officer will be responsible for the investment of any surplus funds.

## **F1.27 Risks and liabilities**

F1.27.1 Budget holders should have due regard to operational and financial risks and liabilities when considering alternative policies. They also need to consider potential physical risks to persons and assets. In doing so they need to follow the LLCA risk management strategy or the relevant risk management strategy of their Constituent Council.

## **F1.28 Insurance**

F1.28.1 The Chief Financial Officer will be responsible for arranging or amending insurance cover as required by the LLCA.

# Section F2

## Standard Financial Instructions

*[Note: the following Standard Financial Instructions were formally approved by the LLCA when adopting this Constitution for the first time. Future amendments to these Instructions will be made either by the LLCA or Governance Committee under the authority given by Rule 1(b) of the Financial Procedure Rules. Although, unlike the Constitution itself, these Instructions do not require formal approval of the LLCA, they are nevertheless included here for the sake of completeness and will be updated as necessary, to reflect any amendments made.]*

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## **F2.1 Capital - expenditure in excess of approved amount**

F2.1.1 Where a specific approval given in the capital programme is likely to be exceeded additional approval must be sought by the appropriate budget holder from the Chief Financial Officer.

F2.1.2 The Chief Financial Officer may approve increases in expenditure where compensating savings are being made and there is no change in policy. In any particular instance, the Chief Financial Officer may decline to give approval and instead refer the proposal to the LLCA.

## **F2.2 Grants and External Funding**

F2.2.1 Unless already included in the approved budget, bids for external funding must be approved as part of business cases

F2.2.2 Approval must be obtained from the LLCA (as part of business cases) to any contingent liabilities for repayment should any conditions not be met, with any associated agreement being made with the approval of the Monitoring Officer.

## **F2.3 Revenue over or underspends**

F2.3.1 The LLCA may authorise adjustments in the annual budget for over or underspends incurred in the previous financial year or repay or charge the net outturn to the Constituent Councils.

## **F2.4 Contracts**

F2.4.1 All contracts should be dealt with in accordance with the Contract Procedure Rules set out in Part G of the LLCA's Constitution or where work on is undertaken on behalf of the LLCA by a Constituent Council, to be dealt with in accordance with the contract procedure rules of the lead authority, subject to the right of the Chief Financial Officer to require the LLCA's Contract Procedure Rules to be used.

### **Capital Contracts**

F2.4.2 The appropriate budget holder will be responsible for the maintenance of all financial as well as technical records for contracts of a capital nature.

F2.4.3 Where building, construction or other capital contracts provide for payment to be made by instalments on the certificate issued by an authorised officer, the records must show the state of account on each contract between the LLCA and the contractor together with other payments and related professional fees.

F2.4.4 Payments to contractors in respect of all contracts must be authorised only by a certificate signed by the person made responsible by the contract for issuing such certificates (i.e. "the Certifying Officer" or authorised deputy). In the case of Private Architects, Quantity Surveyors, Engineers or Consultants, certificates must be countersigned as to validity by the appropriate budget holder who appointed them. The form of the certificate must be agreed by the Chief Financial Officer. The

Certifying Officer will be responsible for the correct certification of all aspects of contract payments and for ensuring the correct completion of all associated contract documentation.

F2.4.5 The Certifying Officer will ensure that all contract documentation is properly completed before the contractor's final account is paid.

F2.4.6 Prior to issue of final certificates the Chief Financial Officer will, to the extent he or she considers necessary, audit accounts for contracts. He or she will be entitled to make all such enquiries and receive such information and explanations as he or she may require in order to satisfy himself or herself as to the accuracy of the accounts.

F2.4.7 Budget holders should actively try to promote an agreement with contractors on outstanding issues, where work was completed over two years ago.

F2.4.8 Claims from contractors in respect of matters not clearly within the terms of any existing contract must be referred to the Monitoring Officer consideration of the LLCA's legal liability before a settlement is reached. The Chief Financial Officer must also be informed of the amount of such claims before final settlement to enable him or her to consider the financial implications.

F2.4.9 Where completion of a contract is delayed beyond the due date for completion by more than one-sixth of the contract period, it will be the duty of the responsible officer under the contract, after consultation with the Monitoring Officer to take appropriate action in respect of any claim for liquidated damages. The responsible officer may decide that liquidated damages should not be applied. This should be reported to the Chief Financial Officer subject to any guidelines set down by the LLCA.

### **Professional Fees**

F2.4.10 Where staff are not charged to projects on a fee basis, the appropriate budget holders will supply the Chief Financial Officer with details of the cost of staff and private consultants employed on capital work.

F2.4.11 In all cases an agreement with a private firm or individual shall require them to comply with the Contract Procedure Rules and to give the same facilities to the Chief Financial Officer as required of budget holders of the LLCA by its instructions and procedures.

F2.4.12 Where private consultants are to supervise work, the contracting budget holder is responsible for ensuring that he or she receives regular written reports covering the physical and financial progress of that work and for taking any appropriate action on the basis of progress reports.

## **F2.5 Orders for work, goods and services**

F2.5.1 Orders for work, goods and services must not be placed unless the expenditure to be incurred is in accordance with the LLCA Financial Procedure Rules and these Instructions.

F2.5.2 Orders on official forms must be issued for all work, goods and services to be supplied to the LLCA, except for supplies of public utility services such as gas, electricity and water, for periodical payments such as rent and rates, for petty cash purchases for Procurement Card and e-procurement transactions allowed under the scheme approved by the Chief Financial Officer, or for such other exceptions as the Chief Financial Officer may approve.

F2.5.3 Where urgent orders are given orally they must be confirmed by a written official order not later than the next working day following the day in which the oral order is given. Confirmation orders should be clearly marked as confirmation only.

F2.5.4 Some agreements or contracts for goods or services provide for payment by instalments. To show the state of the accounts of each such agreement or contract, the appropriate budget holder will ensure such records are maintained in a manner agreed with the Chief Financial Officer.

F2.5.5 Official order forms will be supplied by the Chief Financial Officer unless he or she has agreed in particular cases to the use of other forms for specific classes of transaction. Orders must be authorised only by officers designated by the Chief Financial Officer. Before placing an order the certifying officer must satisfy himself or herself that this would be proper expenditure and would be within the appropriate approved estimate. To provide segregation of duties at as early a stage as possible, it is recommended that a second officer should be responsible for making out the order.

F2.5.6 The budget holder will be responsible for ensuring the validity of all orders issued, the control and safe custody of all official order books issued to him or her, and obtaining alternative quotations or tenders as required before orders are placed. He or she will also be responsible for ensuring that the expenditure being incurred can be met from the approved estimates.

F2.5.7 Budget holders must obtain goods, works or services in a manner and from sources which demonstrate best value for money. In the case of goods this will usually mean obtaining supplies through ESPO unless cheaper alternatives of comparable quality are available and ESPO are unable to match these terms.

F2.5.8 Where expenditure is on behalf of the LLCA by a Constituent Council the orders for works, goods and services should follow the standard financial instructions of the lead authority, subject to the right of the Chief Financial Officer to require the LLCA's financial procedure rules to be used.

## **F2.6 Payments of invoices and claims**

F2.6.1 Invoices should be on suppliers' printed forms except where alternative arrangements have been agreed by the Chief Financial Officer. The Chief Financial Officer is authorised to make all payments as they become due out of the LLCA Fund or its subsidiary accounts. Expenditure should be certified by an officer authorised by the Chief Financial Officer.

F2.6.2 The verification and certification of accounts must be in accordance with instructions issued by the Chief Financial Officer.

F2.6.3 Before certifying an invoice or claim the certifying officer must satisfy himself or herself that it is allocated to the correct expenditure head.

F2.6.4 The Chief Financial Officer will examine, so far as he or she considers necessary, invoices and claims passed for payment and he or she will be entitled to receive such information and explanations as he or she may require. For this purpose all books and documents relating to the payment must be placed at his or her disposal.

F2.6.5 For purchases made through iProcurement the duties of ordering and receiving goods and services, and certifying invoices and claims for payments, may be performed by one and the same officer under the scheme approved by the Chief Financial Officer.

F2.6.6 All claims for the payment of vehicle and subsistence allowances, travelling and incidental expenses must be certified and submitted to the Chief Financial Officer. These will be on a form approved by him or her, unless alternative arrangements have been agreed by him or her. Claims must be submitted promptly each month for the preceding month. Travel and subsistence claims which are for a period over 3 months old will not be paid unless there are extenuating circumstances.

F2.6.7 Where the Chief Financial Officer considers it appropriate he or she will call the attention of the budget holder and, if necessary, the LLCA to any item which has been passed for payment. He or she will also report to the LLCA on any such item which he or she considers for any good reason should not be paid.

F2.6.8 Where expenditure is on behalf of the LLCA by a Constituent Council then the payment of invoices and claims should follow the standard financial instructions of the of the lead authority, subject to the right of the Chief Financial Officer to require the LLCA's financial procedure rules to be used.

## **F2.7 Imprest accounts and Procurement Cards**

F2.7.1 The Chief Financial Officer may provide imprest accounts where necessary for defraying petty cash and other minor expenses. Persons responsible must maintain a record of their receipts and payments in the form and manner prescribed by the Chief Financial Officer.

- F2.7.2 The Chief Financial Officer may provide Procurement Cards (pCards) where the type of spend or the practicalities preclude the purchaser from using the LLCA's usual ordering and invoicing processes in an efficient way. Persons responsible must ensure the pCards are only used in accordance with the LLCA's scheme, for the approved purposes of the department and that appropriate records are maintained.
- F2.7.3 The Chief Financial Officer may issue instructions as to the type and level of expenditure which should be met out of the imprest account or with pCards. Such expenditure must be supported by receipted vouchers to the extent that the Chief Financial Officer may require.
- F2.7.4 The holder of the pCard will be responsible for all transactions performed with their assigned card and must support the scheme administrators in the resolution of queried transactions. The card holder is additionally responsible for providing supplementary information required under the scheme to support VAT claims and updates to the LLCA's financial systems. The Chief Financial Officer will ensure monitoring is in place to verify that pCards are used in accordance with the LLCA's scheme.
- F2.7.5 An official subsidiary bank account will be opened by the Chief Financial Officer in cases where he or she considers this to be necessary. Where such a bank account is opened in no circumstances will an overdraft be allowed.
- F2.7.6 The Chief Financial Officer or his or her authorised representative must be notified as early as possible whenever a person holding an imprest account ceases to be responsible for the account. The name of the new holder will be similarly notified when this is known. Equally the Chief Financial Officer must be notified when a pCard holder leaves the LLCA or transfers between cost centres to allow withdrawal or amendment of the pCard as appropriate.
- F2.7.7 No income received on behalf of the LLCA, other than the reimbursement received from the Chief Financial Officer, may be paid into an imprest account without prior consent of the Chief Financial Officer. Income must be banked separately or paid to the LLCA's main bank account as described elsewhere in these procedures.
- F2.7.8 pCards and imprest accounts are provided to allow officers to carry out their LLCA duties in a more efficient manner and are not provided for personal use. Specifically postal orders or personal or other cheques must not be cashed from monies held in an imprest account. Personal loans must not be made from such accounts, nor should loans be made to unofficial funds. Any accidental use must be reported to the Budget Holder and Chief Financial Officer as soon as it is discovered and the LLCA reimbursed.
- F2.7.9 Reimbursement of monies spent should be made by the Chief Financial Officer, except where he or she agrees to provide payments on account. In all cases imprest accounts will be made up to 31 March each year, subject to any exceptions agreed by the Chief Financial Officer. The Chief Financial Officer will determine the method of payment to settle the outstanding balances on pCards.



F2.7.10 Where expenditure is on behalf of the LLCA by a Constituent Council then the use of imprest and / or procurement cards should follow the standard financial instructions of the Constituent Council, subject to the right of the Chief Financial Officer to require the LLCA's standard financial instructions to be used.

## **F2.8 Stocktaking and consequential action**

F2.8.1 Where the LLCA owns stocks and stores, records must be kept in such cases and in a form as may be agreed by the Chief Financial Officer. There must be a complete independent stocktaking at least once in every financial year.

F2.8.2 The value of stocks held at 31 March each year must be certified by the appropriate budget holder and supplied to the Chief Financial Officer.

F2.8.3 Surpluses or deficiencies revealed during any one stocktaking can be adjusted on the authority of the Chief Financial Officer. The Chief Financial Officer will have the right to report any write-off or adjustment to the LLCA if he or she considers this appropriate.

F2.8.4 Surplus or obsolete items of stocks and stores may be disposed of by approval of the Chief Financial Officer. Where the book value is over £1,000 but the resale value is considered to be below this, the budget holder should arrange for a suitably qualified second person to give a written confirmation of the valuation prior to disposal. Where the estimated resale value is above £1,000, the agreement of the Chief Financial Officer is necessary and, wherever appropriate, disposal will be by competitive quotation or tender. A record should be kept of all details relating to disposals.

## **F2.9 Inventories and consequential action**

F2.9.1 Items costing over £250, owned by the LLCA, should be included on an inventory. Additionally, lower value attractive and portable items should be included, subject to a minimum value of £50. All inventories will be kept in a form approved by the Chief Financial Officer. Where a computerised inventory is being proposed, its method of operation should conform to standards set down by the Chief Financial Officer.

F2.9.2 An annual check of all items on the inventory should be carried out. Matters relating to any surpluses or deficiencies must be referred to the Chief Financial Officer for actions, and noting the inventory accordingly. Deficiencies due to irregularity should be reported to the LLCA, if the Chief Financial Officer considers this appropriate.

F2.9.3 The Chief Financial Officer or his or her representative may at all reasonable times have access to all property of the LLCA and may make such checks and tests as he or she deems reasonable.

F2.9.4 The LLCA's property must not be removed from LLCA or Constituent Council's premises except in the ordinary course of the LLCA's business, or used otherwise than for the LLCA's purposes. A record of such removals will be maintained at the establishment concerned.

F2.9.5 Surplus or obsolete items may be disposed of with the approval of the Chief Financial Officer. Where the book value of any one commodity is over £1,000 but the resale value is considered to be below this, the budget holder should arrange for a suitably qualified second person to give a written confirmation of the valuation prior to disposal. Where the estimated resale value is above £1,000, disposal will be by competitive quotation or tender. A record should be kept of all details relating to disposals.

## **F2.10 Income records and grant claims**

F2.10.1 The collection of all monies due to the LLCA should be under the control of the Chief Financial Officer. He or she will require that all monies due are promptly recorded, are collected in accordance with an approved collection strategy and all monies are promptly banked.

F2.10.2 The records kept relating to income will be in such form as may be approved by the Chief Financial Officer.

F2.10.3 All official receipt forms, receipt books, tickets and other documents of a similar nature will be ordered, controlled by, and issued by the Chief Financial Officer unless he or she has agreed alternative arrangements. Every issue of any such document should be authorised by the Chief Financial Officer or his or her nominated officer and acknowledged by the signature of the employee receiving the document.

F2.10.4 No employee or agent shall give a receipt for money received on behalf of the LLCA on any form other than an official receipt form.

F2.10.5 Each officer paying money into a bank account of the LLCA must show on the paying slip the amount of each cheque paid in and sufficient information to identify the individual transaction, e.g. receipt number, name of debtor.

F2.10.6 Monies received by an accounting officer will be banked intact and must not be used to meet expenditure or to cash postal orders or personal or other cheques.

F2.10.7 All grants and external funding income should be promptly claimed and proper records and working papers retained to justify claims.

## **F2.11 Write-offs**

F2.11.1 An amount due to the LLCA must only be discharged by payment or by write-off in accordance with the following system.

F2.11.2 Amounts up to £50,000 in any one case may be written-off by the Chief Financial Officer, in accordance with the delegations set out in part C2.19. In special categories of write-offs, the Chief Financial Officer may authorise budget holders or nominated officers to write-off debts on his or her behalf.

F2.11.3 Amounts over £50,000 but not exceeding £100,000 in any one case may be written off by the Chief Financial Officer after consultation with the Chair of the LLCA or Vice Chair if the Chair is not available, in accordance with the delegations set out in part C2.19, except that, in the case of debts of organisations in liquidation, receivership or bankruptcy where the Monitoring Officer advises there is no reasonable prospect of recovering any monies or debts partially recovered by means of an out of court settlement where the Monitoring Officer advises there is no reasonable prospect of recovering any further monies, these may be written off directly by the Chief Financial Officer.

F2.11.4 The Chief Financial Officer will have the right to report any write-off to the LLCA if he considers this appropriate.

## **F2.12 Review of charges**

F2.12.1 Charges for LLCA services will be reviewed at least annually at the time of the preparation of the budget. Rents should be reviewed at least triennially unless they are subject to any longer review period under the terms of the rental agreement.

F2.12.2 Pricing for outside work, must seek to cover all costs including overheads.

## **F2.13 Banking arrangements**

F2.13.1 Arrangements with regard to the LLCA's bank accounts will be made by the Chief Financial Officer.

F2.13.2 Cheques, except those used by imprest accounts, will be ordered and controlled by the Chief Financial Officer who will make proper arrangements for the safe custody of blank cheques and the preparation, signing and despatch of cheques.

F2.13.3 All LLCA bank accounts, including imprest accounts, must include "Combined Authority" in their titles and in no circumstances must an account be opened in the name of an individual.

F2.13.4 Cheques drawn will bear the pre-printed signature of the Chief Financial Officer, or be signed by the Chief Financial Officer.

## **F2.14 Salaries, wages and pensions**

F2.14.1 The payment of all salaries, wages, pensions, compensation and other emoluments, to LLCA employees, will be made by the Chief Financial Officer or under arrangements approved and controlled by him or her.

F2.14.2 Budget holders will arrange for the Chief Financial Officer to be notified as early as possible, and in the form prescribed by him or her, of all matters affecting the payment of items referred to paragraph F2.17.1 above and in particular:

- a) appointments, resignations, dismissals, suspensions, secondments and transfers;

- b) absences from duty for sickness or other reason, apart from approved leave;
- c) changes in remuneration, other than normal increments and pay awards and agreements generally applied; and
- d) information necessary to maintain records of service for superannuation, income tax and national insurance.

F2.14.3 Tax, pension, national insurance and all other deductions from pay and related matters must be recorded and controlled in such a manner as determined by the Chief Financial Officer.

F2.14.4 All time records or other documents relating to salaries and wages will be in a form prescribed or approved by the Chief Financial Officer and shall be checked and authorised. The Chief Financial Officer will provide periodic reporting of employees' pay details to budget holders to provide a means of verifying the accuracy of the pay records.

F2.14.5 Advice should be sought from the Chief Financial Officer on proposed payments to non-staff members which may require the LLCA to deduct tax.

## **F2.15 Insurance of risks**

F2.15.1 Budget holders will arrange that the Chief Financial Officer is notified promptly of all new risks, properties, plant or vehicles which require to be insured. He or she should indicate the amount of cover required and of any alterations required to existing insurances.

F2.15.2 Budget holders will arrange that the Chief Financial Officer is notified immediately in writing of any fire, loss, liability or damage, or any event likely to lead to a claim.

F2.15.3 Budget holders must obtain the prior approval of the Chief Financial Officer and the Monitoring Officer to the terms of any indemnity which the LLCA is requested to give.

## **F2.16 Litigation and Disputes Resolution**

F2.16.1 Budget holders will ensure, following consultation with the Chief Financial Officer and Monitoring Officer, that the LLCA is advised at key stages in the process of any litigation or disputes resolution where the LLCA is at risk of paying damages or costs exceeding £50,000.

## **F2.17 Security of assets**

F2.17.1 Each budget holder is responsible for ensuring that arrangements are made for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. owned by the LLCA. He or she will consult the Chief Financial Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

F2.17.2 Maximum limits for cash holdings will be agreed with the Chief Financial Officer and must not be exceeded without his or her express permission.

F2.17.3 Safes must be kept locked and the key removed. The budget holder concerned must ensure that arrangements are made for the safe custody of keys to safes and similar receptacles. The loss of any such keys must be reported to the Chief Financial Officer immediately.

# Part G: Contract Procedure Rules

## General

### **G1 Compliance**

G1.1 Officers must comply with these CPRs.

### **G2 Delegation**

G2.1 Officers may delegate their responsibilities under these Rules in accordance with paragraph C2.7.

### **G3 Interpretation**

G3.1 Words and expressions used in these CPRs are to be interpreted in accordance with Article 1.1 and paragraph G35.

### **G4 Application**

G4.1 Subject to G4.2 these CPRs apply to every contract procured by or on behalf of the LLCA except contracts:

G4.1.1 for only the acquisition or disposal of any interest in land;

G4.2.1 for the lending or borrowing of money;

G4.3.1 of employment (making an individual a direct employee of the LLCA).

G4.2 Where work on is undertaken on behalf of the LLCA by a Constituent Council, that work is to be dealt with in accordance with the Contract Procedure Rules of the Constituent Council acting as lead authority, subject to the right of the Chief Financial Officer to require the LLCA's Contract Procedure Rules to be used.

## Procurement Principles

### **G5 General Requirements**

G5.1 Every Contract or official order for works, supplies or services made by the LLCA shall be for the purpose of implementing the LLCA's policies and must be made in accordance with the LLCA's duty of Best Value and such procurement strategies as the LLCA may have in place from time to time.

G5.2 When proposing to procure or making arrangements for procuring a service contract where the Estimated Value is equal to or greater than the EU Threshold then consideration must be given as to how the Contract might improve the economic, social and environmental wellbeing of the Combined Area, as required by the Public Services (Social Value) Act 2012.

- G5.3 Where the services are Light-Touch Services the threshold for contracts for public supply or services contracts applies for the purposes of the Public Services (Social Value) Act 2012, being the sum specified in regulation 5 (1) (d) of the Public Contracts Regulations 2015.
- G5.4 The Procuring Officer must ensure that whenever Corporate Contracts for supplies, services or works have been approved by the Chief Financial Officer that supplies, services and works are ordered via these, unless it is agreed by the Chief Financial Officer that better value for money can be clearly demonstrated outside of these approved Corporate Contracts.
- G5.5 Procedures set out in the relevant EU Directives, EU Treaties, Acts of Parliament and UK legislation (including for the avoidance of doubt the Public Contracts Regulations 2015 and where applicable the Public Contracts Regulations 2006) must be complied with at all times.
- G5.6 Based on criteria laid down by the LLCA, the Chief Financial Officer will be responsible for evaluating the financial status of Tenderers and suppliers.
- G5.7 The Procuring Officer must ensure that sufficient budget provision has been agreed with the budget holder prior to any Procurement Exercise being undertaken.
- G5.8 Procurement Exercises should usually be undertaken by electronic means provided that:-
- G5.8.1 the requirements of these CPRs are followed with only such modifications as may be necessary to allow for procurement by such means; and
  - G5.8.2 any electronic tendering system has been approved by the Monitoring Officer and the Chief Financial Officer.
- G5.9 Subject to the provisions of paragraph G28.2 Contracts shall not be longer than 5 years (including extensions) in duration or of indeterminate length without the prior written approval of the Chief Financial Officer, such approval to be obtained prior to the commencement of the Procurement Exercise.

## **G6 Exceptions**

- G6.1 Subject to the requirements of EU Directives, EU Treaties, Acts of Parliament and the Public Contracts Regulations 2015 the following contracts may be placed by direct negotiation with one or more suppliers, contracts:-
- G6.1.1 for supplies, materials, services or works which are available only as proprietary and/or patented articles, services or works from one contractor or supplier and/or for which the Chief Financial Officer, following consultation with the Monitoring Officer, decides that there is no reasonably satisfactory alternative available in the European Union and for repairs to, or the supply of, parts of existing proprietary or patented articles or works, including machinery or plant;
  - G6.1.2 for works of art, museum specimens or historical documents;

G6.1.3 which constitute a variation or extension of an existing contract, as permitted by the contract and/or as permitted pursuant to paragraphs G30 (Contract Modifications and Extensions) and G31 (Novation of Existing Contracts);

G6.1.4 for those unforeseen emergencies, where immediate action is required in order to fulfil the LLCA's statutory obligations.

G6.1.5 Other exceptions to these Rules may only be made within the relevant law and with the prior approval of the Chief Financial Officer and the Monitoring Officer.

G6.1.6 In all cases under this paragraph G6 a full record of the reasons for the exception shall be maintained.

## **G7 Financial Thresholds and Delegation**

G7.1 Financial limits and thresholds within these CPRs may be varied from time to time by the Chief Financial Officer provided that spend remains within the approved budget of the LLCA.

G7.2 Arrangements for delegation of functions to Officers within these Rules may be varied from time to time by the Chief Operating Officer in consultation with the Monitoring Officer and the Chief Financial Officer.

## **G8 Annual Reporting**

G8.1 The Chief Financial Officer and the Monitoring Officer shall at least once in each financial year submit a joint report to the Governance Committee in relation to the operation of these CPRs, including, among other things, details of the approved exceptions to these CPRs and approved extensions to contract where not provided for in the contract;

G8.2 Revisions to these CPRs will be proposed by the Monitoring Officer in accordance with Article 13.

## **G9 Prevention of Corruption / Conflict of Interest**

G9.1 The following clause, or a clause that is substantially similar, will be included as a standard term and condition in every written contract:

*"The LLCA may terminate this contract and recover all its loss from the Contractor if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:*

*(i) offer, give or agree to give to anyone any personal inducement or reward in respect of this or any other LLCA contract (even if the contractor does not know what has been done); or*



(ii) commit an offence under the Bribery Act 2010 or give any fee or reward, the receipt of which is an offence under Section 117(2) of the Local Government Act 1972; or

(iii) commit any fraud in connection with this or any other LLCA contract whether alone or in conjunction with LLCA members, contractors or employees.

Any clause limiting the Contractor's liability shall not apply to this clause".

Procurement Exercise

**G10 Pre-Estimate**

G10.1 Before any Procurement Exercise is begun the Procuring Officer must calculate its Estimated Value in accordance with this Rule. The Estimated Value shall be calculated in accordance with the Public Contracts Regulations 2015 or Concession Contracts Regulations 2016 (as appropriate).

**G11 Procurement Exercise Process**

G11.1 Based on the Estimated Value, as identified in paragraph G10, Table 1 below makes provision for the minimum requirements for the subsequent Procurement Exercise.

Table 1: Minimum requirements for a Procurement Exercise (for exceptions see paragraph G6):

Estimated Contract Value		Procurement Process	Minimum Contract Opportunity Publication	Documentation
From	Up To			
£0	£5,000	Obtain a minimum of one oral/written Quotation	None	Record details
Above £5,000	£25,000	Obtain three written Quotations (where practical)	When inviting quotations Officers should consider the benefits of including a local supplier in the invitation to quote where appropriate or applicable to the contract.*	Record details. (If three Quotations cannot be obtained a record of the reasons for this must be maintained and forwarded to the Chief Financial Officer.

Estimated Contract Value		Procurement Process	Minimum Contract Opportunity Publication	Documentation
From	Up To			
Above £25,000	Up to but not including the relevant EU Threshold	<p>Seek a minimum of three written Quotations</p> <p>(to be based on a Request for Quotation document where practical)</p> <p>For exceptions see Rule G6</p> <p>If the Procurement Exercise is in respect of Light-Touch Services but is under the EU Threshold for Light-Touch Services the Chief Financial Officer following consultation with the Monitoring Officer may require a a Formal Tender Process including OJEU/Contracts Finder advertisement.</p>	Website approved by the Chief Financial Officer for the purpose of notifying the supply market and Contracts Finder.	Request for Quotation issued by the Procuring Officer and Quotations received. No PQQ is permitted.
Equal to the EU Threshold	Above the EU Threshold	Formal Tender Process	OJEU where required, Contracts Finder and on a Website approved by the Chief Financial Officer for the purpose of notifying the supply market.	Formal Tender and sealed bids (may be submitted via an electronic tendering system, see paragraph G5.8.

\* The LLCA cannot give preference to local suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value.

G11.2 Details of oral Quotations must be recorded in writing.

G11.3 Where any Corporate Contracts or Standing Lists have been set up for supplies, services or works then these Rules are deemed to have been satisfied when the arrangement was set up and do not have to be further applied, provided the rules of use and award contained therein are followed. When the Corporate Contract is a Framework Agreement then the Procuring Officer must comply with paragraph G28.3. When using a Standing List the Procuring Officer must comply with paragraph G27.

## **G12 Suitability Assessment**

G12.1 The LLCA shall not include a pre-qualification questionnaire stage where the value of the procurement is below the EU Threshold set out in Reg. 5 (1) (c) of the Public Contracts Regulations 2015. Below the EU Threshold only Suitability Assessment Questions may be asked. A standardised form of Suitability Assessment Questions must be used.

G12.2 In a Procurement Exercise with an Estimated Value equal to or greater than the EU Threshold both selection and award criteria must be included. A standardised Pre-Qualification Questionnaire must be used for the selection criteria;

G12.3 Selection criteria must be included in the evaluation process where applying the Open Tendering procedure (paragraph G15) or must be the only criteria used for the shortlisting methodology where applying the Restricted Tendering procedure (paragraph G16).

## **G13 Award and Evaluation Criteria**

G13.1 The award criteria shall be based on the most economically advantageous Tender from the LLCA's point of view. That Tender shall be identified on the basis of price or cost, using a cost-effectiveness approach, such as Life-Cycle Costing and may include the best price-quality ratio which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects or any other criteria linked to the subject-matter of the Contract in question.

G13.2 Before a contract can be awarded following an Open Tender procedure the supplier must meet the minimum standard for the selection criteria included in the evaluation process.

G13.3 In the case of a Procurement Exercise with an Estimated Value of £25,000 or more the process for identifying the most economically advantageous Tender, including selection and award criteria, must be agreed in consultation with the appropriate Commercial Specialist and included in the RFQ/Invitation to Tender and a copy retained on file.

G13.4 The Procuring Officer must notify all Tenderers of the award methodology and evaluation criteria being used in the case of the contract in question. If weightings are to be applied to the criteria then the Procuring Officer must ensure that these are also incorporated into the Invitation to Tender.

## **G14 Contract Opportunity Publication**

- G14.1 Unless otherwise agreed by the Chief Financial Officer, the Procuring Officer must ensure, for all Procurement Exercises with an Estimated Value of £25,000 or more but less than the relevant EU Threshold, that Contract Opportunity Publication is advertised on a website approved by the Chief Financial Officer for the purpose of notifying the supply market.
- G14.2 All Procurement Exercises with an Estimated Value of £25,000 or more must be advertised on Contracts Finder within 24 hours of the time when the Procurement Exercise is advertised in any other way. Procurement exercises over the relevant EU Threshold must be advertised in the OJEU and on Contracts Finder.
- G14.3 For all proposed contracts which are advertised where the Total Value is below the EU Threshold, a period of at least ten working days should be allowed between the date when an Invitation to Tender becomes available to all bidders and the deadline for receipt of Tenders.
- G14.4 The Contract Opportunity Publication must express the nature and purpose of the Procurement Exercise, stating where further details may be obtained, how and to whom an interested supplier is to respond and any other requirements such as suitability requirements or explanatory information.
- G14.5 Only in exceptional circumstances should a Contract Opportunity Publication appear in ANY form before publication in the OJEU and neither should any advertisement contain any more information than that published in the OJEU.
- G14.6 The advertising requirements set out in this paragraph G14 are minimum requirements and do not preclude further Contract Opportunity Publication where appropriate (e.g. in the local newspaper, trade or professional journal, the Council website).

### Procurement Process

## **G15 Open Tendering**

- G15.1 Under Open Tendering, Procuring Officers must send Invitations to Tender to all those Persons who respond to the Contract Opportunity Publication and who meet the requirements stated therein.

## **G16 Restricted Tendering**

- G16.1 Under Restricted Tendering, Procuring Officers need only send Invitations to Tender to:

- G16.1.1 not less than five of the Persons who respond to the Contract Opportunity Publication and who best meet the shortlisting methodology agreed in Rule 12(c); or

G16.1.2 where fewer than five Persons have applied or are considered suitable, to all those Persons who equal or exceed the minimum requirements for the shortlisting methodology agreed in paragraph G12.3.

G16.2 The shortlisting criteria and process must be prepared in advance of the issue of the Standardised Pre-Qualification Questionnaire and a copy retained on file.

G16.3 All Persons that do not qualify for inclusion on the shortlist to receive an Invitation to Tender must receive notice that they have been excluded from the Procurement Exercise. Any Person requesting in writing the reasons why they were unsuccessful shall be informed by the Procuring Officer of the reasons for the Council's decision.

### **G17 Negotiated Procedure, Competitive Procedure with Negotiation, Competitive Dialogue Procedure and Innovation Partnership Procedure**

G17.1 The Negotiated Procedure, Competitive Procedure with Negotiation, Competitive Dialogue Procedure or Innovation Partnership Procedure must only be used with the prior approval of the Monitoring Officer and the Chief Financial Officer.

### **G18 Invitations to Tender**

G18.1 Every Invitation to Tender must specify the latest day and hour and the place appointed for the receipt of Tenders and must state the effect of paragraph G19.

G18.2 Procuring Officers must give all Tenderers the same information about the Procurement Exercise and in particular information relating to the Tender process, specification, award methodology and evaluation criteria.

G18.3 Procuring Officers must also give all Tenderers the same information relating to questions, answers and clarifications raised during the Procurement Exercise unless they relate solely to another Person's Tender.

G18.4 All Procurement Exercises equal to or greater than £25,000 shall be handled via an Electronic Tendering System. Only in exceptional cases may a Procurement Exercise be undertaken not using an Electronic Tendering System. Paper Tenders must be submitted to, addressed to and opened by the Chief Operating Officer. Where the Estimated value is below £25,000 the Tenders may be returned directly to the Procuring Officer.

G18.5 Where Tenders are to be received by the Chief Operating Officer, the Procuring Officer must send to the Chief Operating Officer a note of the subject and the closing date and time and (where appropriate) a list of the Persons invited to Tender together with the Estimated Value before the closing date for receipt of Tenders.

### **G19 Irregular Tenders**

G19.1 An Irregular Tender must not be accepted by either the Chief Operating Officer or the Procuring Officer, other than in accordance with this paragraph G19.

G19.2 A Tender is not valid unless it has been either submitted via an Electronic Tendering System or in the case of paper tenders delivered to the place appointed in accordance with paragraph G18 and not later than the appointed day and hour.

G19.3 Tenders other than E-Tenders where the Estimated Value is equal to or greater than £164,176 are not valid unless they are received in a plain sealed envelope or parcel addressed to the Chief Operating Officer. The envelope or package must bear the word "Tender" followed by the subject to which it relates.

G19.4 E-Tenders must be submitted in accordance with the requirements of the Electronic Tendering System used.

G19.5 Where a Tender has been received which is an Irregular Tender in that it does not fully comply with the instructions given in the Invitation to Tender and/or because it is received after the appointed time for receipt or does not comply with paragraphs G19.2 or G19.3, the provisions of paragraphs G19.6 and G19.7 apply.

G19.6 A Tender other than an E-Tender which is received after the closing date and time may be opened and evaluated in accordance with paragraph G20 if there is clear evidence of it having:-

G19.6.1 been posted by first class post at least a day before the closing date; OR

G19.6.2 been posted by second class post at least three days before the closing date; OR

G19.6.3 been placed in the custody of a courier who has provided written assurance of delivery prior to the closing date and time.

G19.7 If in other cases of Irregular Tenders the Chief Operating Officer, following consultation with the Monitoring Officer, considers that there are exceptional circumstances and that the Tenderer who submitted the Irregular Tender has gained no advantage from its irregularity he may determine to accept the Irregular Tender and authorise that it be opened and evaluated together with any other Tenders in accordance with Rule 20. The Chief Operating Officer shall record in writing the reasons why each Irregular Tender has been accepted or rejected.

G19.8 Irregular Tenders that the Chief Operating Officer has rejected under this Rule must be returned to the Tenderer by the Chief Operating Officer with a covering letter stating the reason for their rejection.

## **G20 Receipt and Opening of Tenders**

G20.1 Paragraphs G20.2 to G20.6 apply only to Tenders where the Estimated Value is equal to or greater than the relevant EU Threshold and the Tender is not an E-Tender. Paragraph G20.7 applies to E-Tenders only.

G20.2 On receipt, envelopes containing Tenders must be date and time stamped by the Chief Operating Officer and shall remain in his custody until they are opened.

G20.3 The Chief Operating Officer must keep a record of all Tenders received.

G20.4 Tenders must be opened at one time in the presence of not less than two Officers one of whom is not involved in the Procurement Exercise and who are designated by the Chief Operating Officer. Each Officer must initial each Tender once opened which must also be date stamped.

G20.5 Particulars of all Tenders opened must be entered by the Chief Operating Officer upon the record which must be signed by the Officers present at the opening, together with a note of all Irregular Tenders.

G20.6 The Chief Operating Officer must forthwith send a copy of the record to the appropriate Procuring Officer (with the Tenders) and must retain a copy himself.

G20.7 E-Tenders must be opened in accordance with the requirements of the Electronic Tendering System used.

## **G21 Errors or Discrepancies in Tenders**

G21.1 Tenderers are not allowed to alter their Tenders after opening save in accordance with this paragraph G21 or paragraph G22.

G21.2 Where it is suspected that there has been an error in a Tender and following the closing date for receipt of Tenders but before acceptance of any Tender discussions may take place with Tenderers in order to:

G21.2.1 ensure that the Tender is constructed correctly; or

G21.2.2 ensure that the Tenderer has fully understood the specification; or

G21.2.3 seek clarification from Tenderers of cost, quality and performance indicators.

G21.3 A written note of the discussions must be made to record the suspected error, date, time, detail of the discussion and any agreement reached.

## **G22 Discussions and Post Tender Negotiations**

G22.1 In a case where the Estimated Value was below the relevant EU Threshold, the Procuring Officer may with the prior consent of the Chief Financial Officer and following consultation with the Monitoring Officer carry out Post Tender Negotiations with the Tenderer submitting the most competitive Tender in an attempt to secure improvements in the price or economic advantage in one or more of the following circumstances:

G22.2.1 where the most competitive Tender (according to the pre-determined award methodology and evaluation criteria) submitted exceeds the Estimated Value;

G22.2.2 where it is considered that the price of the most competitive Tender submitted does not represent the best value for money that can reasonably be obtained;

G22.2.3 where Tenders have been invited only on the basis of unit prices or a schedule of rates and the lowest in aggregate is not the lowest on all items;

G22.2.4 where the most competitive Tender contains conditions, trading terms, guarantees, or provisions relating to performance or service delivery less favourable than in other Tenders, or than stipulated for and this defect appears capable of being remedied by Post Tender Negotiations.

G22.2 When conducting Post Tender Negotiations, the following additional provisions apply:

G22.2.1 At no time during the negotiations must a Tenderer be informed of the detail of any other Tender submitted or as to whether or not the Tender he submitted was the lowest.

G22.2.2 During negotiations in person there must always be present at least two officers of the LLCA present.

G22.2.3 A note of the negotiations must be made by one of the Officers present recording those present, the time and location of the negotiations, detail of the discussion and any agreement reached.

G22.2.4 Post Tender Negotiations shall not enable any material departure from the published specification. The Monitoring Officer shall determine whether any proposed change to the specification constitutes a material departure.

G22.3 Post Tender Negotiations are not allowed in the case of contracts with an Estimated Value exceeding the relevant EU Threshold. However, clarifications of errors or discrepancies in Tenders may take place in accordance with paragraph G21.

### Award of Contract

#### **G23 Acceptance of Tenders**

G23.1 A Tender can only be accepted in accordance with the initial award methodology and evaluation criteria as set out in paragraph G13. Any evaluation sheets must be maintained on file in accordance with paragraph G34.

G23.2 Any Statutory Officer has the authority to accept any Tender but in any particular circumstance may decline to give approval and refer the decision to the LLCA (or to such Committee or Sub-Committee as the LLCA has designated) to determine.

G23.3 If the Tender to be accepted exceeds the budget which was agreed in accordance with paragraph G5.6 the Procuring Officer must ensure that sufficient funds are available and approved by the Chief Financial Officer prior to accepting the Tender. The Chief Financial Officer may, following consultation with the Chief Operating



Officer and the Monitoring Officer, refer any such approval required from him under this paragraph G23.3 to the LLCA (or any Committee or Sub-Committee that the LLCA has designated) for approval.

G23.4 Where an abnormally low Tender is submitted the Tenderer must be invited to explain in writing the price or costs proposed and the Tender may only be rejected where the explanation is unsatisfactory. Where it is established that the Tender is low due to breaches of environmental, social or labour law, the Tender must be rejected.

G23.5 The decision to reject a Tender for whatever reason may only be made by the Chief Financial Officer following consultation with the Monitoring Officer.

## **G24 Notification of Contract Award**

G24.1 The Procuring Officer must notify the successful Tenderer of the acceptance of their Tender and for all Procurement Exercises with an Estimated Value of £5,000 or more this notification must be in writing.

G24.2 In the case where the Estimated Value is £25,000 or more, but less than the EU Threshold, the Procuring Officer must notify in writing all Tenderers who submitted a Tender of the decision as soon as possible after the decision has been made.

G24.3 In the case where the Estimated Value is equal to or greater than the relevant EU Threshold, the Procuring Officer must notify the successful tender of the intention to accept their Tender and award the Contract subject to the expiry of the Standstill Period.

G24.4 Where a Contract with an Estimated Value of £25,000 or more is awarded the LLCA must publish such information as is required by the Public Contracts Regulations 2015 on Contracts Finder within a reasonable time.

G24.5 In a case where the Estimated Value is equal to or greater than the relevant EU Threshold the following additional Rules shall apply:

G24.4.1 The notice in paragraph G24.2 shall include the award criteria, the reasons for the decision, including the successful Tenderer's score, the score (if any) of the Tenderer receiving the notice, and the characteristics and (if appropriate) relative advantages of the successful Tenderer's Tender, any reasons why the recipient of the notice did not meet the technical specification, the name of the Tenderer awarded the contract, as well as the date when the Standstill Period required in accordance with paragraph 24.4.2 will come to an end.

G24.4.2 A minimum period of 10 calendar days, if the notice is sent electronically or, where the notice is sent by other means then either 15 calendar days from the day of sending the notice or 10 calendar days from the day of receipt of the notice by the last Tenderer to receive the notice, must elapse between the day of sending the notice in paragraph G24.2 and the date on which the

LLCA enters into a contract. This Standstill Period must end on a working day.

G24.4.3 The Procuring Officer shall ensure that an OJEU contract award notice is placed within 30 days of the contract award where required. In the case where contracts are awarded under the regime covering Light Touch Services or Dynamic Purchasing System, award notices may be grouped together in accordance with Regulation 74 for Light-Touch Services and Regulation 50(5) for Dynamic Purchasing Systems of the Public Contracts Regulations 2015.

## **G25 Form of Contract**

G25.1 A contract shall be formed:

G25.1.1 by exchange of letter or electronic communication accepting the successful Tender and incorporating the Invitation to Tender or Request for Quotation and the outcome of any subsequent negotiations and discussions; or

G25.1.2 by completion of a formal contract incorporating the Invitation to Tender or Request for Quotation, the Tender and the outcome of any subsequent negotiations and/or discussions; or

G25.1.3 by placing an order in accordance with paragraph G26.

G25.2 Subject to Article A12.4, in determining and negotiating the terms and conditions of contract the procuring officer must consult the Monitoring Officer.

G25.3 Every contract must be entered into by the LLCA in compliance with Article 12.4.

G25.4 Except with the prior approval of the Monitoring Officer, works or services must not be authorised to commence or goods to be supplied until the Monitoring Officer has advised that the contract has been signed by the supplier.

## **G26 Orders for work, goods and services**

G26.1 Orders for work, goods and services must only be placed in accordance with Instruction 8 of the Standard Financial Instructions.

### Standing Lists

## **G27 Standing Lists**

G27.1 Standing Lists must not be created, renewed or added to without the prior written approval of the Chief Financial Officer.

G27.2 Procuring Officers must not use a Standing List where the total value of contracts to be awarded using the Standing List is estimated to exceed the relevant EU Threshold.

G27.3 Any Standing List created must contain the names of all Persons who are approved and indicate the categories of contract and the values or amounts in respect of those categories for which those Persons are approved.

G27.4 At least four weeks before a list is first compiled, the Procuring Officer must publish on a website approved by the Chief Financial Officer for the purpose of notifying the supply market a notice inviting applications by a specified date for inclusion in it.

G27.5 Procuring Officers must renew all Standing Lists at intervals not exceeding four years. At least four weeks before each renewal, each Person whose name appears in the list must be notified by the Procuring Officer of the intention to review the list. If they wish to remain on the list they must re-apply for inclusion. Procuring Officers must ensure that notices inviting applications for inclusion in the list are published in the manner provided by paragraph G27.4.

G27.6 In a case where the use of a Standing List has been authorised the Procuring Officer must send Invitations to Tender to not less than four of the Persons from among those approved for a contract of the relevant category and amount or value. Where fewer than four Persons are approved for a contract of the relevant category and amount or value Invitations to Tender shall be sent to no fewer than three Persons. Where there are fewer than three Persons the procedure for Standing Lists must not be used unless the Chief Financial Officer authorises the use.

G27.7 The Procuring Officer, following consultation with the Chief Financial Officer and the Monitoring Officer, shall determine the criteria for selecting Persons from the list.

### Framework Agreements

#### **G28 Framework Agreements**

G28.1 Procuring Officers must establish all Framework Agreements in accordance with these CPRs.

G28.2 Framework Agreements must not be awarded for more than 4 years, including any extensions without the prior written consent of the Chief Financial Officer and the Monitoring Officer.

G28.3 All suppliers on the Framework Agreement capable of performing the contract must be invited to participate in a Further Competition unless it is clear from the terms of the Framework Agreement which supplier best meets the award methodology set out in the Framework Agreement in which case that supplier may be selected.

G28.4 Additional suppliers may only be added to a Framework Agreement throughout its duration in circumstances where the Estimated Value is below the relevant EU Threshold and prior approval is obtained from the Chief Financial Officer and the Monitoring Officer.

#### **G29 Dynamic Purchasing Systems**

G29.1 Procuring Officers must only establish Dynamic Purchasing Systems with the prior written approval of the Chief Financial Officer, following consultation with the Monitoring Officer and in accordance with the requirements of the Public Contracts Regulations 2015 and these CPRs where appropriate.

### Contract Amendments

#### **G30 Contract Modifications and Extensions**

G30.1 A Contract may not be modified during its term without the prior authorisation of the Chief Financial Officer and the Monitoring Officer.

G30.2 If an extension is provided for in a Contract, then the Procuring Officer may extend the Contract following consultation with the Chief Financial Officer and the Monitoring Officer.

G30.3 If an extension is not provided for in a Contract, then the Procuring Officer may only extend the Contract with the prior authorisation of the Chief Financial Officer and the Monitoring Officer.

G30.4 In the case of authorisation being required under either or both of paragraphs G30.1 and G30.3, then the Chief Financial Officer and/or the Monitoring Officer may, following consultation with the Chief Operating Officer, decline to give authorisation and refer the matter to the LLCA for authorisation.

G30.5 Prior to any extension being agreed which would result in an increase in the Total Value of the Contract the Procuring Officer must ensure that sufficient additional budget provision has been approved by the budget holder.

#### **G31 Novation of Existing Contracts**

G31.1 The novation of a Contract to a new Person requires the prior written approval of the Chief Financial Officer and the Monitoring Officer.

#### **G32 Early Termination of Contracts**

G32.1 Unless a provision for early termination is clearly stated in the contract, Procuring Officers shall seek prior approval from the Monitoring Officer and the Chief Financial Officer where it is intended to terminate a contract early.

### Miscellaneous Provisions

#### **G33 Document Retention**

G33.1 All contract records that might be required in court proceedings must be retained for at least six years and any under the Common Seal for at least twelve years from expiry of the contract.

G33.2 Where the contract is externally funded any contingent liabilities and/or grant conditions must be taken account of by the length of the retention period.

### **G34 Nominated Sub-Contractors and Suppliers**

G34.1 Where a sub-contractor or supplier is to be nominated by the LLCA to a main contractor, the provisions of these CPRs shall have effect.

G34.2 The terms of an Invitation to Tender under paragraph G18 must require an undertaking by the Tenderer that, if selected, they will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against their own obligations under the main contract in relation to the work, supplies or services included in the sub-contract.

### **G35 Interpretation**

G35.1 "Best Value" means the duty of the LLCA to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

G35.2 "Concessions" are contracts of the same type as public service contracts, except for the fact that the consideration for the provision of services or works consists either solely in the right to exploit the service or work, or in this right together with payment.

G35.3 "Contract" means a binding agreement between two or more parties for performing, or refraining from performing, some specified act(s) in exchange for lawful consideration.

G35.4 "Contract Extension" means an extension to the duration of the contract, but not including any alteration to the scope of the contract.

G35.5 "Contracts Finder" means the web-based portal provided for the purposes of Part 4 of the Public Contracts Regulations 2015.

G35.6 "Contract Opportunity Publication" is the means by which a Procurement Exercise is advertised, and includes (where appropriate) the 'Contract Notice' and Contracts Finder as defined in the Public Contract Regulations 2015.

G35.7 "Contract Modification" means an alteration to the scope of the Contract.

G35.8 "Corporate Contract" means any Contract or Framework Agreement or other arrangement put in place by the LLCA or any other Public Sector Organisation (including other Local Authorities) or Consortium in which the LLCA is entitled to participate and which, where necessary, has been awarded in compliance with EU legislation.

G35.9 "Dynamic Purchasing System" means a completely electronic process, which has a limited duration, for making commonly used purchases, as more particularly defined and described in the Public Contract Regulations 2015.

- G35.10 "Electronic Tendering System" means an electronic tendering system approved in accordance with Rule G5 (g) (ii).
- G35.11 "Estimated Value" means the value as estimated under Rule G10, used pre-procurement to determine which procurement procedure to follow.
- G35.12 "E-Tender" means a Tender that has been submitted using an Electronic Tendering System.
- G35.13 "EU Threshold" means the respective threshold for Services, Supplies, Works or Light-Touch Services contracts referred to in the Public Contract Regulations 2015.
- G35.14 "Formal Tender Process" is a process following the requirements of Open Tendering, Restricted Tendering, Standing List, Negotiated Procedure, Competitive procedure with Negotiation, Competitive Dialogue or Innovation Partnership Procedure. And Formal Tender shall be construed accordingly.
- G35.15 "Framework Agreement" is a general term for agreements with suppliers which set out terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement. The Framework Agreement may, itself, be a contract to which the EU procurement directives and Public Contracts Regulations 2006 and 2015 apply.
- G35.16 "Further Competition" is undertaken where not all the terms of a proposed contract are laid down in a Framework Agreement. It involves re-opening competition between the economic operators which are parties to the Framework Agreement and which are capable of performing the proposed contract, on the basis of the same or, if necessary, more precisely formulated terms, and where appropriate other terms referred to in the contract documents based on the Framework Agreement.
- G35.17 "Invitation to Tender" means the document(s) containing the specification, proposed terms and conditions and other appropriate information as issued to the Tenderers to solicit Formal Tenders.
- G35.18 "Irregular Tender" means a Tender that does not fully comply with the instructions given in the Invitation to Tender.
- G35.19 "Life-Cycle Costing" means all or part of the following costs over the life-cycle of a product, service or works, to the extent that they are relevant:
- G37.19.1 Costs of acquisition;
  - G37.19.2 Costs of use, such as consumption of energy and other resources;
  - G37.19.3 Maintenance costs;
  - G37.19.4 End of life costs, such as collection and recycling costs;

G37.19.5 Costs imputed to the environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. These costs may include the costs of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs.

G35.20 “Light-Touch Services” means those services referred to in regulation 74 and Schedule 3 of the Public Contracts Regulations 2015.

G35.21 “OJEU” means Official Journal of the European Union.

G35.22 “Person” includes a partnership, body corporate or unincorporated association.

G35.23 “Post Tender Negotiations” means the ability to negotiate with a Tenderer after a Tender has been opened and evaluated in accordance with the published evaluation criteria for the purposes of securing an improvement in the delivery of the contract including but not limited to improvements in price.

G35.24 “Procurement Exercise” means any process by which goods, services and/or works are to be procured including but not limited to Request for Quotations and Formal Tender Processes. For the purpose of these Rules a contract for a Concession shall be treated as a Procurement Exercise.

G35.25 “Procuring Officer” means any Officer, acting under the delegated powers of the Appropriate Statutory Officer, who is responsible for the procurement of goods and services.

G35.26 “Quotation” means an offer to sell works, goods and/or services at a stated price under specified conditions. A Quotation may or may not be written.

G35.27 “Request for Quotation” (“RFQ”) means a document or documents containing the specification, and proposed terms and conditions issued to potential suppliers to solicit written Quotations.

G35.28 “Standardised Pre-Qualification questionnaire” means a questionnaire that complies with the Crown Commercial Service statutory guidance relating to Pre-Qualification Questionnaires.

G35.29 “Standing List” means a list of Persons which has been established in accordance with Rule G27.

G35.30 “Suitability Assessment Question” means a question which relates to the subject matter of the procurement and is proportionate and which the Council requires for assessing the Tenderers suitability.

G35.31 “Tender” means the formal offer from a Tenderer, which is capable of acceptance by the Council, which is a response to an Invitation to Tender. It shall include all documents comprising the submission including pricing, technical specification and method statements as well as information about the Tenderer. A written Quotation

is also a Tender. The term "Tender" also includes an E-Tender except where the context implies otherwise.

G35.32 "Tenderer" or "Tenderers" means the Person or Persons invited to participate in a Procurement Exercise.

G35.33 "Total Value" means the value of a contract which has been calculated in accordance with Rule G10 and is used when the contract is operational to determine the application of the contract modification rules set out in paragraph G30.

G35.34 "In writing" or "written" for the purpose of interpreting these Rules includes transmission by any electronic means which have been approved by the Monitoring Officer and the Chief Financial Officer.

G35.35 Words imparting the masculine include the feminine gender.

G35.36 "Rule(s)" means these Contract Procedure Rules as may be amended from time to time.



# Part H: Code of Conduct

The Code of Conduct is intended to promote high standards of behaviour amongst the Members and Co-Opted Members.

## H1 General Provisions

### H1.1 Introduction

H1.1.1 This Code applies to you as a Member or Co-Opted Member.

H1.1.2 You should read this Code in conjunction with the Meeting Procedure Rules as detailed in the Constitution at Section E1.

H1.1.3 It is your responsibility to comply with the provisions of this Code and ensure all obligations are met.

### H1.2 Interpretation

H1.2.1 In this Code “meeting” means any meeting of the LLCA, its Committees and Sub-Committees.

### H1.3 Scope

H1.3.1 You must comply with this Code whenever you:

H1.3.1.1 act in your capacity as a Member or Co-Opted Member;

H1.3.1.2 conduct the business of the LLCA (which, in this Code, includes the business of the office to which you are elected or appointed).

H1.3.2 Where you act as a representative of the LLCA:

H1.3.2.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or

H1.3.2.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## H2 The Principles

H2.1.1 In accordance with the requirements of the Localism Act 2011, you must have regard to the following principles and observe the following rules of behaviour:-

### Principle 1 - Selflessness

Holders of public office should act solely in terms of the public interest.

### **Principle 2 - Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **Principle 3 - Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Principle 4 - Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Principle 5 - Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Principle 6 - Honesty**

Holders of public office should be truthful.

### **Principle 7 - Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

H2.1.2 The above principles articulate the fundamental values of public service that underpin the conduct of Members and Co-Opted Members. The following provisions contained in this Code are derived from these principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the LLCA when they are acting in that capacity.

## **H2.2 General Obligations**

### **Respect**

H2.3 You must treat others with respect.

H2.4 You must not:

- H2.4.1 do anything which may cause the LLCA to breach any of the equality enactments;
- H2.4.2 bully any person;
- H2.4.3 intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) a complainant;
  - (ii) a witness; or
  - (iii) involved in the administration of any investigation or proceedings; in relation to an allegation that a Member/Co-Opted Member (including yourself) has failed to comply with his or her authority's code of conduct;
- H2.4.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the LLCA.

### **Confidentiality**

- H2.5 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - H2.5.1 you have the consent of a person authorised to give it;
  - H2.5.2 you are required by law to do so;
  - H2.5.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - H2.5.4 the disclosure is:
    - (i) reasonable and in the public interest; and
    - (ii) made in good faith and in compliance with the reasonable requirements of the LLCA.
- H2.6 You must not prevent another person from gaining access to information to which that person is entitled by law.

### **Reputation of the LLCA**

- H2.7 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the LLCA into disrepute.

### **Use of your position and the LLCA resources**

- H2.8 You must not use or attempt to use your position as a Member or Co-Opted Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- H2.9 You must, when using or authorising the use by others of the resources of the LLCA:

- H2.9.1 act in accordance with the LLCA's reasonable requirements;
- H2.9.2 ensure that such resources are not used improperly, (including use for political and party political purposes).

## **Publicity**

H2.10 You must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

## **Decision making**

H2.11 When reaching decisions on any matter you must have regard to any relevant advice provided to you by Officers acting pursuant to their statutory responsibilities (including a proper officer designated by the LLCA), or advisors to the LLCA.

H2.12 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.

H2.13 You must follow the adopted corporate operational policies of the LLCA.

## **H3 Interests**

### **Disclosable Pecuniary Interests**

#### **Definition**

H3.1 You have a Disclosable Pecuniary Interest in any business of the LLCA if it is of a description specified in regulations made by the Secretary of State and the interest is:

H3.1.1 yours;

H3.1.2 your spouse's or civil partner's;

H3.1.3 somebody with whom you are living as husband and wife or as if you are civil partners;

and you are aware, in the case of paragraphs H4.1.2 and H4.1.3 that that other person has the interest.

#### **Declaring at and participation in meetings**

H3.2 If you are present at any meeting of the LLCA, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, and the interest is not a 'sensitive interest', at the meeting:

H3.2.1 you must disclose the interest to the meeting whether or not it has been registered;

H3.2.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;

H3.2.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

H3.3 Where you have a Disclosable Pecuniary Interest in any business of the LLCA, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

H3.4 Following any disclosure of a Disclosable Pecuniary Interest at a meeting which is not on the LLCA's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

*[Note: In addition, you are required under paragraph E1.38.2 of the LLCA Constitution to leave the room where the meeting is held while any discussion or voting takes place.]*

## **Personal Interests**

### **Definition**

H3.5 You have a personal interest in any business of the LLCA where either:

H3.5.1 it relates to or is likely to affect:

H3.5.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the LLCA;

H3.5.1.2 any body:

- (i) exercising functions of a public nature;
  - (ii) directed to charitable purposes; or
  - (iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union);
- of which you are a member or in a position of general control or management.

H3.5.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.

Or

H3.5.2 a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

H3.6 For the purposes of paragraph H4.6, a 'relevant person' is:

H3.6.1 a member of your family or any person with whom you have a close association; or

H3.6.2 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

H3.6.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body; or

H3.6.4 any body of a type described in sub-paragraph H4.5.1.1 or H4.5.1.2.

### **Declaring at and participation in meetings**

H3.7 Subject to paragraph H4.10 below, where you have a Personal Interest in any business of the LLCA and where you are aware or ought reasonably to be aware of the existence of the Personal Interest and you attend a meeting of the LLCA where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.

H3.8 Where you have a Personal Interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this Code.

H3.9 Where you have a Personal Interest, but, by virtue of paragraph 4.17, sensitive information relating to it is not registered in the LLCA's Register of Members Interests, you must indicate to the meeting that you have a Personal Interest, but need not disclose the sensitive information to the meeting.

### **Personal Interests which might lead to bias**

#### **Definition**

H3.10 In addition to the requirements in relation to Disclosable Pecuniary Interests referred to in this Code, you have a Personal Interest which might lead to bias in any business of the LLCA where:

H3.10.1 you have a 'Personal Interest' as defined in paragraph H4.5 and H4.6 above; and

H3.10.2 that 'Personal Interest' is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

H3.11 The provisions of paragraph H4.10 shall be applied in such a manner as to recognise that this Code should not obstruct a Member or Co-Opted Member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from

taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

### **Declaring at and participation in meetings**

H3.12 If you are present at any meeting of the LLCA, and you have a Personal Interest which might lead to bias in any matter to be considered or being considered, and the interest is not a 'sensitive interest', subject to paragraphs H4.13 below, at the meeting:

H3.12.1 you must disclose the interest to the meeting (whether or not it is registered)

H3.12.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;

H3.12.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

H3.13 Where you have a Personal Interest which might lead to bias in any business of the LLCA, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

### **Registration of interests**

H3.14 Subject to paragraph H4.16 (Sensitive Interests), you must within 28 days of:

H3.14.1 the adoption of this Code; or

H3.14.2 your election or appointment to office as a Member or Co-Opted Member (where that is later);

notify the Monitoring Officer in writing of :

H3.14.3 any Disclosable Pecuniary Interest, as defined in paragraph H4.1 above; and

H3.14.4 details of your Personal Interests where they fall within the category mentioned in paragraph H4.5.1 above.

H3.15 Subject to paragraph H4.16 (Sensitive Interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interest as

referred to in paragraph H4.5.1, or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

### **Sensitive Interests**

H3.16 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

### **Dispensations**

H3.17 To enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest or a Personal Interest that might lead to bias, the LLCA may grant you a dispensation in accordance with rules and procedures established by the LLCA.



# Appendices

## Appendix 1: LLCA Order

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# Leicester Leicestershire

Delivering Growth Together



## Leicester and Leicestershire Combined Authority

## Operating Agreement

**THIS AGREEMENT** is dated the                      day of                      **201[6]**

**BETWEEN**

(1) **THE LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY** of County Hall, Glenfield, Leicester LE3 8RA (“LLCA”);

**AND**

(2) **BLABY DISTRICT COUNCIL** of Council Offices, Desford Road, Narborough, Leicestershire LE19 2EP (“BDC”);

(3) **CHARNWOOD BOROUGH COUNCIL** of Council Offices, Southfield Road, Loughborough, LE11 2TN (“CBC”);

(4) **HARBOROUGH DISTRICT COUNCIL** of The Symington Building, Adam and Eve Street, Market Harborough, Leicestershire, LE16 7AG (“HDC”);

(5) **HINCKLEY AND BOSWORTH BOROUGH COUNCIL** of Hinckley Hub, Rugby Road, Hinckley, Leicestershire LE10 0FR (“HBBC”)

(6) **LEICESTER CITY COUNCIL** of City Hall, 115 Charles Street, Leicester, LE1 1FZ (“City Council”);

(7) **LEICESTERSHIRE COUNTY COUNCIL** of County Hall, Glenfield, Leicester LE3 8RA (“County Council”);

(8) **MELTON BOROUGH COUNCIL** of Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire LE13 1GH (“MBC”);

(9) **NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL** of Council Offices, Coalville, Leicestershire, LE67 3FJ (“NWLDC”);

(10) **OADBY AND WIGSTON BOROUGH COUNCIL** of Council Offices, Bushloe House, Station Road, Wigston, Leicestershire, LE18 2DR (“OWBC”).

**WHEREAS:**

(A) On [DATE] the Leicester and Leicestershire Combined Authority (the “LLCA”) was established as a combined authority for the administrative areas of the Constituent Councils under the Cities and Local Government Devolution Act 2016.

(B) The functions of the LLCA are those functions conferred or imposed on it or delegated to it by the Order or by any other enactment, or delegated to it by the Constituent Councils (together “**Functions**”).

(C) The functions of the LLCA relating to transport, planning, economic development and regeneration include those set out in Schedule [x] to the Order which are to be exercised concurrently by the Constituent Councils.

(D) The Parties wish to co-operate with each other in the exercise of the Functions to facilitate the effective operation of the LLCA.

**THIS AGREEMENT** witnesses as follows:

**1. DEFINITIONS AND INTERPRETATION**

1.1 The following definitions apply in the interpretation of this Agreement:

<b>Business Case:</b> means a business case as defined and further detailed in the Financial Procedure Rules
<b>Change:</b> means any change to this Agreement, the Constitution or any other legal document which governs the operation of the LLCA;
<b>Change Control Note:</b> means the note issued in relation to a Change in accordance with the Change Control Procedure;
<b>Change Control Procedure:</b> means the procedure for changing this Agreement as set out at clause 11;
<b>Combined Area:</b> means the area consisting of the administrative areas of the Constituent Councils;
<b>Constituent Councils:</b> means the constituent councils of the LLCA namely BDC, CBC, HDC, HBBC, City Council, County Council, MBC, NWLDC and OWBC;
<b>Constitution:</b> means the constitution of the LLCA adopted by the LLCA on [] 2016 setting out how the LLCA operates, how decisions are made and the procedures that are to be followed to ensure that the LLCA operates efficiently, effectively and is both transparent and accountable;
<b>Core Support:</b> means support (as further detailed in clause 4) provided by the Constituent Councils to the LLCA to facilitate cooperation between the Constituent Councils and the LLCA in the exercise of its functions in the Combined Area;
<b>District Councils:</b> means BDC, CBC, HDC, HBBC, MBC, NWLDC and OWBC;
<b>Exit Plan:</b> means the document detailing the strategy for a Constituent Council leaving the LLCA and terminating their part in this Agreement;
<b>Financial Procedure Rules:</b> means the financial procedure rules of the LLCA as contained within the Constitution
<b>Members:</b> means the individuals appointed by the Constituent Councils to be the Members of the LLCA as further defined in Article A3 of the Constitution;
<b>Officer:</b> means an individual appointed by the LLCA pursuant to Article A9 of the Constitution;
<b>Operating Protocol:</b> means a document which provides further detail and structure as to how the LLCA and Constituent Councils shall work together to discharge the Functions;
<b>Order:</b> means the Order made by the Secretary of State creating the LLCA;
<b>Parties:</b> means the LLCA and the Constituent Councils together and <b>Party</b> shall be construed accordingly;
<b>Statutory Officer:</b> means the Chief Operating Officer, the Monitoring Officer or the

Chief Financial Officer of the LLCA – these terms are further defined in the Constitution at Article A1.1;
<b>Working Day:</b> means any day which is not a Saturday, Sunday or Public Holiday in England.

- 1.2 Clause headings shall not affect the interpretation of this Agreement.
- 1.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.4 Any reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time and shall further include all subordinate legislation made from time to time.
- 1.5 References to clauses are to the clauses of this Agreement.
- 1.6 If any court or competent authority finds that any provision of this Agreement (or part of any provision) is invalid, illegal or unenforceable, that provision or part provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Agreement shall not be affected.

**2. STATUTORY OFFICERS**

- 2.1 The LLCA is required by law to appoint the Statutory Officers. The LLCA has appointed the following officers to be the Statutory Officers of the LLCA:

<b>Statutory Officer</b>	<b>Constituent Council of employment</b>
Chief Operating Officer (acting as Head of Paid Service)	Leicestershire County Council
Monitoring Officer	Leicester City Council
Chief Financial Officer	Leicestershire County Council

- 2.2 The Statutory Officers shall each appoint a deputy or deputies to act in their absence or incapacity. Such deputy or deputies shall not be an officer of the Statutory Officer’s Constituent Council.
- 2.3 The terms of the appointments to be made pursuant to clauses 2.1 to 2.2 shall be done in accordance with the Constitution, any resolution of the LLCA and/or any agreement entered into by the LLCA and any Constituent Council PROVIDED ALWAYS that the LLCA and the Constituent Councils agree that the costs incurred as a result of time spent by the Statutory Officers and their deputies carrying out and performing the roles and duties of the Statutory Officers shall not be charged to the LLCA but shall be borne by the Constituent Council employing the Statutory Officer and/or deputies.
- 2.4 The LLCA and Constituent Councils acknowledge and agree to engage with the support available to them from the Monitoring Officers and Section 151 Officers of the Constituent Councils and the Statutory Officers shall utilise the existing groups in

operation, for example the Leicestershire Treasurer's Association and the Monitoring Officer group, as appropriate.

### **3. OPERATING PROTOCOLS AND BUSINESS CASES**

#### **3.1 Operating Protocols**

(a) The LLCA and the Constituent Councils shall draw up, agree and keep under review such Operating Protocols as it deems necessary in order to facilitate the discharge of the Functions.

(b) The review of any Operating Protocols shall take place at least annually and may form part of the review of the LLCA referred to in clause 9.

#### **3.2 Business Cases**

(a) Where the LLCA is to: develop plans, strategies, frameworks or other strategic documents for the Combined Area or any part of the Combined Area; or undertake any other work in exercise or discharge of its Functions; then a Business Case shall be developed by Officers in accordance with the Financial Procedure Rules

(b) In the preparation of every Business Case, a Constituent Council whose area is directly affected by the Business Case proposal may nominate one or more of their officers to contribute to the proposed Business Case.

(c) Prior to being submitted to the LLCA for approval the Constituent Council(s) incurring any financial liability in relation to funding the costs of the Business Case where it is not already included within the approved budget of the LLCA must have approved in writing the proposed costing and arrangements for sharing of such costings between the relevant Constituent Councils.

(d) The LLCA shall be asked to consider approving Business Cases by way of a report to any ordinary or extraordinary meeting of the Members.

(e) Where Business Cases are developed and approved outside of the budget approval process but prior to the LLCA's budget approval for the relevant financial year then the budget for the work shall be included in the LLCA budget to be approved by the LLCA.

(f) Where Business Cases are developed and approved "in year" the LLCA will take all reasonable steps to ensure its budget records and will ensure that such changes are approved where necessary.

(g) Work to administer and operate the LLCA on a day to day basis (to include the actions of Statutory Officers exercising the delegated functions set out in the Constitution) does not require a Business Case provided that the costs for such work are included within the approved budget for the relevant financial year in which the work is undertaken.

### **4. CONSTITUENT COUNCIL SUPPORT ARRANGEMENTS**

- 4.1 It is not intended that the LLCA shall directly employ any individual. Officer support may be provided by the Constituent Councils on the terms contained at Appendix 1 of this Agreement.
- 4.2 The LLCA and the Constituent Councils agree that any arrangements between two or more of the Parties, for the purpose of providing officer support to the LLCA by Constituent Councils, shall be made pursuant to section 113 of the Local Government Act 1972 and on the terms as contained in Appendix 1 of this Agreement.
- 4.3 The Core Support shall be provided to the LLCA by the following Constituent Councils:

<b>Core Support Activity</b>	<b>Constituent Council</b>
Administrative/Democratic Support (including support to the Chief Operating Officer and the Monitoring Officer of the LLCA)	County Council (as host authority)
Policy	Appointed by Committees and employed by the County Council (as host authority)
Legal (including support to the Monitoring Officer of the LLCA)	City Council
Communications and Public Relations	County Council (as host authority)
Commissioning and Procurement	County Council (as host authority) in agreement with the City Council as MO
Finance (including support to the Chief Financial Officer of the LLCA, insurance, banking arrangements)	County Council (as host authority)
Audit (internal audit)	County Council (as host authority)
ICT Support	County Council (as host authority)

- 4.4 Business Cases adopted by the LLCA may assign activities similar to Core Support, for any reason and at any time, to other Constituent Councils, with their written agreement, for the purpose of the work detailed in the Business Case.
- 4.5 The Constituent Councils shall be able to charge the LLCA for time spent in providing the Core Support, providing the support referred to in clause 4.4. above and providing any other support which the LLCA may request from them from time to time (together “**the Support**”).
- 4.6 The maximum charge permitted for the provision of the Support by the Constituent Councils shall be the applicable officer hourly rate, calculated on the basis of their



salary, plus an additional 30% of this rate to cover employee on-costs of providing the Support.

- 4.7 Officers providing the Support shall be required to accurately record their time spent on the provision of such Support and ensure evidence of time recording can be produced to the Constituent Councils if requested.
- 4.8 The Constituent Councils providing Core Support named in clause 4.3 may be reviewed in terms of performance and cost and may be replaced by another Constituent Council at any time where:
  - (a) it is agreed by more than 50% of the Chief Executives of the Constituent Councils that a review is required; or
  - (b) the Constituent Council currently providing the Core Support has notified the LLCA that they are no longer able to provide the Core Support, for whatever reason in accordance with the provisions of Appendix 1 of this Agreement.
- 4.9 The process for undertaking a review under clause 4.8 shall be agreed between the Constituent Councils at the point where a review has been instigated.

## **5. COSTS AND BUDGETING**

- 5.1 The LLCA shall prepare a budget for each financial year that it exists. The budget shall detail all anticipated expenditure for the coming financial year and all sources of revenue to fund that expenditure. The budget may change “in year” when additional Business Cases are agreed by the LLCA.
- 5.2 The LLCA shall only spend within the budget approved by its Members (as may be amended in accordance with the Constitution) subject to any provision within the Constitution allowing the transfer of funds within the approved budget.
- 5.3 The LLCA shall engage with the Constituent Councils in the preparation of the budget prior to approval by the Members. The Constituent Councils agree that the approval of the budget of the LLCA and any amendments to that budget are matters for the Members of the LLCA.
- 5.4 The Constituent Councils agree that costs incurred in relation to the administration of the LLCA (including Core Support) shall be apportioned between them as follows:
  - (a) one third to the City Council;
  - (b) one third to the County Council; and
  - (c) one third to the District Councils to be apportioned between the District Councils on the basis of population.
- 5.5 The Constituent Councils agree that costs incurred in relation to the implementation of a Business Case shall be apportioned according to the impact on each Constituent Council. Suggested apportionment of costs shall be proposed by the Officer preparing the report to Members and shall be detailed in the Business Case.
- 5.6 Any sums agreed by the LLCA to be due from a Constituent Council to the LLCA shall be payable within thirty days of receipt of a valid invoice by the relevant Constituent Council from the LLCA. If a Constituent Council fails to pay any invoice

by the due date for payment, then the Constituent Council shall, unless the LLCA directs otherwise, pay interest on the overdue amount at the rate of 4% per annum above the Bank of England base rate from time to time. Such interest shall accrue on a daily basis from the due date until actual payment of the overdue amount, whether before or after judgement. The Constituent Council shall pay the interest together with the overdue amount.

- 5.7 The LLCA envisages at least one invoice being submitted to each Constituent Council in each financial year that the LLCA operates. However, the LLCA reserves the right to submit invoices as and when it deems it necessary to ensure the LLCA can meet its financial, contractual and statutory obligations.
- 5.8 Each Constituent Council may submit at least one invoice to the LLCA each financial year that the LLCA operates for the cost of the provision of the Support as provided by that Constituent Council where the provision of the Support has been approved in advance by the LLCA or as provided for within this Agreement.
- 5.9 Where an invoice is disputed, the party or parties disputing the invoice shall notify in writing the Chief Financial Officer of the invoicing party within 15 days of receipt of the invoice in question. Disputes shall be resolved in accordance with the procedure set out at clause 10 of the Agreement and such procedure shall commence within 10 days of notification communicated under this clause.

## **6. INDEMNITY AND RISK**

- 6.1 Where, after the establishment of the LLCA, a Constituent Council (hereafter referred to as the “**Indemnifying Council**”) independently of the LLCA elects to:

- (a) exercise a power held concurrently with the LLCA; and/or
- (b) discharge a duty imposed concurrently on both the LLCA and the Indemnifying Council;

then the Indemnifying Council shall indemnify and keep indemnified the LLCA in respect of any costs, claims, liabilities and expenses arising as a result of or in connection with the exercise of the power or discharge of the duty by the Indemnifying Council.

- 6.2 Subject to clause 6.5, where the LLCA incurs liability in respect of any claim arising from the exercise of any power it holds, the discharge of any duty imposed upon it and/or the operation of the LLCA then the Constituent Councils agree that such liability (net of any applicable insurances held by the LLCA) shall be apportioned between the Constituent Councils as follows:
- (a) one third to the City Council;
  - (b) one third to the County Council; and
  - (c) one third to the District Councils to them be apportioned between the District Councils on the basis of population.
- 6.3 Subject to clause 6.4, where a Constituent Council incurs liability in respect of any claim arising from the exercise of any power and/or discharge of any duty by the LLCA (other than as a result of incurring such liability under clause 6.2) then the LLCA shall indemnify the Constituent Council in full against such liability. The

LLCA's liability under this clause 6.3 shall be apportioned in accordance with clause 6.2.

- 6.4 Where a Constituent Council incurs liability in respect of any claim arising from the exercise of any power and/or discharge of any duty by the Constituent Council or its officers on behalf of the LLCA the LLCA shall not be liable to indemnify the Constituent Council for any such losses where they have occurred as a result of the Constituent Council or its officers acting fraudulently, negligently, unlawfully or contrary to any provisions of the Constitution or this Agreement.
- 6.5 Where the LLCA incurs liability as a result of a Member exercising their vote on a reserved status decision or a unanimity decision as contained in the Constitution, so as to block the decision being taken then the Constituent Councils agree that such liability (net of any applicable insurances held by the LLCA) shall be shared equally by the Constituent Councils.
- 6.5 The LLCA shall hold and maintain such types of insurance policy and at such levels to sufficiently cover the activities undertaken and the officers involved under this Agreement.

## **7. CONFIDENTIALITY AND FREEDOM OF INFORMATION**

- 7.1 Information (which shall include any draft documents, budgets, reports and any other documentation produced by or on behalf of the LLCA) communicated between the Parties is communicated on a confidential basis unless:
- (a) the Party providing the information states otherwise in writing; or
  - (b) the information is in the public domain; or
  - (c) a Party is the disclosure of information is required by law.
- 7.2 The LLCA and the Constituent Councils shall cooperate with each other and provide all necessary assistance in respect of any request for information received (whether under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Local Government Transparency Code as amended from time to time or any other superseding legislation) by any Party in respect of the LLCA.
- 7.3 Each Party is responsible for responding to information requests received by it but shall have regard to any views expressed by the other Parties where the response to an information request requires disclosure of information supplied by one or more of the Parties.
- 7.4 All Parties shall provide the Party receiving a request (the "Receiving Party") with such information as the Receiving Party may reasonably require to discharge their statutory duty within five (5) Working Days of the request from the Receiving Party.
- 7.5 This Clause 7 shall survive upon termination of this Agreement.

## **8. MEETINGS OF THE LLCA**

- 8.1 Meetings of the LLCA, its Committees and Sub-Committees, unless otherwise determined by the LLCA, shall be held at County Hall, Glenfield, Leicester, LE3 8RA.

## **9. REVIEW OF THE LLCA OPERATION, CONSTITUTION AND GOVERNANCE**

- 9.1 The operation and governance of the LLCA will be reviewed on an annual basis. The review will be led by the Monitoring Officer as part of the requirements to review the Constitution set out in Article A13 of the Constitution.
- 9.2 The LLCA (through the Monitoring Officer) shall consult and due regard to the views of the monitoring officers of the Constituent Councils on the review prior to presenting any report to the Members on amendments to the Constitution.
- 9.3 Clause 9.2 shall not apply in circumstances where the Chair of the LLCA determines that reasons of urgency prevent such consultation.
- 9.4 Any consultation pursuant to clause 9.2 or lack of consultation pursuant to clause 9.3 shall be reported to the Members when they consider any changes to the Constitution.
- 9.5 The LLCA and the Constituent Councils agree that where any one or more of them proposes to undertake a review under section 111 of the Local Democracy, Economic Development and Construction Act 2009 they will first consult the other Parties on the need for such a review.

## **10. DISPUTE RESOLUTION**

- 10.1 Any dispute arising between:
- (a) the LLCA and one or more Constituent Councils shall in the first instance be referred to the Chief Operating Officer and a chief officer of the relevant Constituent Council(s) to negotiate in good faith; or
  - (b) two or more Constituent Councils concerning the operation of the LLCA shall in the first instance be referred to chief officers of the relevant Constituent Councils to negotiate in good faith.
- 10.2 Where the resolution of a dispute is not possible under clause 10.1 then the parties to the dispute may agree to submit the matter in dispute to mediation on such terms of appointment (including as to costs) of a mediator as may be agreed between them in writing.
- 10.3 Where the parties in dispute cannot reach agreement to submit the dispute to mediation any of the parties may pursue any other remedy available to it at law.

## **11. CHANGE CONTROL**

### **PRINCIPLES**

- 11.1 Where any of the Parties to this Agreement sees a need to change this Agreement, and such a change:
- 11.1.1 is a Key Decision as defined in the Constitution of the LLCA
  - 11.1.2 has a cost which is equivalent to 10% or more of the LLCA allocated budget for the matter which is seeking to be changed; or
  - 11.1.3 is determined by the Statutory Officers to be significant;

the Party may at any time recommend such Change only in accordance with the Change Control Procedure detailed within this clause.

- 11.2 Until such time as a Change is made in accordance with the Change Control Procedure, the Parties shall, unless otherwise agreed in writing, continue to perform and comply fully with this Agreement and its terms prior to such Change.
- 11.3 Any discussions which may take place between the Parties in connection with a request or recommendation before the authorisation of a resultant Change shall be without prejudice to the rights of the Parties.
- 11.4 Any action which a Party takes in relation to this Agreement which is not authorised in advance by a Change, and which has not been otherwise agreed in accordance with the Change Control Procedure, shall be undertaken entirely at the expense and liability of that Party unless otherwise agreed in writing between the Parties.
- 11.5 All proposed Changes by any Party which do not fall within clause 11.1 shall be taken by the Monitoring Officer and Chief Financial Officer of the LLCA following a process of consultation in accordance with clauses 11.5.1 to 11.5.3 below.

#### PROCEDURE

- 11.6 If any Party wishes to make a change to this Agreement, Constitution or any other legal document which governs the operation of the LLCA, the following procedure should be followed:-
  - 11.6.1 The proposed Change shall be raised with the Monitoring Officer and Chief Financial Officer of the LLCA;
  - 11.6.2 The Monitoring Officer and Chief Financial Officer shall discuss the proposal with the Monitoring Officers and Chief Financial Officers from the Constituent Councils in accordance with clause 2.4 of this Agreement;
  - 11.6.3 The Monitoring Officer group and Leicestershire Treasurer's Association shall give consideration to the implications of the proposed Change including, as a minimum:
    - a) Benefits to the LLCA of making the proposed Change (i.e. does it mitigate against a previously identified risk);
    - b) Risks posed by the proposed Change; and
    - c) Financial implications of the proposed Change.
  - 11.6.4 The Monitoring Officers and Chief Financial Officers of the Constituent Councils will be asked to agree by simple majority to the proposed Change being made.
  - 11.6.5 A report shall then be drafted by the Monitoring Officer and Chief Financial Officer of the LLCA to the next appropriate meeting of the LLCA, requesting approval of the Change.
  - 11.6.6 Where a Change is not agreed by Monitoring Officers and/or Chief Financial Officers, any resulting dispute should be resolved in accordance with the dispute resolution process set out at clause 11 of this Agreement.

## **12. TERMINATION**

- 12.1 This Agreement shall terminate with immediate effect on the date of dissolution of the LLCA.
- 12.2 Where any Constituent Council decides to leave the LLCA, they may serve a twelve (12) month written notice on all Parties to terminate their part in this Agreement with such notice to be effective on the 1<sup>st</sup> April after the notice has expired. A notice served under this clause 12.2 shall cease to be effective if within six (6) months of receiving the notice the Parties have not signed off an agreed Exit Plan in accordance with clauses 12.3 and 12.4.
- 12.3 Where a notice is served under clause 12.2, the Parties shall cooperate in good faith to agree an Exit Plan setting out how the arrangements considered in this Agreement in relation to the departing Constituent Council will be ended.
- 12.4 It is agreed by the Parties that continuation of the LLCA and the exercise of the Functions is paramount and options under the Exit Plan should be assessed in this light.
- 12.5 Any Exit Plan should deal with the following matters as a minimum:
- (a) Financial matters, including exit costs;
  - (b) Outstanding liabilities (including liabilities arising prior to exit but which are not identified until post exit);
  - (c) Management of continuing LLCA work and projects;
  - (d) Staffing matters;
  - (e) Timetable for departure; and
  - (f) The future of the LLCA.
- 12.6 All liabilities of all Parties under this Agreement incurred whilst they were a Party shall survive the termination of this Agreement.
- 12.7 All pre-existing liabilities of a departing Party at the point of departure shall survive the part termination of this Agreement.
- 12.8 Any departing Party shall still be bound by the confidentiality provisions contained in Clause 7 of this Agreement.

## **13. GENERAL**

- 13.1 Any notice, demand or other communication required to be served on the LLCA or any Constituent Council under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post or email to the monitoring officer of the relevant Party at the address set out at the beginning of this Agreement. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the relevant Party at the time of person delivery or on the second Working Day after the date of posting or transmission as the case may be.
- 13.2 Nothing in this Agreement shall affect, fetter or otherwise qualify the statutory functions of and the exercise or discharge of such functions by the LLCA and/or the Constituent Councils (or any one of them).

- 13.3 This Agreement shall be governed by and interpreted in accordance with the laws of England and Wales in force from time to time.
- 13.4 Each Party irrevocably submits to the exclusive jurisdiction of the courts of England and Wales.
- 13.5 A person who is not a Party to this Agreement shall not have any right to enforce this Agreement or any term of it by virtue of the Contracts (Rights of Third Parties) Act 1999.
- 13.6 The rights of the Parties to terminate, rescind or agree any variation, waiver or settlement under this Agreement are not subject to the consent of any other person.
- 13.7 Where any Party fails to enforce or delays in enforcing any obligation of any other Party or fails to exercise or delays in exercising a right under this Agreement, such failure or delay will not affect its right to enforce that obligation or constitute a waiver of that right. Any waiver by a Party of any provision of this Agreement will not, unless expressly stated to the contrary, constitute a waiver of that provision on a future occasion.
- 13.8 Nothing in this Agreement is intended to, or shall be deemed to, establish any partnership or joint venture between the Parties or constitute any Party the agent of another Party.
- 13.9 This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

**IN WITNESS** whereof the Parties have caused this Agreement to be executed and delivered as a deed on the date at the beginning of this document.

EXECUTED as a DEED  
by the LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY

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EXECUTED as a DEED  
by BLABY DISTRICT COUNCIL

Witness to the Seal

EXECUTED as a DEED  
by CHARNWOOD BOROUGH COUNCIL

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by HARBOROUGH DISTRICT COUNCIL

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by HINCKLEY AND BOSWORTH BOROUGH COUNCIL

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by LEICESTER CITY COUNCIL

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by LEICESTERSHIRE COUNTY COUNCIL

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EXECUTED as a DEED  
by MELTON BOROUGH COUNCIL

Witness to the Seal

EXECUTED as a DEED  
by NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Authorised Signatory



EXECUTED as a DEED  
by OADBY AND WIGSTON BOROUGH COUNCIL

Witness to the Seal

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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**COUNCIL – TUESDAY, 8 NOVEMBER 2016**

Title of report	<b>SENIOR MANAGEMENT STRUCTURE</b>
Contacts	Councillor Richard Blunt 01530 454510 <a href="mailto:richard.blunt@nwleicestershire.gov.uk">richard.blunt@nwleicestershire.gov.uk</a>  Chief Executive 01530 454500 <a href="mailto:christine.fisher@nwleicestershire.gov.uk">christine.fisher@nwleicestershire.gov.uk</a>
Purpose of report	To propose the Interim Head of Economic Development post should be made a permanent role in the Council's management structure.
Council priorities	Value for Money Business and Jobs Homes and Communities Building confidence in Coalville
Implications:	
Financial/Staff	Contained within existing budgets in 2016/17. The costs of a permanent post will be incorporated into future revenue budgets.
Link to relevant CAT	All
Risk Management	Creating this post will reduce the risk to the Council of not having strategic knowledge, leadership and specialised capacity within a significant service where expectations and requirements have been significantly increased including the wider growth agenda and the Coalville Project
Equalities Impact Screening	No direct implications
Human Rights	No direct implications
Transformational Government	This post will lead the transformation of the Council's approach and relationship with the business sector
Comments of Head of Paid Service	As author of the report, this report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory.

Comments of Deputy Monitoring Officer	The report is satisfactory.
Consultees	All members of the Corporate Management Team and the recognised Trade Unions have been consulted over the report.
Background papers	<a href="#">North West Leicestershire's Local Growth Plan</a>
Recommendations	<p><b>THAT COUNCIL:</b></p> <p><b>1) APPROVE THE CREATION OF A PERMANENT POST OF HEAD OF ECONOMIC DEVELOPMENT</b></p> <p><b>2) AUTHORISE THE MONITORING OFFICER TO MAKE ANY CONSEQUENTIAL CHANGES REQUIRED TO THE CONSTITUTION ARISING OUT OF THIS REPORT</b></p>

## 1.0 BACKGROUND

- 1.1 Corporate Leadership Team in July 2015, considered the current and future expectations for the resources to support the following new priorities and Government expectations. Firstly in May 2015 the Council determined that building confidence in Coalville was a new Council priority which required additional and experienced resources in regeneration and economic development.
- 1.2 Secondly, responding to the Government's developing priority of growth and support of the business sector. This included an expectation that local councils would provide support to their business community to thrive and be successful for example through offering grants, signposting to other support mechanisms and also seeking to attract match funding for projects. Also the Government set out its intent that the Councils future core funding, across the country, would be linked to and reliant on business rates. Locally, it is important that the right support was provided for businesses, particularly small and medium enterprises (SMEs) to enable them to start up, flourish and potentially grow.
- 1.3 Thirdly, there was a need to look at the Council's investment offer when businesses were considering locating within the district including the creation of a one stop service for businesses which included contact with the senior officers to co-ordinate an offer of environmental health, planning, business support and links to external agencies such as Stephenson College for apprentices and other training companies.
- 1.4 Finally, the Head of Planning and Regeneration was preparing the local plan for consideration by Council and the volume/size of major planning applications meant that there was justification to create a new role that could be dedicated to this agenda.
- 1.5 Following consideration of these issues at the Councils Corporate Leadership Team and consultations with the political leadership and key shadow members, the Chief Executive decided to use her delegated powers to create an 18 month contract role as Interim Head of Economic Development from the appointment date of the post holder.

1.6 The current incumbent was appointed to the role in October 2015 (contract ceases in March 2017).

1.7 In summary the Interim post has been delivering the following since October 2015:

#### Businesses

- Providing strategic leadership in strengthening the Council's business engagement and support, ensuring it is efficient, effective and flexible to the changing needs of businesses.
- Developing a positive and respected working relationship with businesses of all sizes within the District so information and needs are captured at an early stage to enable the council to respond with support, if appropriate.
- Signposting businesses to the Council's full range of support services.

#### Strategic

- Providing leadership to the service in light of the changing national and local expectations for councils to support the business sector.
- Creating policies and plans to ensure delivery of key improvements within the district e.g. shop and front improvement schemes and the Enterprising NWL business grant scheme.
- Providing support to the strategic lead for the Coalville project (currently the Chief Executive) with regard to programme management, direct management of interim staff (i.e. the two community engagement posts) and direct leadership /delivery of key projects. Also supporting the stakeholders' groups, developing positive working relationships with key groups such as the Leicestershire and Leicester Enterprise Partnership (LLEP), Coalville Town Team, Coalville Heritage Society and key asset owners such as the precinct management company.
- Providing leadership and capacity in recognising the heritage within the District to attract new visitors, increase community awareness and also seek external investment funding with other local heritage partners.

#### Management of finances

- Successful and appropriate spending of the Council's allocated reserves for the Coalville project to the satisfaction of the Section 151 Officer and other allocated reserves e.g. shop front improvement scheme.
- Bidding for external funding from sources such as the Heritage Lottery Fund and LLEP funds.

## Service Improvements

- Restructuring the Business Focus Team, during 2016, to ensure there is clarity, direction and purpose.
- Developing a proposal to transfer the cultural services function (i.e. tourist information, promotion, community/civic events, heritage and arts development) into the scope of this service to enable greater focus on increasing footfall and spend within the district and our market towns.
- Strengthening the Council's co-ordinated offer to the business community through the leadership of the Business Corporate Action Team (CAT)

The following are specific outcomes which have been delivered:

- The Enterprising North West Leicestershire business grant scheme has awarded £402,162 grant since launch and attracted £2,854,724 worth of private sector investment to the district, creating 67 new jobs for local people. CLT and Cabinet are considering a possible extension of this scheme in October 2016.
- The Coalville shop front improvement scheme has so far approved grants of £128,723, funding 5 addresses to complete work, 3 addresses with work in progress and 5 addresses with grants approved and work still to start. The private sector contribution towards the projects underway is about £20,000 (many grants are at the 90% level). Projects in the pipeline bring the total allocated to £207,000 out of the £225,000 reserved by Cabinet. A further £300,000 was allocated to an extension of this scheme in July 2016.
- The Business Focus team has been reorganised with all new posts filled. This team is instrumental in delivering business and Coalville town centre projects within the Building confidence in Coalville programme.
- Significantly improved relationships with Coalville Town Team, Belvoir Centre, Coalville Heritage Society (supporting the Chief Executive) and many other local stakeholders.
- Unsuccessful bid to host Poppies, however generated strong goodwill and strengthened relationships between partners. Plan B in development.
- Effective programme management of the Coalville Project (supporting the Chief Executive) leading to transition into the second phase of delivery. Plus responsibility for delivery of many individual projects (community engagement contract, communications contract, frontage grants for specific properties, heritage projects)

## **2.0 RATIONALE TO CREATE A PERMANENT POST**

In assessing whether the role should be made permanent, consideration has been given to the changing national and local perspectives i.e.:

- The rapidly evolving and developing National policy changes regarding businesses, funding for growth and sources of future investment. This will require advance preparation of local initiatives/projects and also local interpretation on the implications and options available to the Council.
- Economic growth is a key policy area for the current Government. The Council's relationship with and support of the business sector is part of the overall programme of economic growth in the district as set out in the NWL Growth Plan.
- Policies and plans have been put into place in relation to the Council's ambition to develop Coalville and they will require continuing focus and drive to ensure effective delivery e.g. the shop front and frontages scheme.
- The need for specialised leadership, capacity and focus to such a key area for the Council i.e. growth and the business community (over 4,000 businesses) which ranges from large global companies e.g. East Midlands Airport and Amazon through to SMEs including community and social enterprises.
- The increasing role of the Leicester and Leicestershire Enterprise Partnership in being a source of funding for initiatives within the District
- The developing programme of work (i.e. skills, planning and economic development) for the newly forming Leicester and Leicestershire Combined Authority
- The need to have evidenced based decision making and also to make applications for inward investment bids, requires the Council to develop local information and statistical intelligence which will demonstrate that funding will achieve a local improvement. The level of data and information for some larger bids can be quite extensive which will require specialist knowledge and awareness of opportunities.
- The need for the Planning service to continue to focus on strategic planning for the area, including the Local Plan and bringing forward major development opportunities in the district. In addition, there will be a need for the planning service to focus on speedy implementation of approved developments and the delivery of essential infrastructure so as to maximise the return both the to area and to the Council.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 The Head of Service salary scale is a range between £53,500 and £ 62,344 per annum. With the usual associated on-costs the annual cost to Council of making the post permanent would be a maximum of £84,756. The costs of a permanent post will be continued to be included in the 2017/18 Revenue Budgets, this will not lead to an increase in the base budget as the interim post had already been included in the 2016/17 budget.

- 3.2 For 2016/17 the post has been budgeted for (the current interim post was due to end in March 2017).
- 3.3 This post will play the lead role in attracting external funding into the Council and for the benefit of stakeholders within the District such as small/medium enterprises, local heritage groups and other community enterprises. Therefore the benefit of the post will be over the direct cost to the Council.
- 3.4 Within the next 12 months a review will be undertaken across the Council of other services which predominantly work with businesses and assess whether there is sense in placing these services within the remit of this new post. This may provide savings which could contribute to the overall cost of this post and this will be managed under the Head of Paid Service's delegated powers.
- 3.5 In addition, as referred to above CLT will also be considering in due course whether changes to the planning service are necessary to ensure the service is properly resourced to meet future challenges, particularly around implementation of development and delivery of infrastructure. Any changes that are necessary will be consulted on in the normal way and any additional financial implications will be picked up as part of the annual budget process.
- 3.6 Should this report be approved, consequential changes will be made to the Constitution, by the Monitoring Officer, to ensure that existing delegations reflect the creation of this post.

#### **4.0 CONSULTATIONS**

- 4.1 The proposals have been circulated to all of the Councils recognised Trade Unions, but no responses have been received. The proposals were also circulated to the members of Corporate Management Team, and a response supporting the proposals was received from the current Head of Planning and Regeneration.

#### **5.0 APPOINTMENT TO THE PERMANENT ROLE**

- 5.1 Permanent appointments to posts of this level (Chief Officer) are reserved for the Appointments Committee. If approved as a permanent post the post would be advertised internally to the Council in accordance with the Constitution and a meeting of the Committee would be convened accordingly. The indicative timescale would be as follows:
- Internal advertisement by 14<sup>th</sup> November
  - Closure of applications 28<sup>th</sup> November
  - Appointments panel to meet w/c 12<sup>th</sup> December



**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**COUNCIL – TUESDAY, 8 NOVEMBER 2016**

Title of report	<b>APPOINTMENTS TO THE INDEPENDENT REMUNERATION PANEL</b>
Contacts	<p>Councillor Nicholas Rushton 01530 412059 <a href="mailto:nicholas.rushton@nwleicestershire.gov.uk">nicholas.rushton@nwleicestershire.gov.uk</a></p> <p>Chief Executive 01530 454500 <a href="mailto:christine.fisher@nwleicestershire.gov.uk">christine.fisher@nwleicestershire.gov.uk</a></p> <p>Head of Legal and Support Services 01530 454762 <a href="mailto:elizabeth.warhurst@nwleicestershire.gov.uk">elizabeth.warhurst@nwleicestershire.gov.uk</a></p>
Purpose of report	To endorse the appointment of members to the Independent Remuneration Panel.
Council priorities	Value for money
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>None.</p> <p>None.</p> <p>Failure to appoint members will leave the Independent Remuneration Panel inquorate and unable to fulfil their statutory requirements.</p> <p>None.</p> <p>None.</p> <p>None.</p>
Comments of Head of Paid Service	Report is satisfactory

Comments of Deputy Section 151 Officer	Unable to comment – No financial implications
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	Members of the Independent Remuneration Panel
Background papers	<a href="#">The Local Government (Members Allowances) Regulations 2003</a>
Recommendations	<p><b>(1) THAT STEPHEN BARKBY AND TREVOR MOORE BE APPOINTED AS MEMBERS OF THE INDEPENDENT REMUNERATION PANEL FOR A FOUR YEAR TERM COMMENCING 12 NOVEMBER 2016.</b></p> <p><b>(2) THAT ELAINE OLDHAM AND MARGARET DADLEY BE RE-APPOINTED AS MEMBERS OF THE INDEPENDENT REMUNERATION PANEL FOR A FOUR YEAR TERM COMMENCING 12 NOVEMBER 2016.</b></p>

## 1.0 BACKGROUND

- 1.1 It is a legislative requirement for all Councils to establish and maintain an Independent Remuneration Panel to make recommendations to the Council on its Members' Allowance Scheme and the nature and level of allowances to be paid to its elected members. The work of the panel includes receiving reports from Officers, considering statutory guidance, interviewing councillors as appropriate, using comparative evidence etc. to formulate recommendations on appropriate levels of allowances for consideration by the Council.
- 1.2 The Council cannot amend or update its Members' Allowance Scheme without first considering a report from the Independent Remuneration Panel, however it does not have to accept the recommendations put forward.
- 1.3 In order to maintain the independence of the Independent Remuneration Panel it is recommended that members should not be:
- a person who has within the period of 5 years before receiving the date of appointment been a member or officer of the Authority; and
  - a person who is a relative or close friend of a member or officer of the Authority.
- 1.4 On 30 October 2012, Council agreed to extend the appointments of the existing members of the Independent Remuneration Panel. The term of office of the panel expires on 11 November 2016.
- 1.5 The current membership of the panel is as below:
- Dr A Higson (Chairman)
  - Mrs M Dadley
  - Mrs E Oldham

- Mr B Wardle

1.6 The existing panel members were contacted by letter to ascertain if they would like to continue their current term of office for a further four years. Mrs M Dadley and Mrs E Oldham indicated that they are happy to remain on the panel. As such there are currently two vacancies.

## **2.0 APPOINTMENT PROCESS**

2.1 The Regulations do not stipulate how a member should be appointed to the Independent Remuneration Panel but suggests that suitable applicants may be identified by:

- advertisement in newspapers circulating in the area of the Authority
- advertisement on the Authority's website
- by invitation to local stakeholders and businesses

2.2 In September 2016, the vacancies were advertised in the Coalville, Ashby and Swadlincote Times, and publicised on the Council's website, leisure centres and social media channels.

2.3 Five applications were received. The Independent Remuneration Panel, supported by the Chief Executive and Democratic and Support Services Team Manager, met on 24 October 2016 to consider the applications.

2.4 The Panel was impressed with the overall quality of the candidates and felt that, based on the scoring against the selection criteria, Stephen Barkby and Trevor Moore were the most appropriate people to sit on the Independent Remuneration Panel.

2.5 It is also recommended that Mrs M Dadley and Mrs E Oldham be re-appointed to the Independent Remuneration Panel for a 4 year term of office with effect from 12 November 2016. This will ensure that the Independent Remuneration Panel benefits from stability and experience.

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